

San Diego Regional Water Quality Control Board



Executive Officer's Report

March 11, 2009

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SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

March 11, 2009

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. March 2009 Personnel Report *(DiAnne Broussard)*

The Organizational Chart of the California Regional Water Quality Control Board, San Diego Region (Regional Board) can be viewed at http://www.waterboards.ca.gov/sandiego/about_us/org_charts/orgchart.pdf

Promotions

Jeremy Haas has been promoted to Senior Environmental Scientist. Jeremy began his career with the Regional Water Quality Control Board in San Diego as an Environmental Specialist II in March 2001. Jeremy received a Bachelor of Science in Ecology from the University of California San Diego. He received a Master of Science in Marine and Environmental Science from the University of Maryland at College Park. Jeremy will supervise the Compliance Assurance Unit. His promotion was effective February 19, 2009.

Departures

Office Technician Marleen Carvajal Alfaro has left the Regional Board to accept a Program Technician position with the Department of Social Services. She came to work for the Regional Board in December 2007. Her last day was February 19, 2009.

Recruitment

The Regional Board is conducting interviews for an Environmental Program Manager I to lead the Water Quality and Restoration Standards Branch. Interviews should be completed and a candidate chosen by the end of March. Vacant positions for the State and Regional Boards are posted on the State Board web page at http://www.waterboards.ca.gov/about_us/employment/

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Clean Water Act Section 401 Water Quality Certification Actions Taken in January and February 2009 *(Chiara Clemente)* *(Attachment B-1)*

Section 401 of the Clean Water Act requires that any person applying for a federal permit which may result in a discharge of pollutants into Waters of the United States must obtain a water quality certification that the specific activity

complies with all applicable state water quality standards, limitations, requirements, and restrictions. The most common federal permit that requires a 401 Certification is a CWA Section 404 permit, issued by the Army Corps of Engineers, for the placing of fill (sediment, rip rap, concrete, pipes, etc.) in Waters of the U.S. (i.e. Ocean, bays, lagoons, rivers and streams).

Upon receipt of a complete 401 certification application, the Regional Board may either certify the project or deny certification, with or without prejudice. In cases where there are impacts to Waters of the U.S., the Regional Board may issue a conditional certification. The certification can be either in the form of a conditional certification document approved by the Regional Board Executive Office, or Waste Discharge Requirements (WDRs), adopted by the Regional Board. And, in the case where a federal permit is not required because impacts have been determined to be only to Waters of the State, the Regional Board may adopt WDRs. The attached table (B-1) contains a list of actions taken during the months of January and February 2009. Certification amendments will be included in these reports, starting with June 2008. Public notification of pending 401 Water Quality Certification applications can be found on our web site at: http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/publicnotice8_4_08.pdf. Certifications issued from January 2008 on, can also be found on our web site at: http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/401projects.shtml.

2. Enforcement Actions for February 2009 (*Jeremy Haas*)

The following is a summary of all enforcement actions taken or initiated during the month of February 2009. During this period the California Regional Water Quality Control Board, San Diego Region (Regional Board) initiated 16 enforcement actions: 3 Administrative Civil Liability Orders; 2 Complaints for Administrative Civil Liability; 2 Cleanup and Abatement Orders; 8 Notices of Violation; and 1 Staff Enforcement Letter.

In addition to the summary information provided below, access to information on violations, enforcement actions, and Mandatory Minimum Penalties (MMPs) on a real-time basis is available to the public from the State Water Resources Control Board's Internet webpage at:

http://www.waterboards.ca.gov/water_issues/programs/enforcement/

ADMINISTRATIVE CIVIL LIABILITY ORDERS

ACL Order No. R9-2009-0022, Studio 15 Housing Partners, San Diego

ACL Order No. R9-2009-0022 was adopted by the Regional Board on February 11, 2009 for \$42,000 in mandatory minimum penalties for 14 violations of Order No. R9-2000-0090 associated with dewatering discharges to San Diego Bay from the Studio 15 construction site in San Diego.

ACL Order No. R9-2009-0019, America Plaza Owners Association, San Diego

ACL Order No. R9-2009-0019 was adopted by the Regional Board on February 11, 2009 for \$12,000 in mandatory minimum penalties for four violations of Order No. R9-2000-0090 associated with dewatering discharges to San Diego Bay from the One America Plaza building in San Diego.

ACL Order No. R9-2009-0003, City of Escondido, Hale Avenue Resource Recovery Facility

ACL Order No. R9-2009-0003 was adopted by the Regional Board on February 11, 2009 for \$1,335,000 in mandatory minimum penalties for 445 violations of Violations of NPDES Order No. 99-72, Waste Discharge Requirements for the City of Escondido, Hale Avenue Resources Recovery Facility, Discharge to the Pacific Ocean Via the Escondido Land Outfall and the San Elijo Ocean Outfall and NPDES Order No. R9-2003-0394, Waste Discharge Requirements for the City of Escondido, Hale Avenue Resource Recovery Facility, Intermittent Wet Weather Discharge to Escondido Creek, San Diego County.

ADMINISTRATIVE CIVIL LIABILITY COMPLAINTS

ACL Complaint No. R9-2009-0020, North County Transit District

Complaint No. R9-2009-0020 in the amount of \$15,000 in mandatory minimum penalties was issued on February 2, 2009 to the North County Transit District for alleged violations of effluent limitations in NPDES Order No. R9-2001-0096, *General Waste Discharge Requirements for Groundwater Extraction Waste Discharges From Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters within the San Diego Region except for San Diego Bay*. The alleged violations occurred during construction dewatering at the Sprinter Rail Crouch Street Station in Oceanside.

ACL Complaint No. R9-2009-0028, South Orange County Wastewater Authority

Complaint No. R9-2009-0028 in the amount of \$204,000 in mandatory minimum penalties was issued on February 27, 2009 to the South Orange County Wastewater Authority for alleged violations of NPDES Order No. R9-2006-0054, *Waste Discharge Requirements for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Via the San Juan Creek Ocean Outfall, Orange County*. The alleged violations occurred in discharges to the San Juan Creek Ocean Outfall from the Groundwater Recovery Facility operated by the South Coast Water District in Dana Point.

CLEANUP AND ABATEMENT ORDERS

Cleanup and Abatement Order No. R9-2008-0152. Moritz Residence, Poway

CAO Order No. R9-2008-0152 was adopted by the Regional Board on February 11, 2009 after a public hearing. The CAO requires the removal of waste and fill from an unnamed stream and the restoration of the stream to pre-discharge

conditions by April 24, 2009. A final report documenting cleanup actions is due on May 29, 2009.

Cleanup and Abatement Order No. R9-1993-0049, Addendum No. 7.

Multiple Parties, Julian

Addendum No. 7 to CAO R9-93-49 was issued on February 10, 2009. The addendum changes the CAO frequency of required well monitoring and assessment from quarterly to semi-annually. The CAO was issued in 1993 for remediation of unauthorized releases of petroleum hydrocarbons at a service station.

NOTICES OF VIOLATION

NOV to San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility, Cardiff by the Sea

An NOV was issued to the San Elijo Joint Powers Authority on February 18, 2009 for alleged violations of Order No. R9-2000-0010 by discharges from the San Elijo Water Reclamation Facility. The NOV cited seven alleged violations of the total dissolved solids daily maximum effluent concentration.

NOV to City of San Diego, North City Water Reclamation Plant, San Diego

An NOV was issued to the City of San Diego on February 26, 2009 for alleged violations of Order No. 97-03 in discharges from the North City Water Reclamation Plant. The NOV cited four alleged violations of the 12-month average effluent manganese concentration.

NOV to Ramona Municipal Water District, Santa Maria Water Reclamation Facility, Ramona

An NOV was issued to the Ramona Municipal Water District on February 26, 2009 for alleged violations of Order No. R9-2000-0177 in discharges at the Santa Maria Water Reclamation Facility. The NOV cited three alleged violations of the 12-month average effluent concentrations for total dissolved solids and sulfate and for failing to provide the required modal contact time for chlorine disinfection.

NOV No. R9-2009-0029, Murrieta Nursery, Murrieta

NOV No. R9-2009-0029 was issued to GNW Evergreen Insurance on February 9, 2009 for alleged violations of Investigative Order No. R9-2005-0030. The NOV cites failure to comply with electronic reporting requirements, including the use of the State Water Board's Geotracker database available on-line at www.geotracker.waterboards.ca.gov.

NOV No. R9-2009-0030, Santa Ysabel Chevron, Santa Ysabel

NOV No. R9-2009-0030 was issued to Mr. and Mrs. Ernest Moretti on February 9, 2009 for alleged violations of Investigative Order No. R9-2005-0214. The NOV cites failure to comply with electronic reporting requirements, including submitting laboratory and well data to the State Water Board's Geotracker database available on-line at www.geotracker.waterboards.ca.gov.

NOV No. R9-2009-0031, Downtown Tire Shop, San Diego

NOV No. R9-2009-0031 was issued on February 24, 2009 to Mr. Victor Mostacero for alleged violations of Investigative Order No. R9-2008-0010. The NOV cites failure to provide a workplan for preliminary site assessment by May 30, 2008 and failure to provide a preliminary site assessment report by July 30, 2008.

NOV No. R9-2009-0032, El Guero Tire Shop and Repair, San Diego

NOV No. R9-2009-0032 was issued on February 24, 2009 to Mr. and Mrs. Ramiro Montoya for alleged violations of Investigative Order No. R9-2008-0011. The NOV cites failure to provide a workplan for preliminary site assessment by May 30, 2008 and failure to provide a preliminary site assessment report by July 30, 2008.

NOV No. R9-2009-0033, Shamoun Family Trust, San Diego

NOV No. R9-2009-0033 was issued on February 24, 2009 to the Shamoun Family Trust for alleged violations of Investigative Order No. R9-2008-0024. The NOV cites failure to provide a workplan for preliminary site assessment by May 30, 2008, and failure to provide a preliminary site assessment report by July 30, 2008.

STAFF ENFORCEMENT LETTERS**BBA Partners, LLC., Road Improvement for Heights Subdivision, Poway**

An SEL was issued to BBA Partners, LLC. on February 24, 2009 for an alleged violations of the statewide General NPDES Construction Permit, Order No. 9-08-DWQ. Violations were noted during a staff inspection on February 17, 2008.

3. Grants Update (Laurie Walsh)**Budget**

Although the State's budget was passed on February 20, 2009, the suspension of bond funds has not yet been lifted. Awards may be conditional upon the rescission of Budget Letter 08-33 which imposes Project suspensions and freezes of many grant programs. The most up-to-date information on the Budget Letter is available from the Department of Finance website at:

<http://www.dof.ca.gov/>.

Clean Water State Revolving Fund (CWSRF) Program and Economic Recovery Workshop

On February 17, 2009, the American Recovery and Reinvestment Act of 2009 was signed into Federal law. The California Clean Water State Revolving Fund (CWSRF) will receive about \$280 million to implement eligible projects on the CWSRF list including, but not limited to, construction of publicly-owned municipal waste treatment facilities, such as, wastewater treatment infrastructure, storm water elimination/treatment/reduction facilities, or municipal landfill leachate treatment systems; implementation of a measure or project in the State's NPS

Management Programs; and development and implementation of National Estuary Programs.

New Information regarding the economic recovery bill can be found at:
http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/econ_recovery_info.shtml

A CWSRF workshop was held at the Regional Board office on March 4, 2009. Morning sessions of the meeting discussed the State Revolving Fund in general terms and the afternoon session went into detail with respect to the Economic Recovery package. During the morning session Laurie Walsh, Melissa Valdovinos, Wayne Chiu, and Olufisayo Osibodu of the Regional Board staff met with State Board SRF staff to discuss the regions specific water quality priorities, potential applicants for SRF funds, and what additional training and marketing support SRF staff could provide to help inform public entities and not for profit organizations in the San Diego Region about the availability of state revolving funds. The afternoon Economic Recovery workshop was attended by 75 representatives from both the wastewater and potable water public agencies, the Metropolitan Water District, consultants, and non governmental agencies. Much interest was expressed about the CWSRF staffs recommendation to give disadvantaged communities first chance at the grant funds. The rest of the discussion revolved around how CWSRF staff will rank project applications and the definition of "shovel ready" projects. CWSRF staff encouraged attendees to check their website (listed above) frequently and to sign up for their Lyris list as these are the mechanisms by which the most updated information will be distributed. The CWSRF staff is scheduled to present their recommendation on how the federal stimulus grant funds should be distributed to the State Board at their March meeting.

Notification of the San Diego workshop date was advertised at all previous Economic Recovery workshops. Announcements were also emailed to the interested parties list via the State Boards Lyris notification system. Regional Board staff took further steps to email the workshop notice to Orange, Riverside, and San Diego County Copermittees. The 2009 Regional/Public Workshop Schedule on the 2009 Economic Recovery Package is also available at:
http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/2009_public_rb_workshops.pdf

Integrated Regional Water Management (IRWM) Regional Acceptance Process (RAP) Guidelines – The Region Acceptance Process (RAP) is a component of the Integrated Regional Water Management (IRWM) Program Guidelines and will be used to evaluate and accept an "IRWM region" into the IRWM grant program. Although the RAP is not a grant funding application, acceptance and approval of the composition of an IRWM region into the IRWM grant program is required before any region can submit an application for IRWM grant funds. The Department of Water Resources (DWR) has not previously

reviewed and accepted any region. Therefore, this process applies to existing and developing IRWM regions.

At a minimum, a IRWM region is defined as: a contiguous geographic area encompassing the service areas of multiple local agencies; is intended to maximize the opportunities to integrate water management activities; and effectively integrate water management programs and projects within a hydrologic region defined in the California Water Plan, the Regional Water Quality Control Board (RWQCB) region, or subdivision or other region specifically identified by DWR (Public Resource Code Sec 75026.(b)(1)).

The first RAP will take place in winter/spring of 2008/2009. The draft RAP guidelines were released in December 2008 followed by a 30-days public comment period and two meetings to collect and address public comments. The final RAP guidelines have not yet been published. The remaining tentative schedule:

- DWR meetings and interviews with Regional Water Management Groups (RWMGs)(approximately 14 days) *March 2009*
- Release draft RAP recommendations *April 2009*
- Public comment period on draft RAP recommendations (at least 15 days) *April 2009*
- DWR's final RAP decisions *April 2009*

RWMGs are comprised of a group of three or more local agencies, at least two of which have statutory authority over water supply or management, as well as those other persons necessary for the development and implementation of a plan (CWC section 10539).

2009 California Financing Coordinating Committee (CFCC) Funding Fairs

The CFCC is comprised of seven members agencies (six state, one federal), whose members conduct statewide annual Funding Fairs to educate interested parties about available financial and technical resources available from the CFCC. This year the CFCC will conduct five Funding Fairs throughout California (Chino - February 3; Bakersfield - February 5; Eureka - March 10; Merced - April 2; and Sacramento - May 7). Specific information about the CFCC and their 2009 Funding Fairs (including the registration form) is available on the CFCC webpage at: www.cfcc.ca.gov

Proposition 84 Grant Topics

Areas of Special Biological Significance (ASBS) Grant Program: The ASBS Grant Program makes approximately \$32 million available for projects designed to ensure compliance with the discharge prohibition into ASBS. A total of 17 Full Proposal Applications were received for a total of \$33.1 million. The Recommended Funding List was approved by State Water Board on February 3, 2009. However, the funding awards are conditional upon the rescission of

Budget Letter 08-33 which imposes Project suspensions and freezes of ASBS Grants.

Proposition 84 Storm Water Grant Program (SWGP): The State Water Board adopted the Proposition 84 Storm Water Grant Program Guidelines (Guidelines) on February 17, 2009. Solicitations for the Proposition 84 SWGP are on hold until further notice due to the Bond Fund Suspension ordered per the Budget Letter 08-33 issued by the Department of Finance. The Guidelines, public workshop details, and additional information on the Proposition 84 SWGP are available on-line at:
http://www.waterboards.ca.gov/water_issues/programs/grants_loans/prop84/index.shtml.

CALFED Watershed Grant Program Topics

Solicitations to Implement Watershed Plans: On August 6, 2008, the State Water Board issued a focused solicitation for up to \$4 million of Proposition 50 Funds. Project(s) must be ready to proceed and help achieve one of the Watershed Program's goals to better define and quantify the impacts of community-based watershed management on natural resource conditions within the Bay-Delta System. Full proposals have been submitted and are under review.

Riparian Buffer Sizing Tool: The State Water Board received six applications on November 14, 2008, requesting a total of approximately \$3 million. The State Water Board has conditionally selected to fund the U.C. Berkeley Team's application for \$500,000. This award is conditional upon the rescission of the bonds fund suspensions imposed by Budget Letter 08-33.

