

California Regional Water Quality Control Board
San Diego Region
David Gibson, Executive Officer



Executive Officer's Report
August 13, 2014

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The August report for the Tentative Schedule of Significant NPDES Permits, WDRs, and Actions, and the attachments noted on page 1 are included at the end of the report.

Part A – San Diego Region Staff Activities

1. Personnel Report

Staff Contact: Lori Costa

The Organizational Chart of the San Diego Water Board can be viewed at http://www.waterboards.ca.gov/sandiego/about_us/org_charts/orgchart.pdf

There have been several rotations to improve operational effectiveness and promote professional development.

Departures

Heather Webb, an Engineering Geologist in the Southern Cleanup Unit, left State service on July 30, 2014. Her duties included reviewing and interpreting technical reports, environmental documents and projects. Heather began working at the San Diego Water Board in 2012 as a Student Assistant, was later hired as a Scientific Aid, then an Engineering Geologist.

Recruitment

We are in the process of hiring a Scientific Aid in the Central Cleanup Unit. Additional recruitment will soon begin for two Environmental Scientists, an Engineering Geologist and a Water Resources Control Engineer.

2. Budget Report

Staff Contact: Lori Costa

On June 20, 2014, Governor Jerry Brown signed the 2014-15 state budget that “pays down debt, shores up the teachers’ retirement system, builds a solid Rainy Day Fund and directs additional funding for local schools and health care.”

Except for rank and file engineers, attorneys, and scientists, employees received a two percent general salary increase. It has not been determined yet if managers, supervisors, and exempt employees will receive a salary increase this year. The attorneys and scientists contracts have not been signed to date. The engineer contract has been signed and is in place.

The budget also included approximately seventy additional positions for the Water Boards, of which we will receive one for our Clean Water Act section 401 Water Quality Certification Program. The Water Boards requested and received approval of a Budget Change Proposal to increase staffing in the 401 Certification Program by ten positions in response to a recent California State Auditor’s finding that the statewide Water Boards’ 401 Certification Program was underfunded.

3. San Diego Bay Studies Public Information Meeting

Staff Contact: Tom Alo

San Diego Water Board staff held a public meeting on July 30 to provide information on two important studies underway in San Diego Bay. These studies are the Bioaccumulation Study (a key project in the Healthy Waters Chapter of the Practical Vision) and the Fish Consumption Study. San

Diego Bay is the largest estuary and natural enclosed bay in southern California. The two San Diego Bay studies will provide valuable information to develop assessment tools and to guide regulatory decisions aimed at ensuring that bay fish and shellfish are safe to eat, and the bay ecosystem is healthy.

Bioaccumulation Study

The goals of this study are to improve understanding of contaminant transfer through San Diego Bay food webs and determine the risk to wildlife and humans from consuming contaminated fish in the Bay. Matched samples of sediment and tissue have been collected from three different bay regions. Analyses of the samples will result in an updated food web model, evaluation of sediment contamination risks to wildlife and humans for the Bay, and provide the information needed to refine and develop sediment quality objective assessment tools for human health and aquatic-dependent wildlife.

Fish Consumption Study

The goals of this study are to improve understanding of fish consumption rates for fishers who catch and eat seafood from San Diego Bay through the collection and interpretation of interviews and survey data. This information is needed to better determine the risk to humans from consuming contaminated fish taken from the Bay, and to establish healthy fish tissue targets.

Each study addresses a different data gap in our understanding of San Diego Bay food webs. The bioaccumulation study will fill in data gaps concerning the pathways and rates of transfer of contaminants from sediments to benthic organisms, to fish, and finally to aquatic-dependent wildlife and humans through the different food webs in San Diego Bay. The fish consumption study will fill in data gaps concerning the rate of contaminant transfer to people through the consumption of seafood caught in San Diego Bay. The consumption study will also attempt to discern different patterns of consumption among different regional, socioeconomic, ethnic, and cultural populations that fish the bay.

The July 30 meeting was well attended by over 30 stakeholders representing the following organizations:

| | | |
|--|--------------------------------------|---|
| AMEC | De maximis, Inc. | San Diego County Dept. of Environmental Health |
| BAE Systems | Environmental Health Coalition | San Diego State University |
| Dept. of Fish and Wildlife | Haley & Aldrich | Sierra Club California |
| Office of Environmental Health Hazard Assessment | Industrial Environmental Association | Southern California Water Research Project (SCCWRP) |
| State Water Resources Control Board | Latham & Watkins | U.S. Fish and Wildlife Service |
| City of San Diego | Nautilus Environmental | U.S. Navy |
| Continental Maritime | Port of San Diego | |

The studies are being conducted as part of the Bight 2013 Regional Monitoring Program conducted by SCCWRP, with additional funding for San Diego Bay from the State Water Resources Control Board, the City of San Diego, and the Port of San Diego through the Regional Harbors Monitoring Program. SCCWRP and AMEC presented the results of the sediment and tissue collection efforts

that took place in the summer of 2013 and in April 2014 for the bioaccumulation study. The next two years will see the analyses of the samples, data interpretation, and report writing. SCCWRP also presented the conceptual plan for the fish consumption study only recently underway. In closing, staff members Melissa Valdovinos, Tom Alo, and Julie Chan described how the site-specific data collected from the two studies will be used to better assess the risks to wildlife and humans consuming fish in San Diego Bay, and consequently, inform Total Maximum Daily Load (TMDL), Water Quality Improvement Plan development, and cleanup orders at impaired shoreline areas in the bay.

4. Stakeholder Outreach and Participation: Conditional Waivers of Waste Discharge Requirements for Low Threat Discharges

Staff Contact: Roger Mitchell

To implement the goals of our Practical Vision, San Diego Water Board Staff is proactively reaching out to potential dischargers, providing information via our website,¹ meeting with stakeholders to improve understanding, and soliciting dischargers to apply for enrollment in the conditional waivers of waste discharge requirements (WDRs) adopted by the Board in June 2014.² To promote transparency and public communication following the adoption of Order No. R9-2014-0041,³ Conditional Waivers of WDRs for Low Threat Discharges in the San Diego Region (Order), Staff is:

- Maintaining an email subscription list. Through this list,⁴ stakeholders will receive important notifications and documents. Staff is actively engaged in reaching out to other State, County, and City agencies to provide links to the Order on their websites and encouraging stakeholders to subscribe to stay informed on issues associated with the Order.
- Maintaining progressive webpages. Through our webpage for “Conditional Waivers of Waste Discharge Requirements for Low Threat Discharges,” stakeholders may obtain access to current, valid, and essential information. Staff recently revised the website to allow dischargers/stakeholders to quickly locate individual waivers, forms for enrollment/termination, and fees associated with the waivers.
- Assisting dischargers through the enrollment process. Staff is working with dischargers to answer questions and provide additional clarifying information. The result is 36 successful waiver enrollments during the first month. The distribution of enrollment among the waivers is shown in Table 1.

¹ http://www.waterboards.ca.gov/rwqcb9/water_issues/programs/waivers/waivers.shtml

² Items 10 and 11: http://www.waterboards.ca.gov/sandiego/board_info/agendas/2014/Jun/Jun26.shtml

³ http://www.waterboards.ca.gov/rwqcb9/board_decisions/adopted_orders/2014/R9-2014-0041.pdf

⁴ http://www.waterboards.ca.gov/resources/email_subscriptions/reg9_subscribe.shtml

Table 1 - Waiver Enrollment Distribution

| Conditional Waiver Discharge Category ⁵ | Enrollees |
|--|-----------|
| Waiver No. 2 – Discharges of recycled water to land | 3 |
| Waiver No. 3 – Miscellaneous “low threat” discharges to land | 3 |
| Waiver No. 4 – Discharges of winery process water to lined evaporation ponds | 6 |
| Waiver No. 5 – Discharges of wastes to land at composting facilities | 2 |
| Waiver No. 7 – Discharges from animal operations | 3 |
| Waiver No. 8 – Discharges from aquatic animal production facilities | 1 |
| Waiver No. 9 – Discharges of slurries to land | 2 |
| Waiver No. 10 – Discharges of solid waste to land | 9 |
| Waiver No. 11 – Aerial discharges of wastes over land | 4 |
| Waiver No. 12 – Discharges of emergency/disaster related wastes | 3 |
| Total Number of Enrollees | 36 |

- Encouraging dischargers to enroll in the Waivers. Staff developed a list of 17 composting operations, which may qualify for enrollment in Waiver No. 5 – Discharges of Waste to Land at Composting Facilities (Composting Facilities Waiver). Those composting operations are located within 7 of our regional watersheds (see Figure 1). For the 17 composting operations, 27 owner and/or operators received a letter from the San Diego Water Board notifying them of the adoption of the Order, and advising them to either: a) enroll in the Composting Facilities Waiver by submitting the necessary Notice of Intent (NOI) application forms; b) submit a report of waste discharge if the discharge does not qualify for enrollment in the Composting Facilities Waiver; or c) notify Staff if the discharge qualifies for exemption from filing an NOI, as specified in the Composting Facilities Waiver.

