

**State Water Resources Control Board  
October 20, 2009 Board Meeting  
Item 8 - Executive Director's Report**

**OFFICE OF ENFORCEMENT**

**Supplemental Environmental Project Policy Is Approved:** The Office of Administrative Law approved the SEP Policy on September 15, 2009.

**Water Quality Enforcement Policy Scheduled for Adoption Hearing:** The proposed Water Quality Enforcement Policy is scheduled for State Water Board consideration on October 20, 2009. The deadline for written public comments was September 21, 2009.

**Executive Director Addresses Additional Mandatory Minimum Penalties:** On October 1, 2009, the Executive Director signed orders which resolve 49 violations subject to mandatory minimum penalties (MMPs) at 8 facilities under the jurisdictions of the Los Angeles Regional Water Board and Central Coast Regional Water Board. These orders are part of the continuing effort of the Office of Enforcement to aid the Regional Water Boards in addressing violations subject to MMPs. These actions will generate \$147,000 in administrative liabilities that will be paid to the Cleanup and Abatement Account.

**A Stipulated Judgment is Lodged in *People v. Equilon Enterprises LLC et al.*:** The Office of Enforcement had a major role in the investigation of the alleged underground storage tank (UST) violations and participated in some of the settlement negotiations with Equilon Enterprises LLC (Equilon). Equilon does business as Shell Oil Products.

On September 24, 2009, the Attorney General's Office filed a Complaint and lodged a Stipulated Judgment in the Alameda County Superior Court against Equilon for UST violations of construction and monitoring requirements. The case is filed by the Attorney General's Office on behalf of the People of the State of California in the Attorney General's independent capacity. The Attorney General's Office will provide the opportunity for public comment on the Stipulated Judgment. Assuming there is no comment which causes the Attorney General's Office to withdraw the Stipulated Judgment, the Attorney General's Office will move for entry of the judgment.

The stipulated judgment has a total value of \$19,500,000, broken down as follows:

- \$5,000,000 to the State Water Board Cleanup and Abatement Account;
- \$5,000,000 to the Attorney General's Office, Litigation Deposit Fund;
- \$7,800,000 to be split among various District Attorney's Offices and CUPAs;
- \$1,700,000 in attorney's fees, costs, and restitution.

The \$5,000,000 directed to the Cleanup and Abatement Account (CAA) will be due in equal installments of \$1,000,000 over five years. Equilon's first payment will occur within 30 days of the acceptance of the settlement by the Superior Court. The Judgment specifies that the money may be used, at the State Board's discretion, for funding UST investigations and enforcement, including hiring enforcement staff, retaining expert witnesses, and securing document management contracts.

In addition, as part of the \$1,700,000 in fees, costs, and restitution, the State Water Board UST Cleanup Fund will receive \$100,000 for partial recovery of investigative costs incurred by the Office of Enforcement.

**A Stipulated Judgment is Lodged in *People v. Southern California Gas Co. and the County of Los Angeles*:** The Office of Enforcement assisted the referral of this matter to the Attorney General's Office and actively participated in negotiations leading to a proposed settlement.

On September 10, 2009, a Stipulated Consent Judgment and Final Order (Judgment) in *The People of the State of California, ex rel., California Regional Water Quality Control Board, Los Angeles Region v. Southern California Gas Co. and County of Los Angeles*, Case No. BC421492, was lodged with the Superior Court of the State of California, County of Los Angeles. The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) seeks civil penalties and injunctive relief from the County of Los Angeles and the Southern California Gas Company (SoCalGas) for using material from a debris basin to enlarge and grade a pipeline access road in Sullivan Canyon. The debris consequently discharged sediment, rock, and other debris into Sullivan Canyon Creek. Waters from that creek ultimately flow into the Santa Monica Bay.

The proposed Judgment has a total value of \$ 725,000 which is broken down as follows:

The County of Los Angeles and SoCalGas will pay civil penalties to the Regional Board for using material from a debris basin to enlarge and grade a pipeline access road in Sullivan Canyon. The County of Los Angeles will be assessed a liability of \$200,000 and will pay \$100,000 in civil penalties and will receive a credit against liability of \$100,000 for restoration costs incurred at the site. SoCalGas will pay \$425,000 in civil penalties and an additional \$100,000 to fund a Supplemental Environmental Project entitled "Stone Creek Restoration," which is operated by the Santa Monica Bay Restoration Foundation. Finally, the Judgment will require SoCalGas to repair Sullivan Canyon Road so that it will no longer degrade and deposit more debris into Sullivan Creek while at the same time allowing SoCalGas to maintain its gas pipeline.

Public comments on the proposed Judgment are due by October 17, 2009.

This judicial enforcement action arose out of the enforcement pilot project initiated by the Los Angeles Regional Water Board and the Office of Enforcement with the Attorney General's Office.

**In the Matter of Greka Oil & Gas, Inc. is Referred to the Attorney General's Office:** On September 30, 2009, the Office of Enforcement referred the matter of Greka Oil & Gas, Inc. to the Attorney General's Office. The referral was the result of a public action by the Central Coast Regional Water Quality Control Board under Water Code section 13350.

**A Potential Unfair Business Practice is Referred to the Attorney General's Office:** The Office of Enforcement referred information to the Attorney General's Office regarding potential unfair business practices engaged in by an underground storage tank contractor. The practices of concern involve the sale and installation of illegal monitoring devices. These practices were brought to OE's attention by local program agencies. The Water Boards do not have jurisdiction over such contractors under the Leaking Underground Storage Tank law. The local program agencies are notifying the owners/operators of the tank systems that these devices are not legal.

## DIVISION OF WATER QUALITY

**ASBS General Exception:** Staff is planning to release the Notice of Preparation for a general exception to the Ocean Plan for discharges of storm water and nonpoint source discharges to ASBS and the draft general exception, including the special protections for ASBS, in October 2009. Staff plans to release the draft environmental impact report (EIR) later this year. The public hearing for the general exception is tentatively planned for January 2010.

**Biodiesel Blends in Underground Storage Tanks (USTs):** Proposed regulations which would provide a variance from specific independent testing and approval requirements for UST systems storing certain biodiesel blends were noticed by the Office of Administrative Law on August 14, 2009. The written comment period closed Monday, September 28, 2009. The Board will hold a hearing at its meeting on November 3 and may consider adopting the proposed regulations following the hearing. Rulemaking documents are posted at [www.waterboards.ca.gov/water\\_issues/programs/ust/biodiesel\\_regs.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/biodiesel_regs.shtml).

**Groundwater Ambient Monitoring and Assessment (GAMA) Program:** GAMA's Priority Basin Project recently received limited funding to continue bond-funded contracts. We anticipate significant delays in final products.

The GeoTracker GAMA online groundwater data system with water quality and water level data and tools will be demonstrated at the Water Boards' WQCC (Water Quality Coordinating Committee) and at the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) meeting in Washington, D.C., in the last week in October, and ACWA (Association of California Water Agencies) in February. It is available for electronically receiving and displaying groundwater data for State and Regional Board programs as well as data from other sources.

**Integrated Report:** State Board staff are working to compile the statewide integrated report for consideration by the State Water Board in early 2010. The report satisfies the requirements under Clean Water Act (CWA) section 303(d) for identifying water bodies that are not meeting standards (impaired water bodies) and satisfies the requirements under CWA section 305(b) for an assessment of water quality of the state's waters. Nine of the Regional Water Boards have completed their reports and are submitting them to the State Water Board for compilation and approval. The San Diego Water Board is scheduled to consider adoption of their Region's report at their November meeting.

**Ocean Plan Amendment:** Staff is currently preparing the administrative record for submittal of the recently adopted (September 15, 2009) non-substantive amendments to the Office of Administrative Law. Staff is currently working on the SED for amendments to the Ocean Plan's monitoring requirements, and is also planning to announce a Triennial Review of the Ocean Plan in the near future.

**Once Through Cooling – CWA Section 316(b):** A public hearing on the draft policy was held on September 16, 2009, and the deadline for written comments was September 30, 2009. Staff is currently reviewing the comments and preparing responses. A State Water Board workshop is being planned for November 18, 2009, with consideration of adoption of the draft policy proposed for December 2009.

**Onsite Wastewater Regulations (Septic Tank Systems):** Staff has been meeting with different stakeholder groups and is preparing the outline of a new proposal based on these meetings and the many comments received. Staff expects to have the outline ready for review by November 2009.

**Recycled Water Policy:** The Recycled Water Policy required the State Water Board to convene a Constituents of Emerging Concern (CEC) Advisory Panel. The CEC Advisory Panel held its first meeting on September 30, 2009 through October 2, 2009. The meeting took place at the offices of the Southern California Coastal Water Research Project (SCCWRP) in Costa Mesa. A number of interested stakeholders made presentations, and on the last day, there was a panel report out. These presentations are available at SCCWRP's web site <http://www.sccwrp.org/view.php?id=574>. The CEC Advisory Panel will be developing responses to questions regarding CECs in recycled water that were posed by the State Water Board in the Recycled Water Policy.

**Sanitary Sewer Overflow (SSO) Reduction Program – Review and Update:** Staff held two public workshops for the review and update of the Sanitary Sewer Overflow Reduction Program (Orange County on September 15, 2009 and Oakland on September 29, 2009). Staff are considering the input received as they consider recommending revisions to the statewide general waste discharge requirements for sanitary sewer systems (Order No. 2006-0003-DWQ).

**Sediment Quality Objectives (SQOs):** On August 25, 2009, the U.S. EPA approved the Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1, Sediment Quality Objectives, adopted by the State Water Board on September 16, 2008. Staff is now drafting conforming amendments to the Listing Policy, as directed during SQO adoption.

The approved Water Quality Control Plan (Phase II SQOs) largely focuses on direct effects of sediment quality to marine benthic communities. Staff is continuing to work with the Southern California Coastal Water Research Project to develop Phase II SQOs for indirect effects to human health. A scoping meeting for Phase II SQOs is tentatively planned for December 2009.

**Statewide Trash Policy:** U.S. EPA has initiated the task order with its contractor, Tetra Tech, to begin development of a statewide policy for trash. Executive staff and Division of Water Quality staff met with the contractor on July 16 and August 12, 2009 to initiate the project. The contractor is reviewing the existing trash Total Maximum Daily Loads (TMDLs) and developing options for the most appropriate regulatory mechanism for adopting trash requirements. Options include a statewide Policy for Water Quality Control, or the adoption of a Water Quality Control Plan which could include a trash objective (narrative or numeric) and appropriate implementation language. In addition to trash, the contractor is reviewing other existing TMDLs to assist Water Board staff in identifying other options where statewide action, or the development of a template, would streamline the adoption of TMDLs.