319(h) NONPOINT SOURCE (NPS) IMPLEMENTATION GRANT PROGRAM

Approximately \$4.5 million is available for this Solicitation, with a minimum grant amount of \$250,000 and a maximum grant amount of \$1,000,000 per project. The purpose of the program is to provide funds to restore and protect the beneficial uses of water throughout the State by controlling NPS pollution in a manner that is consistent with completed Total Maximum Daily Loads (TMDLs) or TMDLs that are under substantial development. Nineteen full proposals were submitted on February 17, 2009, requesting a total of \$11,978,721. Proposals are currently under technical review.

4. Recycled Water Annual Summary Report 2007 (Robert Pierce) (Attachment B-4)

The Regional Board regulates approximately 57 wastewater treatment facilities that recycle wastewater for reuse generating a maximum permitted flow of approximately 539 million gallons per day. These facilities in the San Diego Region produced nearly 104,000 acre-feet (33.8 billion gallons) of water for reuse in 2007. The table below shows that most of the recycled water was distributed to other agencies or individuals for reuse, primarily as landscape irrigation, but also agricultural, industrial and commercial uses. Producers used the recycled

water primarily for groundwater recharge and irrigation. A significant amount was not reused, but disposed of in ocean outfalls.

| Distribution of Recycled Water | Estimated Volume* |
|---------------------------------------|--------------------------|
| Producer | 4,600 |
| Distribution Agencies & Direct Users | 52,000 |
| Discharge to Ocean Outfall | 47,000 |
| Total | 103,600 |

* = units are in acre-feet

There are three main treatment levels for recycled water¹: disinfected tertiary is filtered and disinfected to quantified values of turbidity, coliform, and virus removal; disinfected secondary is disinfected to quantified values of coliform removal; and un-disinfected secondary² is stabilized and oxygenated. Regional production of recycled water in 2007 by treatment level is as follows: 69,000 acre-feet of disinfected tertiary treated wastewater, 2,200 acre-feet of disinfected secondary treated wastewater, and 32,000 acre-feet of un-disinfected secondary or other treatments that are not required to meet coliform specifications in CCR Title 22. The water agencies report that 24 percent of disinfected tertiary treated wastewater discharges to ocean outfalls instead of being recycled for beneficial use. This unused supply of water must be taken advantage of, especially given the increasing shortfalls in potable water supply.

The Regional Board regulates the production and discharge of recycled water using waste discharge requirements, Master Reclamation Permits, Water Reclamation Requirements (collectively referred to as "permits"), and waivers of waste discharge permits. Facilities operating under permits adopted before 1993 account for only 2 percent of production, compared to 64 percent of production from permits adopted between 1993 and 1997, and 34 percent operating under permits adopted in 1998 or later. The data suggests that a majority of the permits may need to be amended to reflect updated regulations. The regional percentage of waste discharge requirements adopted with master reclamation permits rose from 27 percent to 47 percent during the last 15 years. Facilities regulated by master reclamation permits produced 77,000 acre-feet of recycled water in 2007; however 44 percent (approximately 34,000 acre-feet) was disposed of via ocean outfalls. The Master Reclamation Permits are a tool intended to promote recycled water use by allowing the producer to regulate its users, rather than requiring individual requirements for each user. The data suggests that although there are a greater percentage of Master Reclamation Permits but there has not been an apparent increase in recycled water used under those permits.

¹ As defined in the California Code of Regulations Title 22 Chapter 3, "Water Recycling Criteria."

² Data for un-disinfected secondary includes "chlorinated secondary" that is not explicitly required to meet coliform specifications.

Attachment B-4 provides a regional summary of recycled water information for 2007. The Regional Board gathered data from annual reports, both voluntary and permit required, and compiled monthly reports. All comparisons are approximations due to inconsistent methods of measuring, reporting and gathering data. In addition, volumes and percentages of recycled water produced and distributed may vary due to storage conditions and due to instances of production/distribution between jurisdictional areas of Regional Boards.

5. State Route 241 Foothill South Toll Road Extension, Orange County (*Chad Loflen*)

The Foothill/Eastern Transportation Corridor Agency (TCA), a Joint Powers Authority, applied to the Regional Board for a Section 401 Water Quality Certification and requested waste discharge requirements (WDRs) in June 2006. The Regional Board has previously requested that the staff provide periodic updates on the proposed project to construct a southerly extension of State Route 241 – a toll road known as the Foothill Transportation Corridor (Project), located in southern Orange County.

The California Coastal Commission (CCC) objected to the Project, finding it inconsistent with policies of California's Coastal Management Program on February 06, 2008. The TCA filed a Notice of Appeal to the United States Secretary of Commerce, requesting an override of the CCC's objection, pursuant to 16 U.S.C. 1456(c)(3)(A), on February 15, 2008.

The United States Secretary of Commerce issued a *Decision and Findings by the U.S. Secretary of Commerce in the Consistency Appeal of the Foothill/Eastern Transportation Corridor Agency and Board of Directors of the Foothill/Eastern Transportation Corridor Agency From an Objection by the California Coastal Commission* on December 18, 2008. The decision and findings sustained the CCC's objection and found that the CCC objection operates as a performance bar for Federal agencies issuing licenses or permits for the project. This requirement includes Section 404 permits and authorizations issued by the United States Army Corps of Engineers.

The Regional Board received a request from TCA to withdraw their Section 401 Water Quality Certification Application for the South Orange County Transportation Infrastructure Improvement Project Foothill-South 241 Toll Road on February 18, 2009. As of February 19, 2009, the Regional Board considers the application withdrawn.

6. American Public Works Association Meeting (*Ben Neill*)

The San Diego municipal separate storm sewer system permit requires copermittees to use Low Impact Development (LID) as a storm water management and land development strategy including conservation of and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions. Typical

low impact development measures include porous pavement, rain gardens, and water reuse cisterns. Mr. Ben Neill presented an overview of low impact development requirements and measures at the American Public Works Association's San Diego/Imperial chapter monthly luncheon held in San Diego on February 12, 2009. The audience included municipal public works officials, city engineers, and engineering consulting professionals. Audience concerns included the lack of State training on LID, long-term oversight, and proprietary systems claiming to be LID.

7. Industrial Environmental Association: Regulatory Challenges for Industrial Operations (*Tony Felix*)

John Robertus and Tony Felix of the Regional Board presented at the Industrial Environmental Association (IEA) Industrial Storm Water luncheon in San Diego on February 18, 2009. Mr. Harvey Porter, IEA President, chaired the event along with contributions from other IEA member companies. The Industrial Environmental Association promotes environmental responsibility through effective communication and interaction with IEA members, government, regulatory agencies, business and the community. Topics of discussion included regulatory challenges within the County of San Diego ranging from existing requirements of municipal separate storm sewer system (MS4) permits, emerging pollutants in receiving waters, reissuance of the Point Loma NPDES permit, recycling of treated wastewater, and the draft statewide industrial storm water general permit.

8. Southern California Eelgrass Monitoring Workgroup (*Chad Loflen*)

Eelgrass provides key biological functions in southern California bays, estuaries and calm near-shore aquatic ecosystems. Eelgrass beds are the base of complex and dynamic food webs in these systems, and functions as structural habitat for resident, spawning and nursery species. Eelgrass beds improve water quality through biogeochemical cycling, stabilizing sediments and reducing shore erosion. Mr. Chad Loflen attended the initial meeting of the Monitoring Workgroup for the Southern California Eelgrass Monitoring Program on February 25, 2009. The meeting at the Southern California Coastal Water Research Project (SCCWRP) in Costa Mesa was the first in a series of meetings to develop a Southern California specific program for assessment and protection of eelgrass (*Zostera marina* and *Zostera pacifica*). Members of the Workgroup include representatives from the U.S. Army Corps of Engineers, National Marine Fisheries Service, Department of Fish and Game, Regional Water Quality Control Boards, U.S. Navy, Ports of San Diego and Long Beach, Merkel and Associates and MBC Environmental.

Eelgrass beds have been fragmented, reduced and even lost due to degraded water quality, the dredging and filling of suitable habitat, and near-shore development. While eelgrass has been well mapped and documented in locations such as San Diego Bay, Mission Bay and Batiquitos lagoon, knowledge of eelgrass distribution or presence within other systems remains inadequate.

Even within well-documented systems, there is a lack of long-term trend monitoring data concerning local beds and conditions. The lack of long-term trend monitoring also prevents a full understanding of the potential impacts to eelgrass beds from anthropogenic stressors such as sewage spills, storm water runoff, and dredging or filling activities.

The purpose of the Monitoring Workgroup is to bring experienced members of the regulatory, municipal, consulting, scientific research and environmental communities together to define management information needs, assess all current monitoring efforts and to propose a coordinated design for a regional eelgrass monitoring program for southern California. While no date for a future meeting was set, the group expects to meet every other month with design results expected in one year.

9. 22nd District Agricultural Association's Application for Phase II Status- Storm Water from Small MS4s, Statewide Order No. 2003-0005-DWQ (Peter Peuron)

The 22nd Agricultural District operates a "non-traditional" small Municipal Separate Storm Sewer System (MS4) that is subject to Phase II Small MS4 Permit requirements. Non-traditional small MS4s typically include Federal and State government operations (such as the 22nd District Agricultural Association), military bases and schools. The application is the first application for Phase II coverage to be received by the San Diego Regional Board, and the Del Mar Fairgrounds/Racetrack and Horsepark are located adjacent to and upstream of the San Dieguito Lagoon, which includes a 303(d)-listed water body impaired for indicator bacteria at the mouth of the lagoon. The local boarding of horses and livestock is a notable concern because of the potential for animal-related wastes to result in discharges of bacteria to the San Dieguito Lagoon.

The San Diego Regional Water Quality Control Board (Regional Board) received a complete application from the 22nd District Agricultural Association, on January 9, 2009, for enrollment in the Phase II MS4 Permit issued by the State Board as Order No. 2003-0005-DWQ. The application was submitted in response to the Regional Board's request by way of letter dated October 15, 2007. A complete application is defined in the Phase II MS4 Permit as including a Notice of Intent, a Storm Water Management Plan (SWMP) and payment of a fee.

The Regional Board is reviewing the application and intends to provide comments requesting specific revisions to the SWMP. After all revisions have been made to the satisfaction of the Regional Board Executive Officer, the revised SWMP will be posted on the State Water Resources Control Board website (www.waterboards.ca.gov) for a period of 60 days. Upon the posting of the SWMP, the Regional Board will notify the known interested parties. After this public notice period closes, the SWMP will be approved, unless any members of the public request a hearing on the SWMP.

10. Otay Water District North District Recycled Water System Development Project (Robert Morris)

The Otay Water District (the District) has identified potential recycled water markets located within the Sweetwater River Basin could use approximately 1,300 acre-feet per year of recycled water for landscape irrigation. The District has provided the Regional Board with a copy of a technical report for expansion of its recycled water service into the area of the Sweetwater River Basin located between the Loveland Reservoir and the Sweetwater Reservoir (Middle Sweetwater Hydrologic Area).

The District currently operates and maintains over 77 miles of recycled water transmission and distribution pipelines, pump stations and reservoirs providing recycled water service primarily for landscape irrigation in Otay Valley, and east of Interstate 805 in the City of Chula Vista. Because the proposed North District project is located in a geographic area upstream of a municipal water supply reservoir, the District's Master Reclamation Permit for Otay Water District Ralph W. Chapman Water Reclamation Facility (Order R9-2007-0038) will need to be modified to conform to the requirements of the *Water Quality Control Plan for the San Diego Region* (Basin Plan).

The District proposes to work closely with Regional Board staff and the other regulatory agencies to define the site specific requirements that may be imposed to protect water quality in the watershed. The Regional Board staff anticipates that the ongoing discussion with the District will include investigation of the viability for developing an effective salt and nutrient management program for the watershed.

11. Proposed El Monte Basin Groundwater Recharge and Reclamation Project (Fisayo Osibodu)

On February 17, 2009, Groundwater Basins Branch staff attended a meeting with representatives from Helix Water District (HWD), Padre Dam Municipal Water District (PDMWD), and California Department of Public Health to discuss the potential for implementing a groundwater recharge and habitat restoration project within the El Monte Hydrologic Subarea (El Monte HSA). The proposed project involves using highly treated recycled water from the Padre Dam Water Recycling Facility to recharge groundwater within the upstream portion of the El Monte Basin via discharge to surface recharge ponds and injection wells. The project also involves extraction of groundwater from the downstream portion of the El Monte Basin to augment water supplies at the HWD R.M Levy Water Treatment Plant, and construction of a new wetland habitat along the San Diego River.

Treatment of recycled water used for this groundwater recharge operation would include reverse osmosis method and other advanced treatment processes to produce a supply that contains total dissolved solids (TDS) concentrations of less than 50 mg/l. Natural groundwater TDS concentrations in the basin are approximately 600 mg/l and the project would result in significant improvement to

groundwater quality within the El Monte basin. The HWD would withdraw groundwater from wells located in the downstream area to maintain steady-state groundwater levels in the El Monte basin. That groundwater supply would be directed to the HWD R.M Levy Water Treatment Plant to augment the imported water supplies currently treated at the potable water treatment plant. It is anticipated that groundwater resources would comprise approximately 10 percent of the inflow to the R.M Levy Water Treatment Plant.

The Groundwater Basins Branch staff will continue to provide input to the Districts in support of their planning and development of this project that will result in increased use of recycled water within the San Diego Region.

12. Status of Bacteria Total Maximum Daily Loads Project I - Beaches and Creeks in the San Diego Region (Wayne Chiu)

On its own initiative, the Regional Board is currently in the process of revising its Basin Plan amendment (BPA) to incorporate Bacteria Total Maximum Daily Loads (TMDLs) Project I - Beaches and Creeks in the San Diego Region (hereafter "Bacteria TMDLs Project I"). Upon completion, the revised TMDLs will be re-released for public comment and returned to the Regional Board for consideration and re-adoption, hopefully in June 2009.

The Regional Board first adopted the Bacteria TMDLs Project I in December 2007 (Resolution No. R9-2007-0044) *contingent* upon the Board's subsequent consideration of a then proposed BPA authorizing the use of a reference system and antidegradation approach (RSAA) or natural sources exclusion approach (NSEA) within the context of bacteria TMDLs (hereafter "RSAA/NSEA BPA"). Use of these approaches is important because they are designed to assess and account for the contribution of bacteria due to natural, non-anthropogenic sources. The extent of non-anthropogenic sources is important because dischargers are only required to control manmade sources of pollutants; they are not responsible for natural sources. The Regional Board directed that upon its subsequent adoption of the proposed RSAA/NSEA BPA, the Bacteria TMDLs Project I would be revised to fully incorporate the RSAA and returned to the Board for consideration and re-adoption.

In May 2008, the Regional Board adopted the RSAA/NSEA BPA (Resolution No. R9-2008-0028). In the meantime, State Board staff informally reviewed the Bacteria TMDLs Project I and expressed several concerns, including the fact that it was adopted on a "conditional" basis (i.e., prior to the adoption of the RSAA/NSEA BPA). State Board staff also made recommendations to improve clarity of the TMDL documents and increase the likelihood of future approval by State Board, OAL, and USEPA.

In light of the fact that the Regional Board already committed to revising Bacteria TMDLs Project I, in combination with the fact that State Board has since expressed concerns and recommendations, the Executive Officer made the

decision to withdraw the Bacteria TMDLs Project I from formal State Board consideration at this time. This allows the Regional Board to make all of the appropriate TMDL revisions at a single time. A single comprehensive revision will result in cost savings for both Boards.

13. Groundwater Basins Branch Webpages (*Sean McClain*)

The Ground Water Basins Branch has developed a new internet website to help the public and regulated community access information about groundwater regulatory programs in the San Diego Region. The web pages feature interactive maps and links to Statewide and local resources concerning regional implementation regulatory programs for the protection of groundwater resources, including:

Groundwater Cleanup: leaking underground storage tanks (USTs), Department of Defense Program, Site Cleanup Program,

Waste Management: Land Disposal Program (solid wastes) and Discharges of Recycled/Reclaimed Water, and Onsite wastewater treatment systems (septic systems).

Programs and permitting information are included as links on the sidebar of the Groundwater homepage. The recent conversion of web pages may cause some inconvenience (e.g., some of your bookmarked pages will no longer work), but the staff hopes that the new format will make it easier for to find the information you need. The new web pages are available online at http://www.waterboards.ca.gov/sandiego/water_issues/programs/ground_water_basin/index.shtml.