⁵ Conditional Waiver numbers 1 (Onsite graywater systems) and number 6 (Silvicultural Operations) did not have any active enrollees during the month of July 2014.

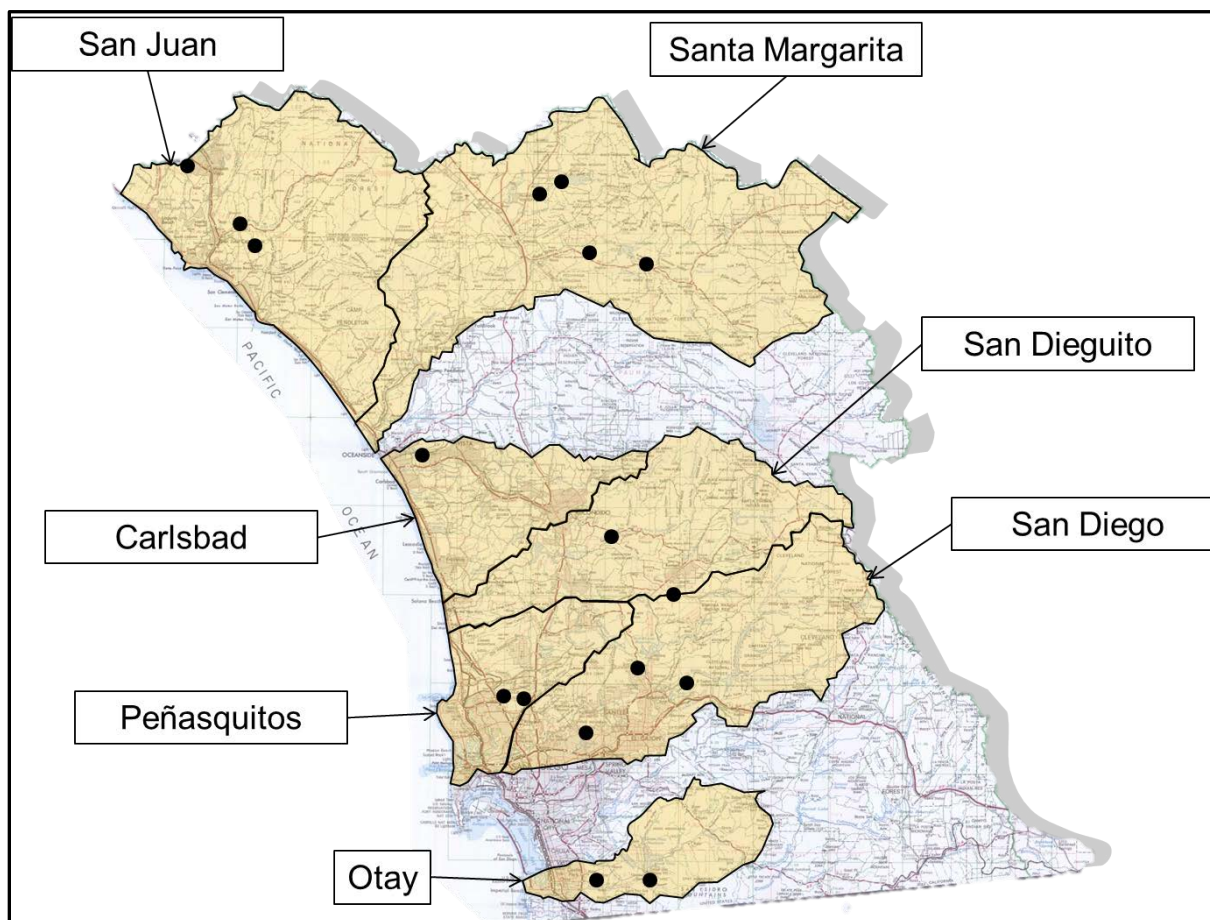


Figure 1: Distribution of Composting Facilities in the San Diego Region

The rapid enrollment of 36 projects or facilities in the waivers demonstrates the usefulness of the waivers to both the public and the staff. Enrollment of the 36 projects or facilities has significantly lowered the permit writing burden on the staff, brought these facilities or projects into compliance with Basin Plan Prohibitions, and saved time and money for the facility owners and project proponents.

5. WateReuse Association Meeting Regulatory Panel Discussion

Staff Contact: Fisayo Osibodu

The WateReuse Association meeting on July 16, 2014⁶ included an invited panel of regional and State regulatory representatives for a discussion and update on regulatory culture governing uses of recycled water in the San Diego Region. The panel discussion was held at the office of the San Diego County Water Authority and the meeting was attended by representatives from water supply and recycled water agencies, engineering consulting firms, and regulatory agencies.

The panel members included Mr. Fisayo Osibodu of the San Diego Water Board, Ms. Liz Haven of the State Water Board Division of Financial Assistance, Mr. Randy Barnard of the State Water Board Division of Drinking Water, and Mr. Glenn Leeks of the County of San Diego Department of

⁶ <https://www.watereuse.org/sections/california/sandiego/meetings>

Environmental Health. Mr. Osibodu answered questions on recent regulatory actions by the San Diego and State Water Boards to promote recycled water use. Those actions included adoption of the State Water Board General Waste Discharge Requirements for Recycled Water Use, adoption of the San Diego Water Board Conditional Waiver for Discharge of Recycled Water; and the San Diego Water Board's proposed action to help facilitate broader regional uses of recycled water by amending the Basin Plan to change the nitrate water quality objective for groundwater to the State drinking water standard⁷. Ms. Haven spoke about the transfer of the Drinking Water Program from the California Department of Public Health to the newly formed Division of Drinking Water at the State Water Board.⁸ The reorganization intends to align the State's drinking water and water quality programs in an integrated organizational structure that would best position the State to both effectively protect water quality and the public health. As a result of the reorganization that occurred on July 1, 2014, recycled water projects will now be regulated by a single State agency.

Mr. Barnard presented on the State Groundwater Replenishment Regulations, which are to be used by the Water Boards in regulating projects that propose to use recycled water for recharge of domestic water supply aquifers.⁹

Part B – Significant Regional Water Quality Issues

1. Phase II Small Municipal Separate Storm Sewer System (Phase II MS4) Program

Staff Contact: Tony Felix

San Diego Water Board Storm Water Program staff is embarking on a phased program to identify a certain subset of entities classified by federal regulation as "Small MS4s," for designation as "Regulated Small MS4s" that must enroll under, and comply with, the State Water Board's new Phase II Small MS4 General Permit, Order No. 2013-0001-DWQ, *Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems General Permit* (2013 Phase II Permit). The 2013 Phase II Permit can be accessed at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml.

As an initial step in the enrollment process, staff has initiated outreach efforts with potential Regulated Small MS4 entities to describe enrollment process considerations, priorities, and schedule. On May 28, 2014, staff met with San Diego County Office of Education's (SDCOE) representatives to discuss potential designation of San Diego County school districts as Regulated Small MS4 entities. The SDCOE implements a storm water program and provides a variety of contract services for over 40 San Diego school districts. Their services support 769 schools and 499,850 students and focus on public education and outreach. Based on the meeting, staff determined that the SDCOE

⁷ The Maximum Contaminant Level (MCL) for nitrate was set at 45 mg/L as nitrate (or NO₃) by the California Department of Public Health http://www.ehib.org/page.jsp?page_key=14#nitrate_regulation

⁸ Additional information on the transfer of the Drinking Water Program is available at <http://www.waterboards.ca.gov/drinkingwater/>

⁹ Additional information on the draft Groundwater Replenishment Regulations are available at <http://www.cdph.ca.gov/services/DPOPP/regs/Pages/DPH14-003EGroundwaterReplenishmentUsingRecycledWater.aspx>

appears to be already implementing many of the requirements of the 2013 Phase II Permit. San Diego Water Board staff will continue these outreach efforts in conjunction with prioritizing and designating the potential Regulated Small MS4s for enrollment under the 2013 Phase II Permit in a phased manner over the next couple of years. Staff will keep the San Diego Water Board informed as the program proceeds. Additional information and perspective on the regulation of Small MS4s and the 2013 Phase II Permit enrollment process is provided below.

BACKGROUND

On December 8, 1999, U.S. EPA promulgated Phase II storm water regulations under the authority of Clean Water Act section 402(p)(6) which require National Pollutant Discharge Elimination System (NPDES) permit coverage for storm water discharges from certain designated Small MS4s. A Small MS4 is any MS4 that is not already regulated under the Phase I Storm Water Program and includes such systems as military bases, large hospitals, prison complexes, universities, and school districts. MS4s located outside of urbanized areas having a population density created by a non-residential population, such as tourists or commuters, are also classified as Small MS4s. All of these subsets of Small MS4s are referred to as non-traditional Small MS4s and discharge the same types of pollutants that are typically associated with municipal urban runoff. All Small MS4s located within an "urbanized area" as determined by the latest Decennial Census by the Bureau of the Census (Urbanized Area) are automatically designated as Regulated Small MS4s. Furthermore, the Regional Water Boards may make case by case determinations to designate Small MS4s as Regulated Small MS4s which must obtain NPDES permit coverage. These designations must be approved by the Regional Water Boards after public review and comment.