**Storm Water Effectiveness Assessment for MS4 Permits:** Staff continues to work with a sub-committee of the Storm Water Advisory Task Force in drafting the Effectiveness Assessment document as required by AB 739 (Ch. 610, Statutes of 2007). Staff anticipates conducting public workshops on this during November, 2009.

**Toxicity Control Provisions:** The U.S. Environmental Protection Agency (U.S. EPA) has released to the States for comments a draft of the statistical approach for toxicity. A webcast introduction to the method was held by U.S. EPA on October 7, 2009. Staff has distributed the draft method to Regional Water Board staff for comments. Water Board staff will work with U.S. EPA staff to incorporate the alternative approach, as may be appropriate, into revised Toxicity Control Provisions the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (the "SIP"). Evaluating the additional alternative statistical approach is intended to ensure that the revised Toxicity Control Provisions considers the current state of the science for toxicity.

**Wetland and Riparian Area Protection Policy:** The Technical Advisory Team (TAT) developed a wetland definition for the Policy Development Team. The TAT's wetland definition was approved for release by the Steering Committee (Executive Officers of Region 1, 2, 4, and 5 as well as the Deputy Director of the Division of Water Quality) on August 6, 2009 for further consideration in the policy development process. The TAT definition was also reviewed by the Interagency Coordinating Committee (ICC), made up of executive-level managers of Federal and State agencies, on August 27, 2009. ICC members generally agreed that the definition was scientifically sound and consistent with the U.S. Army Corps of Engineers delineation methods, including guidance for the Arid West. There were questions regarding how the definition would be implemented in the policy.

On October 6, 2009, representatives of the Policy Development Team presented an information item to the State Water Board on the TAT's wetland definition. At the conclusion of the information item, members of the State Water Board directed the Policy Development Team to hold focused stakeholder meetings in the initial policy development process prior to the planned public comment period targeted for Spring 2010.

The State Water Board's Resolution No. 2008-0026 requires periodic review by the State Water Board of the Wetland Development Team's progress. Accordingly, future updates will be provided to the State Water Board.

**Statewide Policies/Significant General Permits:**

Appendix 1 provides the current status of pending statewide policies and significant general permits.

**Irrigated Lands Regulatory Program Monthly Report:**

The October 2009 report is attached as Appendix 2

## **DIVISION OF WATER RIGHTS**

**San Joaquin River Restoration Flows – Temporary Transfer and Change Petitions filed by U.S. Bureau of Reclamation (Reclamation):** On June 10, 2009, Reclamation filed petitions for the temporary transfer of water and change to existing water rights to implement restoration of San Joaquin River flows below Friant Dam. The Division of Water Rights (Division) accepted the petitions for processing on July 15, 2009. Reclamation proposes to transfer a maximum of 384,000 acre-feet of water to instream use for fish and wildlife preservation and enhancement, and subsequently divert water from the San Joaquin River at various locations, including the federal and State Delta pumping facilities. The temporary transfer began on October 1, 2009, and will end on September 30, 2010. The diverted water will serve existing Friant Division Contractors, Exchange Contractors and Wildlife Refuges. Objections to the petitions were filed

by: (a) San Joaquin River Exchange Contractors Water Authority and (b) a group composed of San Luis and Delta-Mendota Water Authority, Westlands Water District and State Water Contractors. The Natural Resources Defense Council and Friant Water Users Authority filed letters of support for the project. On October 1, 2009, the State Water Board issued an order addressing the objections and approving the petitions. On October 1, 2009, Reclamation began releasing water from Friant Dam for the purposes of the temporary transfer of water for the San Joaquin River Restoration Project.

**Water Right Hearing regarding Kern River FAS-- Update:** On October 26 (through October 28, if needed) the State Water Board is scheduled to conduct a hearing to determine if the Kern River should no longer be declared fully appropriated so that water right applications can be accepted. The purpose of the hearing is for the State Water Board to receive evidence regarding five petitions that were received requesting revision of the Declaration of Fully Appropriated Stream Systems (FAS) for the Kern River. Currently the Kern River is fully appropriated throughout the year along its entire length. The Petitioners cited the Fifth District Court of Appeal's decision in *North Kern Water Storage District v. Kern Delta Water District* (1997) 147 Cal.App.4<sup>th</sup> 555 [54 Cal.Rptr.3d 578] as the basis for filing the petitions. The Fifth District's ruling found that there was a partial forfeiture of Kern Delta Water District's pre-1914 water rights on the Kern River. On September 24, the State Water Board held a pre-hearing conference to address procedural issues raised by the parties. On September 25, Hearing Officer Arthur Baggett issued a letter dealing with those issues. In part, his letter explained that evidence and testimony should be limited to whether additional information, based on court decisions or Board orders, or hydrologic data has become available since the Board listed the Kern River as fully appropriated to justify the Board revising the Declaration. The letter also clarified that evidence relating to public trust matters and contractual disputes is not germane to this particular proceeding. No determination regarding approval of the pending applications will be made until after the Board makes a determination on whether the stream system is fully appropriated.

**Nevada Irrigation District (NID) Petitions for Change -- Update:** On March 27 and April 2, 2009, NID filed 26 petitions for change to reconcile its ongoing water diversion and use practices with its water right permits in Nevada County. Division of Water Rights staff will provide public notice of the petitions by October 16, 2009. Once any protests are resolved and the requested changes made, staff will license NID's permits.

**Instream Flow Policy (AB 2121) -- Update:** Division staff is preparing revisions to the Draft AB 2121 Policy as well as preparing responses to programmatic comments received. In April, the State Water Board received a stakeholder developed alternative, which has been posted on the Division of Water Rights' website at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/instream\\_flows/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/index.shtml). Although staff agrees with some of the concepts proposed, the alternative lacks adequate scientific justification to recommend full utilization in the revised policy. In making revisions to the Draft Policy, staff plans to utilize the concepts proposed in the alternative with the scientific basis developed by the State Water Board consultants. Staff anticipates that a revised draft policy will be available for public review later this year.

**Merced River Hydroelectric Project -- Notice of Study Dispute:** On October 5, 2009, State Water Board staff filed a notice of study dispute with the Federal Energy Regulatory Commission (FERC) in response to its study plan determination issued on September 14, 2009 for the relicensing of the Merced River Hydroelectric Project No. 2179, operated by Merced Irrigation District (MID). The FERC study plan determination does not provide for the collection of information required to make reasoned decisions concerning the issuance of water quality certification for MID's Project No. 2179, which consists of McSwain Dam and reservoir and Exchequer Dam, that impounds Lake McClure.

FERC's study plan determination found that MID's operation of Crocker-Huffman, an irrigation diversion dam located downstream of MID's hydroelectric facilities that is not a FERC-licensed facility, inherently confounds direct Project effects in the lower Merced River. FERC concluded that there is no nexus between MID's Project operations with resources downstream. However, the State Water Board staff asserts in its study dispute that information developed as part of the relicensing proceeding must include studies of water resources and fisheries habitat downstream of the Project because MID's hydroelectric facilities are responsible for the release of the majority of the water that flows through the lower Merced River. The State Water Board staff has been coordinating with NOAA Fisheries during this process and has chosen to name a NOAA Fisheries staff as the individual designated to represent both agencies on the three member dispute panel that will be convened by FERC to address the disputed studies.

**Lake Elsinore Advanced Pumped Storage Project -- Denial of Request for Water Quality Certification:** On October 1, 2009, State Water Board staff issued a denial of a request for water quality certification pursuant to section 401 of the Clean Water Act from co-applicants, Nevada Hydro Company and Elsinore Valley Municipal Water District, for the proposed Lake Elsinore Advanced Pumped Storage Project (LEAPS), FERC No. 11858. The denial was issued after five annual cycles of withdrawing and resubmitting the application for water quality certification. Issuance of a water quality certification requires that the State Water Board comply with CEQA. During the past five years, the applicants failed to provide supporting CEQA documents for the project, which prompted the denial without prejudice of the request for water quality certification. A denial without prejudice is issued for procedural rather than substantive reasons and carries with it no judgment on the technical merits of the activity. Division staff advised the project applicants to seek a determination from the Governor's Office of Planning and Research in the event that there is continued disagreement over which agency is the lead agency for the purposes of CEQA.

**Russian River Issues: Frost Protection Task Force:** At the September 2009 Frost Protection Task Force meeting, Mendocino County Russian River Flood Control and Water Conservation Improvement District (RRFC) made a presentation on the progress it has made on addressing frost protection issues on the mainstem Russian River in Mendocino County. Its activities include: (1) better forecasting of the magnitude and extent of frost events, (2) the construction of offstream reservoirs to reduce instantaneous demand during frost events, and (3) better coordination of Lake Mendocino operations with Sonoma County Water Agency to surcharge the river in anticipation of frost events. RRFC and Sonoma County growers also presented proposals to begin to address frost issues on tributary streams. These proposals are not as well-developed as proposals for the mainstem Russian River in Mendocino County. State Water Board and fishery agency staff expressed concerns over stream and diversion monitoring and the transparency of monitoring data. The State Water Board will hold a follow-up workshop on Russian River frost protection in mid-November 2009. The group will not meet in October because of the State Water Board's upcoming frost protection workshop.