14. State Water Resources Control Board Office of Information Management and Analysis and California Integrated Water Quality System Update (*Brian Kelley and Deborah Jayne*)

The State Water Board has recently created a separate Office of Information Management and Analysis (OIMA) designed to coordinate all the various types of electronic information received and stored by the State Water Boards and Regional Boards. Currently the State and Regional Boards have developed several independent databases and information management systems, each serving a specific purpose for a particular program, but without coordination among the various systems. Three of these systems used extensively in the San Diego Region are the California Integrated Water Quality System (CIWQS), GeoTracker, and the Electronic Content Management (ECM) System. OIMA has the task of evaluating and analyzing the various systems to eliminate overlap, improve efficiency, and ensure data integrity and quality assurance. On February 27, 2009, representatives from OIMA came to the San Diego Regional Board to provide Regional Board staff with an overview of OIMA and obtain feedback on how best to serve the Regional Boards.

As part of the February 27 visit, OIMA provided an update on the status of the CIWQS, which is a database used to track information about places of environmental interest, manage permits and other orders, track inspections, and manage violations and enforcement activities. CIWQS also allows online submittal of information by Permittees within certain programs and makes data available to the public through reports. Currently, however, no dischargers in the San Diego Region are submitting reports electronically directly into CIWQS. The State Board anticipates that this program will begin some time later this year for the San Diego Region. The focus of the State Board visit with regards to CIWQS was to gather detailed information regarding data entry and quality control procedures so that State Board staff can evaluate the information and suggest recommendations for improving data quality at the Regional Boards. After visiting all the Regional Boards, the OIMA will compile the information gathered and make recommendations for improving data completeness and quality assurance for CIWQS. Additional information regarding CIWQS, including reports, can be found at the State Board's website, www.waterboards.ca.gov/water_issues/programs/ciwqs/index.shtml

PART C

STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. Brownfields Statewide Status Update - California Land Reuse and Revitalization Act of 2004 (CLRRRA) (AB 389) (John Anderson)

Brownfields cases are included in the Site Cleanup Program (SCP), which is the Regional Board's cleanup program where project proponents receive technical oversight and regulatory review of investigation and cleanup plans. The party pursuing the cleanup reimburses staff oversight costs incurred by the Regional Board. The outcome of the SCP process may range from a No Further Action (NFA) letter indicating cleanup is complete with no land-use restrictions, to the design and implementation of a remedial system, and/or implementation of long-term administrative (deed restrictions, land use covenants, etc.) or engineering controls (engineered caps, impermeable barriers, active groundwater or soil vapor pollution control systems, etc.).

Currently the San Diego Regional Board provides oversight to 10 brownfields/redevelopment cases through our SCP.

Regional Board and DTSC Brownfields Memorandum of Agreement

The Regional Boards & DTSC have the authority to regulate cleanup of polluted/contaminated sites in California. In order to improve coordination between the agencies on oversight of brownfields cleanups, a Memorandum of Agreement (MOA) was signed in March 1, 2005 http://www.calepa.ca.gov/Brownfields/MOA/MOA3_05.pdf. The MOA describes the process and considerations used to determine the appropriate lead agency for a particular brownfields site. Anyone requesting oversight from the Regional

Board or DTSC for a brownfields site must submit an application to the Regional Board or DTSC with enough site information to allow the agencies to determine the appropriate lead agency.

The Brownfields MOA requires that anyone requesting oversight from a Regional Board or DTSC must submit an application to initiate the process to assign the appropriate oversight agency. Pertinent documents (all attachments to the MOA) are also available at the following websites:

- Request for Oversight of a Brownfields Site
<http://www.calepa.ca.gov/Brownfields/MOA/Application.pdf>
- Site Information Needed
<http://www.calepa.ca.gov/Brownfields/MOA/SiteInfo.htm>

CalEPA Status of Statewide Brownfields Applications Since July 1, 2005

Memorandum of Agreement Application Statistics

| | |
|------------------------------------------|-----|
| Total Applications Received | 375 |
| Applications Received by Regional Boards | 214 |
| Applications Received by DTSC | 161 |
| Determinations Made | 370 |
| Determinations Made to Regional Boards | 171 |
| Determinations Made to DTSC | 199 |
| Determinations Not Yet Made | 0 |
| Applications Not Eligible | 5 |

Current as of 2/26/2009

Brownfields Contact Information

CalEPA's Brownfields Website can be found at:

<http://www.calepa.ca.gov/Brownfields/AB389/default.htm>

The State Water Board's Brownfields Program website can be found at:

http://www.waterboards.ca.gov/water_issues/programs/brownfields/

The San Diego Regional Board Brownfields contacts are Sue Pease, Environmental Scientist, at (858) 637-5596, email: Spease@waterboards.ca.gov and Julie Chan, Supervising Engineering Geologist at (858) 627-3926, email: Jchan@waterboards.ca.gov.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

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

March 11, 2009

APPENDED TO EXECUTIVE OFFICER'S REPORT

DATE OF REPORT
March 5, 2009

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

| Scheduled Board Meeting Date | Action Agenda Item | Action Type | Initial Document Application Complete | Discharge & Receiving Water Quality Limits and Monitoring Plan Known | Draft Complete | Public Review & Comment | Consent Item | Comments |
|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|------------------------------------------|---------------------------------------|----------------------------------------------------------------------|----------------|-------------------------|--------------|-----------------------------------|
| <i>April 8, 2009 Regional Board Meeting San Diego Regional Water Board Office</i> | | | | | | | | |
| 4/8/2009 | Garcia Property Onsite Wastewater Disposal System (<i>Cathryn Henning</i>) | Negative Declaration & New WDRs Adoption | 100% | 100% | 100% | 10% | Yes | New OWTS for residential property |
| 4/8/2009 | Riverside County Regional Park and Open Space District, Skinner Lake Rec Area (<i>Fisayo Osibodu</i>) | WDRs Revision | 100% | 100% | 100% | 20% | Yes | MRP Change |
| 4/8/2009 | Louidar L.L.C., Mount Palomar Winery (<i>Fisayo Osibodu</i>) | WDRs Revision | 100% | 100% | 100% | 20% | Yes | Change of Owner |
| 4/8/2009 | California Department of Forestry and Fire Protection, Rainbow Conservation Camp (<i>Fisayo Osibodu</i>) | WDRs Update | 100% | 100% | 100% | 50% | Yes | Facility modification |
| 4/8/2009 | New Owl Rock Products, Wilson Creek San Mining and Processing Facility (<i>Fisayo Osibodu</i>) | WDRs Rescission | 100% | 100% | 100% | 50% | Yes | Terminated |
| 4/8/2009 | North American Indian Missions Inc., Buffalo Valley Campground (<i>Fisayo Osibodu</i>) | WDRs Rescission | 100% | 100% | 100% | 50% | Yes | Campground closed |

DATE OF REPORT
March 5, 2009

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

| Scheduled Board Meeting Date | Action Agenda Item | Action Type | Initial Document Application Complete | Discharge & Receiving Water Quality Limits and Monitoring Plan Known | Draft Complete | Public Review & Comment | Consent Item | Comments |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|---------------------------------------|----------------------------------------------------------------------|----------------|-------------------------|--------------|----------------------------------------------|
| 4/8/2009 | Padre Dam Municipal Water District - Santee Reclamation Facility (<i>Melissa Valdovinos</i>) | NPDES Permit Reissuance | 100% | 90% | 80% | 0% | No | NPDES Workplan FY 2008-09 |
| 4/8/2009 | Poseidon Resources Corporation (<i>Michelle Mata</i>) | NPDES Permit Revision | NA | NA | 80% | 0% | No | |
| 4/8/2009 | Constructed Seawall At First St. Coronado Dewatering Discharge To San Diego Bay (<i>Frank Melbourn</i>) | Hearing: ACL | 100% | NA | 50% | 0% | No | Mandatory Minimum Penalty ACL \$24,000 |
| 4/8/2009 | North County Transit District, Sprinter Crouch Street Station Dewatering (<i>Jeremy Haas</i>) | ACL | 100% | NA | 100% | 0% | Yes | Mandatory Minimum Penalty ACL |
| May 13, 2009 Regional Board Meeting San Diego Regional Water Board Office | | | | | | | | |
| 5/13/2009 | City of San Diego Pt. Loma Ocean Outfall Discharge to Pacific Ocean - Deliberation and Adoption of NPDES Permit (<i>Melissa Valdovinos / Brian Kelley</i>) | NPDES Permit Reissuance | 100% | 90% | 90% | 90% | No | Pending resolution of issues raised by USEPA |
| 5/13/2009 | BAE Systems San Diego Ship Repair Shipyard - San Diego Bay (<i>Vicente Rodriguez</i>) | NPDES Permit Reissuance | 100% | 90% | 80% | 0% | No | NPDES Workplan FY2007-08 |