Operators of Small MS4s regulated under an NPDES permit are required to develop and implement a Storm Water Management Plan (SWMP) to reduce pollutant discharges into and from their MS4s to the maximum extent practicable (MEP) standard and attain compliance with receiving water quality standards through an iterative process of best management practices (BMP) improvements. The SWMP must prohibit illicit non-storm water discharges, implement effective best management practices (BMPs), and achieve measurable goals for the following six minimum measures:

1. Public education and outreach,
2. Public participation/involvement,
3. Illicit discharge detection and elimination,
4. Construction site runoff control,
5. Post-construction runoff control, and
6. Pollution prevention/good housekeeping for municipal operations.

The SWMP must also implement a process for Small MS4 operators to routinely evaluate and assess each program element and the program as a whole, and revise activities, control measures/BMPs, and measurable goals, as necessary to meet the MEP and receiving water quality standards.

STATEWIDE PHASE II PERMIT

In 2003, the State Water Board adopted the first statewide Phase II Small MS4 General Permit, Order No. 2003-005 DWQ, *Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems General Permit* (2003 Phase II Permit). This 2003 Phase II Permit required the Regional Water Boards to designate each Regulated Small MS4 separately and require the development of a SWMP. The 2003 Phase II Permit further required that the SWMP be circulated for public review and comment and then approved by the Regional Water Boards prior to implementation. The San Diego Water Board required two of the "larger" Small MS4s, the Del Mar Fairgrounds and the University of California, San Diego, to enroll under and

comply with the 2003 Phase II Permit. In 2013, the State Water Board adopted the 2013 Phase II Permit that included more specific requirements and alleviated the need for SWMP approval by the Regional Water Boards. Under the 2013 Phase II Permit, Small MS4s designated by a Regional Water Board, must enroll as a permittee under the 2013 Phase II Permit and develop and implement a SWMP that meets the requirements of the Permit. The 2013 Phase II Permit also automatically designated certain Regulated Small MS4s as permittees. In the San Diego Region, the automatically designated Small MS4s include San Diego State University, Richard J Donovan Federal Correctional Facility, San Diego Veterans Administration Medical Centers, MCAS Miramar, Marine Corps Base Camp Pendleton, North County Transit District, California State University San Marcos, Del Mar Fairgrounds, and University of California, San Diego. Storm water program staff are meeting with these permittees to discuss their SWMP strategies and efforts to achieve the 5-year minimum compliance requirements of the 2013 Phase II permit.

POTENTIAL REGULATED SMALL MS4s

During the 2013 Phase II Permit development, the San Diego Water Board submitted a list of sixty-five potential "Regulated Small MS4s" which met the designation criteria for automatic enrollment. The State Water Board, however, included only the above nine Small MS4s in the final adopted Order. The remaining school districts, military installations, community colleges, hospitals, State parks, and transportation agencies meeting the Small MS4 criteria in the federal regulations must first be designated as "Regulated Small MS4s" by the San Diego Water Board on a case-by-case basis to enroll them under the 2013 Phase II Permit.

NEED FOR DESIGNATION OF ADDITIONAL SMALL MS4s

To adequately address surface water quality impairments from MS4 discharges, it is important to ensure that operators of Small MS4s are required to do their part in reducing pollutant discharges and attaining compliance with receiving water quality standards. In the San Diego Region, most Small MS4s are located within municipalities (e.g. City of San Diego) and are interconnected with MS4s that are already covered by the Phase I Regional MS4 Permit. However, the San Diego Water Board's Regional MS4 Permit does not regulate Small MS4 discharges and the municipalities have limited authority to control pollutants in these discharges. By designating these Small MS4s as Regulated Small MS4s and requiring their enrollment under, and compliance with, the 2013 Phase II Permit, the San Diego Water Board would subject them to similar requirements and responsibilities as the Regional MS4 Permit municipalities. In addition, the remaining Small MS4s, not located in urbanized areas, have the potential to cause exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts. These potential sources of pollutants and impairment are subject to various approved Total Maximum Daily Load (TMDL) pollutant load allocations already established in the San Diego Region. Enrollment of these Small MS4 entities under the 2013 Phase II Permit is necessary to implement and enforce the waste load allocations established in the TMDLs and ensure that the Small MS4 operators are compelled to comply with them.

2. Update: La Pata Avenue Road Extension Project in San Juan Capistrano

Staff Contact: Amy Grove

The expansion of La Pata Avenue directly impacts the Prima Deshecha Landfill, and requires Orange County Waste and Recycling (OCWR) to clean close a portion of waste management unit 2 (WMU2) at the Prima Deshecha Landfill. The part of the project within the landfill requires the removal of all wastes and contaminated soils from beneath the road alignment and construction of an engineered cover to stabilize the remaining wastes left in-situ. These activities commenced in late May and to

date 340,000 cubic yards of waste have been excavated and discharged into the active disposal area at the Prima Deshecha landfill. Based on site records, it is estimated that approximately 700,000 cubic yards of wastes and contaminated soils will likely be removed from the La Pata Road extension footprint as part of the partial clean closure process. The staff previously introduced the La Pata Avenue expansion project in an April 2014 Executive Officer Report.¹⁰ The La Pata Avenue expansion project is expected to be completed in July 2016.

The La Pata Avenue construction project also involves the grading of approximately 1.3 million cubic yards of native soils within the road alignment area, and the construction of various utilities necessary to continue operations at the landfill (i.e., relocation of water lines, power, phone, and cable lines, etc.). The waste discharge requirements and construction storm water requirements for the project impose best management practices for the removal of solid wastes from the project footprint and for the management of soil/sediment from the mass grading operations to ensure protection of water quality during the implementation of the road realignment.

3. Sanitary Sewer Overflows (SSOs) – May and June 2014 (*Attachment B-3*)

Staff Contact: Vicente Rodriguez

State agencies, municipalities, counties, districts, and other public entities (collectively referred to as public entities) within the San Diego Region that own or operate sewage collection systems greater than one mile in length, submit sanitary sewer overflow (SSO or spill) reports through an on-line spill reporting system, the *California Integrated Water Quality System* (CIWQS). These spill reports are required under a [Statewide General SSO Order](#)¹¹ and a [San Diego Region-wide SSO Order](#)¹². The public entities subject to these SSO Orders are also required to report known private lateral sewage spills pursuant to the San Diego Region-wide SSO Order. Federal agencies and other federal entities (collectively referred to as federal entities) submit spill reports as required by an individual NPDES permit or voluntarily depending on the specific federal entity involved¹³.

The information below summarizes the public, federal, and private sanitary sewer overflows, or “spills” that occurred in the San Diego Region during the months of May and June 2014.

¹⁰ The April 2014 EO Report item can be found at: http://www.waterboards.ca.gov/sandiego/publications_forms/publications/docs/executive_officer_reports/2014/EOR_04-09-2014.pdf

¹¹ State Water Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* as amended by Order No. WQ 2013-0058-EXEC, *Amending Monitoring and Reporting Program for Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*.

¹² San Diego Water Board Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*.

¹³ Marine Corp Base Camp Pendleton reports sewage spills to CIWQS as required by its individual NPDES permit, Order No. R9-2013-0112, NPDES Permit No. CA0109347, *Waste Discharge Requirements for the Marine Corps Base, Camp Pendleton, Southern Regional Tertiary Treatment Plant and Advanced Water Treatment Plant, Discharge to the Pacific Ocean via the Oceanside Ocean Outfall*. The U.S. Marine Corps Recruit Depot is not required to report sewage spills but does so voluntarily. The U.S. Navy also is not required to report sewage spills but does voluntarily fax in its sewage spill reports. The U.S. Navy, however, does not report sewage spills through CIWQS. Thus, this report does not include sewage spills from the U.S. Navy.

Reported Public Sewage Collection System Spills: For May 2014, public entities reported 13 spills from publicly-owned sewage collection systems, totaling 17,036 gallons of sewage. These included two spills of 1,000 gallons or more, and three spills totaling 13,042 gallons of sewage that reached surface waters, including storm drains.

For June 2014, public entities reported 12 spills from publicly-owned collection systems, totaling 447,394 gallons of sewage. These included four spills of 1,000 gallons or more, and two spills totaling 5,295 gallons that reached surface waters, including storm drains.

Reported Federal Sewage Collection System Spills: For May and June 2014, the U.S. Marine Corps Recruit Depot reported no spills and submitted "SSO No Spill Certificates." Marine Corps Base, Camp Pendleton reported two spills, one spill of 4,881 gallons, and another spill of 15 gallons. These spills did not reach surface waters.

Reported Private Lateral Spills: For May and June 2014, public entities reported 20 private lateral spills totaling 4,215 gallons of sewage. These included one spill of 1,000 gallons or more, and three spills totaling 1,200 gallons that reached surface waters, including storm drains.