The Division has created a dedicated web page for Russian River Frost Protection issues and announcements at

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/hearings/russian\\_river\\_frost/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/russian_river_frost/)

### **Russian River Issues: Temporary Urgency Change Order affecting Sonoma County**

**Water Agency:** Sonoma County Water Agency (Agency) has submitted all reports required by its temporary urgency change (TUC) order as required by the State Water Board to date. The Agency has reduced diversions from the Russian River as compared to 2004 levels by 30 percent. On September 15, 2009, the Agency submitted the Milestone 3 Report for the month of August as required by Condition 15 of the TUC order and the subsequent plan developed pursuant to Condition 15. Condition 15 requires the Agency to report to the Deputy Director for Water Rights on its efforts to meet the conservation goals specified in the TUC order and to work with other water users to avoid waste and unreasonable use of water. The Agency developed a dedicated link on its website containing communications regarding the TUC, water quality monitoring, and fishery and water conservation plans. The Agency also conducted a series of four meetings in August with retail and wholesale water agencies in Marin, Sonoma, and Mendocino Counties to discuss the order and related issues. Seventeen retail water agencies have reported on how they intend to meet the water conservation goals specified in the TUC. The actions by some of the larger users who are not SCWA customers are reported below. The report, which provides information reported by all 17 reporters, is available on the Agency's website at <http://www.sonomacountywater.org/stateboard2009>

- The City of Ukiah adopted a water shortage emergency declaration in April 2009 that prohibits certain water-wasting activities, and implemented alternate watering days for outside irrigation. The City reported that it intends to enforce these measures during the summer months. The City also ran advertisements on water conservation as part of a water conservation awareness program that includes several elements. To reduce water usage from the Russian River, the City began building two new wells that are expected to be operational by mid-October.
- Redwood Valley Water District enacted a "stage 4" mandatory 50 percent reduction for urban water users effective May 1, 2009, and subsequently advised all agricultural water users that water service would be terminated if water use was over the accounts contract amount and over 50 percent of historical use. As a result, the District has terminated 35 of 200 agricultural water accounts. The District surveyed its water customers regarding future water supply and water conservation. Approximately 1/3 of the surveys were completed and returned. The District has shared the cost of facilitating artwork and one-month rental of bus side panels with the Upper Russian River Water Districts as part of the "Save Our Water" program.
- Mendocino County Water Agency reported that in March 2009 the Mendocino County Board of Supervisors proclaimed a water emergency due to drought conditions and in July adopted an Emergency Water Conservation ordinance that requires users of Lake Mendocino water to reduce usage by 50 percent. The agency has also participated in activities to promote water conservation awareness. The agency reports that the Upper Russian Water Districts approved joining California's "Save Our Water" program.

All of the Agency's retail water customers in addition to Redwood Valley Water District and the City of Ukiah have developed water waste reduction ordinances. Water use by reporting entities have been reduced in a range from 16 (Penngrove Water Company) to 63 (Redwood Valley Water District) percent. The Agency also reports that the business and landscape



community has formed a stakeholder coalition with a goal of proposing a program to significantly reduce the amount of water used to irrigate commercial sites to achieve a water budget based on an evapotranspiration rate of 60 percent by 2017.

**Russian River Issues: Decision 1610:** Sonoma County Water Agency (SCWA) submitted a petition on September 23, 2009 to permanently modify their water right permits by changing the minimum instream flow requirements of State Water Board Decision 1610 as required by a biological opinion issued by National Marine Fisheries Service (NMFS). Based on the findings in the biological opinion, NMFS has concluded that the present instream flow requirements are artificially high and are jeopardizing Steelhead and Coho salmon. The proposed modifications to the SCWA permits would reduce the instream flow requirements of Decision 1610 in order to improve habitat and salmonid populations. When issuing Decision 1610, the State Water Board reserved jurisdiction to modify minimum instream flow requirements if additional fishery studies were conducted for the Russian River. Division staff has accepted the petition and is currently preparing a public notice.

**Water Rights Fee Billing:** The Board of Equalization will issue Water Rights fee invoices on November 3, 2009 on behalf of the State Water Board. The Budget Act of 2009 authorizes Water Rights Fund expenditures of \$7.9 million. With a projected salary savings of \$899,000, total fund expenditures are \$7.0 million. With revenue projected to be greater than expenditures, the Board adopted Resolution 2009-0071 on September 15, 2009, authorizing adjustments to the Water Rights fee schedules.

**Strategic Workplan for the Bay-Delta:** The Strategic Workplan for Activities in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Strategic Workplan) was adopted by the State Water Board in Resolution 2008-0056 on July 16, 2008. Per the resolution, State Water Board staff has been providing quarterly updates to the State and Regional Water Boards on implementation of the Strategic Workplan. This report is the third quarterly update in 2009 and highlights the status of major activities.

A detailed schedule including updated Strategic Workplan elements is available at:  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/element\\_actions/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/element_actions/)

### **Water Quality and Contaminants Control**

**Implementation of San Joaquin River at Vernalis Salt and Boron TMDL:** The US Bureau of Reclamation released the Draft Compliance Monitoring and Compliance Evaluation Plan in July, 2009, and held four meetings in July and August to solicit input from stakeholders including CV-SALTS. For more information visit:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/tmdl/central\\_valley\\_projects/vernalis\\_salt\\_boron/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/tmdl/central_valley_projects/vernalis_salt_boron/index.shtml)

**Once-Through Cooling:** On June 30, 2009, the State Water Board released a Draft Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling and held a public hearing on September 16, 2009, to receive comments on the Policy. In addition, on August 15, 2009, the State Water Board released a Draft Substitute Environmental Document for Proposed Policy for Power Plant Cooling. For more information visit:  
[http://www.waterboards.ca.gov/water\\_issues/programs/npdes/cwa316.shtml](http://www.waterboards.ca.gov/water_issues/programs/npdes/cwa316.shtml)

Ammonia: Researchers at UC Davis and San Francisco State University are developing reports regarding completed studies on the potential effects of ammonia on delta smelt survival and algal primary production. Central Valley Water Board staff is continuing monitoring that will determine seasonal and short-term, temporal variations in concentrations of ammonia and other water quality constituents related to potential ammonia toxicity in the Delta. Researchers at UC Davis are compiling literature and data related to ammonia in the Bay-Delta, and a report is expected fall 2009. The preliminary results of these and other studies, literature searches, and data analyses were the subject of the Ammonia Summit (Summit), a public Interagency Ecological Program (IEP) workshop held in August 2009. Studies presented at the Summit addressed many of the recommendations put forth by the expert panel of the March 2009, ammonia workshop hosted by CALFED. Remaining data needs are being evaluated and will be discussed at the final IEP workshop of 2009 (October 14-15). For more information visit: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/delta\\_water\\_quality/ambient\\_ammonia\\_concentrations/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/delta_water_quality/ambient_ammonia_concentrations/index.shtml).

Toxicity: Central Valley Water Board (Regional Board) staff has been coordinating with the Water Boards' Bay-Delta Team, IEP, researchers, and other stakeholders to address toxicity issues in the Delta. The primary focus has been on evaluating the potential impacts of contaminants on delta smelt, *Hyaella azteca*, important Delta copepods, and phytoplankton. Regional Board staff has also been working with the Aquatic Science Center, UC Davis researchers, agencies and stakeholders to develop a Delta Regional Monitoring Program for contaminants that will be based on a collaborative stakeholder process that builds upon similar efforts in the Bay-Delta and upstream tributaries. In addition, the Central Valley Water Board continues to address impairments in the Delta through the ongoing development of TMDLs and implementation of existing TMDLs. For more information visit: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/delta\\_water\\_quality/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/delta_water_quality/index.shtml).

### **Comprehensive Monitoring Program**

Delta Regional Monitoring Program (Delta RMP): Within the current monitoring framework of the Delta, our ability to develop an integrated assessment of water quality is limited by a number of factors, including variability in the level of assessment, reporting, and access to the data among programs. In addition, there is a general recognition that significant data gaps exist, notably with respect to contaminants. The first phase of Delta RMP development will focus on mechanisms for regularly compiling, assessing and reporting data from existing, ongoing monitoring efforts. The second phase is expected to define the long-term structure and goals of a Delta RMP that is fully integrated and coordinated among all programs. Two key products are currently being prepared in support of this effort: (1) the Contaminants Synthesis Report (anticipated for release in November 2009), and (2) a summary of existing water quality monitoring programs in the Delta (anticipated for release in October 2009). The planning team is also developing straw proposals for distribution to stakeholders that address a number of key issues including governance, monitoring questions, data integration, funding, and coordination with other programs. Following public distribution of the two reports discussed above, stakeholder meetings will be convened to further discuss governance options, and initiate discussions concerning monitoring questions, funding options, data integration, and other relevant topics. For more information visit: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/delta\\_water\\_quality/comprehensive\\_monitoring\\_program/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/delta_water_quality/comprehensive_monitoring_program/index.shtml).

### **San Joaquin River Flow and Southern Delta Salinity Objectives**

On July 14, 2009, the Division of Water Rights issued a public notice releasing Dr. Glenn Hoffman's draft study report entitled *Salt Tolerance of Crops in the Southern Sacramento-San Joaquin Delta* (Salt Tolerance Report) and announcing two public staff workshops on August 13, and November 4, 2009. During the August 13<sup>th</sup> workshop Dr. Hoffman presented the Draft Salt Tolerance Report, and discussed and answered stakeholder questions. The comment period ended on September 14, 2009. The November 4, 2009 workshop is planned for Dr. Glenn Hoffman, with assistance from State Water Board staff, to discuss responses to written comments and how the comments will be addressed in the final Salt Tolerance Report that is anticipated for release by December 2009.

On June 19, 2009, State Water Board staff conducted a public workshop that provided an update regarding recent modeling activities and development of modeling alternatives for both the southern Delta salinity and San Joaquin River flow objectives. Staff is continuing to gather, compile, and assess information to inform the modeling alternatives. For more information, including a project timeline, visit:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/sds\\_srjf/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/sds_srjf/index.shtml)

### **Comprehensive Review of the Bay-Delta Plan**

On August 4, 2009, the State Water Board adopted Resolution 2009-0065 approving the 2009 Periodic Review Staff Report. On September 8, 2009, the State Water Board transmitted the 2009 Periodic Review Staff Report to USEPA for approval. For more information visit:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/periodic\\_review/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/periodic_review/index.shtml)

### **Water Rights Investigation and Enforcement**

Approximately 55 property owners on Union and Roberts Islands provided insufficient evidence to support their claims to prior water rights. Division staff recently requested that these property owners provide additional documentation to support their claims of prior rights. Without supporting information, Division staff may conclude that these owners are diverting water without a basis of right. For more information visit:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/investigation](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/investigation)

### **Water Use Efficiency**

Water Recycling: The State Water Board adopted Water Quality Order 2009-0006-DWQ approving the General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water (General Permit) on July 7, 2009. The California Environmental Quality Act documentation was certified by the State Water Board in Resolution No. 2009-0059. For more information visit:

[http://www.waterboards.ca.gov/water\\_issues/programs/water\\_recycling\\_policy/landscape\\_irrigation\\_general\\_permit.shtml](http://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/landscape_irrigation_general_permit.shtml)

Coordinated Water Measurement Database: Assembly Bill No. 1404, enacted in 2007, mandated the State Water Board, as the lead agency, to coordinate the collection, management, and use of water use data by various state agencies, including Department of Water Resources (DWR), the California Bay Delta Authority (CBDA), and the California Department of Public Health (CDPH). In conjunction with these agencies, the State Water Board prepared a report evaluating the feasibility, cost, and means of financing a statewide water measurement database. The purpose of the database will be to facilitate the collection, management, and use of agricultural and urban water measurement information related to deliveries, diversions, water right permit and license information, and other information currently

provided to each of the above agencies. On July 27, 2009, the Coordinated Water Measurement Feasibility Study Report was submitted to the Governor's Office for approval, prior to legislative review.

