

# San Diego Regional Water Quality Control Board



## Executive Officer's Report

March 11, 2010

## TABLE OF CONTENTS

Page No.

### **PART A – SAN DIEGO REGION STAFF ACTIVITIES**

	<i>There are no items to report in Part A this month.</i>	
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### **PART B – SIGNIFICANT REGIONAL WATER QUALITY ISSUES**

1	Enforcement Actions for February 2010	1
2	CWA Section 401 Water Quality Certification Actions Taken	4
3	Certification Denial for Vulcan Materials' Poway Mining Sites	4
4	Status: Conditional Waiver No. 4 for Irrigated Agriculture and Nurseries	5
5	Update on Federal Superfund Program Sites at MCB Camp Pendleton	6
6	Santa Margarita River TMDL Planning Meeting	7
7	Granite Construction Company's Quarry Site	8
8	Recycled Water Annual Summary Report 2008 and 2009	9
9	San Diego Unified Port District A-8 Marine Debris Removal Project	10
10	Tijuana River Valley Restoration Team Meeting	10
11	Riverside County Municipal Storm Water NPDES Permit Reissuance	11

### **PART C – STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION**

1	Riverside County Municipal Storm Water NPDES Permit Reissuance	12
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**Attachments** for B-2, B-3, B-4, B-8, and B-10 are included at the end of the report. Also included as an attachment are the Significant NPDES Permits, WDRs, and RB Actions.

**SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD**

**EXECUTIVE OFFICER'S REPORT**

**March 11, 2010**

**PART A**

**SAN DIEGO REGION STAFF ACTIVITIES** *(Staff Contact)*

*There are no items to report in Part A this month.*

**PART B**

**SIGNIFICANT REGIONAL WATER QUALITY ISSUES**

1. Enforcement Actions for February 2010 *(Jeremy Haas)*

The following is a summary of enforcement actions taken or initiated during the month of February 2010. During this period the San Diego Water Board initiated 17 enforcement actions; 3 Cleanup and Abatement Orders, 2 Investigative Orders, and 12 Notices of Violation.

In addition to the summary information provided below, information on violations, enforcement actions, and mandatory minimum penalties is available to the public from the State Water Board Internet webpage at:

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

**CLEANUP AND ABATEMENT ORDERS (CAO)**

**Multiple Parties, Former Hebdon Electronics Facility, Escondido**

CAO No. R9-2010-0007 was issued to multiple parties on February 1, 2010 to cleanup and abate the effects of waste and to submit technical reports pertaining to corrective actions at the former Hebdon Electronics Facility at 2250 Meyers Avenue, 655 Opper Street and 665 Opper Street, Escondido. The Former Hebdon Electronics Facility is comprised of three contiguous properties where printed circuit board manufacturing and plating activities (including wastewater treatment and/or chemical storage) from 1971 to 1992 caused or permitted discharges of industrial wastes to waters of the state. This CAO supersedes CAO No. 98-58.

**Chevron USA, Inc., Service Station No. 9-8719, San Juan Capistrano**

CAO No. R9-2010-0019 was issued to Chevron USA, Inc. on February 24, 2010 to cleanup and abate the effects of pollution and nuisance and to submit technical reports pertaining to site assessment and corrective action at Chevron Service Station No. 9-8719 at 26988 Ortega Highway, San Juan Capistrano. The CAO was issued in response to discharges of gasoline from the

underground storage tanks that have resulted in a methyl tertiary butyl ether (MTBE) plume in groundwater that extends at least 600 feet south of the facility.

**Multiple Parties, Former EZ Serve Gas Station, Santee**

CAO No. R9-2010-0026 was issued to multiple parties on February 11, 2010 to cleanup and abate the effects of pollution and to submit technical reports pertaining to corrective actions at the Former EZ Serve Gas Station at 9305 Mission Gorge Road, Santee. Petroleum hydrocarbon wastes were discovered in soil and groundwater beneath the Former EZ Serve facility over a period from 1985 to 2001. The CAO supersedes Investigative Order No. R9-2007-0105 in order to require additional responsible dischargers to undertake cleanup and abatement actions of the wastes at the site. Compliance with Investigative Order No. R9-2007-0105 stopped in 2009 (see NOV section below).

INVESTIGATIVE ORDERS (IO)

**Eastern Municipal Water District, Temecula Valley Regional Water Reclamation Facility**

IO No. R9-2010-0009 was issued to the Eastern Municipal Water District (District) on February 1, 2010 in response to a discharge of sewage to Murrieta Creek from the Temecula Valley Regional Water Reclamation Facility that occurred on or about December 25, 2009. The District has estimated that approximately 2.4 million gallons were released and approximately 966,800 gallons were recovered from Murrieta Creek. The IO directs the District to submit a technical report by March 5, 2010 in order for the San Diego Water Board to evaluate the nature, circumstances, extent, and gravity of the discharge of untreated sewage.

**M & J Ramsey Corporation, Chevron Gas Station, Jefferson Avenue, Temecula**

Addendum No. 2 to IO No. R9-2008-0066 was issued to M & J Ramsey Corporation on February 3, 2010 to revise requirements for the remediation feasibility study to use the secondary MCL for MTBE, instead of the primary MCL. The IO was issued on May 23, 2008 in response to discharges of hydrocarbons from a leaking underground storage tank.

NOTICES OF VIOLATION (NOV)

**Sanitary Sewer Overflow Program, Multiple Collection Systems**

NOVs were issued to sanitary sewer collection systems that have failed to certify in CIWQS the development and implementation of a written Sewer System Management Plan (SSMP) according to the time schedule required in State Water Board Order No. 2006-0003-DWQ. Each agency has been requested to respond by March 19, 2010. NOVs were issued to the following entities:

NOV	Collection System
NOV R9-2010-0029	City of Vista, Buena Collection System
NOV R9-2010-0030	City of Solana Beach Collection System

NOV R9-2010-0031	San Diego State University, CSU San Diego Collection System
NOV R9-2010-0033	City of Vista Collection System
NOV R9-2010-0034	Ramona Municipal Water District, San Vicente Collection System
NOV R9-2010-0035	Ramona Municipal Water District, Santa Maria Collection System
NOV R9-2010-0051	Olivenhain Municipal Water District, 4S Ranch Collection System

### **City of San Diego, Municipal Storm Water Program**

NOV No. R9-2010-0015 was issued to the City of San Diego on February 2, 2010 for alleged violations of Order No. R9-2007-0001, the municipal storm water NPDES permit for municipalities in San Diego County. The NOV alleges that the City has failed to implement requirements related to construction activities at the Vulcan Materials Company Quarry Falls construction site and that such failure resulted in an illicit discharge of sediment during a storm event in January 2010.

### **Vulcan Materials Company, Mission Valley Operations, San Diego**

NOV No. R9-2010-0052 was issued to Vulcan Materials Company on February 24, 2010 for two alleged violations of the Statewide General Construction Storm Water NPDES Permit, Order No. 99-08-DWQ. Alleged violations include failure to prevent prohibited discharges and failure to implement site specific best management practices. Vulcan Materials Company was also required, pursuant to California Water Code Section 13267, to submit technical reports by March 24, 2010 describing project activities and corrective measures.

### **Former EZ Serve Gas Station, Santee**

NOV No. R9-2010-0018 was issued to Interra-Vision (Santee) and Restructure Petroleum Marketing Services of California on February 9, 2010 for alleged violations of Investigative Order No. R9-2007-0105 (IO). The NOV alleges failure to measure and report ground water elevation as required by the IO. The IO was issued to collect information regarding an unauthorized release of hydrocarbons from an underground storage tank in the vicinity of Forester Creek, Santee. On February 11, 2010 the Investigative Order was superseded by CAO R9-2010-0026.

### **Chevron Service Station, San Juan Capistrano**

NOV No. R9-2010-0017 was issued to the Chevron U.S.A., Inc., on February 2, 2010 for alleged violations of CAO No. R9-2009-0124. The NOV alleges failure to begin implementation of Chevron's Interim Remedial Action Plan by January 29, 2010, as required by the CAO. The CAO was issued to cleanup and abate groundwater pollution (including MTBE) from leaking underground storage tanks. Interim remedial actions include installation of wellhead treatment at the Dance Hall Well operated by the City of San Juan Capistrano.

### **San Diego County Water Authority, Mission Trails FRS II, Pipeline Tunnel and Vent Demolition Project**

NOV No. R9-2010-0027 was issued to the San Diego County Water Authority on February 17, 2010 for alleged violations of the Statewide General Construction

Storm Water NPDES Permit (Order No. 99-08-DWQ) and Clean Water Act Section 401 Water Quality Certification No. 06C-112 associated with the Mission Trails FRS II, Pipeline Tunnel and Vent Demolition Project. The alleged violations include failure to prevent prohibited discharges, failure to identify pollutant sources and best management practices, failure to implement and maintain best management practices, and failure to notify the San Diego Water Board of unauthorized discharges. Alleged violations were noted during a site inspection on February 9, 2010. The San Diego County Water Authority was also required, pursuant to California Water Code Section 13267, to submit technical reports by March 17, 2010 describing project activities and corrective measures.