Year-to-Year Comparison: The following table shows the number of spills and the amount of rain that occurred in May and June in both the current year (2014) and the previous year (2013) for comparison purposes.

| Month | Rainfall Total (Inches) | Public and Federal Sewage Collection System Spills | Private Lateral Spills |
|-----------|-------------------------|--|------------------------|
| May 2013 | 0.26 | 13 | 12 |
| May 2014 | Trace | 14 | 10 |
| June 2013 | 0.0 | 8 | 6 |
| June 2014 | 0.0 | 13 | 10 |

Additional Information: Details on the reported public and federal sanitary sewer overflows and private lateral sewage spills are provided in three attached tables titled:

1. May 2014 Summary of Public and Federal Sanitary Sewer Overflows in the San Diego Region
2. June 2014 Summary of Public and Federal Sanitary Sewer Overflows in the San Diego Region
3. May and June 2014 Summary of Private Lateral Sewage Spills in the San Diego Region

Reports on sewage spills are available to the public on a real-time basis on the State Water Board's webpage at:

https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/PublicReportSSOServlet?reportAction=criteria&reportId=sso_main.

Additional information about the San Diego Water Board sewage overflow regulatory program is available at http://www.waterboards.ca.gov/sandiego/water_issues/programs/sso/index.shtml.

4. Enforcement Actions for May and June 2014 (*Attachment B-4*)

Staff Contact: Chiara Clemente

During the months of May and June, the San Diego Water Board issued 41 written enforcement actions as follows: 2 Administrative Civil Liability Complaints (ACLC), 1 Administrative Civil Liability (ACL) Settlement Order, 1 Cleanup and Abatement Order (CAO), 1 Investigative Order, 9 Notices of Non-Compliance pursuant to Water Code section 13399, 1 Notice of Violation, 7 Notices of Non-Compliance pursuant to Water Code section 13399, and 26 Staff Enforcement Letters. A summary of each enforcement action taken is provided in the attached Table. The State Water Board's [Enforcement Policy](#) contains a brief description of the kinds of enforcement actions the Water Boards can take.

Additional information on violations, enforcement actions, and mandatory minimum penalties is available to the public from the following on-line sources:

State Water Board Office of Enforcement webpage:

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

California Integrated Water Quality System (CIWQS):

http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml.

State Water Board GeoTracker database: <https://geotracker.waterboards.ca.gov/>

5. Quarterly Dredge and Fill Project Action Report, April through June 2014 (*Attachment B-5*)

Staff Contact: Darren Bradford

Section 401 of the Clean Water Act (CWA) requires that any person applying for a federal license or permit for a project, 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 water quality certification is a CWA Section 404 permit, most often issued by the Army Corps of Engineers, for the placing of fill (sediment, rip rap, concrete, pipes, etc.) in waters of the United States (i.e. ocean, bays, lagoons, rivers and streams). Section 401 further provides that certification conditions shall become conditions of any federal license or permit for the project. The regulations governing California's issuance of water quality certifications are contained in sections 3830 through 3869 of Title 23 of the California Code of Regulations. The San Diego Water Board is the State agency responsible for issuing such certifications for projects in the San Diego Region. The San Diego Water Board has delegated this function to the Executive Officer by regulation.

Upon receipt of a complete water quality certification application, the San Diego Water Board or its Executive Officer may 1) issue a certification that the project complies with water quality standards, 2) issue a conditional certification for the project, 3) deny certification for the project or 4) deny certification for the project without prejudice when procedural matters preclude taking timely action on the certification application. If the certification is denied, the federal license or permit for the project is deemed denied as well. In cases where there will be impacts to waters of the United States attributable to the project, the certification will include appropriate conditions to offset the impacts through compensatory mitigation. In cases where a federal permit or license is not required because project impacts have been determined to only affect waters of the State, the San Diego Water Board

may permit the project by adopting Waste Discharge Requirements (WDRs) with appropriate conditions to protect the water quality and beneficial uses of those waters.

Table B-5 (attached) contains a list of actions taken during the months of April, May, and June 2014. The first page of the Table summarizes the total impacts to waters of the United States and State, and the proposed mitigation for the individual months and quarter. This information is an imprecise measure of the actual conditions. For example, the data can be skewed depending on what is considered "self-mitigating" and how mitigation is categorized (i.e. establishment, restoration, or enhancement). Another limitation is that the data relies on the assumption that all the mitigation required is implemented and successful, and does not take into consideration any additional impacts resulting from illegal fill activities.

During the past April - June quarter, San Diego Water Board Wetland and Riparian Protection Unit staff activities included work with water quality certification applicants to redesign two projects, a bridge replacement project and an in-river vehicle crossing project, which resulted in avoidance of all proposed impacts to waters of the State for these projects. Starting in July 2014, staff also began attending dredge and fill project pre-application meetings with the City of San Diego Storm Water Department on a bi-monthly basis. These meetings will be used both to discuss the City's upcoming channel maintenance project schedule and evaluate proposed avoidance, minimization, and mitigation of project impacts for these types of City projects.

Staff is now working towards routine attendance at certification pre-application meetings to better ensure that all practicable steps are taken by applicants to minimize or avoid adverse impacts so that aquatic resources are able to continue supporting beneficial uses of State waters during and after project completion to the maximum extent possible. Early participation in the certification application process is one method the Wetland and Riparian Protection Unit is implementing to help achieve the goals of the *Recovery of Streams, Wetlands and Riparian Systems* chapter of the Practical Vision for the protection and restoration of streams, wetlands and riparian systems in the San Diego Region.

On May 21, 2014, staff member Darren Bradford represented the San Diego Water Board at the *Water and Wetlands Regulation in California* training held by Lorman Education Services. Darren presented information regarding the State of California water quality certification program, the certification application process and review considerations, the role of waste discharge requirements in the permitting of dredge and fill projects, and helpful hints for certification applicants. This type of public outreach is part of the Wetland and Riparian Protection Unit's ongoing effort to educate the regulated community about wetland and stream aquatic resources and the San Diego Water Board's regulatory approach for the protection and restoration of these vital resources. This type of outreach is another step forward towards achieving the goals of the *Recovery of Streams, Wetlands and Riparian Systems* and *Proactive Public Outreach and Communication* chapters of the Practical Vision.

Public notices for 401 certification applications can be found on the San Diego Water Board 401 certification web site at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/index.shtml.

401 certifications issued since January 2008 can also be found on the San Diego Water Board web site at: http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/401projects.shtml.

For a complete list of State Water Board issued certification general orders, please refer to http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.shtml.

Part C – Statewide Issues of Importance to the San Diego Region

1. State Board Approves Emergency Drought Regulations

Staff Contact: Chiara Clemente

In response to the ongoing severe drought, on July 15 the State Water Board approved an emergency regulation to ensure water agencies and their customers increase water conservation in urban settings. The regulation mandates minimum actions to conserve water for this year and into 2015. With this regulation, all Californians will be expected to stop: washing down driveways and sidewalks; watering of outdoor landscapes that cause excess runoff; using a hose to wash a motor vehicle, unless the hose is fitted with a shut-off nozzle; and using potable water in a fountain or decorative water feature, unless the water is recirculated. Larger water suppliers will be required to activate their Water Shortage Contingency Plan to a level where outdoor irrigation restrictions are mandatory. In communities where no water shortage contingency plan exists, the regulation requires that water suppliers either limit outdoor irrigation to twice a week or implement other comparable conservation actions.

Local agencies could fine water users up to \$500 a day for failure to implement conservation requirements in addition to their existing authorities and processes. The State Water Board could initiate enforcement actions against water agencies that don't comply with the new regulations. Failure to comply with a State Water Board enforcement order by water agencies is subject to up to a \$10,000 a day penalty. With the adoption of the Regional MS4 Permit, over-irrigation is or will soon be prohibited in all areas within the San Diego Region. The San Diego Water Board expects local municipalities to enforce their existing ordinances to prohibit over-irrigation as required by their MS4 permits. Failure to have and enforce these ordinances can result in enforcement by the San Diego Water Board on the municipalities.

Governor Brown has called on all Californians to reduce their water use by 20 percent and prevent water waste. Despite the Governor's plea, the most recent report indicates that Californians increased water consumption this year by 1 percent. The increased usage noted in the report is attributable to two regions of the state: Southern California coastal communities and the far northeastern slice of the state. It was not immediately clear why consumption had increased in those areas, but if conservation measures are not successful, the implications may be severe. More than 400,000 acres of farmland are expected to be fallowed, thousands of people may be out of work, communities risk running out of drinking water, and fish and wildlife species are in jeopardy.

For more information on the Board's action, visit http://www.swrcb.ca.gov/waterrights/water_issues/programs/drought/emergency_regulations_waterconservation.shtml. For general information on the drought and to find out how everyone can do their part visit SaveOurH2O.org, and visit Drought.CA.Gov to learn more about how California is dealing with the effects of the drought.

2. California Department of Public Health Establishes Drinking Water Standard for Chromium VI

Staff Contact: John Anderson

The California Department of Public Health has adopted a drinking water standard for the known carcinogen, hexavalent chromium (or Cr VI). Effective July 1, 2014, the drinking water standard or "maximum contaminant level" (MCL) for Cr VI is 0.010 ppm. In California, MCLs are established by the Department of Public Health and promulgated in the California Code of Regulations. MCLs establish a limit on the concentration of a contaminant in drinking water, and are typically set at concentrations of "parts per million" (ppm) or "parts per billion" (ppb).

The Basin Plan establishes water quality standards for the San Diego Region and incorporates by reference the MCLs for inorganic chemicals established by the Department of Health as water quality objectives. The incorporation by reference of MCLs is prospective and includes changes to the drinking water regulations. Thus the new Cr VI MCL is a Basin Plan water-quality objective for municipal and domestic uses. Staff will consider the new MCL for Cr VI when developing effluent and receiving water limitations for waste discharge requirements, and when developing cleanup levels for enforcement actions.

There is no federal MCL specific to Cr VI. California's MCL is the first in the nation to directly regulate this chemical in state-wide public drinking water systems. Previously, Cr VI was regulated in drinking water indirectly through the total chromium MCL (Cr VI is one of the forms of chromium making up total chromium). In California, the total chromium MCL is 0.050 ppm, which is more health protective than the federal MCL of 0.100 ppm. Total chromium MCLs were established without the scientific knowledge that ingested Cr VI from the consumption of contaminated drinking water posed a cancer risk.

Chromium is a heavy metal that occurs throughout the environment. The trivalent form (Cr III) is a required nutrient. The Cr VI form has been known to cause cancer when inhaled and has also been linked to cancer when ingested. The new MCL specifically regulates the more toxic Cr VI form.

Much of the low level Cr VI found in drinking water is naturally occurring, reflecting its presence in geological formations throughout the State. There are, however, areas of contamination in California from historic industrial uses such as the manufacturing of textile dyes, wood preservation, leather tanning, and anti-corrosion coatings, where Cr VI contaminated waste has migrated into the underlying groundwater.

Public water systems (PWS) classified as community water systems and nontransient-noncommunity water systems¹⁴ must comply with the new MCL. The regulations require an applicable PWS to initiate monitoring for Cr VI within six months of the effective date. Therefore, on or before January 1, 2015, an applicable PWS must have monitored its drinking water sources for Cr VI.

In general, a result exceeding the MCL triggers additional monitoring and public notification requirements as identified in the regulation. If the average concentration of the original and confirmation samples exceed ten times the MCL, then the water supplier immediately discontinues use of the water source(s) and does not return the source(s) to service without written approval from

¹⁴ Public nontransient noncommunity water system means a public water system that regularly serves at least 25 or more of the same persons daily for more than six months per year. Examples include: schools, factories, office buildings.

the Department of Public Health. As with other inorganic contaminants with MCLs based on chronic health risks, compliance is determined by whether a running annual average of monitoring results exceeds the MCL.

More information about hexavalent chromium is available on the CDPH website at: <http://www.cdph.ca.gov/certlic/drinkingwater/Pages/chromium6.aspx> and at the State Water Resources Control Board – Groundwater Information Sheet, Hexavalent Chromium: http://www.swrcb.ca.gov/water_issues/programs/gama/docs/coc_hexchromcr6.pdf.

An example PWS monitoring report from the City of San Diego: <http://www.sandiego.gov/water/pdf/wq13.pdf>.

3. General Order for Small Domestic Wastewater Treatment Systems

Staff Contact: Alex Cali

To increase the efficiency and consistency of statewide regulation of small domestic wastewater treatment systems, the State Water Board prepared a draft Order prescribing statewide General Waste Discharge Requirements (WDRs) for these types of systems (General Order). San Diego Water Board staff members (Messrs. Fisayo Osibodu, Alex Cali and John Odermatt) participated in a teleconference on July 10, 2014, with the State Water Board and other Regional Water Board staffs from across the State. The teleconference was to facilitate discussions of the draft General Order and allow the State Water Board to receive informal comments from the Regional Water Boards.

If adopted, the General Order will provide a statewide tool for streamlining regulation of qualifying systems having a monthly average flow rate up to 100,000 gallons per day, and will allow the use of recycled water consistent with State regulations. A variety of small domestic wastewater treatment systems will be covered under the General Order, such as septic tanks, activated sludge treatment facilities, membrane bioreactors, and pond facilities. The State Water Board estimates that the General Order may cover up to 70 percent of the small domestic wastewater treatment systems within the State. The General Order may be applicable to as many as 60 small domestic wastewater systems currently regulated under individual WDR Orders in the San Diego Region.

The public review period for the General Order ended on July 25, 2014 at 12:00 p.m. and the General Order is scheduled to be considered by the State Water Board on September 23, 2014. The General Order and the associated CEQA documents may be available on-line at: http://www.waterboards.ca.gov/water_issues/programs/land_disposal/docs/draft_general_waste_discharge_requirement.pdf.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

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

August 13, 2014

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 | Written Comments Due | Consent Item |
|--|--------------------|----------------|---|--------------|
| August 28, 2014 * Executive Officer Enforcement Hearing * <i>San Diego Water Board</i> | | | | |
| Administrative Civil Liability Complaint for failure to enroll in the Statewide Industrial Storm Water Permit against GM Materials, San Diego, CA (<i>Rodriguez</i>) | ACL Hearing | 100% | Designated Parties = 14 July 2014. Interested Persons = 16 July 2014 | No |
| September 10, 2014 <i>San Diego Water Board</i> | | | | |
| Update on Current and Planned Research by the Southern California Coastal Water Research Project (SCCWRP) (<i>Gibson</i>) | Information Item | NA | NA | NA |
| Preview of the Border 2020 Conference (<i>Gibson</i>) | Information Item | NA | NA | NA |
| Public Workshop on the State of Wetlands in the San Diego Region: Health, Trends and Restoration Potential (<i>Gibson</i>) | Information Item | NA | NA | NA |
| September 24, 2014 <i>San Diego Water Board</i> | | | | |
| Discussion of Upcoming Water Quality Coordinating Committee Meeting (<i>Gibson</i>) | Information Item | NA | NA | NA |
| San Diego River Watershed Monitoring Program and Report Cards (<i>Busse</i>) | Informational Item | 30% | TBD | No |
| October 8, 2014 <i>Mission Viejo</i> | | | | |
| Update on Efforts of the Tijuana River Valley Recovery Team (<i>Valdovinos</i>) | Information Item | NA | NA | NA |
| Recission of Cease and Desist Order for the U.S. International Boundary and Water Commission International Wastewater Treatment Plant (<i>Lim</i>) | CDO Recission | 100% | 5-Sep-14 | Maybe |
| Public Workshop on the Enrollment of Orange County Copermittees in the Regional Municipal Separate Storm Sewer System Permit (<i>Walsh</i>) | Workshop | 90% | NA | NA |
| October 15, 2014 * Executive Officer Enforcement Hearing * <i>San Diego Water Board</i> | | | | |
| Administrative Civil Liability Complaint for failure to enroll in the Statewide Industrial Storm Water Permit against A&L Tile, San Diego, CA (<i>Outwin-Beals</i>) | ACL Hearing | 100% | TBD | No |
| Administrative Civil Liability Complaint for failure to enroll in the Statewide Industrial Storm Water Permit against Scrap Depot, San Diego, CA (<i>Outwin-Beals</i>) | ACL Hearing | 100% | TBD | No |
| Administrative Civil Liability Complaint for failure to enroll in the Statewide Industrial Storm Water Permit against San Diego CRV, San Diego, CA (<i>Outwin-Beals</i>) | ACL Hearing | 100% | TBD | No |

May 2014 - Summary of Public and Federal Sanitary Sewer Overflows in the San Diego Region

| Responsible Agency | Collection System | Total Volume | Total Recovered (Gallons) | Total Reaching Surface Waters | Percent Recovered (%) | Percent Reaching Surface Waters | Miles of Pressure Sewer | Miles of Gravity Sewer | Population in Service Area |
|-------------------------------------|--|--------------|------------------------------|-------------------------------|-----------------------|---------------------------------|-------------------------|------------------------|----------------------------|
| | | | | | | | | | |
| CARLSBAD MWD | Carlsbad MWD CS | 385 | 385 | 0 | 100% | 0% | 4.8 | 282.0 | 69,420 |
| Chula Vista City | City Of Chula Vista CS | 80 | 60 | 20 | 75% | 25% | 2.6 | 501.0 | 253,482 |
| Eastern Municipal Water District | Temecula Valley RCS | 12,990 | 100 | 12890 | 1% | 99% | 58.0 | 1093.0 | 564,629 |
| Laguna Beach City | City Of Laguna Beach CS | 300 | 300 | 0 | 100% | 0% | 9.0 | 86.0 | 18,000 |
| Marine Corps Base Camp Pendleton | USMC Base, Camp Pendleton CS | 4,881 | 1,200 | 0 | 25% | 0% | 63.4 | 108.3 | 46,900 |
| Poway City | City Of Poway CS | 2,304 | 0 | 0 | 0% | 0% | 3.4 | 185.0 | 42,862 |
| San Clemente City | City Of San Clemente CS | 3 | 3 | 0 | 100% | 0% | 3.7 | 174.6 | 67,373 |
| San Diego Cnty Dept of Public Works | County Of San Diego CS | 100 | 75 | 0 | 75% | 0% | 10.0 | 407.0 | 151,000 |
| Santa Margarita Water District | Santa Margarita Water District CS | 132 | 0 | 132 | 0% | 100% | 12.0 | 605.0 | 155,000 |
| National City | City Of National City CS | 30 | 30 | 0 | 100% | 0% | 1.0 | 105.0 | 58,967 |
| | | 340 | 340 | 0 | 100% | 0% | | | |
| | | 20 | 20 | 0 | 100% | 0% | | | |
| San Diego City | San Diego City CS (Wastewater Collection System) | 127 | 0 | 0 | 0% | 0% | 145.0 | 3002.0 | 2,186,810 |
| | | 225 | 200 | 0 | 89% | 0% | | | |
| | Totals for Public Spills | 17,036 | 1,513 | 13,042 | | | | | |
| | Totals for Federal Spills | 4,881 | 1,200 | 0 | | | | | |

June 2014 - Summary of Public and Federal Sanitary Sewer Overflows in the San Diego Region

| Responsible Agency | Collection System | Total Volume | Total Recovered | Total Reaching Surface Waters | Percent Recovered | Percent Reaching Surface Waters | Miles of Pressure Sewer | Miles of Gravity Sewer | Population in Service Area |
|-------------------------------------|---|--------------|-----------------|-------------------------------|-------------------|---------------------------------|-------------------------|------------------------|----------------------------|
| | | (Gallons) | (Gallons) | (%) | (%) | | | | |
| CARLSBAD MWD | Carlsbad MWD CS | 10 | 10 | 0 | 100% | 0% | 4.8 | 282.0 | 69,420 |
| Chula Vista City | City Of Chula Vista CS | 2250 | 2250 | 0 | 100% | 0% | 2.6 | 501.0 | 253,482 |
| Laguna Beach City | City Of Laguna Beach CS | 200 | 200 | 0 | 100% | 0% | 9.0 | 86.0 | 18,000 |
| Marine Corps Base Camp Pendleton | USMC Base, Camp Pendleton CS | 15 | 0 | 0 | 0% | 0% | 63.4 | 108.3 | 46,900 |
| San Clemente City | City Of San Clemente CS | 1 | 1 | 0 | 100% | 0% | 3.7 | 174.6 | 67,373 |
| San Diego Cnty Dept of Public Works | County Of San Diego CS | 600 | 600 | 0 | 100% | 0% | 10.0 | 407.0 | 151,000 |
| Santa Margarita Water District | Santa Margarita Water District CS | 436600 | 428890 | 4710 | 98% | 1% | 12.0 | 605.0 | 155,000 |
| UC San Diego | University Of California, San Diego CS | 100 | 63 | 0 | 63% | 0% | 0.5 | 25.0 | 55,000 |
| La Mesa City | City Of La Mesa CS | 4 | 4 | 0 | 100% | 0% | 0.0 | 155.0 | 58,244 |
| | | 12 | 12 | 0 | 100% | 0% | | | |
| | | 175 | 175 | 0 | 100% | 0% | | | |
| San Diego City | San Diego City CS (Wastewater Collection) | 1410 | 825 | 585 | 59% | 41% | 145.0 | 3002.0 | 2,186,810 |
| | | 6032 | 4532 | 0 | 75% | 0% | | | |
| | Totals for Public Spills | 447,394 | 437,562 | 5,295 | | | | | |
| | Totals for Federal Spills | 15 | 0 | 0 | | | | | |

May and June 2014 - Summary of Private Lateral Sewage Spills in the San Diego Region

| Reporting Agency | Collection System | Total Volume | Total Recovered (Gallons) | Total Reaching Surface Waters | Percent Recovered (%) | Percent Reaching Surface Waters | Population in Service Area | Lateral Connections |
|---------------------------|--|--------------|---------------------------|-------------------------------|-----------------------|---------------------------------|----------------------------|---------------------|
| | | | | | | | | |
| Chula Vista City | City Of Chula Vista CS | 400 | 400 | 0 | 100% | 0% | 253,482 | 48,922 |
| | City Of Laguna Beach CS | 2 | 2 | 0 | 100% | 0% | 18,000 | 6,650 |
| | Oceanside City | 450 | 300 | 150 | 67% | 33% | 169,350 | 41,750 |
| | Poway City | 121 | 109 | 0 | 90% | 0% | 42,862 | 12,165 |
| Buena Sanitation District | Buena CS | 15 | 10 | 0 | 67% | 0% | 39,558 | 6,393 |
| | | 90 | 40 | 50 | 44% | 56% | | |
| La Mesa City | City Of La Mesa CS | 11 | 11 | 0 | 100% | 0% | 58,244 | 13,000 |
| | | 200 | 0 | 0 | 0% | 0% | | |
| | | 15 | 15 | 0 | 100% | 0% | | |
| San Diego City | San Diego City CS (Wastewater Collection System) | 346 | 346 | 0 | 100% | 0% | 2,186,810 | 267,237 |
| | | 1,500 | 500 | 1,000 | 33% | 67% | | |
| | | 300 | 300 | 0 | 100% | 0% | | |
| | | 84 | 84 | 0 | 100% | 0% | | |
| | | 120 | 120 | 0 | 100% | 0% | | |
| | | 36 | 36 | 0 | 100% | 0% | | |
| | | 33 | 33 | 0 | 100% | 0% | | |
| | | 70 | 70 | 0 | 100% | 0% | | |
| | | 210 | 210 | 0 | 100% | 0% | | |
| | | 103 | 103 | 0 | 100% | 0% | | |
| 109 | 109 | 0 | 100% | 0% | | | | |
| Totals | | 4,215 | 2,798 | 1,200 | | | | |

| ENFORCEMENT DATE | ENFORCEMENT ACTION | FACILITY | SUMMARY OF VIOLATIONS |
|-------------------------|---------------------------|---|--|
| May 27, 2014 | ACLIC No. R9-2014-0023 | Bart's Iron Design, Dana Point | Complaint in the amount of \$15,242 for failure to develop and implement a Storm Water Pollution Prevention Plan (SWPPP), implement best management practices (BMPs), submit an annual report, and pay annual fees per Order No. 97-03-DWQ, NPDES Industrial Storm Water General Permit No. CAS000001. |
| May 30, 2014 | ACLIC No. R9-2014-0013 | GM Materials Ready Mix, San Diego | Complaint in the amount of \$17,744 for failure to enroll in Order No. 97-03-DWQ. |
| May 2, 2014 | Notice of Non-Compliance | Recon-Recycling, San Diego | Failure to enroll in Order No. 97-03-DWQ and implement BMPs. |
| May 29, 2014 | Notice of Non-Compliance | Cactus Recycling, San Diego | Failure to enroll in Order No. 97-03-DWQ. |
| May 6, 2014 | Staff Enforcement Letter | City of Vista, Vista | Failure to implement adequate BMPs as required by the municipal storm water permit, NPDES Order No. 2013-0001. |
| May 7, 2014 | Staff Enforcement Letter | 8th Street Project, National City | Failure to implement adequate BMPs as required by the general construction storm water permit, NPDES Order No. 2009-0009-DWQ. |
| May 7, 2014 | Staff Enforcement Letter | H Street Station, Chula Vista | Failure to implement adequate BMPs and renew expired Qualified SWPPP Developer (QSD) and Qualified SWPPP Practitioner (QSP) certificates as required by NPDES Order No. 2009-0009-DWQ. |
| May 9, 2014 | Staff Enforcement Letter | Baily Vineyard & Winery, Inc., Temecula | Failure to collect samples during prescribed reporting periods and to submit reports on time as required by the Waste Discharge Requirements (WDR) of Order No. 2001-159. |

| ENFORCEMENT DATE | ENFORCEMENT ACTION | FACILITY | SUMMARY OF VIOLATIONS |
|-------------------------|--|---|---|
| May 9, 2014 | Staff Enforcement Letter | Meadowlark Water Reclamation Facility, Carlsbad | Failure to meet daily minimum chlorine contact time as required by WDR Order No. R9-2007-0018. |
| May 13, 2014 | Staff Enforcement Letter | North City Water Reclamation Plant, San Diego | Failure to maintain 12-month running average effluent limitation for manganese from April 2013-March 2014 as required by WDR Order No. 97-03. |
| May 13, 2014 | Staff Enforcement Letter | South Bay Water Reclamation Plant, San Diego | Exceedance of 30-day average effluent limitation for chloride and weekly and monthly effluent coliform limits as required by WDR Order No. 2000-203. |
| May 19, 2014 | Staff Enforcement Letter | Paseo Pointe, Vista | Failure to provide proper SWPPP documentation as required by NPDES Order No. 2009-0009-DWQ. |
| May 22, 2014 | Staff Enforcement Letter | Alta, Encinitas | Failure to implement adequate BMPs as required NPDES Order No. 2009-0009-DWQ. |
| May 30, 2014 | Staff Enforcement Letter | Cardiff Collection, Encinitas | Failure to implement adequate BMPs as required by NPDES Order No. 2009-0009-DWQ. |
| May 30, 2014 | Staff Enforcement Letter | Montecina, Carlsbad | Failure to implement adequate BMPs as required by NPDES Order No. 2009-0009-DWQ. |
| May 30, 2014 | Staff Enforcement Letter | So Cal Edison, San Clemente | Failure to train staff of SWPPP, hazardous waste, and spill prevention guidelines, to properly store and dispose of materials on the facility, and to implement adequate BMPs as required by NPDES Order No. 2009-0009-DWQ. |
| June 26, 2014 | ACL Settlement Order No. R9-2014-0008 | Hale Avenue Resource Recovery Facility, City of Escondido | ACL Settlement Order in the amount of \$133,927 in the matter of Hale Avenue Resource Recovery Facility's raw sewage spill of 180,700 gallons to Escondido Creek and the Pacific Ocean on August 28, 2011. |