### **Other Activities**

**CV-SALTS:** The Central Valley Salinity Leadership Group met on September 24, 2009 to hear reports from the CV-SALTS working committees on progress of ongoing work from the past year and strategic refinements that might need to be made for this coming year. The Leadership Group approved an outline for a workplan and committed to complete a Salinity Management Plan and Basin Plan Amendment by winter 2013.

**Delta Smelt Refuge:** The State Water Board in Resolution No. 2007-0078 authorized funding in the amount of \$600,000 from the Cleanup and Abatement Account to establish and maintain a Delta Smelt refuge. An Interagency Agreement with Department of Fish and Game (DFG) has been executed, and work by the UC Davis Fish Culture and Conservation Laboratory began summer 2009.

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

**Water Quality Coordinating Committee (WQCC):** The Fall 2009 meeting of the WQCC, representing Board members statewide, will be held in Sacramento on October 26-27, 2009. This meeting will give Board members from all of the Water Boards' nine regions, along with the members of the State Water Board, an opportunity to promote greater understanding of cross-cutting issues and improve consistency of approach across the State. The meeting notice can be accessed at:

[http://www.waterboards.ca.gov/board\\_reference/docs/2009fall/notice102609.pdf](http://www.waterboards.ca.gov/board_reference/docs/2009fall/notice102609.pdf).

**First Annual Performance Report:** Since its launch on September 1, 2009, the Water Boards' web-based Annual Performance Report has been visited by 895 unique visitors, according to our web site management data. More than 50% of the site's visitors are referred to the report from another website, about 30% access the report from the Water Board's web-site directly and 20% come to the report via a search engine. This report, covering Fiscal Year 2008-09, highlights important measures of the Water Boards' performance and is presented in a simple, web-based format. Currently under development are measures describing the work of our water rights and financial assistance programs. The site can be accessed at:

[http://www.waterboards.ca.gov/about\\_us/performance\\_report/](http://www.waterboards.ca.gov/about_us/performance_report/)

**13385 Enforcement Report:** The quarterly update of the Water Code section 13385 Enforcement Report has been uploaded to the State Water Board's web site. This report summarizes information regarding violations of waste discharge requirements to surface waters pursuant to Water Code, Chapter 5.5, Section 13385(o), and enforcement actions taken by the State and Regional Water Quality Control Boards in response to those violations. The report and quarterly updates can be accessed at:

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

**Water Board Training Academy:** The Academy is focused on delivering many courses this fall and winter to improve staff knowledge and program delivery. Many of the new offerings, which will be advertised in the coming months, will more efficiently deliver classes and other educational opportunities while minimizing travel and other expenses. Classes include:

<b>Recent Classes</b>	
<i>September</i>	<b>Webinar Support</b> - The Academy is providing registration and limited logistic support for a series of webinars on CIWQS, SWAMP, and CalATERS.
<b>Currently Scheduled*</b>	
<i>October</i>	<b>Facilitation Level 2 - This is the second of two classes designed to develop a pool of staff available to assist all Water Boards and programs with meeting facilitation and public involvement. This second class focuses on facilitating conflict, meeting management, and the practical application of additional process tools for facilitators.</b>
	<b>Invalidating Data - This half-day class summarizes how courts deal with scientific data and examples of where data, based on method requirements, may be invalidated. It also includes a brief review of relevant statutes and regulations used by the California Public Health Department (CPHD) laboratory certification program as some cases may involve situations where uncertified labs or unapproved methods were involved.</b>

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

The Academy is in the planning stages for a number of classes including a joint project with the Department of Pesticide Regulation, a week-long NPDES Permit Writer's class, Waste Water Treatment Plant Operations and Maintenance for Mexico, and a series of classes on Public Speaking.

## **DIVISION OF FINANCIAL ASSISTANCE**

**Update on ARRA CWSRF Funds:** Staff did a great job. At this point, almost all the ARRA funds and the CWSRF repayment funds that the Board authorized at special interest rates are committed to projects. Of the \$541 million for ARRA and Base funds, we have committed \$539 million, total. Here is a list by ARRA categories:

**Urban Stormwater:** All of the \$46.7 million committed to projects

**Stopped "Bonds":** All of the \$44.2 million committed to projects

**Disadvantaged Communities Waster Water:** \$88.3 million of the \$90.3 million committed to projects

**Green Projects 0% loans:** All \$60 million committed to projects

**ARRA and Base program 1% Loans:** All \$300 million committed to projects. Most projects have yet to go out to bid; consequently, we do not know the final costs. Some of the projects that have gone out to bid, are coming-in low, others have incurred increased costs to cover ARRA requirements that have changed since signing the contracts. The total is in flux at this point but it will be firmed up in the next few months. We had a number of Disadvantaged Communities and Urban Stormwater projects that missed getting funds and are applying for the remaining funds.

**Next Steps:** We plan to collect recommendations for potential projects in need of funding, if there are any funds remaining. We are preparing maps and tables that will display how the funds were distributed and type of projects that were funded. Staff will be performing projects' inspections to ensure the funds are being spent according to the requirements and aims of the project.

**Division Approvals:** The Deputy Director of the Division approved the following Preliminary Loan/Grant Commitments from September 2, 2009 to October 8, 2009.

**Clean Water State Revolving Fund Loan:**

<b>Entity</b>	<b>Preliminary Loan Commitment</b>	<b>Project</b>	<b>Approved</b>
City of Redding	\$18,865,000	Clear Creek WWTP Project	9/3/09
Union Sanitary District	\$3,500,000	Cedar Boulevard Sanitary Sewer Rehabilitation Project	9/3/09
Association of Bay Area Government	\$392,000	El Cerrito Green Streets	9/8/09
Town of Hillsborough	\$300,000	Mobile Filtration System	9/9/09
Association of Bay Area Government	\$5,000,000	Bay Area-Wide Trash Capture Project	9/15/09
City of Hermosa Beach	\$1,265,000	Pier Avenue Improvement	9/15/09
City of South Lake Tahoe	\$1,500,000	Al Tahoe Erosion Control Project 1	9/16/09
City of Alameda	\$750,000	Installation of Mechanical Trash Racks at Stormwater Pump Stations Project	9/16/09
Amador Water Agency	\$367,612	Gayla Manor Wastewater Treatment Facility-Leachfield Expansion	9/17/09
City of Thousand Oaks	\$907,500	Stormwater Drainage Improvement Project	9/17/09
Del Norte County, Service Area No. 1	\$695,255	Sewer System Rehabilitation Project	9/17/09

<b>Entity</b>	<b>Preliminary Loan Commitment</b>	<b>Project</b>	<b>Approved</b>
City of Angels	\$3,372,800	Wastewater Treatment Plant Phase III Improvement Project	9/21/09
City of Plymouth	\$2,250,000	Wastewater Treatment Plant Improvements-Phase 1 and Sewer Collection System Rehabilitation Project	9/21/09
City of Anaheim	\$230,000	Public Utilities Pilot Infiltration Project	9/21/09
City of Redondo Beach	\$2,200,000	Alta Vista Park Diversion and Reuse Project	9/22/09
Literacy for Environmental Justice	\$350,160	EcoCenter at Heron's Head Park	9/23/09
American Rivers	\$375,000	American Rivers Stormwater Management in the Yuba Watershed Project	9/24/09
City of Selma	\$3,918,620	City of Selma Stormwater Project	9/24/09
Covelo Community Services District	\$1,323,264	Wastewater Treatment Plant Improvement Project	9/24/09
City of Fresno	\$999,468	Herndon Town and Cortland/Fountain Way Sewer System	9/24/09
City of Big Bear Lake	\$708,945	Rehabilitation Of Sewer Lift Station 2 and 2a	9/25/09
City of Big Bear Lake	\$1,285,700	Tahoe Sewer Main Replacement Project	9/25/09
City of Mission Viejo	\$1,045,000	Oso Creek Restoration and Protection Project	9/25/09
City of Colfax	\$3,627,000	Colfax Sewer Lift Station Upgrades and Infiltration & Inflow Elimination Project	9/29/09

<b>Entity</b>	<b>Preliminary Loan Commitment</b>	<b>Project</b>	<b>Approved</b>
Santa Monica Bay Restoration Foundation	\$2,189,500	Ballona Creek LID Rain Gardens Project	9/30/09
Santa Cruz County Sanitation District	\$16,725,699	Aptos Transmission Main Relocation Project	9/30/09

### **Water Recycling Grant/Loan**

<b>Entity</b>	<b>Preliminary Funding Commitment</b>	<b>Project</b>	<b>Approved</b>
City of Santa Paula	\$75,000	Water Recycling Facilities Planning	9/10/09
Los Carneros Water District	\$75,000	Recycled Water Distribution System Study	9/17/09
WateReuse Foundation	\$151,000	Request For Approval For The Foundation To Enter Into Water Recycling Research Subcontracts	9/22/09

### **Cleanup and Abatement Account**

<b>Entity</b>	<b>Preliminary Loan Commitment</b>	<b>Project</b>	<b>Approved</b>
Lake County Department of Public Works	\$100,000	Clear Lake Algae Mitigation	9/28/09

## **DIVISION OF INFORMATION TECHNOLOGY AND OFFICE OF INFORMATION MANAGEMENT AND ANALYSIS**

**Annual Disaster Recovery Plan Update:** All State agencies are required to maintain an up-to-date and tested Disaster Recovery Plan that is submitted to the Office of Information Security and Privacy Protection by January 31<sup>st</sup> of each year. DIT is in the process of updating SWRCB's plan so that it can be tested and finalized in mid-November. It will then be provided to the Regional Boards to use as an example in completing their own plans.