## 2. Clean Water Act Section 401 Water Quality Certification Actions Taken in January and February 2010 *(Chiara Clemente) (Attachment B-2)*

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 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 San Diego Water Board may either certify the project or deny certification, with or without prejudice. In cases where there are impacts to Waters of the U.S., the San Diego Water Board may issue a conditional certification. The certification can be either in the form of a conditional certification document approved by the Executive Officer, or Waste Discharge Requirements (WDRs), adopted by the Board. In the case where a federal permit is not required because impacts have been determined to be only to Waters of the State, the San Diego Water Board may adopt WDRs. Table B-2 (attached) contains a list of actions taken during the months of January and February 2010. Certification amendments are included in Table B-2, starting with June 2008. Public notification of pending 401 Water Quality Certification applications can be found on the San Diego Water Board's web site at:

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/401\\_certification/docs/publicnotice8\\_4\\_08.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/publicnotice8_4_08.pdf) . Certifications issued after January 2008, can also be found on the web site at:

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

## 3. Certification Denial for Vulcan Materials' Poway Mining Sites *(Chiara Clemente) (Attachment B-3)*

The San Diego Water Board denied issuance of Clean Water Act Section 401 Water Quality Certification (certification) to the Vulcan Materials Poway Mining Site (application number 08C-051) located adjacent to, and North of Beeler

Creek in Poway, on February 17, 2010. The certification was denied (with prejudice) because the applicant's proposed mitigation failed to adequately address the sustained temporal impacts that would result during the projected 15-20 years of mining operations to an unnamed tributary to Beeler Canyon Creek. A copy of the denial letter is attached. If the applicant wishes to proceed with the project, they may either petition the State Water Board, or reapply for certification with a revised project that includes modifications that address the deficiencies noted.

The application was originally received in July 2008. Since that time, the San Diego Water Board has discussed project concerns and deficiencies with the project's representative multiple times. In response, the application has been supplemented and revised multiple times, but the revisions submitted did not address the San Diego Water Board's concerns.

#### 4. Status of Implementation of Conditional Waiver No. 4 for Irrigated Agriculture and Nurseries *(Peter Peuron) (Attachment B-4)*

Conditional Waiver No. 4 requires an estimated 7,000 commercial agricultural and nursery operations in the San Diego Region to enroll in the waiver by January 1, 2011 to avoid the requirement to seek Waste Discharge Requirements. A major condition of the waiver is that growers perform monitoring to assess water quality conditions so that needs for Best Management Practices can be assessed. It is expected that nearly all growers will enroll in a monitoring group to avoid higher costs (i.e., for water sampling, testing and reporting) that enrollment as an individual entails. The San Diego Water Board continues to work with the San Diego County Farm Bureau, the Rainbow Municipal Water District and the Riverside County Farm Bureau to assist them in establishing their monitoring groups. The San Diego County Farm Bureau and the Rainbow Municipal Water District have established monitoring groups while the Riverside County Farm Bureau has been in the process of evaluating whether or not they should form a monitoring group. The Rainbow Municipal Water District established its monitoring group very recently, as reported by the North County Times on February 3, 2010 (see attachment).

On November 24, 2009, Bruce Posthumus, Peter Peuron, and Chaira Clemente of the San Diego Water Board met with the San Diego County Farm Bureau, the Riverside County Farm Bureau, the Elsinore Murrieta Anza Resource Conservation District (who are assisting the Riverside County Farm Bureau) and the Southern California Coastal Water Research Project (SCCWRP) to discuss monitoring requirements. Currently, the San Diego Water Board is preparing an outline of what the basic monitoring requirements will be, with consideration to the associated costs. This information is important to existing and potential monitoring groups because it will affect what the monitoring groups will be charging growers for operation of the program. This information will be communicated to the monitoring groups in a future meeting. Mr. Peuron also continues to answer questions from growers, farm bureaus, and other

stakeholders regarding Conditional Waiver No. 4 as the deadline for enrollment approaches.

**5. Update on Federal Superfund Program Sites at Marine Corps Base Camp Pendleton** *(Cheryl Prowell)*

Marine Corps Base Camp Pendleton (Base) is the only Federal Superfund Site, (i.e., listed on the National Priorities List [NPL]), located within the San Diego Region. Field work is ongoing at 20 sites in various stages of the cleanup process including investigation, active cleanup, and long-term monitoring. The following are highlights of current Superfund cleanup activities at the Base:

**Chlorinated solvent detected in drinking water** – Trichloroethylene (TCE), a chlorinated solvent, was recently detected in samples collected from an active drinking water well located in the Santa Margarita Basin, in a portion of Camp Pendleton known as the 26 Area. Reported concentrations of TCE are less than the Maximum Contaminant Limit (MCL). The Navy will investigate the hazardous substances in this area, and evaluate the most appropriate long term remedial solution. As an interim measure, the Marine Corps is installing a wellhead treatment system to control exposure to the hazardous substances identified in the water supply well without taking the well out of service.

**Chlorinated solvents detected near Del Mar Boat Basin** – Vinyl chloride was detected in soil gas near the Del Mar Boat Basin. This area was investigated because of personnel accounts of historic operations at several buildings that may have resulted in releases of chemicals. The Navy will continue to investigate the hazardous substances in this area, and evaluate the most appropriate long term remedial solution.

**Box Canyon Landfill** – Methane concentrations in soil gas probes near the fenceline of the Wire Mountain Housing remain near the lower explosive limit. A landfill gas extraction system pilot study was recently completed and an expanded landfill gas extraction system is currently being designed. In addition, design documents are currently being prepared for a 1.48 megawatt solar power plant that will be installed over a portion of the landfill. The photovoltaic panels and other elements of the power plant are being designed to allow the evapotranspirative cover of the landfill to continue to function as originally designed.

**Burn Ash Sites** – From 1942 to the early 1970s, all waste generated by Base operations was disposed of at nine refuse burning grounds. Over 150,000 tons of soil have been excavated from five burning grounds, since October 2007, to remove and dispose of soil contaminated with metals, pesticides and volatile organic compounds. Excavation and backfill work is complete at two sites. At a third site, excavation and backfill are complete and groundwater extraction activities are ongoing to remediate a release of hazardous substances from buried drums identified during the excavation. At two of the sites, additional



excavation was required due to detections of lead at concentrations that exceeded project action levels in samples collected to confirm that the excavations were complete. Recent storm events overwhelmed the storm water management controls that were deployed in these recent excavation areas. The San Diego Water Board is working with the Marine Corps and its contractors to ensure that the required erosion control procedures are being followed and that appropriate upgrades are implemented to minimize future erosion.

**Planned Activities** – The Navy is completing an investigation of chlorinated solvents that were detected in the drinking water aquifer in the 22/23 Area and will evaluate potential remedial alternatives. The Navy is also investigating a release of polychlorinated biphenyl compounds at a former asphalt batch plant. Reports of both investigations should be received by the San Diego Water Board by the end of March 2010.

6. Santa Margarita River TMDL Planning Meeting (*Cynthia Gorham*)

The Santa Margarita River Executive Management Team (EMT) was formed to assess and develop an action plan to address existing water quality impairments in the Santa Margarita River (SMR) watershed. The EMT took a proactive stance by funding collection of the data. The stakeholders invested a total of \$675,000 in the most recent study of ambient water quality in the watershed (not including storm water or lagoons TMDL monitoring costs), with monitoring developed and implemented by Stetson Engineers. The January 20, 2010 EMT meeting introduced the results of data collected over the past two years on the Santa Margarita River and its tributaries.

The SMR is one of the least developed watersheds in the San Diego Region. This watershed is an important resource to Southern California with many water rights allocated within the basin, providing water for designated beneficial uses to the San Diego Region. The SMR watershed also has large areas of relatively undisturbed physical habitat on its streams and in the lagoon, which provide good biological habitat. The SMR, however, is also impaired by a number of pollutants, which resulted in the SMR and its tributaries being listed on the 303(d) List of Water Quality Limited Segments, available on-line at:

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/303d\\_list/index/shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/index/shtml).

Members of the EMT in attendance at the meeting include staff (or members) of: the U. S. Bureau of Reclamation, San Diego County Farm Bureau, U. S. Navy SPAWAR, Camp Pendleton Environmental Section, City of Murrieta, City of Temecula, Trout Unlimited, Cahuilla Indian Tribe, Santa Margarita Watermaster, Rancho California Water District, Eastern Municipal Water District, Western Municipal Water District, Santa Ana Water Project Authority (SAWPA), Caltrans, County of San Diego, and Riverside Flood Control & Water Conservation District. The San Diego Water Board was represented by Ms. Cynthia Gorham and Mr. Tony Felix.

**Data Review** – Mr. Scott Thomas of Stetson Engineers gave a presentation on existing water quality at the meeting. The presentation focused on the pollutants listed on the Clean Water Act 2006 303(d) List of Water Quality Limited Segments for the Santa Margarita River and its tributaries. Throughout the watershed, 303(d) listed pollutants include: nitrogen, phosphorus, iron, manganese, sulfates, total dissolved solids (TDS), and eutrophication (which may occur through excessive nutrient inputs and associated algae growth in a waterbody, and/or other effects that result in low dissolved oxygen concentrations in the water).

**Third Party TMDL Process** – Mr. Mark Norton of SWAPA also gave a presentation on the Santa Ana Watershed Nitrogen/ TDS Task Force. The task force was developed by the stakeholders in the Santa Ana watershed to develop site specific nitrogen and TDS water quality objectives for groundwater in the Santa Ana Basin. The SAWPA presentation provided the EMT with an example of a stakeholder-driven process that resulted in a successful action by a Regional Water Board. The Santa Margarita stakeholders are seriously considering such a process, known as a third-party TMDL, for the Santa Margarita Lagoon TMDL. The San Diego Water Board is encouraging the stakeholders to take this approach. The Santa Margarita Watershed stakeholders have always been very active in their watershed, and have experience and knowledge to offer. Therefore, the San Diego Water Board and all parties would benefit from such a process where all stakeholders can be heard throughout the development of the TMDL.