| ENFORCEMENT DATE | ENFORCEMENT ACTION | FACILITY | SUMMARY OF VIOLATIONS |
|------------------|--|---|--|
| June 24, 2014 | Cleanup and Abatement Order No. R9-2014-0019 | United Technologies Aerospace Systems, Chula Vista | Cleanup and Abatement Order directing Rohr and Goodrich Corporation to cleanup and abate the effects of the unauthorized discharge of waste to soil and ground water at the former South Campus Site and to submit technical reports pursuant to Water Code sections 13267 and 13304. |
| June 18, 2014 | Investigative Order No. R9-2014-0007 | General Dynamics, San Diego Unified Port District, and San Diego County Regional Airport Authority, San Diego | Investigative Order to submit technical reports pertaining to an investigation of sediment chemistry in the Laurel Hawthorn Central Embayment in San Diego Bay. |
| June 16, 2014 | Notice of Violation No. R9-2014-0062 | Jonas Salk Elementary School, San Diego Unified School District | Notice of Violation for multiple unauthorized discharges, failure to implement adequate construction storm water best management practices (BMPs), failure to implement timely BMP repairs, failure to submit an annual report, and failure to have an adequate Storm Water Pollution Prevention Plan (SWPPP), as required in NPDES Order No. 2009-0009-DWQ. |
| June 3, 2014 | Second Notice of Non-Compliance | Otay Auto Transport, San Diego | Failure to file Notice of Intent to enroll in NPDES Order No. 97-03-DWQ. The first Notice of Non-Compliance was sent on 03/28/2014. |
| June 24, 2014 | Second Notice of Non-Compliance | National Steel and Metals, San Diego | Failure to file Notice of Intent to enroll in NPDES Order No. 97-03-DWQ. The first Notice of Non-Compliance was sent on 12/10/2013. |
| June 24, 2014 | Second Notice of Non-Compliance | Poza Transport, San Diego | Failure to file Notice of Intent to enroll in NPDES Order No. 97-03-DWQ. The first Notice of Non-Compliance was sent on 03/28/2014. |

| ENFORCEMENT DATE | ENFORCEMENT ACTION | FACILITY | SUMMARY OF VIOLATIONS |
|-------------------------|---|---|---|
| June 24, 2014 | Second Notice of Non-Compliance | American Recycling, San Diego | Failure to file Notice of Intent to enroll in NPDES Order No. 97-03-DWQ. The first Notice of Non-Compliance was sent on 02/04/2014. |
| June 3, 2014 | Notice of Non-Compliance | Central Freight Lines, Chula Vista | Failure to file Notice of Intent to enroll in NPDES Order No. 97-03-DWQ. |
| June 25, 2014 | Notice of Non-Compliance | CK17, Murrieta | Failure to provide 2012-2013 Annual Report that was due 09/01/2013 as required in NPDES Order No. 2009-0009-DWQ. |
| June 25, 2014 | Notice of Non-Compliance | Residence Inn by Marriott, Murrieta | Failure to provide 2012-2013 Annual Report that was due 09/01/2013 as required in NPDES Order No. 2009-0009-DWQ. |
| June 2, 2014 | Staff Enforcement Letter | La Costa Town Square Commercial, Carlsbad | Failure to implement adequate BMPs as required in NPDES Order No. 2009-0009-DWQ. |
| June 4, 2014 | Staff Enforcement Letter | City of Aliso Viejo, Aliso Viejo | Failure to implement adequate BMPs and include all permit-required information on commercial and industrial inventories as required in NPDES Order No. R9-2009-0002. |
| June 4, 2014 | Staff Enforcement Letter | National City, National City | Failure to have construction management program comply with sections D.2.a.(2)(a)-(b), D.2.c.(3), D.2.d, D.2.e, and D.5.b.(1)(a)-(b) of NPDES Order No. R9-2007-0001. |
| June 5, 2014 | Staff Enforcement Letter | Laguna Woods, Laguna Woods | Failure to report all permit-required information within the Municipal Inventory as required in NPDES Order No. R9-2009-0002. |
| June 6, 2014 | Staff Enforcement Letter | Oak Knoll Campground, Pauma Valley | Failure to provide 2013 annual monitoring report as required in Waste Discharge Requirements (WDR) Order No. 94-39. |

| ENFORCEMENT DATE | ENFORCEMENT ACTION | FACILITY | SUMMARY OF VIOLATIONS |
|-------------------------|--|---|--|
| June 13, 2014 | Staff Enforcement Letter | Santa Rosa Water Reclamation Facility, Murrieta | Exceedances of daily maximum and 12-month average effluent limitations for nitrate during October 2013, exceedance of total dissolved solids (TDS) during May 2013, and deficient annual monitoring for aluminum and barium during 2012 in violation of WDR Order No. 94-92. |
| June 13, 2014 | Staff Enforcement Letter | North City Water Reclamation Plant, San Diego | Failure to maintain 12-month running average effluent limitation for manganese from May 2013 to April 2014 in violation of WDR Order No. 97-03. |
| June 13, 2014 | Staff Enforcement Letter | South Bay Water Reclamation Plant, San Diego | Exceedances of 30-day average effluent limitation for chloride during April 2014 in violation of WDR Order No. R9-2000-203. |
| June 13, 2014 | Staff Enforcement Letter | Temecula Valley Regional Water Reclamation Facility, Temecula | Exceedances of daily maximum effluent limitation for manganese from October 2012 to March 2014 in violation of WDR Order No. 2000-165. |
| June 13, 2014 | Staff Enforcement Letter | SeaWorld San Diego, San Diego | Exceedance of 30-day effluent limitation for total coliform during March 2014 at the east treatment facility in violation of NPDES Order No. R9-2011-0032. |
| June 13, 2014 | Staff Enforcement Letter | Cactus Recycling Inc., San Diego | Failure to implement BMPs and SWPPP as required in NPDES Order No. 97-03-DWQ. |
| June 25, 2014 | Staff Enforcement Letter | Candee Grading Plan, Murrieta | Failure to implement adequate BMPs as required in NPDES Order No. 2009-0009-DWQ. |
| June 25, 2014 | Staff Enforcement Letter | Residence Inn by Marriott, Murrieta | Failure to implement adequate BMPs as required in NPDES Order No. 2009-0009-DWQ. |
| June 25, 2014 | Staff Enforcement Letter | CK17, Murrieta | Failure to implement adequate BMPs and update SWPPP as required in NPDES Order No 2009-0009-DWQ. |

QUARTERLY DREDGE AND FILL PROJECT ACTION REPORT APRIL THROUGH JUNE 2014

| Reporting Period | Certification/ WDR Applications Received | Certifications/ WDRs Issued ¹ | Enrollment In State Certifications ² | Certification/ WDR Amendments ⁴ | Certification Withdrawals ⁵ | Certification Denials Issued | Total Pending Applications |
|----------------------------|---|---|--|--|---|---------------------------------|-------------------------------|
| April | 9 | 3 | 0 | 2 | 1 | 0 | |
| May | 2 | 1 | 0 | 0 | 1 | 0 | |
| June | 6 | 2 | 0 | 1 | 0 | 0 | |
| Quarterly Total | 17 | 6 | 0 | 3 | 2 | 0 | |
| YTD TOTAL | 30 | 12 | 0 | 6 | 5 | 1 | 100 |

| Reporting Period | Permanent Impacts ⁷ (Acres) | Temporary Impacts ⁷ (Acres) | Establishment Mitigation ⁸ (Acres) | Restoration Mitigation ⁹ (Acres) | Enhancement Mitigation ¹⁰ (Acres) | Preservation Mitigation ¹¹ (Acres) |
|----------------------------|---|---|---|---|--|---|
| April | 0.786 | 0.25 | 0.051 | 0.012 | 0.051 | 0 |
| May | 0 | 0.26 | 0 | 0 | 0 | 0 |
| June | 0.02 | 0 | 0 | 0 | 1.72 | 0 |
| Quarterly Total | 0.806 | 0.51 | 0.051 | 0.012 | 1.77 | 0 |
| YTD TOTAL | 6.88 | 0.569 | 3.11 | 4.1 | 6.72 | 0 |

- Certifications can be low impact, conditional, or programmatic. Low impact certifications are issued to projects that have minimal potential to adversely impact water quality. Conditional certifications are issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Programmatic certifications are conditional certifications issued to projects with like, recurring, or long-term impacts, thereby requiring continuous oversight.
- In cases where the State Water Resources Control Board has issued a programmatic certification (State Certification), the Regional Water Boards are responsible for reviewing projects in their area to confirm whether they qualify for enrollment in the programmatic certifications.
- Amendments are revisions to certifications that have been issued.
- Withdrawn refers to projects that the applicant or San Diego Water Board have withdrawn due to procedural issues not corrected within one year.
- Denials are issued when a project will adversely impact water quality and suitable mitigation measures are not proposed or possible.
- Permanent impacts (P) result in a permanent fill or loss of wetland function and value. Temporary impacts (T) are expected to return to their original condition within one year.
- Establishment is defined as the creation of vegetated or unvegetated waters of the United States and/or State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh).
- Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the United States and/or State previously existed (e.g., removal of fill material to restore drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the United States and/or State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species).
- Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the United States and/or State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species).
- Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the United States and/or State (e.g., conservation easement).

Quarterly Dredge and Fill Project Action Report

April – June 2014

| DATE | APPLICANT | PROJECT TITLE | PROJECT DESCRIPTION | WATERBODY | IMPACT (Acres) ¹ | MITIGATION (Acres) ¹ | CERTIFICATION/ WDR ACTION ² |
|-----------|--|---|--|---|--|--|---|
| 4/3/2014 | County of San Diego Department of Public Works | Former Fallbrook 1C Burn Dump Remediation Project | This project was originally certified on 11/15/2013. Amendment No. 1 allows an additional 0.004 acres of permanent impacts to remove additional burn ash debris discovered outside of the certified project area during remediation excavation activities. | Unnamed tributaries to the Santa Margarita River | (P): Additional 0.004 acres of streambed | Restoration: Additional 0.012 acres of streambed | Amendment No. 1 to Certification No. R9-2013-0131 |
| 4/9/2014 | San Diego Gas & Electric | Otay River Valley Access Road Repair Project eTS 24946 | The project proposed repair of a portion of an access road that crosses the Otay River. Water Board Staff worked with SDG&E to find an alternate river crossing and avoid the necessity for the project and the impacts to Otay River. | Otay River | Not Applicable | Not Applicable | R9-2013-0154 Withdrawn |
| 4/11/2014 | CA Department of Transportation, District 11 | Chollas Creek BMP Retrofit Project - Phase II | The project includes the construction of three infiltration trenches beneath the existing Chollas Creek concrete channel. The infiltration trenches are designed to address water quality issues in that reach of Chollas Creek. The trench design allows low flows to enter the trenches and infiltrate into the subsurface, while larger storm events will enter a bypass culvert that will outlet into the existing Chollas Creek channel. | Chollas Creek, a tributary to the San Diego Bay | (P): 0.71 acres of streambed | No Mitigation Required | R9-2013-0193 Order for Technically-conditioned Certification Enrollment in SWRCB GWDR Order No. 2003-17 DWQ |
| 4/21/2014 | City of San Diego | Murphy Canyon Road Trunk Sewer Manhole Access and Pipe Joint Repair Project | The project will repair a broken joint in the trunk sewer located in Murphy Canyon Creek. The broken joint has caused groundwater to infiltrate into the sewer system. The City of San Diego will complete this repair by installing a cured in place pipe (CIPP) liner. Approximately 40 feet by 40 feet of Murphy Canyon Creek will be disturbed to install the CIPP liner. The project will include dewatering the creek to remove about 6 feet of standing water and bypassing sewage. | Murphy Canyon Creek, tributary to the San Diego River | (P): 0.051 acres of wetland | Establishment: 0.051 acres Enhancement: 0.051 acres | R9-2013-0192 Order for Technically-conditioned Certification Enrollment in SWRCB GWDR Order No. 2003-17 DWQ |

Quarterly Dredge and Fill Project Action Report

April – June 2014

| DATE | APPLICANT | PROJECT TITLE | PROJECT DESCRIPTION | WATERBODY | IMPACT (Acres) ¹ | MITIGATION (Acres) ¹ | CERTIFICATION/ WDR ACTION ² |
|-----------|--|---|--|--|--|------------------------------------|---|
| 4/22/2014 | Shelter Island Boatyard | Shelter Island Boatyard Crane Replacement and Pier Addition Project | The project will update and modernize the facilities at the Shelter Island Boatyard in order to accommodate the increased size of recreation boats and the niche service of yacht extensions. This will include the removal of existing docks, construction of two new parallel 90-foot long concrete piers, installation of a concrete abutment, repair of two sections of existing bulkhead, and installation of 38 new piles. | San Diego Bay | (P): 0.00138 acres (60 sq. ft.) of wetland | No Mitigation Required | R9-2013-0194 Order for Technically-conditioned Certification Enrollment in SWRCB GWDR Order No. 2003-17 DWQ |
| 4/29/2014 | County of San Diego Department of Public Works | San Vicente Road Improvement Project | The project will improve and widen 2.25 miles of San Vicente Road in San Diego Country Estates (near Ramona). Amendment No. 1 adds new information to the Project description, corrects the impact totals, changes the type of post-construction best management practices, and updates outdated areas of the Certification. | Unnamed wetlands and tributaries to Santa Maria and San Vicente Creeks | (P): Increase of 0.01 acres of streambed and 0.01 acres of wetland (T): Increase of 0.18 acres of streambed and 0.07 acres of wetland | No Additional Mitigation Required | Amendment No. 1 to Certification No. 10C-095 |
| 5/1/2014 | Otay Land Company | Otay Ranch Village 8 West | The project proposed residential and commercial land uses as previously planned and approved under the Otay Ranch General Development Plan. The Project is one of the designated fourteen villages within the Otay Ranch General Development Plan (GDP) area. | Wetlands and ephemeral stream channels tributary to the Otay River | Not Applicable | Not Applicable | R9-2013-0123 Withdrawn |
| 5/7/2014 | Washington Holdings | Monarch Beach Management Plan (MBMP) | The project aims to reduce beach erosion, maintain, emergency access to the beach, and improve water quality for beach visitors by rearranging sand deposits at the Salt Creek outlet and relocating kelp/wrack on the beach. | Salt Creek outfall on Monarch Beach and the Pacific Ocean | (T): 0.26 acres of streambed | Temporary impacts will be restored | R9-2013-0126 Order for Technically-conditioned Certification Enrollment in SWRCB GWDR Order No. 2003-17 DWQ |

Quarterly Dredge and Fill Project Action Report

April – June 2014

| DATE | APPLICANT | PROJECT TITLE | PROJECT DESCRIPTION | WATERBODY | IMPACT (Acres) ¹ | MITIGATION (Acres) ¹ | CERTIFICATION/ WDR ACTION ² |
|-----------|--------------------------------|--|---|---|---------------------------------|-----------------------------------|--|
| 6/13/2014 | NCA ESCO Escondido LLC | Escondido Boulevard Apartments Project | The project includes a 76 unit multi-family subdivision located on an approximately 2.5-acre site. The subdivision will also include a leasing office, a pool area, and on-site parking lots. | Unnamed Tributary to Lake Hodges and the San Dieguito River | (P): 0.02 acres of streambed | Enhancement: 1.72 acres | R9-2013-0191 Order for Technically- conditioned Certification Enrollment in SWRCB GWDR Order No. 2003-17 DWQ |
| 6/27/2014 | KSL Capital Partners | Monarch Beach Management Plan: Salt Creek Pilot Project | The project was originally certified for Washington Holdings, LLC on 5/15/2012. Amendment No. 3 changes the Applicant designation to KSL Capital Partners and extends the Certification 6 months to allow for other agency permits to be approved for coverage under Certification No. R9-2013-0126 (listed above). | Salt Creek outfall on Monarch Beach and the Pacific Ocean | No Changes to Impacts | No Changes to Mitigation | Amendment No. 3 to Certification No. 11C-038 |
| 6/27/2014 | Gonzalez- Zavalegui, Carlos | Gonzalez-Zavalegui Residence Dock Improvement Project | The project includes the removal and replacement of a floating dock and gangway. The dock improvements are necessary because the original dock system is deteriorating. There are no anticipated impacts related to this project, the Certification is issued for the in-water work to replace the dock. | San Diego Bay | No Impacts | No Mitigation Required | R9-2013-0184 Order for Technically- conditioned Certification Enrollment in SWRCB GWDR Order No. 2003-17 DWQ |

1. Wetland refers to vegetated waters of the United States and streambed refers to unvegetated waters of the United States (P) = permanent impacts. (T) = temporary impacts, temporary impacts are restored to pre-project conditions.
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 San Diego Water Board within specified regulatory timelines. Withdrawn refers to projects that the applicant or San Diego Water Board have withdrawn due to procedural issues that have not been corrected within one year.