DATE OF REPORT
March 5, 2009

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

| Scheduled Board Meeting Date | Action Agenda Item | Action Type | Initial Document Application Complete | Discharge & Receiving Water Quality Limits and Monitoring Plan Known | Draft Complete | Public Review & Comment | Consent Item | Comments |
|------------------------------|------------------------------------------------------------------------------|-------------------------|---------------------------------------|----------------------------------------------------------------------|----------------|-------------------------|--------------|-------------------------------|
| 5/13/2009 | NASSCO / General Dynamics Corp. - Shipyard San Diego Bay (Vicente Rodriguez) | NPDES Permit Reissuance | 100% | 90% | 80% | 0% | No | NPDES Workplan FY 2007-08 |
| 5/13/2009 | US Navy Graving Dock San Diego Bay (Vicente Rodriguez) | NPDES Permit Reissuance | 100% | 90% | 20% | 0% | No | NPDES Workplan FY 2008-09 |
| 5/13/2009 | US Navy-- Naval Base Pt. Loma - San Diego Bay (Vicente Rodriguez) | NPDES Permit Reissuance | 100% | 90% | 80% | 0% | No | NPDES Workplan FY 2007-08 |
| 5/13/2009 | US Navy--Naval Base Coronado - San Diego Bay (Vicente Rodriguez) | NPDES Permit Reissuance | 100% | 90% | 80% | 0% | No | NPDES Workplan FY 2007-08 |
| 5/13/2009 | US Navy--Naval Base San Diego - San Diego Bay (Vicente Rodriguez) | NPDES Permit Reissuance | 100% | 90% | 80% | 0% | No | NPDES Workplan FY 2007-08 |
| 5/13/2009 | Mountain Water Ice Discharges to San Luis Rey River (Rebecca Stewart) | Hearing: ACL | 100% | NA | 80% | 0% | No | Mandatory Minimum Penalty ACL |
| 5/13/2009 | Ametek Inc. (Laurie Walsh / John Anderson) | Hearing: ACL | NA | NA | 100% | NA | No | ACL Penalty \$2,265,000 |

DATE OF REPORT
March 5, 2009

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

| Scheduled Board Meeting Date | Action Agenda Item | Action Type | Initial Document Application Complete | Discharge & Receiving Water Quality Limits and Monitoring Plan Known | Draft Complete | Public Review & Comment | Consent Item | Comments |
|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------|----------------------------------------------------------------------|----------------|-------------------------|--------------|----------------------------------------------------------------|
| 5/13/2009 | Initial Hearing - 2008 Fed. Clean Water Act Sec. 303(D) List Of Water Quality Segments (<i>David Gibson</i>) | Hearing: CWA 303(d) WQ List | NA | NA | 50% | 0% | No | |
| 5/13/2009 | NPDES Permit Rescissions-- Frank J. Koryn Dairy, Van Ommering Dairy, Tom Van Tol Dairy, Stiefel Dairy (<i>Michelle Mata</i>) | NPDES Permit Rescission | 0% | 0% | 100% | 50% | No | |
| 5/13/2009 | South Orange County Wastewater Authority, South Coast Water District, Groundwater Recovery Facility (<i>Jeremy Haas</i>) | Hearing: ACL | 50% | NA | 100% | 0% | No | Mandatory Minimum Penalty ACL |
| June 10, 2009 Regional Board Meeting San Diego Regional Water Board Office | | | | | | | | |
| 6/10/2009 | Carlsbad Energy Center, LLS Power, Agua Hedionda Lagoon Seawater Intake and Brine Discharge To Pacific Ocean (<i>Michelle Mata</i>) | NPDES Permit New | 90% | 80% | 50% | 0% | No | Proposed use of existing Encina Power Station Intake structure |
| 6/10/2009 | Hubbs Research Facility Carlsbad - Agua Hedionda Lagoon (<i>Michelle Mata</i>) | NPDES Permit Reissuance | 100% | 80% | 80% | 50% | No | Pending receipt of information from Hubbs Res. |

DATE OF REPORT
March 5, 2009

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

| Scheduled Board Meeting Date | Action Agenda Item | Action Type | Initial Document Application Complete | Discharge & Receiving Water Quality Limits and Monitoring Plan Known | Draft Complete | Public Review & Comment | Consent Item | Comments |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------|----------------------------------------------------------------------|----------------|-------------------------|--------------|---------------------------------------------------------------------------------------------------------------------------|
| 6/10/2009 | NPDES General Permit Hydrostatic Testing and Potable Water Discharge (Michelle Mata) | NPDES Permit Reissuance | NA | 100% | 80% | 0% | No | NPDES Workplan FY 2006-07 |
| 6/10/2009 | Sweetwater Authority Groundwater Demineralization (Michelle Mata) | NPDES Permit Reissuance | 0% | 80% | 0% | 0% | No | |
| 6/10/2009 | Adoption Hearing - 2008 Fed. Clean Water Act Sec. 303(D) List of Water Quality Segments (David Gibson) | Adoption: CWA 303(d) WQ List | 0% | 0% | 0% | 0% | No | |
| 6/10/2009 | Initial Hearing - Orange County Municipal Storm Water Permit (Chad Loffen / James Smith) | NPDES Permit Reissuance | 100% | 80% | 80% | 0% | No | Pending resolution of issues raised by USEPA |
| 6/10/2009 | Rancho Corrido RV Park (Fisayo Osibodu) | WDRs Revision | 50% | 50% | 0% | 0% | No | Expansion of Facility |
| 6/10/2009 | Readoption Hearing - Revised Bacteria Impaired Waters TMDL Project I For Beaches And Creeks (Wayne Chiu / Benjamin Tobler / Amy Mecklenborg) | Hearing: TMDL Basin Plan Amendment | 100% | 100% | 0% | 0% | No | Revise TMDL for Bacti Indicators using Exceedance Days Approach. TMDL will be remanded to Regional Board in October 2008. |

DATE OF REPORT
March 5, 2009

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

| Scheduled Board Meeting Date | Action Agenda Item | Action Type | Initial Document Application Complete | Discharge & Receiving Water Quality Limits and Monitoring Plan Known | Draft Complete | Public Review & Comment | Consent Item | Comments |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------|----------------------------------------------------------------------|----------------|-------------------------|--------------|----------|
| 6/10/2009 | Adoption Hearing - Tecolote Creek Bacti TMDL (Amy Mecklenborg / Benjamin Tobler / Wayne Chiu) | Hearing: TMDL Basin Plan Amendment | NA | NA | 50% | NA | No | |
| August 12, 2009 Regional Board Meeting San Diego Regional Water Board Office | | | | | | | | |
| 8/12/2009 | Adoption - Orange County Municipal Storm Water Permit (Chad Loffen / James Smith) | Adoption: NPDES Permit Reissuance | 0% | 0% | 0% | 0% | No | |
| 8/12/2009 | NPDES General De Minimis Discharges Permit - San Diego Region (Michelle Mata) | NPDES Permit Adoption | NA | 0% | 0% | 0% | No | |
| 8/12/2009 | Agriculture Waiver Status Report (Peter Peuron) | Status Report | NA | NA | NA | NA | NA | |
| 8/12/2009 | Initial Hearing -2008 Basin Plan Triennial Reivew (Deborah Woodward) | Hearing: Basin Plan Triennial Review | NA | 0% | 0% | 0% | No | |
| September 9, 2009 Regional Board Meeting San Diego Regional Water Board Office | | | | | | | | |

DATE OF REPORT
March 5, 2009

TENTATIVE SCHEDULE
SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCB

| Scheduled Board Meeting Date | Action Agenda Item | Action Type | Initial Document Application Complete | Discharge & Receiving Water Quality Limits and Monitoring Plan Known | Draft Complete | Public Review & Comment | Consent Item | Comments |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-------------------------|---------------------------------------|----------------------------------------------------------------------|----------------|-------------------------|--------------|------------------------------|
| 9/9/2009 | CALTRANS - Buckmann Springs Rest Stop (<i>Fisayo Osibodu</i>) | New WDRs | 70% | 0% | 0% | 0% | Yes | |
| November 10, 2009 Regional Board Meeting San Diego Regional Water Board Office | | | | | | | | |
| 11/10/2009 | Dynegy South Bay LLC, South Bay Power Plant Discharge to San Diego Bay (<i>Vicente Rodriguez</i>) | NPDES Permit Reissuance | 100% | 75% | 20% | 0% | No | |
| Unscheduled | | | | | | | | |
| Unscheduled | Proposed Gregory Canyon Landfill - North San Diego County (<i>Carol Tamaki / Bob Morris</i>) | Hearing: New WDRs | 100% | 80% | 90% | 0% | No | Catherine Hagan is reviewing |
| Unscheduled | Ocean Discharger Receiving Water Monitoring Program Updates (<i>Bruce Posthumus</i>) | NPDES Permit Revisions | NA | 50% | 0% | 0% | No | |