The next EMT meeting is scheduled for March 17, 2010. The staff will keep the Regional Board informed through Executive Officer Reports.

**7. Granite Construction Company's Quarry Site (Chiara Clemente)**

The San Diego Water Board has shared initial comments and concerns regarding regulatory authority over the proposed Liberty Quarry Project (Project). The Project proposes to construct a new hard rock quarry on 155 acres of a 414 acre site in the Santa Margarita Watershed, west of Interstate 15 and near the immigration check point. An access road and a lower utility pad would use 9 acres. Two-hundred fifty acres would remain as undisturbed open space and would serve as buffers to adjacent properties. Fifty-foot setbacks would be established along the site's boundary.

On September 3, 2009, the San Diego Water Board met with Gary Johnson of Granite Construction Co. and their consultant (project proponents for the Project). By letter dated September 14, 2009, the San Diego Water Board submitted written comments on the Draft Environmental Impact Report No. 475 for the Project, Surface Mining Permit No. 213, southwestern Riverside County, California (SCH# 20077061104). The San Diego Water Board's September 14 comment letter informed the Project proponents of the various regulatory

programs that may apply to the Project (i.e. industrial, construction, and municipal storm water, CWA Section 401 certification, and individual Waste Discharge Requirements), and how compliance with these programs will be assessed. One noteworthy characteristic of the Project is that, although the mining operations are to occur within the County of Riverside, storm water flows from the access road will discharge to lands under the jurisdiction of the County of San Diego. Therefore, the San Diego Water Board clarified that the "project must comply with the local Standard Urban Storm Water Mitigation Plan (SUSMP) and other requirements for the Municipal Separate Storm System (MS4) Permits for both Riverside County (R9-2004-0001) and San Diego County (R9-2007-0001). The San Diego Water Board letter also points out that for portions of the Project directly discharging into San Diego County, "the project must adhere to the hydromodification requirements controlling the flow and duration of storm water discharges found in the MS4 permit for San Diego County (R9-2007-0001)".

During the public forum at the February 10, 2010 San Diego Water Board Meeting, members of the public requested that the Board ensure that the Liberty Quarry Project is in conformance with the applicable laws and regulations administered by the Board. The San Diego Water Board anticipates that Granite Construction Co. will be filing a Clean Water Act section 401 water quality certification for the project, triggering review of the Project in greater detail.

**8. Recycled Water Annual Summary Report 2008 and 2009 (Robert Pierce)**  
(Attachment B-8)

Every year, the San Diego Water Board surveys recycled water agencies to collect information on production, reuse, and the quality of recycled water in the Region. This information is analyzed and summarized in the *Recycled Water Annual Summary Report*. The report for 2008 and 2009 is Attachment B-8 to this Executive Officer's Report. Recycled water is becoming more and more important as a water supply source to meet the needs of California's growing population. Importing water is not sustainable due to unpredictable droughts, climate change, and complex legal issues. The State Water Board determined that managing a diverse water supply can help alleviate the problems. The State's Recycled Water Policy includes the goals of increasing total recycled water use by 1 million acre-feet per year by 2020 and 2 million acre-feet per year by 2030. The purpose of *Recycled Water Annual Summary Report* is to monitor progress toward those goals and identify areas for improvement.

The percentage of wastewater that was recycled for beneficial reuse increased from 51.4 percent in 2008 to 52.4 percent in 2009. The number of facilities reporting data decreased, however, resulting in a total volume decrease of 3,600 acre-feet. Individually, the top producing facilities increased recycled water production an average of 300 acre-feet from 2008 to 2009. Reports for user sites indicate almost all of the recycled water was used primarily for landscape irrigation. The survey, however, suggests that new industrial users and industrial use by existing irrigation users is increasing the demand for recycled water. User

compliance with rules and regulations improved as the number of inspected sites with violations decreased from 6 percent to 3 percent. Overall, recycled water quality met discharge specifications across the region. Compared to historical data from 1991-1993 and 1997-1999, there are no discernible trends for individual facilities or constituents, suggesting that overall quality of recycled water remained consistent for the last two decades.

9. San Diego Unified Port District A-8 Marine Debris Removal Project (*Eric Becker*)

The San Diego Unified Port District (Port) began another phase of marine debris removal in February 2010 at the A-8 anchorage to remove a significant amount of pollutants from the San Diego Bay. The A-8 anchorage has long been a location where irresponsible owners have discharged wastes (i.e. batteries, engines, fuel tanks) and allowed abandoned boats to sink. The Port has acted aggressively to remove sunken boats and other debris from the A-8 Anchorage. In March 2009, the San Diego Water Board secured \$200,000 from the State Water Board's Cleanup and Abatement Account to help the Port finish this phase of work. The project is scheduled for completion by the end of March 2010. The Port's current efforts were featured in a local news story that can be viewed at <http://www.10news.com/video/22652270/index.html>.

10. Tijuana River Valley Recovery Team Meeting (*Benjamin Tobler*) (*Attachment B-10*)

The Tijuana River Valley Recovery Team (TRVRT) convened its monthly meeting on February 26, 2010, including 52 representatives of various agencies and organizations. San Diego Water Board Member Grant Destache and Executive Officer David Gibson participated in the workshop as active members of the Steering Team. The TRVRT also includes four Action Teams, comprised of the: Border Team, Bi-national Team, Restoration Team, and the Cleanup Team.

Rather than following the regular meeting format by breaking out into work groups and pursuing items as separate Action Teams, all members participated as a single group to set the foundation for a series of future workshops intended to create an over-arching plan for all activities. Currently referred to as "An Integrated Road Map for Recovery of the Tijuana River Valley," members of the TRVRT agreed to at least three additional workshops that will focus on the following objectives:

**Educate** – Increase understanding of Tijuana River Valley across the resource management responsibilities/missions and across the U.S.-Mexico Border

- Include colleagues and organizations/agencies in Mexico to assist with bi-national solutions
- Identify and characterize information sources and gaps
- Compile projects/activities (completed, underway, and hoped for)

**Integrate** – Identify the challenges and opportunities to integrate recovery across resource management responsibilities and across the International Border

- Identification and phasing of projects
- Provide public interface to access repository of data so future actions are planned in the context of the integrated information

**Implement** – Develop a brief, roadmap to restoration of the Tijuana River Valley

- Document understanding of the process to take projects from concept to implementation
- Understand level of project development required to make credible appropriation requests

The San Diego Water Board strongly supports the TRVRT, its Action Team structure, and its collaborative approach to addressing ongoing and historic discharges of sediment and trash, restoring hydrology, habitat, and natural values of the valley and estuary, and restoring and maintaining the water quality of the river, estuary, and coastal waters. Given the progress of the last 18 months, the San Diego Water Board prefers the collaborative approach embodied in the TRVRT to exercising the statutory authority that state and federal law and regulation provide it to address the discharge of waste in the valley and estuary. It has been a concern of the San Diego Water Board, however, that work on sediment and trash move forward effectively and in a timely manner. To address this concern, the San Diego Water Board sent a letter to the recovery team members (see Attachment B-10).

As a follow-up to a previous Executive Officer Report, progress continues in establishing vegetation on the Border Fence site. On February 2, 2010, Water Resource Control Engineers Benjamin Tobler and Dat Quach inspected the site and confirmed the success of the revegetation activities and the additional need for the further stabilization that has been authorized. Future inspections are scheduled. This activity and success was noted in a recent edition of the Voice of San Diego:

<http://www.voiceofsandiego.org/search/?q=border+fence&t=article&l=10&d=&d1=01%2F20%2F2010&d2=03%2F08%2F2010&s=&sd=desc&f=html>

The San Diego Water Board supports the continued work of the TRVRT, which has the following mission: To bring together the governmental administrative, regulatory, and funding agencies in tandem with advice from the scientific community, the environmental community, and affected stakeholders to protect the Tijuana River Valley from future accumulations of trash and sediment, identify, remove, recycle or dispose of existing trash and sediment, and restore the Tijuana River floodplain to a balanced wetland ecosystem.

11. Riverside County Municipal Storm Water NPDES Permit Reissuance (Ben Neill, Wayne Chiu)

With the adoption of the Orange County municipal storm water permit (MS4 Permit) at the December 2009 Board meeting, the process of reissuing the Riverside County MS4 Permit has been initiated. The Riverside County MS4 Permit, Order No. R9-2004-001, adopted by the San Diego Water Board on

July 14, 2004, expired on July 14, 2009. The Riverside County Copermittees (Copermittees) submitted their Report of Waste Discharge (ROWD) to renew the MS4 Permit on January 15, 2009. The reissuance of the Riverside County MS4 Permit is targeted for June 2010.

On February 24, 2010, the Executive Officer met with Jason Uhley of the Riverside County Flood Control and Water Conservation District, representing the Copermittees, to discuss the next steps and opportunities for cooperation and communication during the MS4 Permit reissuance process. The first of several anticipated meetings between the Copermittees and the San Diego Water Board is scheduled for March 22, 2010.