## **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-10	Aquatic Pesticide General Permit – Vector Control, Aerial Application (Adulticide)	Drafting permit for public release. Planning release of tentative for public comment Fall of 09.
A-10	Aquatic Pesticide General Permit – Vector Control, Aquatic Application (Larvacide)	Work delayed, will follow Aerial Application permit.
A-10	Aquatic General Permit – Weed Control, Aquatic Application	Work delayed, will follow Aerial Application permit.
P	Aquatic General Permit – Aquatic Invasive Species	Pending completion of other Aquatic General Permits.
P	Aquifer Storage and Recovery Policy	Delayed due to other priorities.
A-10	Areas of Special Biological Significance (ASBS): Special Protections	Economic estimates done. Revising CEQA initial study. Planning to release draft in October 2009 and hold Public Hearing in January 2010.
A-10	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. Economic study delayed due to contract funding issues. Targeting Public Hearing in December 2009.
A-10	Biodiesel Regulations	Scheduled Board hearing on regulations on November 3, and Board may consider adopting the proposed regulations following the hearing.
A	Bio-indicator Development	Preparing initial planning effort for future development work.
C	Blue-Green Algae Guidance	Revisions completed in September 2008 and posted on website.

A-10	Cadmium Objective and Implementation Policy	Scoping meeting held 10/6/08; comment period closed 10/23/08. Final internal review of draft policy and staff report prior to upcoming release for public comment. Targeting Public Hearing in December, 2009.
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 USEPA – completed.
A	Composting Facilities Statewide Waiver	Holding Joint workshop with CIWMB 8/17/09 to gather information before preparing draft statewide waiver.
P	Grazing	No Statewide effort at this time, Regions are issuing watershed based waivers. Grazing on national forest system lands will be considered under Statewide Water Quality Management Plan and waiver.
A-10	Integrated Report Adoption (2008 / 2010)	Regional Boards are adopting their lists and preparing to submit. Last Regional Board adoption anticipated November, 2009.
C	Landscape Irrigation / Incidental Runoff Permit	Permit adopted by Board on 7/7/09. Preparing memo to Regional Boards regarding implementation.
A-10	Leaking Underground Fuel Tank (LUFT) Manual	Draft manual update in preparation
A-09	Listing Policy Update (Sediment Quality Objectives)	Targeting release October 2009. Targeting CEQA Scoping Meeting in November 2009. Targeting Board consideration in January 2010.
A	Marina Permit	Initial drafting and data gathering.
P	Mercury Offset Policy	Partial economic analysis received from contractor (SAIC). No further contract funding available to complete economic analysis.
P	Methylmercury Objectives	Delayed by loss of key staff. Preparing economic analysis (SAIC).
A	Nutrient Numeric Endpoints Tools	Freshwater: to be peer reviewed. Technical Team meeting August 2009 to discuss secondary indicators and refining the classification of estuary and enclosed bay systems. STRTAG meetings scheduled for August and September 2009. Coastal SAG meeting August 2009 to discuss Estuary classification and defining a set of target systems.
A-09	Ocean Plan Amendment: non-substantive	Board adopted on 9/15/09. Submitting to Office of Administrative Law for review.

P	Ocean Plan Amendment: monitoring & desal provisions	Pending completion of Ocean Plan Amendment: non-substantive.
P	Ocean Plan Amendment: vessel provisions	Pending completion of other Ocean Plan Amendments.
A	Ocean Plan Triennial Review	Public workshop targeted for December, 2009.
A-09	Once-Through Cooling (316b) Policy	Noticed for comments and public hearing on 7/9/09; public hearing on 9/16/09, comments due by 9/30/09.
A	Onsite Waste Water Treatment Regulations/Waiver	Comment period closed; reviewing comments and preparing revision based on comments. Possibly ready for further public hearings on a new proposal Winter of 2010.
A	Rapid Diagnostic Tests for Bacterial Indicators in Coastal Waters	SCCWRP has established a sub-committee to evaluate methods readiness for usage. Sub-committee to report back in April 2010 to full commission with recommendation based on further testing.
C	Recycled Water Policy	Complete. Approved by OAL on 5/14/09. Preparing memo to Regional Boards regarding implementation.
A-10	Sanitary Sewer Overflow (SSO) WDR Update	Scheduling staff workshops for August and September, 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. Approved by USEPA on August 25, 2009
A	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase II	Phase II staff draft released. Scientific Steering Committee convened in July 2009. CEQA Scoping Meeting tentatively planned for December, 2009.
P	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase III	Pending completion of Phase II and availability of funding
A-10	Storm Water CalTrans Permit	Incorporating TMDLs. Targeting workshops for February 2010.
C	Storm Water Construction Permit	Board adopted permit at its 9/2/09 Board Meeting.
A	Storm Water Industrial Permit	Evaluating status of draft permit and developing schedule of next steps.
C	Storm Water Linear Permit	Linear permit included in Construction Storm Water permit. Board adopted permit at its 9/2/09 Board Meeting.
A-09	Storm Water MS4 Effectiveness Guidance (AB 739, Laird)	Working with Storm Water Task Force to develop guidance. Task Force guidance delayed until late Fall. Targeting Public Workshops in November 2009.
P	Storm Water MS4 Phase II Permit	Delayed due to other priorities.
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	Timber Activities on National Forest System Lands	Resolution to proceed adopted on August 4, 2009. Public workshop targeted for December 2009.
P	Timber Activities on Non-federal Lands	Work with California Board of Forestry, Department of Forestry and Fire Protection, and Regional Water Boards. Pending the outcome of a petition
A-10	Toxicity Control Provisions for the SIP	Preparing draft policy alternatives and environmental documents. U.S. EPA and Water Board staff completion of method review targeted for October 2009. Anticipate release of draft policy and SED for comment soon after release of review. Targeting Public Hearing in December, 2009.
A	Trash Policy	Preparing scope of work for contractor (TetraTech).
A-10	UST Cleanup Task Force	Held meeting July 8, 2008. Next meeting in early August
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 USEPA's final permit and make clarifying edits.
A-10	Wetlands and Riparian Areas (Dredge and Fill) Policy – Phase I	Development Team (R1, R2, DWQ) drafting Phase I policy. Information item on the wetland definition developed by the Technical Advisory Team (TAT) at the October 6, 2009 meeting of the State Water Board.
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. No active effort at this time.

**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
.	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.
A-09		Prepare periodic review of Bay-Delta Plan and present to State Board to consider for adoption.
A-09		Develop plan for water quantity/quality modeling, and hold public meetings to update and solicit input.
A-09		Preparing request for qualifications for preparation of CEQA documents
A-09		Complete Dr. Hoffman's crop salinity tolerance study and initiate transient-state model evaluation.
A	North Coast Instream Flow Policy	Sensitivity analysis nearing completion. Reviewing 600+ public comment letters. Preparing responses to comments. Received a proposed alternative from stakeholder representatives for the State Water Board's consideration in developing the policy. Reviewing this proposal with anticipation of having it formally peer reviewed.

**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
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	Office of Administrative Law approved the OSCF regulations on September 15, 2009.
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

<b>North Coast Regional Water Board (R1)</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
C	Renewal/Update Categorical Waiver for non-industrial Timber Harvest Activities	Done
C	Integrated Report	Done
C	Low Threat Discharge Amendment	Done
C	Low Threat General Permit	Done
A-09	Renewal/Update Categorical Waiver for USFS Timber Harvest Activities	Delayed new date – draft permit issued December 2009
A-09	Revised DO Objective for Klamath	Regional Board Workshop September 10, 2009
A-09	Klamath River Temp., DO, Nutrient TMDLs	Regional Board Workshop September 10, 2009
A-09	General WDR for In-Situ Treatment of Contaminated Groundwater	For adoption in December 2009
A-09	MS4 for Santa Rosa	For adoption Oct 2009
A-09	MOU with USFS for Scott Valley non timber activities	MOAs on Forest Supervisor's desk
A-09	Internal procedures to streamline clean up and closures of underground tank sites	delayed due to work on SWRCB resolution regarding tanks – New date December 2009
A-10	Editorial (Non-Regulatory) Amendment	2010
A-10	Update Groundwater Objective	2010
A10	Elk River TMDL	2010
A10	Regulatory framework for dairies	2010
A10	Siskiyou county road waiver/permit	2010
A-10	Region-wide DO objective	2010
P	Region-wide Sediment Amendment	Piloting in the Elk and Klamath TMDLs
P	Stream and Wetlands Policy	Region 2 lead
P	In-stream Flow Objective	Unscheduled, to be part of Stream and Wetlands Policy
P	Mixing Zone	Unscheduled
P	Hatcheries Amendment	Will initiate work in 2009
P	Freshwater TMDL	Under development
P	Laguna de Santa Rosa TMDL	Under development
<b>San Francisco Bay Regional Water Board (R2)</b>		



A-09	Basin Plan Amendment to establish a TMDL for sediment in the Napa River, including a Habitat Enhancement Plan.	Currently out for public comment, scheduled for Regional Water Board consideration at its September 2009 hearing.
A-09	Basin Plan amendment to update bacterial standards for SF Bay to make consistent with those in Ocean Plan.	Work on Staff Report, implementation plan, and amendment language underway.
A-09	Basin Plan amendment for Beneficial Use update.	Basin Plan amendment being drafted. Staff have invited public input via Lyris email notices and web site postings; communicated with resource agency employees across the region; and solicited input from each technical division in-house.
A-10	Stream and Wetland Systems Protection Policy	Basin Plan amendment and supporting Staff Report being drafted. Coordinating Regional Water Board policy with State Board Wetland and Riparian Area Protection Policy.
C	General NPDES Permit for discharge of groundwater from the cleanup of volatile organic compounds	Board adopted on August 12, 2009, permit posted at <a href="http://www.swrcb.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2009/R2-2009-0059.pdf">http://www.swrcb.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2009/R2-2009-0059.pdf</a>
A-09	Municipal Regional Stormwater Permit to reissue 6 MS4 Phase I permits	Plan to go to the Board in October for an adoption hearing
A-09	Multi-year stream maintenance permit to Sonoma County Water Agency	Plan to go to the Board in December; work closely with R1 staff on a similar permit to be considered in July by R1
A-10	Napa/Sonoma Grazing Waiver	Staff meeting with local agencies and other representatives, inspections & site visits. Expect Board adoption in summer 2010.
A-10	Napa/Sonoma Vineyard Waiver	Initial drafting of the waiver for internal review is in progress. Stakeholder communication plan is in development. Expect Board adoption in late 2010.