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JANUARY 1, 2009 THROUGH FEBRUARY 28, 2009**

| DATE | APPLICANT | PROJECT TITLE | PROJECT DESCRIPTION | WATERBODY | IMPACT (Acres) ¹ | MITIGATION (Acres) ¹ | CERTIFICATION ACTION ² |
|--------|-------------------------------------------------|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| 1/7/09 | Pardee Homes | Crescent Heights | The project consists of the construction of 272 single and multi-family homes on a 185.2 acre site. | Unnamed drainage tributary to Penasquitos Creek Miramar Reservoir HA (906.10) | (P): 0.015 acre of streambed. | Establishment of 0.03 acre of wetland. | 07C-010 Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ |
| 1/7/09 | FF+E II Trust | Lot 47 of Green Valley Estates | Construction of a single family residence and associated infrastructure. | Unnamed tributary to Rattlesnake Creek Poway HA (906.20) | (P): 0.18 acre of wetlands, 0.26 of riparian. | Creation of 0.18 acre and restoration of 0.36 of riparian habitat. | 07C-053 Withdrawn |
| 1/7/09 | County of San Diego, Department of Public Works | San Elijo Road Drainage Improvements Project | The proposed project is to replace two existing 54-inch* corrugated steel pipes with two 10-by-5 foot box culverts. | Two unnamed drainages to San Elijo Lagoon Escondido Creek HSA (904.61) | (P): 0.001 acre of wetlands, 0.005 acre of riparian, and 0.004 acre of streambed; (T): 0.005 acre of wetlands, 0.016 acre of riparian, and 0.029 acre of streambed. | Creation of 0.015 acre, restoration of 0.005 acre, and preservation of 0.04 acre of wetland habitat. | 07C-112 Withdrawn |

* = Diameter

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JANUARY 1, 2009 THROUGH FEBRUARY 28, 2009**

| DATE | APPLICANT | PROJECT TITLE | PROJECT DESCRIPTION | WATERBODY | IMPACT (Acres) ¹ | MITIGATION (Acres) ¹ | CERTIFICATION ACTION ² |
|--------|----------------------------------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 1/7/09 | CWH Wildwood, LLC | Sycamore Creek Estates | Remove mobile home park and replace with development of single family neighborhood. Improve Buena Vista Creek riparian corridor and implement a segment of Buena Vista Creek trail system. | Buena Vista Creek Buena Vista Creek HSA (904.22) | (P): 0.09 acre of riparian and 0.02 acre of streambed; (T): 0.26 acre of riparian. | Creation of 0.2 acre of riparian habitat. | 07C-013 Withdrawn |
| 1/7/09 | San Diego County Water Authority | SDCWA Miramar Camp Elliot Creek Crossing | The project will establish access for public services and includes replacing temporary gravel fill in San Clemente Creek by installing a permanent crossing. | San Clemente Creek; Tributaries to Murphy Canyon Creek Miramar HA (906.40) | (P): 0.052 acre of wetlands, 0.046 of riparian. | No mitigation was proposed. | 07C-045 Withdrawn |
| 1/7/09 | Pacific Canyon, LLC | Pacific Canyon | Residential subdivision of 5.23 acres into 10 single-family homes and open space. | Lux Canyon Creek, tributary to San Elijo Lagoon San Elijo HSA (904.61) | (T): 0.25 acre of wetlands. | Restoration of 0.413 acre of wetlands. | 06C-052 Withdrawn |
| 1/8/09 | City of Murrieta | Clinton Keith Road at I-215 Interchange Project | The proposed project involves reconfiguring the Clinton Keith Road at I-215 interchange from a diamond structure to a partial cloverleaf configuration. | Two unnamed drainages tributary to Murrieta Creek Murrieta HSA (902.32) | (P): 0.37 acre (450 linear feet) of waters of the State, of which 0.02 acre are waters of the United States. (T): 0.09 acre of waters of the State. | On-site creation of 0.37 acre of vegetated channel, restoration of 1.11 acres of streambed through contribution to the Mission Resource Conservation District in-lieu fee program. | 07C-114 Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ |

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JANUARY 1, 2009 THROUGH FEBRUARY 28, 2009**

| DATE | APPLICANT | PROJECT TITLE | PROJECT DESCRIPTION | WATERBODY | IMPACT (Acres) ¹ | MITIGATION (Acres) ¹ | CERTIFICATION ACTION ² |
|---------|-----------------------------------------|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|-------------------------------------------------------|----------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 1/22/09 | The Otay Ranch Company | Poggi Canyon Pipeline Installation | The purpose of the project is to install a pipeline needed to convey drainage and runoff from Heritage Road to Poggi Canyon to address stormwater runoff in the project vicinity. | San Diego Bay Otay Valley HA (910.20) | (P): 0.006 acre of wetland | Creation of 0.018 acre of riparian habitat. | 07C-026 Withdrawn |
| 1/22/09 | Peter Clement | National City Costco Wholesale Project | The proposed project is the construction of a Costco Wholesale on an approximately 15.08 acre site. | Unnamed drainages to Sweetwater River Lower Sweetwater HA (909.10) | (P): 0.62 acre of wetlands and 0.63 acre of streambed | Restoration of 2.5 acres of wetland habitat. | 07C-072 Withdrawn |
| 1/23/09 | Pacific Tugboat Service | Pacific Tugboat Service Site Improvements and Pier Replacement | Replacement of the existing, aged wooden pier and its associated piles with a new concrete dock and piles, exactly in kind with no changes in overwater coverage. | San Diego Bay Chollas HSA (908.22) | No permanent or temporary impacts. | No mitigation is required. | 09C-010 State Pre-Certified Nationwide Permit #28 |
| 2/2/09 | California Department of Transportation | La Posta Drainage Improvement | The proposed project is to install a rip-rap silting basin at an existing culvert, along westbound Interstate 8, at Post Mile 57.8. | La Posta Creek Cameron HA (911.70) | (P): 0.04 acre of streambed. | No mitigation is required. | 07C-115 Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ |

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JANUARY 1, 2009 THROUGH FEBRUARY 28, 2009**

| DATE | APPLICANT | PROJECT TITLE | PROJECT DESCRIPTION | WATERBODY | IMPACT (Acres) ¹ | MITIGATION (Acres) ¹ | CERTIFICATION ACTION ² |
|--------|-----------------------------------------|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 2/2/09 | Strategic Property Advisors | Carlsbad Paseo Retail Center Project | The proposed project consists of the removal of an existing trapezoidal drainage channel and replacement with an underground 6' x 6' concrete box culvert. | Unnamed Drainage (Concrete Channel) Batiqitos HSA (904.51) | (P): 0.053 acre of streambed. | No mitigation is required. | 08C-040 Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ |
| 2/2/09 | Rancho California Water District | Vail Lake Transmission Main and Pump Station | The proposed project is to complete a system that would convey raw water from a MWD pipeline and turnout, currently under construction, up to Vail Lake during the winter months. | Tenequila Creek, Valle de Los Caballos Recharge Basins, Vail Lake Pechanga HSA (902.51) & Wilson HSA (902.61) | (T): 0.269 acre of wetland and 0.869 acre of streambed. | Creation of approximately 0.05 acre of riparian scrub habitat, restoration of all areas temporarily disturbed by construction, and removal of all exotic species within a 25-foot buffer surrounding the mitigation area. | 07C-099 Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ |
| 2/4/09 | California Department of Transportation | Interstate 8/Greenfield Auxiliary Lane Project | Construction of an eastbound auxiliary lane on I-8, installation of seven new and replaced drainage structures added to the flow of Forester Creek, the removal of the Gape Street Pedestrian Bridges, and the widening of East Main Street and Broadway Bridges. | Forester Creek El Cajon HA (907.13) | (P): 0.007 acre of streambed. | No mitigation is required. | 08C-093 Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ |

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JANUARY 1, 2009 THROUGH FEBRUARY 28, 2009**

| DATE | APPLICANT | PROJECT TITLE | PROJECT DESCRIPTION | WATERBODY | IMPACT (Acres) ¹ | MITIGATION (Acres) ¹ | CERTIFICATION ACTION ² |
|---------|-------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 2/10/09 | County of San Diego, Department of Public Works | Olive Vista Drive and Jefferson Road Improvement | The widening of a 0.9 mile section of road to accommodate bicycle lanes and walkway, storm drain improvements, and minor pavement improvements. | Steele Canyon Creek Sweetwater River HSA (909.21) | (P): 0.012 acre of waters of the United States. | Purchase of creation mitigation credits at the Rancho Jamul Mitigation Bank at a 3:1 ratio. | 07C-002 Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ |
| 2/19/09 | Foothill/Eastern Transportation Corridor Agency | South Orange County Transportation Infrastructure Improvement Project (SOCTIIP) | Limited access highway that would extend SR-241 south from its existing terminus at Oso Pkwy to I-5 near the Orange/SD county line. The facility includes 4 lanes, 15 wildlife bridges, toll plazas, ramps, a bridge over San Mateo Creek and reconstruction of the I-5/Basilone Rd interchange. | San Juan Creek, San Mateo Creek, San Onofre Creek Mission Viejo HSA (901.25), San Mateo Canyon HA (901.40), San Onofre HA (901.50) | (P): 4.24 acres of wetland, 15.13 acres of riparian, 2.03 acres of streambed; (T): 9.44 acres of wetland, 4.88 acres of riparian. | Creation of 0.82 acre of wetlands, restoration of 5.45 acres of streambed. | 06C-064 Withdrawn |
| 2/25/09 | City of Temecula | Western Bypass Bridge over Murrieta Creek | Gain access and perform geotechnical investigation at three locations for the proposed Western Bypass Bridge over Murrieta Creek. | Murrieta Creek Murrieta HSA (902.32) | No permanent or temporary impacts. | No mitigation is required. | 09C-009 State Pre-Certified Nationwide Permit #6 |

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JANUARY 1, 2009 THROUGH FEBRUARY 28, 2009**

| DATE | APPLICANT | PROJECT TITLE | PROJECT DESCRIPTION | WATERBODY | IMPACT (Acres) ¹ | MITIGATION (Acres) ¹ | CERTIFICATION ACTION ² |
|---------|-----------------------------------------------------|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|------------------------------------|---------------------------------|-------------------------------------------------------------------------------------------------------------|
| 2/26/09 | Pardee Homes | Shaw Lorenz Development | Amendment to remove 19 of the proposed 56 storm drain inlets and inlet filters. The remaining inlets and inlet filters will be modified to capture and treat the same quantity of runoff as the approved project. | Tributaries to Los Pensaquitos Creek and Shaw/Carmel Valley Miramar Reservoir HA (906.10) | No changes in impacts. | No changes in mitigation. | 04C-152 Amendment to a Technically Conditioned Certification & Wavier of Waste Discharge Requirements |
| 2/27/09 | U.S. Army Corps of Engineers - Los Angeles District | San Diego Harbor Maintenance Dredging | Maintenance dredging of beach compatible sediment and discharge of beach compatible dredged material in the nearshore at Coronado Beach or Imperial Beach. | San Diego Bay | No permanent or temporary impacts. | No mitigation is required. | 09C-004 Certified by Default |

1. Wetland refers to vegetated waters of the U.S. and streambed refers to unvegetated waters of the U.S. (P) = permanent impacts. (T) = temporary impacts.
2. Low impact certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are issued when the project will adversely impact water quality and suitable mitigation measures are not proposed or possible. Time expired refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines. Withdrawn refers to projects that the applicant or Regional Board have withdrawn due to procedural problems that have not been corrected within one year.
 Number of Projects Received Between January 1, 2009 and January 31, 2009: 8
 Number of Amendment Requests Received Between January 1, 2009 and January 31, 2009: 1
 Number of Project Received Between February 1, 2009 and February 28, 2009: 6
 Number of Amendment Requests Received Between February 1, 2009 and February 28, 2009: 1
 Number of Projects Received Between January 1, 2009 and February 28, 2009: 14
 Number of Certifications Issued Between January 1, 2009 and February 28, 2009: 9
 Number of Projects Withdrawn Between January 1, 2009 and February 28, 2009: 7
 Number of Projects Certified by Default Between January 1, 2009 and February 28, 2009: 1

| | Total Facility Production (ac-ft) | to Ocean Outfall (ac-ft) | to RW Distributors (ac-ft) | to Users (ac-ft) | to Land/ Recharge (ac-ft) | Total Facility Production (% of total) | to Ocean Outfall (% of subset) | to RW Distributors (% of subset) | to Users (% of subset) | to Land/ Recharge (% of subset) |
|--------------------------------------|----------------------------------------------------------------------------------|--------------------------|----------------------------|------------------|---------------------------|----------------------------------------|--------------------------------|----------------------------------|------------------------|---------------------------------|
| TOTALS | 103,983 | 46,788 | 9,616 | 41,580 | 4,604 | | 45 | 9 | 40 | 4 |
| By treatment level: | Percentages may not add to 100% due to varying reporting methods and/or rounding | | | | | | | | | |
| Undisinfected Secondary ^a | 32,323 | 30,285 | 0 | 224 | 1,815 | 31% | 94% | 0% | 1% | 6% |
| Disinfected Secondary | 2,216 | 0 | 0 | 1,035 | 526 | 2% | 0% | 0% | 47% | 24% |
| Disinfected Tertiary | 69,367 | 16,504 | 9,616 | 40,321 | 2,186 | 67% | 24% | 14% | 58% | 3% |
| By Effluent replaces water: | | | | | | | | | | |
| Yes | 34,474 | 0 | 4,158 | 30,406 | 217 | 33% | 0% | 12% | 88% | 1% |
| No | 21,042 | 19,042 | 0 | 224 | 1,777 | 20% | 90% | 0% | 1% | 8% |
| Yes & No | 48,467 | 27,746 | 5,458 | 10,950 | 2,610 | 47% | 57% | 11% | 23% | 5% |
| By Title 22: | | | | | | | | | | |
| Yes | 101,948 | 46,788 | 9,616 | 41,357 | 3,139 | 98% | 46% | 9% | 41% | 3% |
| No | 2,035 | 0 | 0 | 224 | 1,465 | 2% | 0% | 0% | 11% | 72% |
| By Master Permit: | | | | | | | | | | |
| Yes | 76,688 | 33,790 | 7,412 | 32,052 | 2,712 | 74% | 44% | 10% | 42% | 4% |
| No | 27,295 | 12,998 | 2,204 | 9,529 | 1,892 | 26% | 48% | 8% | 35% | 7% |
| By Unit: | | | | | | | | | | |
| Orange | 33,611 | 9,134 | 731 | 21,031 | 1,558 | 32% | 27% | 2% | 63% | 5% |
| Northern | 17,803 | 12,770 | 326 | 3,034 | 977 | 17% | 72% | 2% | 17% | 5% |
| Central | 37,593 | 19,948 | 8,559 | 8,246 | 862 | 36% | 53% | 23% | 22% | 2% |
| Southern | 14,976 | 4,936 | 0 | 9,269 | 1,206 | 14% | 33% | 0% | 62% | 8% |
| By Complexity: | | | | | | | | | | |
| A | 62,219 | 33,330 | 5,777 | 19,493 | 2,149 | 62% | 54% | 9% | 31% | 3% |
| B | 38,434 | 13,458 | 3,513 | 19,129 | 2,443 | 38% | 35% | 9% | 50% | 6% |
| C | 12 | 0 | 0 | 0 | 12 | 0% | 0% | 0% | 0% | 100% |
| By TTWQ^b: | | | | | | | | | | |
| 1 | 40,899 | 19,695 | 5,365 | 15,735 | 445 | 41% | 48% | 13% | 38% | 1% |
| 2 | 59,765 | 27,093 | 3,925 | 22,887 | 4,158 | 59% | 45% | 7% | 38% | 7% |
| 3 | 0 | 0 | 0 | 0 | 0 | 0% | 0% | 0% | 0% | 0% |
| By Permit Age: | | | | | | | | | | |
| >15 years | 2,063 | 1,502 | 0 | 474 | 88 | 2% | 73% | 0% | 23% | 4% |
| 10-15 years | 66,404 | 31,398 | 5,691 | 27,708 | 2,349 | 64% | 47% | 9% | 42% | 4% |
| 0-10 years | 35,516 | 13,888 | 3,925 | 13,398 | 2,167 | 34% | 39% | 11% | 38% | 6% |

Notes:

a: Includes "chlorinated secondary" facilities not explicitly required to meet coliform specifications.

b: As defined in California Code of Regulations, Title 23, section 2200.