Tentative Order No. R9-2010-0016 and the supporting Draft Fact Sheet are expected to be ready to release for public review and comment by the end of March 2010. The Riverside County MS4 Permit will be substantially the same as the Orange County MS4 Permit, but with requirements specific to the Riverside County portion of the San Diego Region. A public workshop will be held in the Riverside County portion of the San Diego Region in mid to late April. To facilitate communication between the Copermittees and San Diego Water Board staff, additional meetings are also planned for April and May. Tentative Order No. R9-2010-0016 is expected to be brought before the San Diego Water Board for consideration at the June 2010 Board meeting.

### **PART C**

#### **STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION**

1. Underground Storage Tank Cleanup Fund Task Force – Final Report (*Julie Chan*)

The Underground Storage Tank Cleanup Fund Task Force released its Final Report on January 13, 2010. The Task Force was charged with making recommendations for improvements to the Fund administrative procedures and response to the current cash shortage. The Task Force was also to make recommendations to improve the Underground Storage Tank Cleanup regulatory program. The Task Force was made up of staff from the State and Regional Water Boards and local agencies, consultants, and tank owners and operators, and was formed in response to State Water Board Resolution No. 2009-0042, *Actions to Improve Administration of the Underground Storage Tank (UST) Cleanup Fund and UST Cleanup Program*.

According to the Final Report, the most important recommendation is for the State Water Board to take action to implement risk-based decision making for cleanup of petroleum releases. The Task Force also recommended that specific actions be taken by the State Water Board to improve the administration, operation, and culture of the UST Cleanup Program. The Task Force recommended streamlining the appeals process, removing financial disincentives

to site closure, establishing new UST Cleanup Program operational guidelines, developing case-progress and performance metrics, and enhancing the training and education of agency personnel, responsible parties, and consultants. The Task Force believes that its recommendations support the State and Regional Water Boards' primary purpose of protecting the waters of the State while recognizing that the technical and economic resources available for environmental restoration are limited. For further information and a copy of the Final Report, please visit the State Water Board's website at [www.swrcb.ca.gov/water\\_issues/programs/ust/luft\\_taskforce.shtml](http://www.swrcb.ca.gov/water_issues/programs/ust/luft_taskforce.shtml)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

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

March 11, 2010

APPENDED TO EXECUTIVE OFFICER'S REPORT



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

Action Agenda Item	Action Type	Draft Complete	Public Review & Comment	Consent Item
<b>April 14, 2010 Regional Board Meeting</b>				
<b>San Diego Water Board Office</b>				
Sweetwater Authority Groundwater Demineralization <i>(Michelle Mata)</i>	NPDES Permit Reissuance	50%	0%	Yes
Mountain Water Ice <i>(Joann Cofrancesco)</i>	NPDES Permit Rescission	50%	0%	Yes
Barrett Lake Mobile Home Park Domestic Wastewater Discharge <i>(Cathryn Henning)</i>	Update WDR	100%	0%	Yes
Administrative Civil Liability against San Diego Unified School District, Bell Jr. High Landfill. <i>(Rebecca Stewart)</i>	Administrative Civil Liability	50%	0%	Yes
Administrative Civil Liability against County of San Diego Municipal Storm Water Program <i>(Frank Melbourn)</i>	Administrative Civil Liability	50%	0%	Yes
Administrative Civil Liability against County of Riverside Municipal Storm Water Program <i>(Christina Arias)</i>	Administrative Civil Liability	0%	0%	Yes
Administrative Civil Liability against the City of Carlsbad, Agua Hedionda Creek Emergency Dredge Project <i>(Frank Melbourn)</i>	Administrative Civil Liability	50%	5%	Yes
US Navy, Naval Base Coronado NPDES Permit Amendment for Steam Condensate Discharges <i>(Vicente Rodriguez)</i>	NPDES Permit Revision	0%	0%	Yes
Update on sewage collection and treatment along the Tijuana River Valley. <i>(Brian Kelley and Bart Christensen)</i>	Information Item	NA	NA	NA
Agriculture Waiver Status Report <i>(Peter Peuron)</i>	Information Item	NA	NA	NA
USMC Las Pulgas Landfill <i>(Amy Grove)</i>	Update WDR	100%	15%	No
<b>May 12, 2010 Regional Board Meeting</b>				
<b>San Diego Water Board Office</b>				
City of Escondido Recycled Water Project <i>(Robert Pierce)</i>	WDR Revision	0%	0%	Yes
Dynegy South Bay LLC, South Bay Power Plant Discharge to San Diego Bay <i>(Brian Kelley &amp; David Barker)</i>	NPDES Permit Rescission	NA	0%	No
NPDES General Permit Hydrostatic Testing and Potable Water Discharge <i>(Michelle Mata)</i>	NPDES Permit Reissuance	95%	85%	No
Camp Pendleton - Update on Clean-up Efforts <i>(C. Prowell)</i>	Information Item	NA	NA	NA

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

Action Agenda Item	Action Type	Draft Complete	Public Review & Comment	Consent Item
<b>June 9, 2010 Regional Board Meeting</b>				
<b>San Diego Water Board Office</b>				
Hydromodification Management Plan, SD MS4 Permit Requirement ( <i>C. Arias</i> )	Adoption Consideration, Permit Amendment	0%	0%	No
Initial Hearing -Riverside County MS4 Permit ( <i>Ben Neill</i> )	NPDES Permit Reissuance	0%	0%	No
Sea World - Mission Bay ( <i>Brian Kelley</i> )	NPDES Permit Reissuance	0%	0%	No
UCSD Scripps ( <i>Brian Kelley</i> )	NPDES Permit Reissuance	0%	0%	No
San Elijo JPA Ocean Outfall ( <i>Schwall &amp; Confrancesco</i> )	NPDES Permit Reissuance	0%	0%	No
City of Escondido Ocean Outfall ( <i>Schwall &amp; Confranceso</i> )	NPDES Permit Reissuance	0%	0%	No
<b>August 11, 2010 Regional Board Meeting</b>				
<b>San Diego Water Board Office</b>				
Adoption Hearing -Riverside County MS4 Permit ( <i>Ben Neill</i> )	NPDES Permit Reissuance	0%	0%	No
NPDES General De Minimis Discharges Permit - San Diego Region ( <i>Schwall &amp; Cofrancesco</i> )	NPDES Permit Adoption	0%	0%	No
Carlsbad Energy Center, LLS Power, Agua Hedionda Lagoon Seawater Intake and Brine Discharge To Pacific Ocean ( <i>Michelle Mata</i> )	NPDES Permit New	50%	0%	No