<b>Central Coast Regional Water Board (R3)</b>		
C	Timber permitting streamlining	Adopted at July 10 Regional Board meeting
A-09	On site system Basin Plan Amendment (update of 25 year old criteria) & waiver	Approved by Regional Board; Submitted to State Board
A-09 & A-10	Ag Regulation	Will recommend extension of existing Ag order at July 10 Regional Board meeting. Have on-going advisory group meetings while staff is developing update to existing order.

<b>Los Angeles Regional Water Board (R4)</b>		
A-09	General NPDES Permit for Discharges from Potable Water Distribution and Water Supply Systems to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties.	The tentative permit was initially referred to SWRCB for consideration due to lack of Regional Board quorum. However, SWRCB has referred the tentative permit back to Regional Board and provided a guidance to eliminate distribution system discharges from the permit. The tentative permit will be revised accordingly with December 2009 target date for adoption.
C	General NPDES Permit for Discharges of Nonprocess Wastewater to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties.	Adopted April 3, 2009. This general permit introduced new effluent limitations to regulate iron and manganese in filter backwash wastewater from water treatment facilities.
A-09	General NPDES Permit for Discharges of Low Threat Hydrostatic Test Water to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties.	Adopted at June 4, 2009 Board meeting. This is a renewal of the waste discharge requirements. No significant new issue is included in this tentative permit

A	Los Angeles Region Conditional Waiver for Irrigated Lands (Order No. R4-2005-0080)	<p>The Los Angeles Region Conditional Waiver for Irrigated Lands (Order No. R4-2005-0080) was adopted by the Regional Board on November 3, 2005. The Conditional Waiver has a 5 year term. Growers/landowners may choose to enroll under the waiver individually or as a member of a Discharger Group. The vast majority of growers elected to enroll as a member of a group. The Regional Board has approved two Discharger Groups, the Ventura County Agricultural Irrigated Lands Group and the Nursery Growers Association - Los Angeles County Irrigated Lands Group. These groups have completed two years of water quality monitoring and are currently implementing Water Quality Management Plans, which include BMPs to mitigate discharges from agriculture lands to waters of the state. Water quality monitoring is ongoing throughout the term of this waiver. Growers and/or landowners who failed to enroll under the Conditional Waiver were sent a Notice of Violation (NOV). Many growers/landowners responded to the NOV and enrolled in the program. Recently, 5 ACLs were issued to growers/landowners for failure to enroll in the program. Staff plans to continue enforcement actions, as necessary, to ensure the integrity of the program.</p>
<b>Central Valley Regional Water Board (R5)</b>		
A	Aquifer Storage and Recovery (City of Roseville)	In discussion with City
A	Regulation of Ready-mix Concrete Waste Products	In discussion with Industry
A	Irrigated Lands Regulatory Program-Coalition Group Conditional Waiver	Coalition groups are conducting monitoring and implementing management plans for identified water quality problems. Compliance activities are ongoing for non-participants in the program.

A	Federal Land Management Agency Sites Memorandum of Understanding	Negotiating a MOU between USFS, BLM, DTSC, DFG, DOC, SWRCB, Regional Boards, that will establish principles for the parties to work cooperatively within the State to identify, prioritize, investigate and cleanup inactive and abandoned mine lands. Recently renewed
A	Conditional Waiver for Disaster-Related Wastes During a State of Emergency	R5-2008-0093 to provide a mechanism for management and disposal of disaster related wastes, in compliance with the California Water Code, that results from fires, floods, storms, earthquakes, and mass mortality of animals when a state of emergency has been declared by the Governor.
A	GENERAL ORDER for petroleum cleanup waste to land	Actively used (Order R5-2003-0044)
A	Waiver of low threat discharges to land	Actively used (Resolution R52008-0182)
A	Modify the Beneficial Uses for Freshwater Aquatic Habitat and Remove Spawning for West Squaw Creek - Amendment to the Sacramento River and San Joaquin River Basin Plan	Regional Water Board responding to EPA comments.
A	Implement Mercury and Nutrient TMDL/Control Program in Clear Lake Watershed - Sacramento River and San Joaquin River Basin Plan	Staff working with local stakeholder committee to implement control program, including implementing improved management practices, coordinating control actions and implementing grant projects. Staff has been working with Lake County to address nuisance algae blooms that have occurred this summer.
A	Implement Mercury TMDL/Control Program in Cache Creek Watershed - Sacramento River and San Joaquin River Basin Plan	Mercury hot spot surveys completed in 2009 and an abatement project has been implemented at Abbott Mine. Cleanup and Abatement orders were adopted by Regional Board in August for 2 mines in the watershed and 2 additional Cleanup and Abatement Orders will be considered by the Regional Board in October 2009.
A	Establish New Water Quality Objectives and Total Maximum Daily Loads for Salinity and Boron in the Lower San Joaquin River - Amendment to the Sacramento River and San Joaquin River Basin Plan.	Regional Board completed CEQA Scoping meeting in March 2009. The TMDL is scheduled for consideration by the Regional Board in 2011.

A	Establish Organochlorine Pesticides TMDL Control Program in Several Central Valley Waterbodies - Amendment to the Sacramento River and San Joaquin River Basin Plan.	Regional Board completed CEQA Scoping meeting in July 2009. TMDL is scheduled for Regional Board consideration in 2011.
A	CV-SALTS – Developing a Salinity and Nitrate Management Plan for all basins in the Central Valley – Basin Plan Amendment for the Sacramento River and San Joaquin River Basin Plan, Tulare Lake Basin Plan and the Delta Water Quality Control Plan.	Preparing for CEQA Scoping meeting by Fall 2009. BPA consideration by Board in 2012.
A	Evaluate Municipal and Domestic Supply Beneficial Uses for Atwater Drain - Amendment to the Sacramento River and San Joaquin River Basin Plan.	Conducting technical investigations.
A-09	Small Winery and Food Processor GENERAL ORDER or waiver	Being Drafted
A-09	Groundwater Strategy	Recently started, will include public participation
A-09	(Name of Policy, General Permit, or Waiver)	
A-09	Determine Certain Beneficial Uses are not Applicable and Establish Water Quality Objectives in Sulphur Creek - Amendment to the Sacramento River and San Joaquin River Basin Plan	At USEPA for approval
A-09	Development of the Delta Regional Monitoring Program	Staff developing short and long-term alternatives for Regional and State Board consideration by December 2009.
A-09	Non-Regulatory Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Correct Editing Errors and Update Language	Amendment scheduled for Regional Board consideration in August 2009.
A-09	Integrated 303(d)/305(b) Report	Integrated Report scheduled for Regional Board consideration in June 2009
A-09	General NPDES Permit for Fish and Hatcheries	In drafting stage. Scheduled for December 2009 Regional Board Meeting

A-10	Basin Plan Amendment – City of Colusa (removal of MUN from surface water body)	Actively Under Development
A-10	Sacramento Regional County Sanitation District – NPDES Permit Renewal	In progress. Controversial permit renewal. Largest, inland surface water discharger in Central Valley to Delta. Staff currently working with State and Federal agencies in reviewing facility discharge and receiving water data.
A-10	Irrigated Lands-Long Term Program Development	A stakeholder advisory group has been formed to provide input on programmatic alternatives for the Long Term Irrigated Lands Regulatory Program. Workgroup members and Regional Board staff have drafted potential ground water and surface water alternatives. A programmatic EIR should be presented to the Central Valley Water Board by December 2010
A-10	Rubicon Trail-Cleanup and Abatement Order-El Dorado County and Eldorado National Forest	Highly controversial matter. Nationally recognized OHV trail recently situated in the El Dorado National Forest is subject to a Cleanup and Abatement Order to establish a plan to protect water quality. The County and Forest Service required to complete Saturated Soil Water Quality Protection Plan by October 2010. USFS has petitioned State Board to remove their name from the order.
A-10	Waiver and General Order for Silviculture Activities	October-Joint Regional/State Board workshop in the planning stage for the Regional Board action, scheduled for April 2010
A-10	Waste Discharge Requirements for Westlands Water District (potentially controversial)	Waste Discharge Requirements from Irrigated Agricultural lands and associated reverse osmosis treatment units. In discussion with Westlands. Individual Order to regulate surface and groundwater discharges from irrigated ag.
A-10	General Order for Poultry Facilities (potentially NPDES in accordance with Federal CAFO regulations)	General Order (or group of orders) for poultry raising and egg laying facilities. Multiple orders may be needed to address the different types of facilities and their dischargers. Not yet started, but requested by poultry industry.
A-10	New winery waste guidelines	In discussion with Industry
A-10	Sand/gravel wash water to land GENERAL ORDER or waiver	Not yet started

A-10	External Groundwater Monitoring Workgroup	Have assembled a group of groundwater monitoring experts to provide input on how the Regional Water Board addresses complex groundwater monitoring issues.
A-10	Delta Methyl Mercury and Total Mercury TMDL Control Programs - Amendment to the Sacramento River and San Joaquin River Basin Plan	Scheduled for Regional Board consideration in Jan/Feb 2010
A-10	Establish Site-Specific Objectives for Chloroform, Chlorodibromomethane and Dichlorobromomethane for New Alamo and Ulatis Creeks and Permit Implementation Provisions - Amendment to the Sacramento River and San Joaquin River Basin Plan	To be submitted for peer review. Tentatively scheduled for Regional Board consideration in July 2010
A-10	Central Valley Pesticide TMDL Control Plan - Amendment to the Sacramento River and San Joaquin River Basin Plan	Amendment addressing chlorpyrifos and diazinon in hundreds of valley floor rivers, streams and creeks scheduled for Regional Board consideration in June 2010. Other pesticides will be considered in 2011.
A-10	Drinking Water Policy for the Central Valley	Staff working with stakeholder group on a policy for Regional Board consideration by December 2010.
A-10	Revise Selenium Control Program - Amendment to the Sacramento River and San Joaquin River Basin Plan	CEQA Scoping meetings held in 2008.
C	NPDES Low Threat General Order	Actively Used (R5-2008-0081)
C	NPDES Limited Threat General Order	Actively Used (R5-2008-0082)
C	NPDES Petroleum Clean Up General Order	Actively Used (R5-2008-0085)
C	General Order for In-Situ Groundwater Remediation at Sites with VOCs, nitrogen compounds, perchlorate, pesticides, semi-volatile compounds, hexavalent chromium and/or petroleum hydrocarbons.	General WDRs for in-situ groundwater remediation/cleanup are actively used. This permit a) applies to a wide variety of pollutants; b) simplifies the application process for dischargers; c) allows efficient use of Regional Board staff time.

C	Implementation of San Joaquin River at Vernalis Salt and Boron Control Program through MAA with Reclamation - Sacramento River and San Joaquin River Basin Plan	In December 2008, the Regional Board entered into a management agency agreement (MAA) with the US Bureau of Reclamation (Reclamation) to address salt imported via the Central Valley Project. A Draft Compliance Monitoring and Evaluation Plan (including the first quarterly report) was released in May 2009.
C	Revise Water Quality Objectives for pH and Turbidity - Amendment to the Sacramento River and San Joaquin River Basin Plan	U.S. EPA approved the standards in July 2009 and the amendment is fully effective.
P	Evaluate Municipal and Domestic Supply Beneficial Uses for Groundwater in the vicinity of the Littlejohns Fault and Establish Groundwater Protection Regulations for these Site-Specific Conditions - Amendment to the Sacramento River and San Joaquin River Basin Plan	Pending execution of a reimbursement agreement.
<b>Lahontan Valley Regional Water Board (R6)</b>		
A10	Renew Waiver of filing a report of waste discharge and obtaining waste discharge requirements for septic systems in the Lahontan Region	Scheduled for late 2010 or early 2011
A10	Renew Waiver of filing a report of waste discharge and obtaining waste discharge requirements and associated Memorandum of Understanding with the Tahoe Regional Planning Agency regarding construction and new development in the Lake Tahoe Basin	Scheduled for late 2010 or early 2011
A10	Basin Plan Amendment and TMDL adoption for Lake Tahoe Sediment and Nutrient TMDL	Scheduled for May 2010
A10	Basin Plan Amendment to provide exemption criteria to allow aquatic pesticides in the Lahontan Region for specific circumstances	Scheduled for May 2010



A10	Basin Plan Amendment to lift pier prohibition in spawning habitat and address shorezone impacts at Lake Tahoe	Amendment and environmental analyses in development. Action by Water Board anticipated in Spring 2010 pending results of two lawsuits filed against TRPA's action on shorezone development at Lake Tahoe.
A10	Basin Plan Amendment to revise waste discharge prohibitions concerning Lake Tahoe and the Truckee River hydrologic units	Scheduled for March 2010
A10	Update Lake Tahoe Basin Municipal Storm Water NPDES Permit	Scheduled for October 2010
A10	Update Lake Tahoe Basin Construction Storm Water NPDES Permit	Scheduled for October 2010
<b>Colorado River Regional Water Board (R7)</b>		
A-09	General NPDES Permit, Waste Discharge Requirements For Discharges Of Extracted And Treated Groundwater Resulting From The Cleanup Of Groundwater Polluted By Volatile Organic Constituents Into Surface Waters Within The Colorado River Basin Region	Schedule for Regional Board consideration of adoption September 2009.
A-09	General NPDES Permit, Waste Discharge Requirements For Low Threat Discharges To Surface Waters Within The Colorado River Basin Region.	Schedule for Regional Board consideration of adoption September 2009.

<b>Santa Ana Regional Water Board (R8)</b>		
A-09	Task Force to Develop Monitoring Program for Emerging Contaminants	The Emerging Contaminants Task Force expects to complete proposed monitoring programs for emerging contaminants and personal care products, for surface water and groundwater wastewater discharges, as well as for imported water used in groundwater recharge projects, before the end of 2009. The proposed emerging contaminants monitoring programs would be presented for consideration by the Regional Board.
C	Orange County MS4 Municipal Storm Water Permit Reissuance	Adopted by Regional Board on May 22, 2009.
A-09	Riverside County MS4 Municipal Storm Water Permit Reissuance	Anticipated adoption date is December 10, 2009.
A-09	Riverside County MS4 Municipal Storm Water Permit Reissuance	Anticipated adoption date is December 10, 2009.
A-09	Basin Plan Amendment to adopt TMDLs and establish Site-Specific Objectives for selenium in San Diego Creek, Big Canyon Creek, and Upper Newport Bay that includes compliance requirements for the Newport Bay watershed permits.	To be submitted for peer review and public review Sept. 2009. Currently planned for Regional Board consideration of adoption December 2009.
A-10	Conditional waiver for agricultural waste discharges (CWAD) program in the San Jacinto River Watershed	Hearings and Regional Board consideration expected in first half of 2010.
<b>San Diego Regional Water Board (R9)</b>		
A	Tijuana River Valley Recovery Team--Trash and Sediment Project	The Recovery team, consisting of local, state, and Federal agencies, are coordinating, directing, and overseeing efforts to identify and remove trash and sediment in the valley. The team's efforts also include prevention of sediment and trash into the valley and the long-term restoration of the river/lagoon/watershed system.

A-10	Hydrostatic Testing and Potable Water Discharge General Permit—NPDES Permit Reissuance	Was tentatively scheduled for the Regional Board consideration and approval on August 8, 2009. Regional Board postponed action for 90 days at the request of the dischargers. Targeted for permit reissuance early 2010.
A-10	General De Minimis Discharges NPDES Permit	Was tentatively scheduled for the Regional Board consideration and approval on Aug. 8, 2009. Regional Board postponed action for 90 days at the request of the dischargers. Targeted for permit reissuance early 2010.
A-10	Ocean Discharge Receiving Water Monitoring Program Updates—Revisions to NPDES monitoring programs of POTW discharges to the Pacific Ocean	To be considered by the Regional Board in early 2010.
C	City of San Diego Point. Loma Ocean Outfall NPDES Permit Reissuance	Regional Board adopted this reissuance on June 10, 2009. This permit provides for a waiver of federal secondary treatment standards as recommended by the USEPA. Recent denial of the waiver by the California Coastal Commission may require additional review and revision by Regional Board in 2010.
A-10	US Navy Yards—San Diego Bay NPDES Permit Reissuance—Point Loma and Naval Base/San Diego	Regional Board deferred adoption of the NPDES permit reissuance for Navy Base San Diego for 90 days at the Aug. 8, 2009 meeting. Adoption of the Point Loma NPDES Permit reissuance is delayed indefinitely pending the outcome of the petition for review for Naval Station Coronado and the permit reissuance for Naval Base San Diego.
C	US Navy Yards – San Diego Bay NPDES Permit Reissuance - Coronado	Regional Board adopted the permit reissuance for Coronado on June 10, 2009. The Regional Board's action was petitioned to State Board in July 2009.
C	BAE Shipyards NPDES Permit Re-issuance	Regional Board adopted the NPDES permit for BAE Shipyards on June 10, 2009.
C	NASSCO Shipyards NPDES Permit Re-issuance	Regional Board adopted the NPDES permit for NAASCO Shipyards on August 8, 2009.

A-10	San Diego Bay Shipyards Toxic Bay Sediment Clean Up Order	The Regional Board issued a revised draft Clean Up and Abatement Order and Technical Report in April 2008. The Regional Board and Responsible Parties have been engaged in confidential settlement mediation since June 2008. A Clean Up and Abatement Order revised per a settlement with one or more Responsible Parties will be considered by the Regional Board in March 2010.
A-09	2008 Fed. CWA Section 303 (d) Listing of Water Quality Segments	Hearing scheduled for the 303(d) List and 305(b) Integrated Report on October 7, 2009. Adoption of Integrated Report anticipated in late 2009
A-09	2008 Basin Plan Triennial Review	Tentatively scheduled for approval by the Regional Board on December 9, 2009
A-10	Gregory Canyon Landfill—Waste Discharge Requirements	Hearing and adoption date have been suspended because CEQA has not yet been satisfied for the project.
A-09	Orange County MS4 Municipal Stormwater Permit Reissuance	Initial hearing held on July 1, 2009. The sixth draft of the Tentative Order was released for public comment in August 12, 2009. Adoption of the NPDES Permit is anticipated on November 10, 2009.
A-10	Riverside County MS4 Municipal Stormwater Permit Reissuance	Initial Hearing and adoption scheduled for the first half of 2010.
A-09	Carlsbad Energy Center Power Plant in Carlsbad—New NPDES Permit	New power plant facility utilizing dry cooling technology. Scheduled adoption late 2009
A-09	Total Max. Daily Load (TMDL) Bacti Beaches and Creeks and Tecolote Creek Bacteriological Indicators.	Hearing on Basin Plan Amendment scheduled for November 10, 2009; adoption planned by December 9, 2009.
A	Agricultural Waiver of Waste Discharge Requirements—Conditional Waiver No. 4 Discharges from Agricultural and Nursery Operations	In May 2009 notification by mail to all agricultural and nursery operators of the need to conduct monitoring of water quality. The notification explains the option for the operators to join a monitoring group.
A	Lake San Marcos--Water Quality Improvement Project	Review proposal to improve water quality of the lake. Performed reservoir and stream monitoring of Lake San Marcos and San Marcos Creek in May 2009.

A	Hydromodification Policy	Staff working on a policy that will be an outgrowth of the hydromodification plan requirement in the tentative MS4 Permit for Orange County scheduled for adoption in either November 10, 2009.
A-09	Dynegy Power Plant in So. San Diego Bay— NPDES Permit Reissuance	Adoption of the permit reissuance not yet scheduled. A status report will be considered by the Regional Board on this NPDES Permit at its September 9, 2009 meeting.

**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)

## Appendix 2

### IRRIGATED LANDS REGULATORY PROGRAM MONTHLY REPORT October 2009

This month's Irrigated Lands Regulatory Program (ILRP) monthly report will provide an update on activities of the Central Coast, Los Angeles, Riverside and San Diego Regional Water Quality Control Board programs. The Colorado River Basin Water Board did not submit an update report this month for their agricultural program.

Future monthly reports will alternate between the status of the ILRP at the Central Valley Water Board for one month, and the status of other Regional Water Boards for the alternate month. . 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 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>
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#### **CENTRAL COAST REGION AGRICULTURAL REGULATORY PROGRAM** Irrigated Agriculture Program Update September 25, 2009 staff report.

##### **Enrollment**

Currently, Region 3 has more than 400,000 acres (approximately 1700 individual growers) enrolled in the current ag order, representing about 90% of irrigated acreage in the Central Coast. As of June 2008, we estimated that approximately 500-800 growers were not enrolled, representing approximately 40,000 acres. In 2007, staff issued more than 100 NOVs related to non-enrollment, resulting in 5 ACLs (see attached press releases). Since that time, 4 of the 5 farms have enrolled and paid all past due monitoring costs and fees, and many new enrollments have occurred.

Currently, staff will continue to follow-up with our non-enrollment enforcement efforts, as well as enforcement against growers that do not meet their legal monitoring obligations. In addition, staff continues to pursue compliance and enforcement steps related to groundwater and surface water discharge contributing to water quality impairment (based on watershed prioritization related to severity of impairment and beneficial uses)

##### **Agricultural Order Renewal**

The Central Coast Water Board adopted the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Agricultural Order) on July 9, 2004, and was extended by the Board through July 2010. The Agricultural Order renewal is one of the office's highest priorities, because of the magnitude of water quality impacts

from agriculture in our region. As such, the associated tasks (compiling information on groundwater basins, analyzing water quality data, researching costs associated with agricultural impacts, developing new requirements for aquatic habitat protection, modifying existing discharge requirements, developing options for monitoring, etc.) are given priority over most other staff responsibilities. Therefore, budget reductions, including staff furloughs, have minimal impact on completing the Agricultural Order renewal tasks.

At this time, staff is reevaluating the public outreach and comment process for the Agricultural Order Renewal. To develop recommendations for the draft Order, Water Board staff planned structured discussions with an Agricultural Advisory Panel to identify milestones, targets, and schedules for achieving water quality objectives. The intent was for these recommendations and any or all options developed by panel members, to be presented for broader public input and comment, and ultimately to the Water Board for review and approval of the Board's preferred options - in the form of a new Agricultural Order.

At the most recent Agricultural Advisory Panel meeting on September 22, 2009, several members of the Agricultural Advisory Panel suggested that the forum and process were no longer productive for developing panel recommendations for elements of the draft Order. Some panel members attribute this to some members' perceptions that Water Board staff has predetermined what should be in the Order. Other members indicated that the views of the different interest groups on the panel are too far apart to reach agreements for recommendations on issues like individual monitoring requirements and aquatic habitat protection.

With awareness that individual panel members, including Water Board staff, have various opinions about whether the panel was or could be productive, staff will determine the best approach going forward to continue to solicit input from stakeholders. Staff may opt to proceed with a more traditional public outreach process rather than the current, more involved process to convene regular Agricultural Advisory Panel meetings. One proposal was to provide an early first draft of the proposed order to the Agricultural Advisory Panel and to review this draft for possible modification with the panel prior to further distribution. These options would result in the elimination of some or all of the remaining scheduled Agricultural Advisory Panel meetings, scheduling, instead, public workshops (at least one or two with the Board), and a formal public comment period early in 2010. Staff will determine how to proceed in the next few weeks. In the meantime, staff will continue to develop the components of and prepare draft recommendations for the Order.

For additional information on the Central Coast Water Board Agricultural Regulatory Program, please contact Angela Schroeter at (805) 542-4644 or e-mail to [aschroeter@waterboards.ca.gov](mailto:aschroeter@waterboards.ca.gov).

## **LOS ANGELES REGION CONDITIONAL WAIVER FOR IRRIGATED LANDS UPDATE TO THE SWRCB**

Irrigated Agriculture Program Update September 25, 2009 staff report.

- Issued 5 ACLs (on May 5, 2009) to growers for failure to enroll in Conditional Waiver for Irrigated Lands.

- All growers had previously received a NOV and failed to respond/enroll in response to the NOV.
- Staff plans to continue periodic enforcement action to maintain integrity of the Conditional Waiver program.
- ACLs developed by ILRP staff with guidance from enforcement unit.
- Staff continues to work with the Ventura County Agricultural Irrigated Lands Group (VCAILG) on the implementation of their Water Quality Management Plan (WQMP).
  - BMP priority areas have been identified
  - 1<sup>st</sup> tier priority growers expected to complete BMP survey and initiate BMP implementation in summer 2009
- Staff has provided a second round of comments to the LA County – NGA Irrigated Lands Group (NGA Group) on their WQMP document.
  - Staff continues to work with this discharger group to develop a document that will meet the requirements outlined in the Conditional Waiver and address water quality benchmark exceedances.
- Staff continues general outreach (workshops, site visits etc...) with grower community.
- Staff has met with VCAILG, representing agriculture dischargers, regarding upcoming TMDLs. Ag dischargers will be assigned a load allocation in these TMDLs.

The Conditional Waiver for Irrigated Lands will be used to implement the TMDL load allocations.

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

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

Irrigated Agriculture Program Update October 15, 2009

Staff provided Legal with the **Draft Staff Report** to establish a Conditional Prohibition and Implementation Plan for Agricultural Discharges originating within the Palo Verde Valley and the Palo Verde Mesa. The following will occur when the review is completed:

- The draft staff report will be finalized to incorporate changes from Legal;
- Staff will meet with the Palo Verde Irrigation District (PVID) to ensure PVID fully understands the report, and their requirements/responsibilities. In addition, staff will inquire if PVID has additional input/changes;
- The report will be updated/finalized to incorporate PVID input (if any), and
- The report will be circulated for public review.



Staff is also in the initial stages of two other Conditional Prohibitions for Agricultural Discharges; one for Coachella Valley, and the other for Bard Valley. CEQA Scoping meetings have been conducted for both prohibitions, and a TAC was recently formed for the Coachella Valley prohibition. The first TAC meeting is scheduled for November 10<sup>th</sup>. State Board staff Gita Kapahi, Johnny Gonzales and Jodi Pontureri will be in attendance. Gita Kapahi will be facilitating the TAC meeting.

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

Irrigated Agriculture Program Update September 24, 2009 staff report.

Board staff is proposing that all operators of irrigated land, dry-farmed land subject to inundation by flooding, and of other agricultural operations not already regulated by the Regional 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). The Regional Board staff proposes that the CWAD program will be developed and implemented 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 Regional Board adopted separate nutrient Total Maximum Daily Loads (TMDLs) for Canyon Lake and Lake Elsinore. and the CWAD program is being designed to be part of implementation program for these TMDLs.

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

During the last few months, the Regional Board staff has also met with other potential stakeholders and related agencies, including the Riverside County Farm Bureau and Riverside County Agricultural Commissioner's offices. Board staff is coordinating with representatives of WRCAC and LESJWA and the Southern California Coastal Water Research Project (SCCWRP) to explore establishing a CWAD program monitoring program for the San Jacinto River watershed that uses both probabilistic and targeted monitoring. Also, in coordination with RWQCB 9, SCCWRP, the State Water Board, and the Regional Board are exploring ways to integrate monitoring programs for both RWQCB 9's ag. waiver and the Santa Ana Region's CWAD program into the regional water quality monitoring program for Southern California coastal watersheds that is being developed and implemented by the Stormwater Monitoring Coalition (SMC).

During last several months, Regional Board staff conducted field surveys of various agricultural operations in the CWAD Program project area and also have been meeting with local growers and farmers to introduce upcoming CWAD program and to get their feedback. Regional Board staff is also coordinating with TMDL staff and staff of other regions, particularly Regions 4 and 9, to establish criteria for the minimum acreage

threshold for enrollment in its CWAD program.

On September 17, 2009, Regional Board staff participated in a stakeholder meeting focusing on planning the agenda for the San Jacinto River Watershed Council for the next several years. In this meeting, information on the upcoming CWAD program and the council's potential role in the program was also discussed. Over the next several weeks (possibly by mid November), Regional Board staff will be conducting another public information meeting with CWAD program potential key stakeholders, including growers' groups. At this meeting, Board staff will discuss the proposed program, and solicit suggestions about how best to put the CWAD program in place. Possible topics for workshop discussions will include:

- Are all farming operations going to be covered, or will there exemptions from the program?
- Criteria to establish minimum acreage enrollment requirement for the program.
- Have "third party representatives" been formed? Will there be a cost to be represented?
- How will the Regional Board identified operators who will be required to be in the CWAD program?
- What's the schedule for putting the CWAD program in place?

The public information meeting will be publicized on the Regional Board's website, through direct email contact, and through stakeholders throughout the watershed.

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

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

Irrigated Agriculture Program Update September 9, 2009 staff report.

Final adoption of the San Diego Region's Ag Waiver occurred in February of 2008. Growers subject to the Waiver must file a Notice of Intent for enrollment (either individually or as a member of a monitoring group) by January 1, 2011. During the summer of 2009, the Regional Board finished mailing out notification letters to all known growers in the region. The information used to generate a mailing list was taken from sources such as pesticide user lists and fertilizer user lists. However, the San Diego Region is home to an unusually large number of small growing operations, who are not easily identified using available databases. Therefore, identification and notification of growers remains a high priority.

Regional Board staff is heavily focused on preparing an overall plan for conducting monitoring. Staff is working with the Region 8's agricultural regulatory program, Southern California Coastal Water Research Project (SCCWRP) and the San Diego and Riverside County Farm Bureaus to develop an approach that utilizes other existing sources of monitoring data (such as regional monitoring conducted by municipalities pursuant to municipal stormwater monitoring permit requirements and POTW monitoring) to develop a network that allows us to assess not just pollutant impacts, but background levels of monitored parameters and an assessment of the overall condition of individual watersheds. The plan calls for using both probabilistic and targeted

sampling to collaboratively (i.e., through the cooperation of various stakeholders) achieve a unified and coordinated monitoring program. By developing this plan soon, we hope to assist the Farm Bureaus who are engaged in assembling monitoring groups, in determining what the costs of monitoring will be so that they can provide this information to prospective enrollees.

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

**APPENDIX 3**

**Current Board Member Directives Checklist as of 10/19/2009**

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.	Modiy 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 recomends 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.

**APPENDIX 3**

**Current Board Member Directives Checklist as of 10/19/2009**

Board Meeting	Staff	Requested by Board member	Issue	Due Date	Direction	Current Status
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.	
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.	Completed.
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.	