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS  
FOR THE PERIOD OF JANUARY 1, 2010 THROUGH FEBRUARY 28, 2010**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) <sup>1</sup>	MITIGATION (Acres) <sup>1</sup>	CERTIFICATION ACTION <sup>2</sup>
1/5/10	City of Escondido	Escondido Creek and Harmony Grove Material Removal	The project is the one time removal of sediment and vegetated debris that has accumulated in several piles along the sides of the concrete channel. Work will include the use of one front loader and two water tight dump trucks that will access the channel and dewatering area via an existing dirt road. No work will take place within flowing water to eliminate materials from discharging downstream and impacting water quality.	Escondido Creek Wohlford HSA (904.63)	Streambed - 0.3076 acre (670 linear feet)	This project is considered to be self-mitigating.	09C-091  Low Impact Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
1/7/10	City of San Marcos	Twin Oaks Valley Road Extension Project	This amendment is needed to address the change in mitigation requirements to resolve violations of the certification, as identified in Notice of Violation R9-2008-083.	Unnamed Tributaries To South Lake (904.52)	No Changes in Impacts	Mitigation for permanent impacts to 0.43 acres of jurisdictional Water of the U.S. shall be achieved at a 2.74:1 ratio, by the offsite creation of 1.18 acres of sycamore willow riparian woodland.	03C-147  Amendment to Technically Conditioned Certification
1/20/10	Padre Dam Municipal Water District Lakeside, CA	PDMWD Eastern Service Area Secondary Connection Project	This capital improvement project will install additional pipelines, a 12 million gallon-per-day pump station, a 2.5 million gallon reservoir and a forebay drain near the intersection of Los Coches Creek and Sierra Alta Way in Lakeside, San Diego County	Los Coches Creek  Coches HSA (907.14)	(T): 0.023 acre of wetlands	Mitigation for temporary discharges to 0.023 acre (30 linear feet) to wetlands of the U.S. must be achieved at a 2:1 ratio, by 1:1 onsite restoration of temporary impacts and 1:1 offsite enhancement at the SycamoreCreek	09C-024  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, 2010 THROUGH FEBRUARY 28, 2010**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) <sup>1</sup>	MITIGATION (Acres) <sup>1</sup>	CERTIFICATION ACTION <sup>2</sup>
1/23/10	The Port of San Diego San Diego, CA	Embarcadero Marina Park South Revetment Replenishment	The proposed project is for the maintenance of revetment including a temporary form for grout setting, grout injection between stones three inches below the surface, removal and salvaging of existing stones, placement of filter fabric, addition of new quarter-ton revetment stones and adding revetment stones to wedge and fill gaps between quarter-ton stones.	San Diego Bay	No Significant Impacts	Conservation Easement Mitigation Area.  No significant impacts are proposed therefore mitigation is not necessary.	09C-085  Certified by Default
1/25/10	City of San Marcos	San Elijo Road, County Dip Segment	Amendment to mitigation requirements in response to violation of the Certification alleged in Notice of Violation No. R9-2008-0083	Unnamed Tributaries to San Marcos Creek Batiquitos HSA (904.51)	No Changes in Impacts	Mitigation for permanent impacts will consist of creation/restoration of no less than 0.34 acre of wetlands and the purchase of 0.6 acre of wetland habitat from North County Habitat Bank.	03C-067  Amendment to Technically Conditioned Certification
1/26/10	City of Carlsbad	Kelly Drive Channel Repair Project	This project will replace the lost soil with slurry, reconstruct the damaged concrete with wire-reinforced concrete, and replace the missing riprap with 1/4-ton riprap. The channel and riprap will be restored and the	Kelly Drive Channel, Agua Hedionda Creek Los Monos HSA (904.31)	(P): Wetland – 0.0067 acre (47 linear feet) Streambed – 0.0013 acre (42 linear feet)	This project is considered to be self-mitigating.	10C-001  Low Impact 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, 2010 THROUGH FEBRUARY 28, 2010**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) <sup>1</sup>	MITIGATION (Acres) <sup>1</sup>	CERTIFICATION ACTION <sup>2</sup>
1/29/10	City of Encinitas	City of Encinitas Opportunistic Beach Restoration Program	<p>visible surface will be similar to the original design. Sediment and vegetation accumulated on the channel bed will be removed.</p> <p>The project proposes to place a maximum of up to 150,000 cubic yards per year (for five years) of beach-quality sand from upland projects on Batiquitos and Moonlight Beaches. The sand placed on the beach will provide erosion control, recreational benefits, and habitat enhancement. The sand will not contain more than 25% fine-grained sediment.</p>	Pacific Ocean	(T): impact 5.4 acres (2,600 linear feet) to coastal waters of the U.S.	This project is considered to be self-mitigating.	08C-087  Technically-Conditioned Programmatic Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
2/11/10	Riverside County Transportation Department Unincorporated Riverside County	Clinton Keith Road Extension Project West	<p>This project is a portion of the extension, widening, and realignment of Clinton Keith from the Interstate 215 to State Route 79 in Riverside County. The project will extend the western portion of Clinton Keith from I-215 to Liberty Lane. The western extension of Clinton Keith requires the placement of a bridge over Warm Springs Creek, as well as the placement of larger culverts at Drainages A and B, which in</p>	Warm Springs Creek  French HSA (902.32)	(T): Un-vegetated Streambed: 0.01 acre, 360 linear feet  (P): Un-vegetated Streambed: 0.31 acre, 1,850 linear feet	Streambed: 2,211 linear feet (at least 0.31 acres) of self-creating (establishments) drainages on-site and restoration of temporary impacts to pre-project conditions.	07C-110  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, 2010 THROUGH FEBRUARY 28, 2010**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) <sup>1</sup>	MITIGATION (Acres) <sup>1</sup>	CERTIFICATION ACTION <sup>2</sup>
			total would result in permanent impacts of 0.31 acre (1,850 linear feet) and temporary impacts of 0.01 acre (360 linear feet) to non-wetland waters of the United States.				
2/11/10	County of San Diego Unincorporated San Diego County	Oak County II Trails Project	Amendment to maintenance requirements for an approximately four-mile, non-motorized public multi-use figure-eight loop trail (for hiking, biking and equestrian users) which includes creation of a fenced 0.95 acre equestrian staging area and parking, creation of 2-miles of new trails, and replacement of the existing culvert on the ranch road to allow emergency access, ranger patrol, management and monitoring activities during all weather types.	Unnamed tributary to Santa Maria Creek Santa Maria Valley HSA (905.41)	No changes in impacts.	No changes in mitigation requirements.	09C-032 Amendment to Technically Conditioned Certification
2/17/10	Vulcan Materials, Poway	Poway Mining Site, Vulcan Materials	The proposed project involves the phased operation of an existing unused 169-acre aggregate mining site located east of Scripps Poway Parkway, south of Kirkham Way, adjacent to and north of Beeler Canyon Creek.	Unnamed tributary to Beeler Canyon Creek	(P): 0.13 acre, 2,583 linear feet of wetlands	Online reestablishment at a 1:1 ratio when mining operations cease (15-20 years later)	08C-051 Denial of Certification

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS  
FOR THE PERIOD OF JANUARY 1, 2010 THROUGH FEBRUARY 28, 2010**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) <sup>1</sup>	MITIGATION (Acres) <sup>1</sup>	CERTIFICATION ACTION <sup>2</sup>
2/22/10	San Diego Gas and Electric Unincorporated San Diego County	CMP Pole Replacement P273632	The project entails replacement of a utility pole near Lake Cuyamaca in the Boulder Creek hydrologic area of the San Diego River Watershed.	Lake Cuyamaca Cuyamaca HSA (907.43)	(P): 2 square feet of wetlands (T): 34 square feet of wetlands	No significant impacts to water are anticipated therefore no mitigation is required.	09C-088 Low Impact Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
2/26/10	City of Dana Point Dana Point, CA	Capistrano Beach Storm Drain Phase II Maintenance Project	Amendments to allow City to continue to perform maintenance activities during the storm season each year. Activities include excavating the outlet pipes (which are routinely covered with sand from tidal activity) in advance of storms.	Pacific Ocean San Clemente HA (901.30)	No Significant Impacts	No significant impacts to water are anticipated therefore no mitigation is required.	09C-090 Amendment to Low Impact Certification

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. Certified by default 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, 2010 and January 31, 2010: 10  
 Number of Amendment Requests Received Between January 1, 2009 and January 31, 2010: 2  
 Number of Projects Received Between February 1, 2010 and February 28, 2010: 6  
 Number of Amendment Requests Received Between February 1, 2010 and February 28, 2010: 0  
 Number of Projects Received Between January 1, 2010 and February 28, 2010: 16  
 Number of Certifications Issued Between January 1, 2010 and February 28, 2010: 7

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS  
FOR THE PERIOD OF JANUARY 1, 2010 THROUGH FEBRUARY 28, 2010**

Number of Amendments Issued Between January 1, 2010 and February 28, 2010: 4

Number of Projects Withdrawn Between January 1, 2010 and February 28, 2010: 0

Number of Projects Certified by Default Between January 1, 2010 and February 28, 2010: 1

Number of Projects Denied Between January 1, 2010 and February 28, 2010: 1





# California Regional Water Quality Control Board

## San Diego Region



Linda S. Adams  
Secretary for  
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger  
Governor

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(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

February 17, 2010

**Certified Mail – Return Receipt Requested**  
Article Number: 7009 1410 0002 2347 4138

Mr. Doug Sprague  
Vulcan Materials  
3200 San Fernando Road  
Los Angeles, CA 90065

In reply refer to:  
723057:mporter

Dear Mr. Sprague:

**SUBJECT: DENIAL OF WATER QUALITY CERTIFICATION  
POWAY MINING SITE, VULCAN MATERIALS  
APPLICATION 08C-051**

The California Regional Water Quality Control Board, San Diego Region (Regional Board), has completed comprehensive evaluations of your application (received July 17, 2008) and amended application (received January 26, 2010) for Water Quality Certification and Waste Discharge Requirements for the proposed Poway Mining Site, Vulcan Materials. The proposed project involves the use of an existing, but currently unused, 169-acre aggregate mining site located east of Scripps Poway Parkway, south of Kirkham Way, adjacent to and north of Beeler Canyon Creek, City of Poway, San Diego County.

The proposed aggregate mining would occur in 4 phases over 15-20 years (as estimated by applicant). Three drainages occur onsite: Drainage 1 – Beeler Canyon Creek (ephemeral/intermittent); Drainage 2 – unnamed ephemeral creek tributary to Beeler Canyon Creek; and Drainage 3 – unnamed ephemeral creek tributary to Beeler Canyon Creek. As currently proposed, Drainages 1 and 2 would not be impacted. Drainage 3 would be impacted as follows:

Phase 1 - 0.03-acres, 713-linear feet of impacts;

Phase 2 - unspecified.

Phase 3 and 4 - 0.10-acre, 1870 linear feet of impacts.

Total impacts over all phases of mining would be 0.13-acre and 2,583-linear feet.

The proposed mitigation consists of the onsite reestablishment at a 1:1-ratio of Drainage 3 when mining activities cease (per January 26, 2010 amendment to application).

The project, as proposed, is not consistent with California Water Quality Standards and has failed to demonstrate that water quality standards will be protected throughout and beyond the life of the project. The project would result in significant, long-term, and

**California Environmental Protection Agency**

unmitigated adverse impacts to water quality by permanently impacting (filling) 2,583-linear feet of ephemeral streambed as waters of the State. The proposal to mitigate at a 1:1 ratio is unacceptable, especially considering that proposed mitigation would occur 15-20 years after project impacts to Drainage 3, thereby creating a very large temporal impact. Therefore your application for water quality certification is denied.

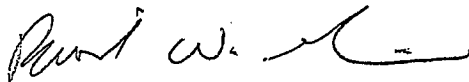
The Regional Boards are required to protect the chemical, biological, and physical integrity of *all* waters of the State pursuant to the Porter-Cologne Water Quality Control Act and their respective Basin Plans. The proposed mitigation does not sufficiently protect the chemical, biological, and physical integrity of the site's first order, arid, ephemeral stream (Drainage 3). Arid ephemeral and intermittent streams have beneficial uses, services (values), and functions that are unique to them and cannot be well replicated. Some examples of beneficial uses, services, and functions of these streams include ground water recharge, first order oxidative biogeochemical transformation and cycling, nutrient export, mineral export, vegetation detritus export, and arid habitat for arid plants and animals. The most recent paper on the value of arid ephemeral and intermittent streams was published in November 2008 by the US EPA. It is titled, The Ecological and Hydrological Significance of Ephemeral and Intermittent Streams in the Arid and Semi-arid American Southwest, and located on the internet at <http://www.epa.gov/esd/land-sci/pdf/EPHEMERAL%20STREAMS%20REPORT%20Final%20508-Kepner.pdf>.

This Denial of Certification is issued in accordance with 23 California Code of Regulations (CCR) § 3837(b)(1) because the proposed project would not comply with applicable water quality standards. Appeal of this denial may be made to the State Water Resources Control Board within 30 days of its issuance in accordance with 23 CCR § 3867 – 3869.

You may elect to reapply for Clean Water Act section 401 Water Quality Certification and Waste Discharge Requirements with a different project that proposes appropriate impact avoidance/minimization and mitigation.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Mike Porter, Engineering Geologist, at (858) 467-2726 or [mporter@waterboards.ca.gov](mailto:mporter@waterboards.ca.gov).

Respectfully,



DAVID W. GIBSON  
Executive Officer

dwg:cc:mgp  
Cc:

Via email: [Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

**California Environmental Protection Agency**

R9-WTR8-Mailbox@epa.gov  
mfluharty@dfg.ca.gov

Via mail:

Ms. Michelle Mattson  
U.S. Army Corps of Engineers, Regulatory Branch  
San Diego Field Office  
6010 Hidden Valley Rd, Suite 105  
Carlsbad, California 92011

Ms. Jan Heppert  
Lockhart & Associates  
7943 Santa Cruz Avenue  
Orange, CA 92869

Place ID	723057
WDID	9 000001811
Reg. Measure	349373
Party ID	252835

**RAINBOW: New water monitoring group available to growers  
Water district offers agriculture customers inexpensive way to meet new  
monitoring requirements**

By MORGAN COOK

[http://www.nctimes.com/news/local/fallbrook/article\\_3b7e9b86-c419-5141-bb03-1eca3c31918f.html](http://www.nctimes.com/news/local/fallbrook/article_3b7e9b86-c419-5141-bb03-1eca3c31918f.html)

Farmers served by Rainbow Municipal Water District can save hundreds ---- if not thousands --- - of dollars by joining a group the district has organized to share the cost of complying with a state water-monitoring program that will begin next year.

The Agricultural Waiver Program, adopted by The California Regional Water Quality Control Board in 2007, requires growers to pay for sampling and water-quality testing in nearby lakes and streams, either independently or as part of a group. The testing will determine how well farmers are doing at keeping pesticides and other pollutants out of water systems.

Agricultural and nursery growers with more than \$1,000 in gross crop sales must declare their intention to participate in the waiver program either independently or as part of a group by Jan. 1, 2011.

Farmers who do not comply with the requirement will be fined or otherwise sanctioned.

It would cost a single farmer about \$15,000 to meet state requirements independently, local water officials have said. But the district can provide the service to ratepayers for about \$10 per acre.

Growers can join the group by completing the application found on the district's Web site. Only district ratepayers can join.

"We decided to form the group as a benefit to all of our customers and to help us protect the groundwater here," district manager David Seymour said. "At the same time, it offers our agriculture customers another option, as opposed to either joining another monitoring group or doing it themselves."

Surface water could be near several farms, making several farmers responsible for testing the same lakes or streams, officials said. The district can cut costs by using customer information databases and mapping software to test water and distribute results efficiently.

Until recently, the San Diego County Farm Bureau's Irrigated Lands Group was the only option for area growers looking to join an established collective, water monitoring officials said.

Enrollment in the bureau's group requires a one-time cost of \$200 per acre, but it's capped at \$1,000, said Farm Bureau Executive Director Eric Larson. To enroll in the group, farmers must also become a member of the bureau, which costs an additional \$190 each year.

Seymour said the district established its group after customers expressed interest in less-costly alternatives to joining the Farm Bureau or monitoring independently.

Rainbow Municipal Water District provides water through more than 7,200 connections to portions of Fallbrook, Pala, and Bonsall, officials said. Of those, about 2,300 belong to agriculture customers.

## Annual Recycled Water Summary Report 2008 and 2009

California must change its water supply sources to meet the needs of a growing population. Importing water is not sustainable due to unpredictable droughts, climate change, and complex legal issues. The State Water Board determined that managing a diverse water supply can help alleviate the problems. The State's Recycled Water Policy includes the goals of increasing total recycled water use by 1 million acre-feet per year by 2020, and by 2 million acre-feet per year by 2030. "Recycled water use" is defined as a use that replaces the use of potable water. For reference, 0.5 acre-feet (ac-ft) of water is enough to meet a typical family's needs for an entire year. The purpose of the *Recycled Water Annual Summary Report* is to monitor progress toward those goals and identify areas for improvement. The Report contains analysis and summary of information on the production, reuse, and quality of recycled water in the San Diego Region.

The San Diego Water Board surveyed recycled water agencies to collect the information analyzed in the Report. In 2008, 42 agencies reported that they treated approximately 113,700 ac-ft of wastewater, of which approximately 58,500 ac-ft of recycled water was beneficially reused in the region. In 2009, 29 agencies reported that they treated approximately 104,800 ac-ft of wastewater of which approximately 54,900 ac-ft of recycled water was beneficially reused. Although the reported volume of reused water was slightly lower for 2009 than 2008, significantly fewer agencies responded to the survey in 2009. The top producing agencies, however, reported an average recycled water production increase of approximately 2,300 ac-ft to 2,800 ac-ft from 2007 to 2009. The percentage of treated wastewater that was recycled and beneficially reused increased slightly from 49.2 percent in 2007, to 51.4 percent in 2008, and to 52.4 percent in 2009. Attachment 1A provides detailed tables and graphs of the recycled water production and reuse in the Region during 2008 and 2009.

The San Diego Water Board regulates the production and discharge of recycled water through waste discharge requirements, Master Reclamation Permits, Water Reclamation Requirements (collectively referred to as "permits"), and waivers of waste discharge requirements. The Master Reclamation Permits are a tool intended to promote recycled water use by allowing the producer to regulate its users, rather than the San Diego Water Board issuing individual requirements for each user.

The San Diego Water Board also collected information on the use type, use location, and compliance with permits. The users appear to be doing a good job complying with permit requirements for the use sites. Although the reported number of sites increased, the reported number of user rule violations decreased. In 2008, 2,318 inspections at 1,776 sites identified 520 violations at 100 of those sites. In 2009, 4,403 inspections at 2,303 sites identified 405 violations at 72 of those sites. The number of inspected sites with violations decreased from 6 percent to 3 percent.

Although recycled water producers reported that a total of 54,900 ac-ft of recycled water was reused in 2009, the use sites that provided data only accounted for 40,000 ac-ft, or approximately 74 percent of the total. Of the 3,981 specific use sites for which data was provided, almost all (over 99 percent) used recycled water at least partially for irrigation (62.9 percent irrigation, 35.8 percent irrigation/ industrial), primarily landscape irrigation. Use types identified in the survey suggest that new industrial users and industrial use by existing irrigation users is increasing the demand for recycled water.

Overall, recycled water quality met discharge specifications across the Region. The water quality data indicates that the average concentration of total dissolved solids (TDS), chloride, and sulfate in the source water increased from 2008 to 2009. There was a corresponding increase in the average concentration of TDS, and sulfate in recycled water, although average chloride concentration decreased. Other constituents that showed improved water quality in recycled water from 2008 to 2009 included percent sodium, total nitrogen, manganese, methylene blue-activated substances (MBAS), boron, and color. Nitrate and fluoride, however, increased in average concentration, while iron remained the same. Attachment 1A shows the quality of the recycled water across the Region. Data for 14 of the wastewater treatment facilities from 2008-2009 was compared to available data from 1991-1993, and 1997-1999. The concentrations for 2008-2009 were generally within the range of historical data: for the selected facilities and constituents the relative percent difference was 16 percent. Furthermore there are no discernible trends for individual facilities or constituents, suggesting that the overall quality of recycled water remained consistent for the last two decades.

The San Diego Water Board gathered data from annual reports, both voluntary and permit required. 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 agencies and jurisdictional areas of the San Diego, Los Angeles, and Santa Ana Water Boards.

**ATTACHMENT RECYCLED WATER ANNUAL SUMMARY 2008 AND 2009**  
Data Tables and Charts

Recycled Water Facility Production						Potable Water Use		
# of Facilities Reporting	Permitted Flow (mgd)	Total Vol. Treated (ac-ft)	Volume Disposed (ac-ft)	Volume Reused (ac-ft)	Percent Reused (ac-ft)	San Diego Co. Water Authority (ac-ft)	MWD of Orange Co. (ac-ft)	Metropolitan WD of Southern California (ac-ft)
2007	41	163.8	103,983	51,392	51,196	669,785		2,230,000
2008	42	161.9	113,724	54,119	58,456	601,362		
2009	29	146.9	104,777	49,376	54,928	552,567	575,000	

**RECYCLED WATER USE SITE SURVEY**

**Reported User Data**

# of Sites	Total Reuse (ac-ft)	Average Reuse (ac-ft)	Median Reuse (ac-ft)	# Inspections	# Sites Inspected	# Violations	# Sites with Violations
2008	2,720	29,474	10.8	4.1	2,318	1,776	520
2009	3,981	40,764	10.2	3.8	4,403	2,303	405

**Number of Reuse Sites by Type**

	# of Irrigation Sites	# of Industrial Sites	# of Industrial Sites	# of Dust/Construction Sites	Volume Reused by Site Type		
					Irrigation (ac-ft)	Industrial (ac-ft)	Dust/Construction (ac-ft)
2008	2,685	2	3	3	23,103	6,308	63
2009	2,505	1,455	12	9	25,632	14,361	179

**Volume by Hydrologic Area**

	901 San Juan	902 Santa Margarita	903 San Luis Rey	904 Carlsbad	905 San Dieguito	906 Penasquitos	907 San Diego	908 Pueblo	909 Sweet-water	910 Otay	911 Tijuana
2008	12,146	NR	641	8,260	6,332	643	1,452	0	NR	NR	NR
2009	14,539	2,917	313	4,827	2,839	7,413	1,346	0	1,661	2,815	1,477

NR: Not reported

**ATTACHMENT RECYCLED WATER ANNUAL SUMMARY 2008 AND 2009**  
Data Tables and Charts

**SOURCE AND RECYCLED WATER QUALITY**

**Average Source Water Quality**

	TDS (mg/L)	Chloride (mg/L)	Sulfate (mg/L)
2008	625	104	197
2009	685	126	211

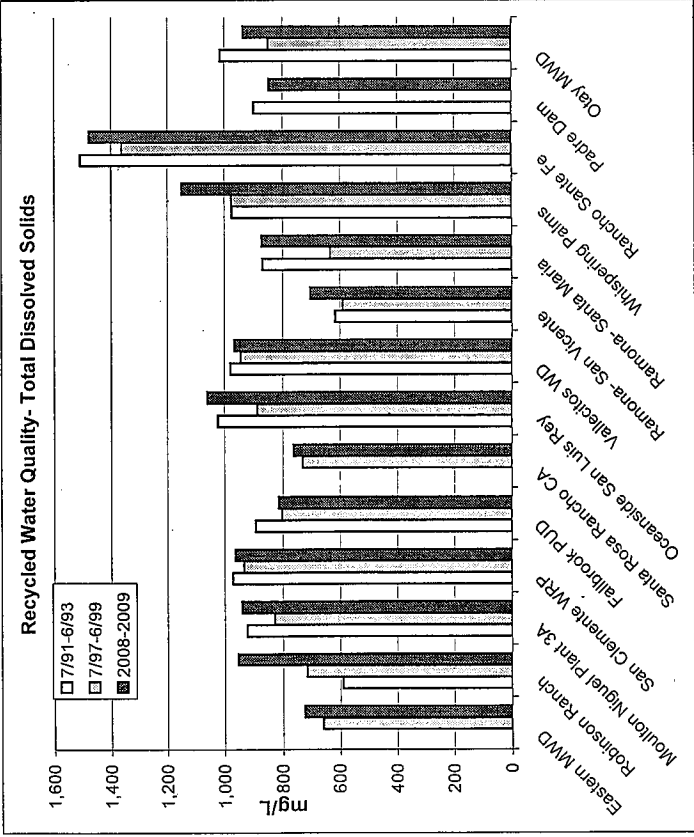
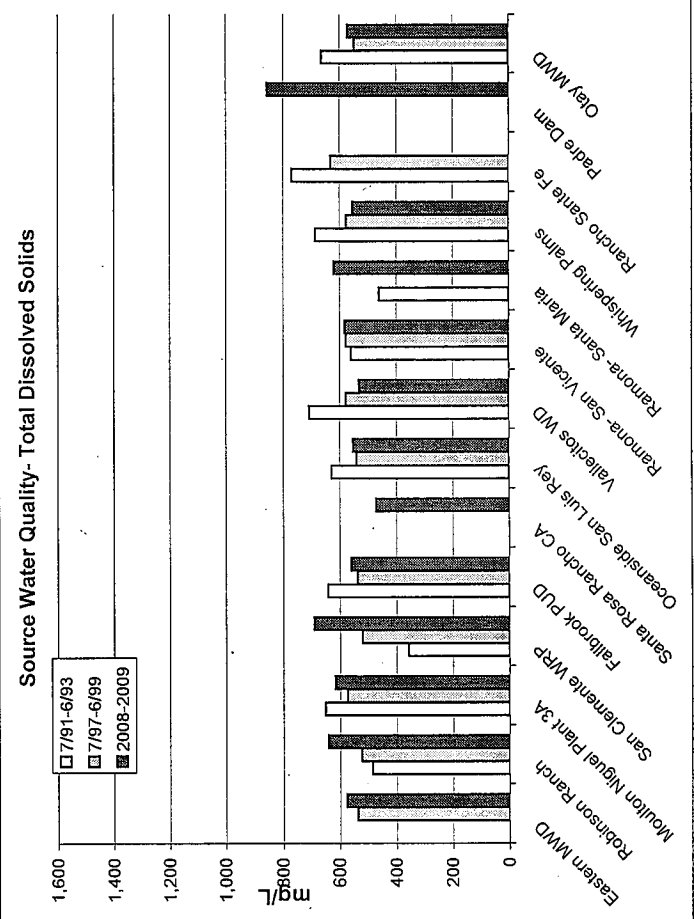
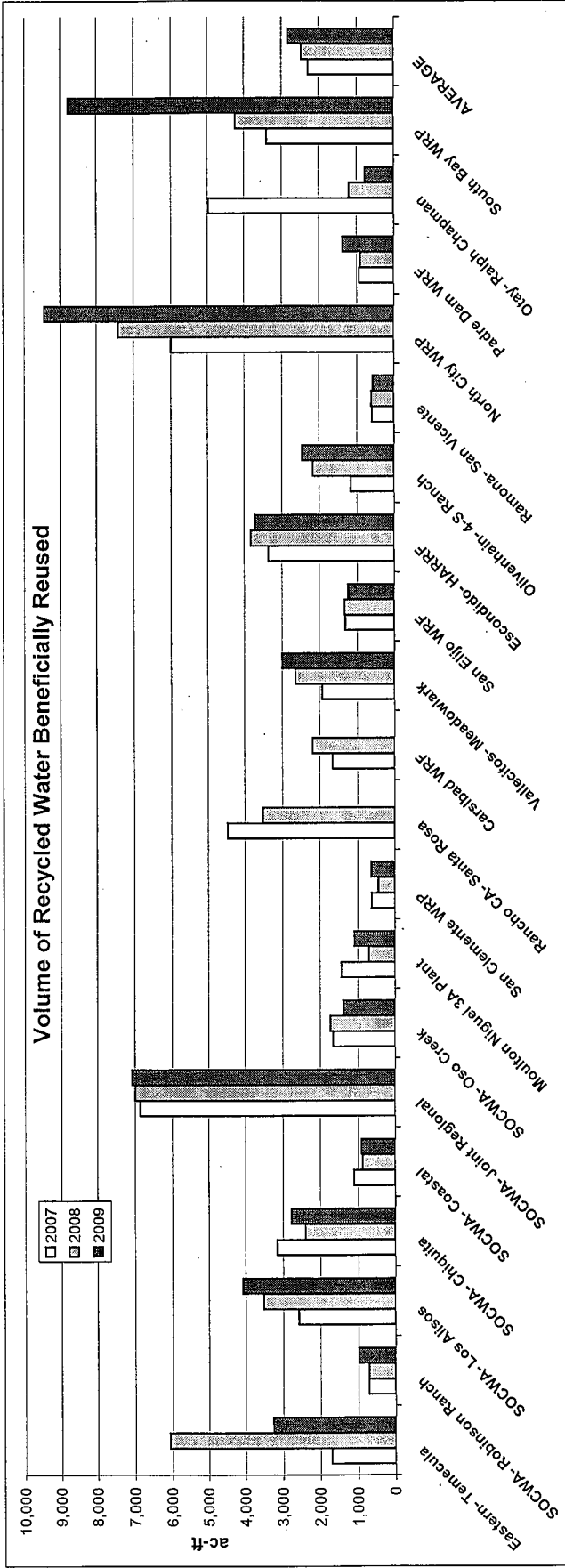
**Average Recycled Water Quality**

	TDS (mg/L)	Chloride (mg/L)	Sulfate (mg/L)	Percent Sodium (%)	Nitrate (mg/L)	Total Nitrogen (mg/L)	Iron (mg/L)	Manganese (mg/L)	MBAS (mg/L)	Boron (mg/L)	Turbidity Daily Avg (NTU)	Color (Units)	Fluoride (mg/L)
2008	915	236	226	53.8	17.5	11.9	0.12	0.07	0.18	0.43	1.0	10	0.57
2009	917	224	245	49.3	18.0	7.4	0.11	0.04	0.16	0.38	1.0	6	0.75

TDS= Total dissolved solids; MBAS= Methylene blue-activated substances

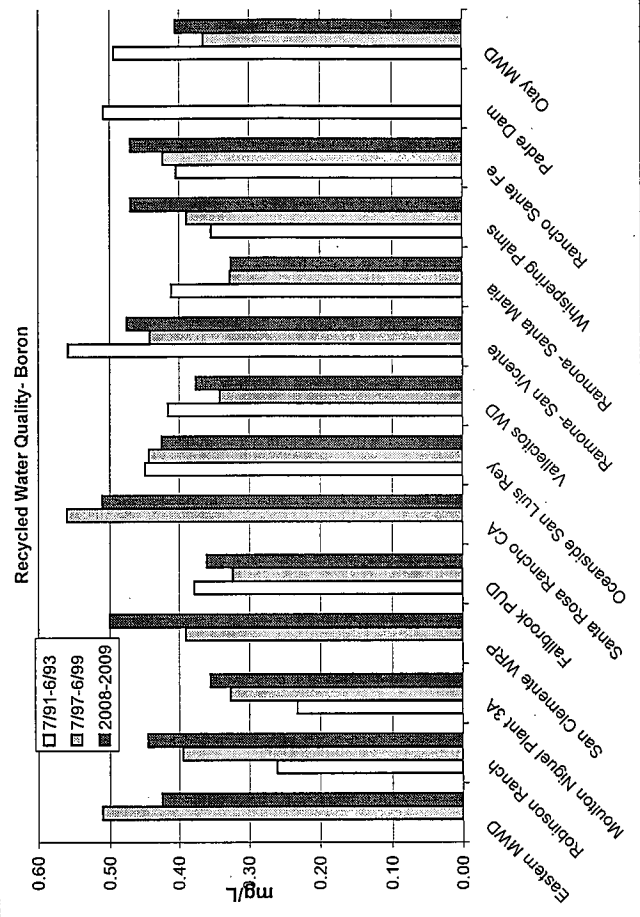
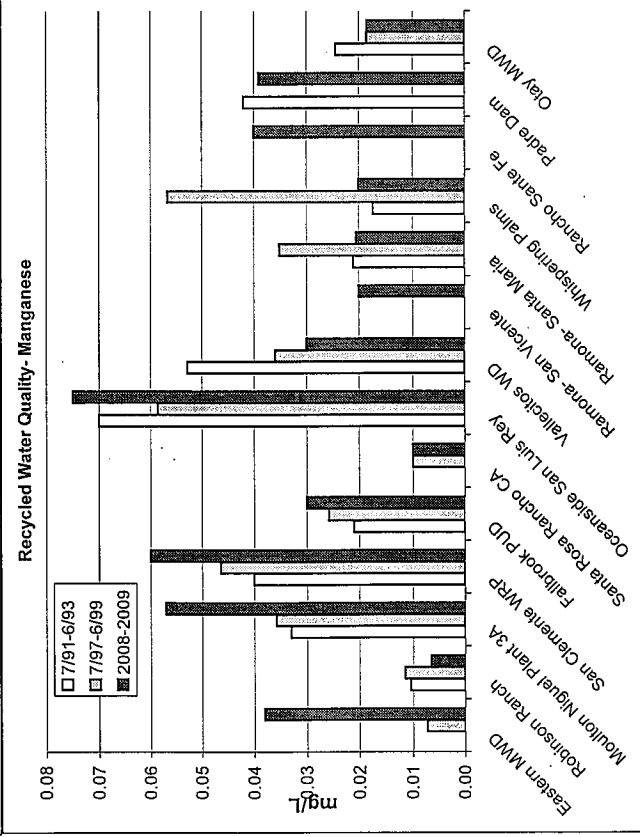
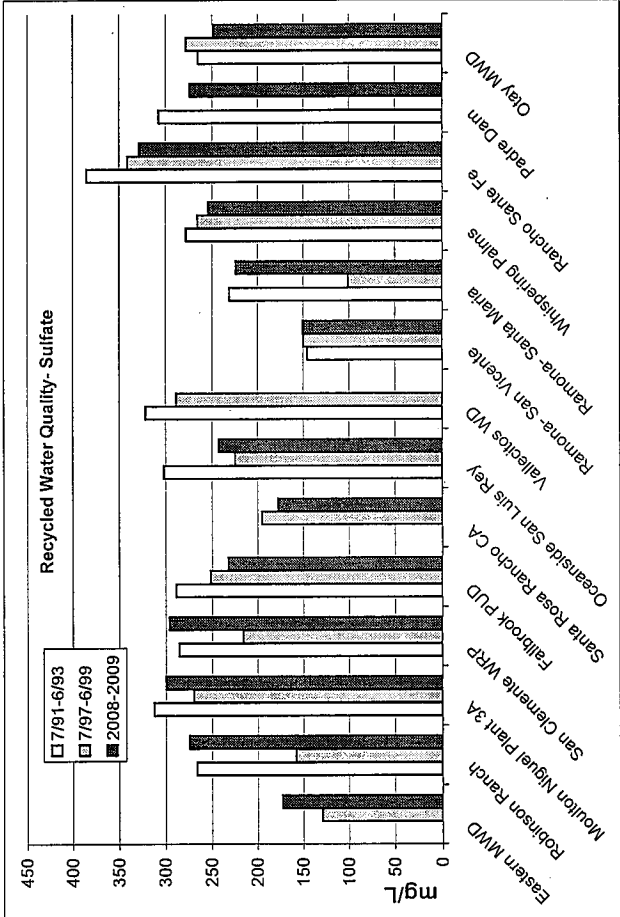
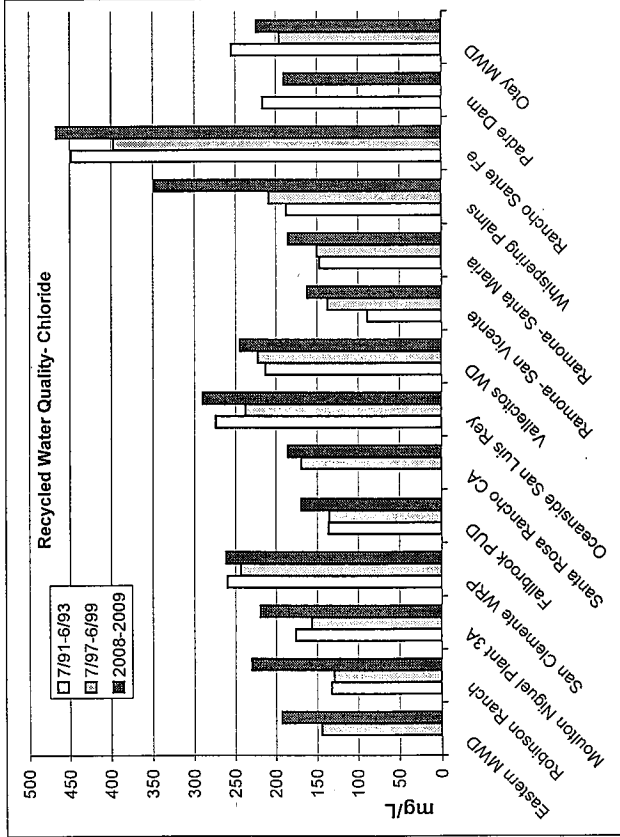


ATTACHMENT RECYCLED WATER ANNUAL SUMMARY 2008 AND 2009  
Data Tables and Charts



# ATTACHMENT RECYCLED WATER ANNUAL SUMMARY 2008 AND 2009

## Data Tables and Charts





# California Regional Water Quality Control Board

## San Diego Region



Linda S. Adams  
Secretary for  
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
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February 26, 2010

Members and Participating  
Agencies of the Tijuana River Valley  
Recovery Team

Dear Recovery Team Members:

**SUBJECT:** Tijuana River Valley Recovery Team Priorities

The Regional Board strongly supports the Tijuana River Valley Recovery Team (Recovery Team) and its Action Team structure and collaborative approach to addressing ongoing and historic discharges of sediment and trash, restoring hydrology, habitat, and natural values of the valley and estuary, and restoring and maintaining the water quality of the river, estuary, and coastal waters. Given the progress of the last 18 months, the Regional Board prefers the collaborative approach embodied in the Recovery Team to exercising the statutory authority that state and federal law and regulation provide it to address the discharge of waste in the valley and estuary. It has been a concern of the Board, however, that work on the sediment and trash move forward effectively and in a timely manner.

Recent meetings of the Recovery Team and Steering Committee have been focused on identifying projects and priorities for funding. At the January workshop, however, significant time was spent discussing whether the Recovery Team could move forward with priorities for funding without an overall vision and coordination of existing plans and priorities. This has been the mission of the Recovery Team and its Action Teams, which were established through a consensus based process and have been broadly supported by the participating parties as a useful way to collaborate. It is extremely important to the Regional Board that the members of the Recovery Team come back together around a common set of its highest priorities and identify and implement specific projects to address the sediment, trash, hydrology, habitat, and water quality of the valley.

A workshop series has been proposed to address the concerns of some of the participating agencies and achieve our shared goals. Although the Recovery Team structure including the Action Teams is the approach preferred by the Regional Board, we agree that there is merit in investing time in a concentrated forum, the goal of which is a fully vetted Watershed Management Strategy and Guidance to inform management decisions and secure potential funding sources for project implementation. Among the outcomes we should strive for in the workshops and resulting strategy are identification

of the highest priorities and descriptions of the projects to be implemented, a schedule to achieve them, and lead agencies and partners to oversee the projects and report back progress to the Recovery Team.

The Regional Board strongly recommends that the State Water resources Control Board Office of Public Participation be engaged to facilitate the workshops to achieve these goals and be invited to advise the Recovery Team on the format, timing and ground rules for the workshops. Gita Kapahi, the Director of the Office of Public Participation and her staff are available to advise and provide facilitation services and to this group if desired. The Regional Board can offer facilities for the workshops, logistic support and our staff time to aid the Recovery Team achieve real progress in the near term.

Respectfully,

DAVID W. GIBSON  
Executive Officer

DWG:dtb:lla

Enclosure

cc: