

**State Water Resources Control Board
February 16, 2010 Board Meeting
Item 10 - Executive Director's Report**

OFFICE OF ENFORCEMENT

Filing of Consent Judgment Against the City of Long Beach: The Office of the Attorney General, on behalf of the State Water Board, lodged a Consent Judgment (Judgment) in Los Angeles County Superior Court on January 21, 2010 to resolve violations of underground storage tank (UST) construction and monitoring requirements by the City of Long Beach. (*People of the State of California ex rel. State Water Resources Control Board v. City of Long Beach*, No. BC430178) The Judgment was entered by the Court the same day. The Office of Enforcement investigated the violations, organized the referral, and participated in the settlement negotiations.

The total value of the Judgment is \$6,200,000, and requires the City to pay \$1,500,000 within 30 days to the State Water Board Cleanup and Abatement Account, plus \$200,000 in enforcement costs to the State Water Board UST Cleanup Fund. The City is also required to provide \$2,500,000 in financial assurance which will become due if the City violates the UST laws again in the next five years. An additional \$2,000,000 in penalties was credited to the City for actions it took to enhance compliance at its UST facilities. The judgment requires that the City place a full page ad in the long Beach Press Telegram.

This case is the first of its kind by the State Water Board against a local agency for UST violations and will serve as a deterrent to other government entities that own or operate USTs. A press release was issued January 26, 2010, and a copy of the Judgment is available on the State Board's web-site.

Stipulated Order Against the City of Stockton: On June 16, 2006, the City of Stockton discharged 8.7 million gallons of un-disinfected wastewater effluent from the City of Stockton Wastewater Treatment Plant (WWTP) to the San Joaquin River in violation of its NPDES Permit. In August 2006, the Executive Officer of the Central Valley Water Board requested assistance from the Office of Enforcement (OE) with the investigation of the discharge event, and in February 2007, agreed to allow the Office of Enforcement to take over the enforcement action and bring it before the State Water Board.

OE's investigation concluded that while the direct cause of the discharge was the improper wiring of a diversion gate at the WWTP, the magnitude of the discharge was exacerbated by inadequate levels of staffing, preventive and corrective maintenance, and training being provided at the City's WWTP.

The parties reached a settlement agreement valued at \$2,425,000. Of that amount, \$350,000 will be paid to the State Water Board Cleanup and Abatement Account, and \$75,000 will be expended by the City on retaining a neutral third party to review the City's WWTP operations and optimization efforts on an annual basis for three years. The City will receive credit against the remaining \$2,000,000 in liability for enhanced staffing costs incurred subsequent to the initiation of enforcement and over the next three years. The parties have executed the Stipulated Order and it has been approved by the Executive Director. A press release will be issued.

Summary Judgment Obtained Against the United States Maritime Administration for Clean Water Act Liability: On January 21, 2010, the Court granted motions for summary judgment on Clean Water Act liability against the United States Maritime Administration (MARAD). The Court ruled that MARAD was violating the Act by discharging metals and other harmful constituents to Suisan Bay without a permit. This lawsuit was brought by ARC Ecology, San Francisco Baykeeper and the Natural Resources Defense Council. The San Francisco Bay Regional Water Board) intervened as a plaintiff.

The Mothball Fleet consists of 56 ships that have been declared surplus, or no longer useful, and retired by the Navy and/or Coast Guard. The ships are floating in Suisan Bay, just east of the Benicia Bridge. Paint chips, PCBs, copper, tributyltin and other metals are being discharged to Suisan Bay from the hulls and exterior surfaces of the ships. MARAD itself estimated that up to 20 tons of pollutants have already been discharged from the disabled ships. Until now, MARAD has never been covered by, nor even applied for, any kind of NPDES permit for the discharges coming from the ships.

Office of Enforcement assisted the Attorney General's Office with San Francisco Bay Regional Board's motion to intervene. After obtaining the Court's ruling on liability, the Office of Enforcement also assisted with developing a Clean Water Act permit and SWPPP plan through which compliance is, in part, expected to be achieved. Along with the Attorney General's Office, OE attorneys represent Region 2 in settlement negotiations with USDOJ and MARAD.

Stipulated Order Against David Chase: On September 22, 2009, the Office of Enforcement sent a Letter of Proposed Disciplinary Action to Mr. David Chase alleging that Mr. Chase submitted false or misleading information when he submitted an application to the Office of Operator Certification for a Grade I WWTP operator certification. These allegations comprised violations of Title 23 of the California Code of Regulations section 3710 subdivisions (a)(3). Mr. Chase began the process of appealing the Letter of Proposed Disciplinary Action and during that process, the parties engaged in settlement discussions.

The parties reached a settlement agreement whereby Mr. Chase is required to relinquish his Grade I operator certificate and refrain from reapplying for an Operator in Training certificate for a minimum of two years. The parties memorialized this settlement agreement in a Stipulated Order signed by the parties and executed by the Executive Director on January 27, 2010.

\$25,646 Administrative Civil Liability Imposed in Dry Cleaner Case: At an ACL hearing on January 13, 2010, the San Francisco Bay Regional Water Quality Board imposed a \$25,646 penalty against Hyung Keun Sun and Yeo Nam Sun, the property owners where Art Cleaners operates in San Jose. The Prosecution Team assisted by enforcement counsel from the Office of Enforcement, presented evidence that the Suns' failed to submit Site History and a Site Investigation Work Plan to identify TCE, PCE and other contaminants at the site, violating two separate CWC 13267 orders. The board unanimously voted to impose the full amount of the proposed penalty upon the Dischargers.

Referral of UST Violations to the Attorney General's Office: The Executive Director made a referral to the Attorney General's Office of an investigation by the Office of Enforcement regarding compliance issues at six facilities owned/operated by the same entity in two counties.

The investigation alleges operational, maintenance, and monitoring violations that have occurred since January 1, 2004. The types of violations alleged in the investigation report include, but are not limited to: failure to perform annual monitoring certifications; failure to install or repair line leak detectors; failure to install and/or maintain a functional UST monitoring

system; failure to install and/or maintain monitoring sensor; failure to perform annual line integrity test; failure to maintain monitoring sensor that is capable of detecting a leak at the earliest opportunity; failure of the primary containment to store the hazardous substance; failure to maintain properly functional overfill prevention system; failure to remove liquid, including fuel, from a sump, UDC or other UST component; failure to perform secondary containment testing; and failure to test cathodic protection system. Civil liabilities may be imposed under Health and Safety Code (H&SC) Chapter 6.7 section 25299.

Government-Owned Tanks (GOT) Enforcement Initiative: The Office of Enforcement (OE), with support of the United States Environmental Protection Agency (U.S. EPA), is embarking on a new enforcement initiative related to government-owned and/or operated underground storage tanks (USTs). OE anticipates bringing formal enforcement actions seeking civil penalties as a result of the initiative.

In August 2007, the Water Board reported to U.S. EPA that 415 government facilities (a total of 634 USTs) were non-compliant. The most common violations were failure to operate or maintain release detection equipment and failure to maintain and test secondary containment. These violations are considered to be significant because failed monitoring equipment or failed secondary containment threatens the environment by limiting the ability to detect or contain a release of hazardous substances. These are the same types of violations that are the basis for penalty actions against private parties.

The UST Enforcement Unit will dedicate 60% of one full-time staff to work on the GOT Initiative. In addition, the UST Enforcement Unit has obtained grant funding from the U.S. EPA to employ one additional staff for at least one year to assist with compliance at government-owned/operated UST facilities. OE will also coordinate with local regulatory agencies with jurisdiction over these facilities.

Staff has prepared an implementation work plan, which anticipates 30 to 60 inspections, and potentially 10 enforcement actions utilizing judicial enforcement.

DIVISION OF WATER QUALITY

Integrated Report: State Water Board staff are working to compile the statewide integrated report for consideration by the State Water Board in mid- 2010. Staff are also developing an on-line map for the Board's website to display information from the integrated report in a GIS format. The report satisfies the requirements under Clean Water Act (CWA) section 303(d) for identifying water bodies that are not meeting standards (impaired water bodies) and satisfies the requirements under CWA section 305(b) for an assessment of water quality of the state's waters. All of the Regional Water Boards have completed their reports and submitted them to the State Water Board for compilation and approval. The San Diego Water Board adopted its integrated report at their December meeting and is planning to complete the administrative record and submit its integrated report to State Water Board staff in February.

Landscape Irrigation General Permit: Staff issued a Conditional Notice of Applicability on January 20, 2010 to the Delta Diablo Sanitation District for enrollment of an irrigation site into the General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water.

Once-Through Cooling Policy 316(b): A State Water Board workshop on the draft Once-Through Cooling Policy was held on December 1, 2009. State Water Board consideration of adoption of the policy is planned for March 16, 2010.

Sediment Quality Objectives (SQOs): Staff plans to release conforming amendments to the Listing Policy, as directed during SQO adoption.

The approved Water Quality Control Plan (Phase I SQOs) largely focuses on direct effects of sediment quality to marine benthic communities. Staff is continuing to work with the Southern California Coastal Water Research Project to develop Phase II SQOs for indirect effects to human health. A scoping meeting for Phase II SQOs is tentatively planned for April 2010.

Storm Water Effectiveness Assessment for MS4 Permits: Staff is reviewing a draft of the Effectiveness Assessment document developed in conjunction with a sub-committee of the Storm Water Advisory Task Force. A workshop is tentatively planned for April 2010.

Suction Dredging Update: The Department of Fish and Game (DFG) has formed a Public Advisory Committee (PAC) consisting of suction dredgers, environmental groups, and agency staff. DFG plans to consider ideas from the PAC for its suction dredge regulation revisions and associated Subsequent Environmental Impact Report (SEIR). The first PAC meeting is scheduled for February 11, 2010. The PAC is also scheduled to meet on February 25, 2010 and March 11, 2010. At the request of DFG, State Water Board staff plans to participate in these meetings.

Wetland and Riparian Area Protection Policy: Work by the Policy Development Team continues on the policy and the associated staff report, which includes an analysis of policy alternatives and the impact of the alternatives on the environment. A scientific peer review request for the applicable policy elements, such as the wetland definition, is being developed. Planning has also begun for focused stakeholder meetings to be held in summer, 2010 in Sacramento.

The Steering Committee met on January 11 to review the Phase 1 milestone target dates for 2010 and to discuss various policy alternatives.

Statewide Policies/Significant General Permits: Appendix 1 provides the current status of pending Statewide Policies and Significant General Permits.

Irrigated Lands Regulatory Program Update Report: The February 2010 report is attached as Appendix 2.

DIVISION OF WATER RIGHTS

New Delta Flow Criteria Development: Senate Bill 1 requires the State Water Board to develop new flow criteria for the Delta ecosystem through an informational proceeding that provides an opportunity for all interested persons to participate. The State Water Board issued public notice of an informational proceeding to develop the flow criteria on December 16, 2009. Notices of Intent to Appear (NOI) in the proceeding were due on January 5, 2010. Staff received 57 NOIs.

A pre-proceeding conference was held on January 7, 2010, to gather input from participants on how the proceeding should be conducted. Staff discussed the technical introduction described in the public notice. Following the conference, staff solicited input from participants on how panels and groups should be formed. On January 29, 2010, after considering input from interested parties, the State Water Board issued a revised public notice. The revised notice focuses the proceeding on topic-based discussion panels, and identifies five topics for those discussion panels. Separate from the notice, staff provided interested parties with a preliminary list of documents that staff intends to rely upon for the technical introduction.

As discussed in the revised notice, participants' submittals are due February 16, 2010. After February 16, 2010, staff will promptly post all submittals, including State Water Board staff's own exhibits, to the Board website so that any interested party may submit questions to the State Water Board. The State Water Board members and staff will consider these questions and will ask questions that are useful to inform the proceeding.

The Informational Proceeding will commence on March 22, 2010 and continue on March 23 and 24. Staff will develop a report based on the information received during the Informational Proceeding, and plan to present the report to the Board for consideration in August 2010. The notice of proceeding, revised notice, preliminary list of documents, and other information are posted on the State Water Board website at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/deltaflow/

Instream Flow Policy (AB 2121): Division staff has prepared revisions to the AB 2121 Policy and responses to programmatic comments received from stakeholders and interested parties. In April, 2009, the State Water Board received a stakeholder-developed alternative, which has been posted on the Division of Water Rights website at http://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/index.shtml. In making revisions to the proposed Policy, staff incorporated some but not all of the proposed alternative concepts. It is anticipated that a revised Policy will be available for public review the week of February 8, 2010, and will be presented to the State Water Board for consideration at a Board adoption hearing scheduled for March 29, 2010. On January 27, 2010, the Division provided 60-day notice to the North Coast and San Francisco Bay Regional Water Boards of the State Water Board's intent to adopt the proposed Policy at the March 29th Board hearing. The Division will mail approximately 1200 copies of Public Notice of the March 29 Board hearing, including an information sheet describing the proposed Policy. The revised Policy and the draft response to comments will be provided to stakeholders and interested parties both by posting on the Division's web page and via electronic notice to the pertinent Lyris lists.

Russian River Frost Protection: Rulemaking Process: At a State Water Board workshop on January 19, 2010, staff recommended that the Board adopt regulations to address the effects on salmonids of water diversions for frost protection of crops in the Russian River watershed. At the workshop, staff presented draft regulations and recommended that the Board adopt

regulations through the formal rulemaking process, which will include a public hearing. The Board also received updates from groups that have implemented voluntary actions to prevent future impacts to salmonids from frost protection diversions and heard public comments. At the end of the workshop, the Board instructed staff to pursue the rulemaking process and to form a working group, consisting of a variety of stakeholders, to receive input on the text of the draft regulations. Brian Johnson with Trout Unlimited, David Kobal with Fetzer Vineyards, and Devon Jones, with Mendocino Farm Bureau have agreed to participate in the regulation working group. In addition, Matt Kondoff with UC Berkeley, Sean White with Russian River Flood Control and Water Conservation Improvement District, and Pete Opatz with the Sonoma Winegrape Commission have agreed to participate, pending approval or time permitting. Staff will be scheduling the working group meeting shortly.

San Joaquin River Flows: Environmental Document and Staff Workshop:

During January 2010 Division staff has continued development of the Substitute Environmental Document (SED) for the update of the San-Joaquin River flow and southern Delta salinity objectives contained in the Water Quality Control Plan for the Bay-Delta. Staff is planning to release portions of a Draft SED for a Staff Workshop in spring, 2010, including: 1) project description, approach and project alternatives; 2) science that supports proposed changes to flow and salinity objectives; and 3) a spreadsheet model of alternative flows in the San Joaquin River at Vernalis, apportioned to the Stanislaus, Toulumne, and Merced rivers, and the effects on water supply. In support of this effort, State Water Board and Delta Science Program staffs have planned a "Workshop for the Independent Panel Review of the Vernalis Adaptive Management Plan" (VAMP) for March 2-3, 2010, to be held at Delta Science Program offices in Sacramento.

Santa Margarita River Project of U.S. Bureau of Reclamation: Conjunctive UsePetition:

The U.S. Bureau of Reclamation (Reclamation) holds Permits 8511, 11357 and 15000B, which authorize construction of a two-dam project, diverting 185,000 acre-feet per annum from the Santa Margarita River. The permits were issued in 1951, 1958 and 1965, respectively. The authorized project has not been built and water use has not begun.

On January 15, 2009, Reclamation petitioned for extension of time to develop a revised project. On January 22, 2010, Reclamation filed change petitions for a conjunctive use project in the lower Santa Margarita River watershed for use by the Fallbrook Public Utility District (Fallbrook) and Camp Pendleton Marine Corps Base (Camp Pendleton), as well as supplying water for export to the San Diego region. The petitions will be noticed within the next 180 days.

Little Hoover Commission: The Little Hoover Commission (Commission) conducted two meetings on water supply matters of interest to the State Water Board. On January 27, 2009, the Water Governance Subcommittee of the Commission held an advisory meeting to discuss water transfers. The Division of Water Rights and the Office of Chief Counsel staff were invited to participate. Other participants included parties seeking to transfer water, primarily growers, and parties seeking to acquire water through transfers, including Metropolitan Water District of Southern California and Kern County Water Agency. The Commission is seeking information on possible state strategies and methods for creating an effective water market as part of its study of California water governance. The Commission has stated its intent to explore recommendations for a range of policy areas and governance related to the management of the state's water. There was significant discussion regarding how transfers are conducted, what regulatory requirements apply, and what changes could be made to encourage water transfers. The State Water Board processes relatively few of the transfers that occur in the state. Only transfers that involve changes in water right permits or licenses must be approved by the State Water Board.

Central Valley Project: Reclamation Petitions for Time Extension: On June 29, 2009, Reclamation filed 32 petitions for extension of time for the Central Valley Project. The petitions were noticed on September 3, 2009, and 17 protests were filed. The Division evaluated the protests, and some of the protests were not accepted. Tuolumne Utilities District filed a corrected protest. San Joaquin County filed a corrected protest and petition for reconsideration of protest rejection.

The Division advised Reclamation that it may issue licenses for those facilities for which full beneficial use has occurred. It appears that the Trinity River, San Joaquin River, Stony Creek, Stanislaus River and the hydropower only permits could be licensed, provided certain information is provided to the Division regarding a possible extension of time. The Division requested Reclamation to respond to this issue. Reclamation deferred its response to this issue until after it has an opportunity to meet with the Division.

Reclamation has been afforded a 180-day time period to determine how it will proceed with development of the CEQA document for the petitions. DWR, as lead agency, is preparing an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Bay Delta Conservation Plan that will evaluate potential habitat restoration and water supply conveyance options. During the 180-day period, Reclamation will determine whether the DWR EIR/EIS will evaluate the petitions, or whether it must prepare a separate environmental document.

Mono Lake Basin Activities Update: State Water Board Orders 98-05 and 98-07 continued oversight over the instream flows associated with the water rights of the Los Angeles Department of Water and Power (LADWP) in the Mono Lake Basin. LADWP funded preparation of four reports that were submitted to the Division on August 3, 2009 regarding fisheries and instream flows in Rush and Lee Vining Creeks. In December 2009, the State Water Board-approved Stream Scientists responded to comments on the reports.

On February 1, 2010, the LADWP submitted a draft report entitled "Mono Basin Stream Restoration and Monitoring Program: Synthesis of Instream Flow Recommendations" to the Division, with revised instream flow recommendations for Rush and Lee Vining Creek. The Synthesis Report was prepared by the "Stream Scientists" and includes the results of an Instream Flow Report and cumulative analysis of fisheries, hydrologic, geomorphic, and riparian vegetation data collected over the past ten years of monitoring in the Mono Basin. The Division will allow LADWP a 120-day review period to determine whether implementation of the recommendations in the report is feasible. The final report will be circulated for public review and comment. The Division will host a Mono Basin Stream Restoration meeting on February 22nd and 23rd in Sacramento to discuss current operations in the Mono Basin and the proposed instream flow recommendations.

In April of 2010, LADWP plans to submit a revised Mono Basin Operations Plan (with the Synthesis Report as an Appendix), which the Division will also circulate for public review and comment. Subsequently, LADWP will file a petition for a one-year temporary permit to test the revised operations plan.

South Delta Diversions: Cease and Desist Order Hearings: Since December, the Division has issued eleven cease and desist orders to parties in the south Delta for alleged and threatened illegal diversion of water. All eleven of the parties have requested a hearing. In order to resolve these hearings expeditiously, the Division is scheduling three to four hearings per day. The first group of four hearings is scheduled for May 5, 2010. Board Member Baggett will serve as the hearing officer. These hearings will involve determination and confirmation of riparian and pre-1914 appropriative rights for the properties involved. Almost all of the hearing

requests include comments that the Board does not have the authority to make determinations regarding these types of water rights.

Langtry Farms LLC and Guenoc Winery Inc.: Denial of Petitions: The State Water Board issued Permit 16860C (Application 24296C) to Magoon Estate Limited (now Langtry Farms LLC and Guenoc Winery Inc.) on January 21, 1977 for collection to storage of 5,350 acre-feet per annum in the Upper Putah Creek watershed. Water diversion and use has not begun under the permit. Permittee filed four petitions, including two time extension petitions (in 1995 and 2000) and two change petitions (in 1997 and 2000). Permittee would like to relocate the reservoir, use a different water source and point of diversion, enlarge the place of use from 1,380 acres to 4,611 acres and have additional time to develop the revised project. The Department of Fish and Game protest of the petitions is unresolved.

On March 20, 2009, the Division denied the petitions in Order WR 2009-0019 DWR. On reconsideration, action on the petitions was remanded to the Division. The original order was modified, and the petitions were subsequently denied on December 20, 2009 in Order WR 2009-0064 DWR. Permittee has petitioned for reconsideration of the second denial order.

Oroville Facilities: Draft WQ Certification Issued: The Department of Water Resources (DWR) is seeking a new license from the Federal Energy Regulatory Commission (FERC) for the Oroville Facilities. DWR has requested water quality certification from the State Water Board. In March 2006 DWR and more than 50 other parties entered into a Settlement Agreement (SA) regarding the relicensing of the Oroville Facilities. State Water Board staff prepared a draft water quality certification that in large part incorporates the SA, but in some instances makes changes to ensure that conditions are enforceable, fully protect the beneficial uses, and will meet water quality standards in a timely manner. DWR and State Water Board staff had a series of meetings and exchanges of information over the past six months prior to issuance of the draft certification. State Water Board staff also met with the State Water Contractors and Butte County representatives to discuss their concerns, and reviewed written comments from additional stakeholders. State Water Board staff issued the draft water quality certification on January 25 for public review and comment. Comments must be submitted by close of business February 16, 2010.

Petitions for Reconsideration of Water Right Annual Fees: The Division has processed the timely petitions for reconsideration of 2009 water right annual fees. The Office of Chief Counsel prepared orders for signature by the Executive Director.

Small Claims Filing: Mr. Glen Eastman of El Dorado County filed a small claims court action against his water right fees in the amount of \$600.16, levied by the State Board of Equalization on behalf of the State Water Board. On February 3, 2010, the court heard the case and will render a decision by the end of February.

eWRIMS Online Report Management System (RMS) - Public Outreach Plan: Division staff is in the process of finalizing the public manual for filing reports of water diversion and use online. The manual is designed to provide the public user with information about water right laws and the logic behind the required information as well as instructions for navigating the new online RMS. The manual will be posted to the RMS login page and will comprise the core text used in the Division's upcoming classes and webinar series, "How to File Water Diversion and Use Reports Online."

Delegation Authority: The State Water Board has delegated specific actions relating to the general operation of the water rights program to the Deputy Director for Water Rights. (See Resolution 2007-0057.) Each month, mid-month, the Division of Water Rights posts on its webpage a report on the actions it has completed in the previous month. The table below provides a summary of the activities of the Division during the first half of Fiscal Year (FY) 2009-2010. Permitting, Licensing, Petitions, Transfers, Monitoring and Reporting, and proposed Enforcement activities are delegated or conditionally delegated to the Deputy Director for Water Rights. Water Quality Certification activities are delegated to the Executive Director. In general, a conditionally delegated activity is delegated unless the affected water right holder is entitled to a hearing on the action and a hearing is requested. The table below also provides the activity goals for FY 2009-2010. The FY 2009-2010 goals reflect an anticipated reduction in work products due to mandated furloughs.

December 2009			
	FY Goal	FY	Month
Permitting			
Applications Rejected	--	9	1
Applications Cancelled	--	9	2
Registrations Issued	--	19	5
Registrations Renewed	--	134	15
New Statements Processed	--	20	0
New Groundwater Recordations Processed	--	9	0
Permits Issued	12	7	0
Temporary Urgency Permits Issued	2	0	0
Licensing	footnote ¹		
Licenses Issued		5	0
Amended Licenses Issued		7	2
Petitions	30		
Time extension Orders Issued		1	1
Change Orders Issued		18	2
Transfers Approved²			
Orders Issued on Temporary Urgency Change Petitions	--	2	0
Orders Issued on Temporary Change for Transfer Petitions	--	5	0
Orders Issued on Long Term Transfer Petitions	--	0	0
Monitoring and Reporting			
Annual Reports of Permittee and Licensee Processed	3145	354	26
Supplemental Statement of Diversion & Use Processed	--	762	170
Annual Groundwater Recordation Processed	--	49	0
Ownership Changes Processed	--	521	22

¹ The goal is to issue licenses, amended licenses or prepare Orders of Revocation for 72 permits.

² Transfers may also be accomplished under change petitions filed pursuant to Water Code section 1700 *et seq.*

Enforcement	footnote ³		
Permit and License Revocations Issued	--	30	1
Complaint Actions Closed	38	17	2
Cease and Desist Notices Issued		8	8
Final Cease and Desist Orders Issued	--	2	0
Administrative Civil Liability Complaints Issued	--	0	0
Final Administrative Civil Liabilities Issued		0	0
Administrative Civil Liability Orders Paid	footnote ⁴	1	0
Settlement Agreement Orders Issued by Executive Director		0	0
Water Quality Certifications			
Certifications on FERC projects	4	1	0
Application Denials on FERC projects	--	1	0
Certifications on Non-FERC projects	4	3	0
Application Denials on Non-FERC projects	--	0	0
Adjudicatory			
Water Right Decisions Issued by the Board	3	1	0
Division Decisions Issued	--	0	0
Water Right Orders Issued By the Board	5	0	0
Orders on Petitions for Reconsideration	--		
By the Executive Director		4	2
By the State Water Board		1	1
Administrative Records Completed	--	0	0

DIVISION OF FINANCIAL ASSISTANCE

ARRA/Clean Water State Revolving Fund Program: A groundbreaking ceremony was held on January 11, 2010, for the City of Hermosa Beach Pier Avenue Stormwater Improvement Project (Project). The City of Hermosa Beach was awarded \$1,265,000 through the American Recovery and Reinvestment Act of 2009 (ARRA) to design and construct a system to capture and treat stormwater along Pier Avenue before it discharges into the Pacific Ocean. The green streets approach filters stormwater into curbside vegetation to remove bacteria, metals and other pollutants, while excess runoff is distributed nearby for irrigation reuse. City officials, community members, Water Board, and U.S. Environmental Protection Agency staff attended the groundbreaking ceremony, held at the Project site.

Underground Storage Tank (UST) Cleanup Fund (Fund): Federal and state laws require every owner and operator of a petroleum UST to maintain financial responsibility to pay for any damages arising from their tank operations. The Barry Keene UST Fund Act of 1989 was created by the California Legislature to provide a means for petroleum UST owners and operators to meet the federal and state requirements and pay for the cleanup of contaminated soil and groundwater when a leak is discovered.

³ The goal is to initiate 15 enforcement actions (Administrative Civil Liability Complaints and Notices of Cease and Desist Orders).

⁴ The goal is that 100 percent of ACLs imposed be paid.

Updates about the Program:

	Priority A	Priority B	Priority C	Priority D	Total
Active Claims	83	2,012	1,486	491	4,072
Claims with Suspended Letters of Commitment	0	0	0	87	87
<u>FY to date</u>					
Closed Claims	7	46	36	33	122
Closed Claims w/ Closed Sites	5	36	22	23	86
Claims on the Priority List Awaiting Funding	2	61	66	4,525	4,654
Reimbursement Requests Awaiting Review (estimated value)	0	600 (\$30M)	847 (\$47M)	166 (\$17M)	1,613 (\$94M)
Reimbursements on Hold Pending Availability of Funds	0	168 \$7M	428 \$22M	58 \$3M	654 \$32M
Reimbursements Paid YTD	50 \$2M	1,513 \$63M	312 \$16M	153 \$10M	2,028 \$91M

- The Fund is currently activating Letters of Commitment to Priority classes A and B claims, and to all school district claims.
- Quarterly revenue was due to Board of Equalization on January 25, 2010. The Fund projects \$36.7 million will be available to pay claims.
- The Fund has not seen the expected influx of new reimbursement requests from approximately 1,100 Priority C claims that had their Letters of Commitment un-suspended effective January 1, 2010.
- The next Cleanup Fund Task Force Meeting will be held on March 10, 2010.

Division Approvals:

The Deputy Director of the Division approved the following Preliminary Loan/Grant Commitments from January 4, 2010 to February 3, 2010.

Clean Water State Revolving Fund Loan

Entity	Preliminary Loan Commitment	Project	Approved
Fairfield-Suisun Sewer District	\$11.1 million	Fairfield-Suisun Sewer District Ultraviolet (UV) Disinfection Project	1/20/2010

Water Recycling Grant/Loan

Entity	Preliminary Funding Commitment	Project	Approved
Foothill Municipal Water District	\$75,000	Recycled Water Distribution System Study	1/21/10

Cleanup and Abatement Account

Entity	Preliminary Loan Commitment	Project	Approved
Region 2	\$55,000	Region 2 Orinda Gateway Enforcement Case	1/28/10

DIVISION OF ADMINISTRATIVE SERVICES

Vehicle Fleet Reduction: Pursuant to the Governor's Executive Order (S-14-09), the Water Boards are in the process of reducing our car fleet inventory. We will reduce the fleet vehicle pool by 33 vehicles at the end of February 2010. These vehicles are currently leased from the Department of General Services. Cost savings for the fiscal year 2010-11 will be approximately \$120,000.

Fiscal Year 2010-11 Budget: In January, the Governor released his budget proposal for Fiscal Year 2010-11. For the Water Boards it provides \$825 million and 1,589 personnel years and includes \$34 million from the General Fund (GF). Our GF appropriation has been declining over the last four years and is proposed to be 17% less than the GF appropriation in Fiscal Year 2007-08. This year we have proposed several funding changes that would continue to reduce our need for General Fund. These include:

- A redirection of \$1.4 million in General Fund (GF) from our NPDES Wastewater Program to the Waste Discharge Permit Fund (WDPF). This will result in the NPDES Program being fully funded by the WDPF.
- A redirection of \$1.8 million in GF from our Irrigated Lands Program to the WDPF.
- A redirection of \$3.2 million in GF to the Water Rights Fund (WRF) to increase the fee base of the various Water Rights Programs. This will not result in a fee increase this year and will only use GF for those programs not able to be covered with fees, such as pre-1914 and riparian water rights.

In addition, we have several other changes included in this year's budget:

- \$158 million in additional Underground Storage Tank Cleanup funds, pursuant to AB 1188, to assist in the cleanup of leaking underground storage tanks.
- 5 positions for the expedition of FERC Hydroelectric Projects and \$1 million in cost recovery authority for additional CEQA work in the Water Rights Program.
- 8.9 positions and reimbursement authority for additional Basin Planning Program activities.
- 2 positions and funding to implement the Climate Change Scoping Plan, pursuant to AB 32.
- 4 positions to allow for the enforcement of approximately 2,000 more Mandatory Minimum Penalty violations each year.

- 33 positions and funding to implement the various provisions of SBX7, which include 25 positions for water rights enforcement and 8 positions for other activities in the bill, such as water conservation and to improve water diversion and use reporting.

OFFICE OF RESEARCH, PLANNING AND PERFORMANCE

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

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

<p>Recent Classes January</p>	<p>NPDES Permit Writer’s Course The five-day class presented the basic regulatory framework and technical considerations that support the development of wastewater discharge permits as required under the National Pollutant Discharge Elimination System (NPDES) program. The audience for the course was state permit writers with less than two years of experience in the NPDES program.</p>
	<p>Bill Analysis The Office of Legislative Affairs (OLA) presented Bill Analysis training for managers, supervisors, and staff who review bills or prepare bill analyses. The course content covered how a bill becomes a law; elements of a bill; elements of an analysis; how to write a bill analysis; the role of program staff/Regional Boards/OLA; and the analysis review process.</p>
	<p>Waste Water Treatment Plant Operation At the request of the Governor, the Water Board Training Academy presented a custom five-day class for 40 treatment plant operators from Mexico. The class was taught in Spanish by instructors from the Palm Desert and Riverside Regional Water Boards, the Department of Toxic Substances Control, El Centro Waste Water Treatment Plant (WWTP), Calexico WWTP, CONAGUA, and EcoLogic. The class included a field trip to the Padre Dam Treatment Plant. (see article: http://www.signonsandiego.com/news/2010/jan/30/mexican-wastewater-officials-tour-treatment-plant/)</p>
	<p>Invalidating Data What it Means and What to do This half-day class included a summary of how courts deal with scientific data and examples of where data, based on method requirements, may be invalidated by the discharger. It also includes a brief review of relevant statutes and regulations used by the California Public Health Department (CPHD) laboratory certification program as some cases may involve situations where uncertified labs or unapproved methods were involved.</p>

<p>Currently Scheduled*</p>	<p>Assuring the Reliability of Water Quality Data This one-day course describes the quality assurance procedures that need to be included in monitoring projects. The emphasis of the course is on understanding and ensuring that water quality data are reliable for decision-making. The training offers students the tools to prepare a quality assurance project plan (QAPP) for water quality monitoring and to review water quality data to determine if the data meets the QAPP requirements.</p>
	<p>Media Policy The Office of Pubic Affairs is providing media training for Executive Officers and those designated to speak with reporters. The course content covers the following topics:</p> <ul style="list-style-type: none"> ▪ A picture of what is considered to be news ▪ What reporters want from you ▪ How you can supply facts in a positive way ▪ Ways to handle tough questions ▪ The do's and dont's of Public Record Act reporter requests ▪ Role playing exercises to sharpen your message and your skills

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

BOARD MEMBER DIRECTIVES

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

Appendix 1

Statewide Policies/Significant General Permits

Division of Water Quality		
Status Code	Policy/Significant General Permit	Status
A*	Anti-Degradation Policy / Implementation Triennial Review	Scoping meeting held on 11/17/08. Reviewing the 30+ comment letters received. Preparing recommendation for the Board. Work delayed by petitions.
A-10*	Aquatic Pesticide General Permit – Vector Control, Aerial Application (Adulticide)	Draft permit released for informal public comment 11/2009. Expect to release formal draft late Spring 2010.
A-10*	Aquatic Pesticide General Permit – Vector Control, Aquatic Application (Larvacide)	Work delayed, will follow Aerial Application permit. May combine with other Vector Control permit to make a single permit.
A-10	Aquatic General Permit – Weed Control, Aquatic Application	Work delayed, will follow Aerial Application permit.
P	Aquatic General Permit – Aquatic Invasive Species	Pending completion of other Aquatic General Permits.
P	Aquifer Storage and Recovery Policy	Delayed due to other priorities.
A-10	Areas of Special Biological Significance (ASBS): Special Protections	Economic estimates done. Revising CEQA initial study. Planning to release draft and hold Public Hearing in Spring, 2010.
A-10	Bacterial Objectives for Inland Surface Waters	Scoping meetings held 10/6/08 & 10/22/08; comment period closed 11/5/08. Staff preparing draft policy and staff report. Economic study delayed due to contract funding issues. Targeting Public Hearing in Summer 2010.
A	Bio-indicator Development	Preparing initial planning effort for future development work.
A-10	Cadmium Objective and Implementation Policy	Scoping meeting held 10/6/08; comment period closed 10/23/08. Final internal review of draft policy and staff report prior to upcoming release for public comment. Targeting Public Hearing in September, 2010.

Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A-10	Chlorine Residual Objectives and Implementation Policy	Delayed by loss of key staff. Scientific Peer review received. Report and policy will be revised as necessary to address peer review comments. Targeting Public Hearing November, 2010.
A	Composting Facilities Statewide Waiver	Continuing to meet with CIWMB and Regional Boards on preparing draft statewide waiver.
P	Grazing	No Statewide effort at this time, Regions are issuing watershed based waivers. Grazing on national forest system lands will be considered under Statewide Water Quality Management Plan and waiver.
A-10	Integrated Report Adoption (2008 / 2010)	Regional Boards are adopting their lists and preparing to submit. Last Regional Board adoption occurred December, 2009. Board consideration targeted for May, 2010.
A-10	Leaking Underground Fuel Tank (LUFT) Manual	Draft manual update in preparation.
A-10	Listing Policy Update (Sediment Quality Objectives)	CEQA Scoping Meeting scheduled for March 29, 2010. Targeting Public Hearing / Board consideration in June 2010.
A	Marina Permit	Initial drafting and data gathering.
P	Mercury Offset Policy	Partial economic analysis received from contractor (SAIC). No further contract funding available to complete economic analysis.
P	Methylmercury Objectives	Delayed by loss of key staff. Preparing economic analysis (SAIC).
A	Nutrient Numeric Endpoints Tools	Freshwater: to be peer reviewed. Contract with SCCWRP to develop estuary nutrient framework and numeric endpoints underway. Technical, stakeholder, and regulatory (Water Boards and U.S. EPA) advisory groups have been formed.
A-10*	Ocean Plan Amendment: monitoring & desal provisions	Will begin initial preparation at the completion of Once-Through Cooling 316(b) Policy.
P	Ocean Plan Amendment: vessel provisions	Pending completion of other Ocean Plan Amendments.
A	Ocean Plan Triennial Review	Public workshop targeted for Summer of 2010.

Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A-10*	Once-Through Cooling (316b) Policy	Board Workshop held on 12/1/09. Targeting Board consideration for adoption on March 16, 2010.
A-10*	Onsite Waste Water Treatment Regulations/Waiver	Drafting new approach. Planning further public hearings on a new draft proposal in 2010.
A	Rapid Diagnostic Tests for Bacterial Indicators in Coastal Waters	SCCWRP has established a sub-committee to evaluate methods readiness for usage. Sub-committee to report back in April 2010 to full commission with recommendation based on further testing.
A-10	Sanitary Sewer Overflow (SSO) WDR Update	Staff workshops held on September 15 and 29, 2009. Comment period extended to November 5, 2009. Comments received under review and preparing summary. Targeting Public Hearing / Board consideration in December, 2010.
A	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase II	Phase II staff draft released. Scientific Steering Committee convened in July 2009. CEQA Scoping Meeting tentatively planned for April, 2010.
P	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase III	Pending completion of Phase II and availability of funding
A-10*	Storm Water CalTrans Permit	Incorporating TMDLs. Targeting workshops for May 2010.
A*	Storm Water Industrial Permit	Evaluating status of draft permit and developing schedule of next steps.
A-10	Storm Water MS4 Effectiveness Guidance (AB 739, 9, Laird)	Working with Storm Water Task Force to develop guidance. Task Force guidance was delayed until late Fall. Targeting Public Workshops in April, 2010.
A-10*	Storm Water MS4 Phase II Permit	Work has resumed now that staff returned from leave. Targeting Public Workshops in late Summer, 2010.
P	Suction Dredge General Permit	On hold, and working instead with Dept of Fish and Game to coordinate with their suction dredge permitting program.
A-10*	Timber Activities on National Forest System Lands	Resolution to proceed adopted on August 4, 2009. Public workshop held on November 30, 2009. Work groups formed to develop draft WQMP amendments.

Division of Water Quality

Status Code	Policy/Significant General Permit	Status
P	Timber Activities on Non-federal Lands	Work with California Board of Forestry, Department of Forestry and Fire Protection, and Regional Water Boards. Work delayed pending the outcome of a petition.
A-10*	Toxicity Control Provisions for the SIP	Preparing draft policy alternatives and environmental documents. U.S. EPA released a draft statistical method for toxicity tests to the States for comment in October 2009. Anticipate release of draft policy for informal comment in February 2010. Targeting Public Hearing in June 2010.
A-10*	Trash Policy	Contractor provided draft scoping documents, reviewing and will be setting up meeting in Spring 2010. Targeting Public Hearing / Board consideration in December, 2010.
A-10	UST Regulatory Program Task Force	Updated the Board on progress at 11/17/09 Board Meeting. Will make final recommendations to the Board in January 2010.
A-10	Wetlands and Riparian Areas (Dredge and Fill) Policy – Phase I	Development Team (R1, R2, DWQ) drafting Phase I policy and staff report. Information item on the wetland definition developed by the Technical Advisory Team (TAT) presented at the October 6, 2009 meeting of the State Water Board. Targeting Public Hearing in October, 2010.
P	Wetlands and Riparian Areas Policy – Phase II	Pending completion of Phase I.
P	Wetlands and Riparian Areas Policy – Phase III	Pending completion of Phase II.

Note: * indicates Board Priority

Status Code Key:

White = Active effort (A)

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

Green = Targeted for completion in 2011 (A-11)

Blue = Completed (C)

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

Policies/General Permits Completed in 2009

Status Code	Policy/Significant General Permit	Status
C	Biodiesel Regulations	Board approved regulations on November 17, OAL approval pending.
C	Landscape Irrigation / Incidental Runoff Permit	Permit adopted by Board on 7/7/09. Preparing memo to Regional Boards regarding implementation.
C	Recycled Water Policy	Complete. Approved by OAL on 5/14/09. Sent memo to Regional Boards regarding implementation.
C	Ocean Plan Amendment: non-substantive	Board adopted on 9/15/09. Submitting to Office of Administrative Law for review.
C	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase I	Phase I completed, adopted by State Board, approved by OAL on January 5, 2009. Approved by U.S. EPA on August 25, 2009.
C	Storm Water Construction Permit	Board adopted permit at its 9/2/09 Board Meeting.
C	Storm Water Linear Permit	Linear permit included in Construction Storm Water permit. Board adopted permit at its 9/2/09 Board Meeting.
C	Vessel General Permit – Revised Certification	Revised 401 Certification in February 2009 to reflect U.S. EPA's final permit and make clarifying edits.

Policies/General Permits Completed in 2008

Status Code	Policy/Significant General Permit	Status
C	Blue-Green Algae Guidance	Revisions completed in September 2008 and posted on website.
C	Compliance Schedule Policy	Board approved on 4/15/08, effective on 12/17/08.
C	Vessel General Permit – Certification	Issued 401 certification with state conditions on 12/17/08. Completed.

Division of Water Rights

Status Code	Policy/Significant General Permit	Status
(A-10)	Draft WQCP update for San Joaquin River flows and southern Delta flow objectives	Hoffman salinity synthesis report and recommendations will be released by December 30, 2009. Draft SED chapter and notice of public workshop will be released by January 30 th . Draft plan amendment to be brought to the Board in November 2010
(A-10)	Delta outflow recommendations (SBX7 1)	Staff team has been largely assembled. Public informational hearing notice is drafted and targeted for mailout on December 9. Pre-hearing conference is scheduled for January 7 th , and hearing will begin March 22, 2010.
(A-10)	Instream Flow Policy (AB 2121)	Draft scheduled for completion by December 15, 2010. To be considered by the Board in February 2010.

Status Code Key:

White = Active effort (A)

Yellow = Targeted for completion in 2011 (A-10)

Blue = Completed (C)

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

Office of Enforcement		
Status Code	Policy/Significant General Permit	Status
C	Policy on Supplemental Environmental Projects	Approved by Board and OAL.
C	Revised Water Quality Enforcement Policy	Approved by Board on November 17, 2009

Status Code Key:

White = Active effort (A)

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

Blue = Completed (C)

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

Division of Financial Assistance		
Status Code	Policy/Significant General Permit	Status
	Clean Water State Revolving Fund Regulations	Under development. Process has slowed considerably to accommodate getting the ARRA stimulus funds out to projects. Currently project 2010/2011
	Orphan Site Cleanup Fund (OSCF) Proposed Rulemaking Package	Office of Administrative Law approved the OSCF regulations on September 15, 2009.
	Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Regulations	Regulations are drafted, but being held waiting fiscal considerations. Anticipate being released for public review in Spring 2010.

Status Code Key:

- Targeted for completion in 2009
- Completed Items
- Suspended / No statewide effort at this time

Status Code	Policy/Significant General Permit	Status
North Coast Regional Water Board (R1)		
A-10	Renewal/Update Categorical Waiver for USFS Nonpoint Source Activities	April 2010 adoption hearing
A-10	Site specific DO Objective for Klamath	March 2010 adoption hearing
A-10	Klamath River Temp., DO, Nutrient TMDLs	March 2010 adoption hearing
A-10	Internal procedures to streamline clean up and closures of underground tank sites	January 2010 board meeting
A-10	Editorial (Non-Regulatory) Amendment	2010
A-10	Update Groundwater Objectives/Recycled water policy implementation	2010-2011
A10	Elk River TMDL	2010-2011
A10	Waiver for Dairies and associated pasture land	2010
A-11	NPDES general permit for Dairies	2011
A-10	County road waiver/permit	2010
A-10	Region-wide DO objective	2010
P	Region-wide Sediment Amendment	Piloting in the Elk and Klamath TMDLs
P	Stream and Wetlands Policy	Region 2 lead
P	In-stream Flow Objective	Unscheduled, to be part of Stream and Wetlands Policy
P	Mixing Zone	Draft SOW received from contractor
P	Hatcheries Amendment	Research underway by contractor
P	Freshwater TMDL	Under development
P	Laguna de Santa Rosa TMDL	Under development
P	Initiate Regional waiver for Ag and grazing	Spring 2010

San Francisco Bay Regional Water Board (R2)		
A-10	Basin Plan amendment to update bacterial standards for SF Bay to make consistent with those in Ocean Plan.	Work on Staff Report, implementation plan, and amendment language underway.
A-10	Basin Plan amendment for Beneficial Use update.	Basin Plan amendment being drafted. Staff have invited public input via Lyris email notices and web site postings; communicated with resource and local agencies across the region; and solicited input from each division in-house.
A-10	Stream and Wetland Systems Protection Policy	Basin Plan amendment and supporting Staff Report being drafted. Coordinating Regional Water Board policy with State Board Wetland and Riparian Area Protection Policy.
A-10	Multi-year stream maintenance permit to Sonoma County Water Agency	Expect to be considered by Board in spring 2010
A-10	Napa/Sonoma Grazing Waiver	Staff meeting with local agencies and other representatives, inspections & site visits.
A-10	Napa/Sonoma Vineyard Waiver	Initial drafting of the waiver for internal review underway. Stakeholder communication plan is in development.
Central Coast Regional Water Board (R3)		
A-10	On site system Basin Plan Amendment (update of 25 year old criteria) & waiver	Approved by Regional Board; Submitted to State Board
A-10	Ag Regulation	Staff is developing update to existing order. Will conduct two to three public workshops in March-May timeframe. Targeting adoption in July of 2010.

A-10	Providing opportunity for Ph II Stormwater Munis to participate in a Joint Effort (munis, LID Center, and Regional Board staff) to develop hydromodification control criteria as an alternative to current requirements for individual criteria.	Regional Board letter of Oct 20, 2009 lays out proposal and asks Munis to reply by Nov. 30, 2009.
Los Angeles Regional Water Board (R4)		
P	General NPDES Permit for Discharges of Groundwater from Potable Water Supply Wells to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties	Due to lack of Regional Board quorum the consideration of the tentative general permit has been postponed until further notice.
A-10	Conditional Waiver for Irrigated Lands	Requires re-issuance in 2010
Central Valley Regional Water Board (R5)		
A	Aquifer Storage and Recovery (City of Roseville)	In discussion with City
A	Regulation of Ready-mix Concrete Waste Products	In discussion with Industry
A	Irrigated Lands Regulatory Program-Coalition Group Conditional Waiver	Coalition groups are conducting monitoring and implementing management plans for identified water quality problems. Compliance activities are ongoing for non-participants in the program.
A	Federal Land Management Agency Sites Memorandum of Understanding	Negotiating a MOU between USFS, BLM, DTSC, DFG, DOC, SWRCB, Regional Boards, that will establish principles for the parties to work cooperatively within the State to identify, prioritize, investigate and cleanup inactive and abandoned mine lands. Recently renewed

A	Conditional Waiver for Disaster-Related Wastes During a State of Emergency	R5-2008-0093 to provide a mechanism for management and disposal of disaster related wastes, in compliance with the California Water Code, that results from fires, floods, storms, earthquakes, and mass mortality of animals when a state of emergency has been declared by the Governor.
A	GENERAL ORDER for petroleum cleanup waste to land	Actively used (Order R5-2003-0044)
A	Waiver of low threat discharges to land	Actively used (Resolution R52008-0182)
A	Modify the Beneficial Uses for Freshwater Aquatic Habitat and Remove Spawning for West Squaw Creek - Amendment to the Sacramento River and San Joaquin River Basin Plan	Regional Water Board responding to EPA comments.
A	Implement Mercury and Nutrient TMDL/Control Program in Clear Lake Watershed - Sacramento River and San Joaquin River Basin Plan	Staff working with local stakeholder committee to implement control program, including implementing improved management practices, coordinating control actions and implementing grant projects. Staff has been working with Lake County to address nuisance algae blooms that occurred in summer 2009.
A	Implement Mercury TMDL/Control Program in Cache Creek Watershed - Sacramento River and San Joaquin River Basin Plan	Mercury hot spot surveys completed in 2009 and an abatement project has been implemented at Abbott Mine. Cleanup and Abatement orders were adopted by Regional Board in August for 2 mines in the watershed. Two additional Cleanup and Abatement Orders were presented to the Regional Board Hearing Panel in October 2009, with a consideration before the Regional Board expected in January 2010, based on the Hearing Panel's forthcoming recommendations.
A	Establish New Water Quality Objectives and Total Maximum Daily Loads for Salinity and Boron in the Lower San Joaquin River - Amendment to the Sacramento River and San Joaquin River Basin Plan.	Regional Board completed CEQA Scoping meeting in March 2009. The TMDL is scheduled for consideration by the Regional Board in 2011.

A	Establish Organochlorine Pesticides TMDL Control Program in Several Central Valley Waterbodies - Amendment to the Sacramento River and San Joaquin River Basin Plan	Regional Board completed CEQA Scoping meeting in July 2009. TMDL is scheduled for Regional Board consideration in 2011.
A	CV-SALTS – Developing a Salinity and Nitrate Management Plan for all basins in the Central Valley – Basin Plan Amendment for the Sacramento River and San Joaquin River Basin Plan, Tulare Lake Basin Plan and the Delta Water Quality Control Plan	Preparing for CEQA Scoping meeting by Summer 2010. BPA consideration by Board in 2013
A	Evaluate Municipal and Domestic Supply Beneficial Uses for Atwater Drain - Amendment to the Sacramento River and San Joaquin River Basin Plan	Conducting technical investigations.
A-11	Irrigated Lands-Long Term Program Development	A stakeholder advisory group has been formed to provide input on programmatic alternatives for the Long Term Irrigated Lands Regulatory Program. Workgroup members and Regional Board staff have drafted potential ground water and surface water alternatives. A programmatic EIR should be presented to the Central Valley Water Board by March 2011.
A-10	Groundwater Strategy	Four well attended workshops were held in Rancho Cordova, Redding, Delano, and Fresno in August. Staff are reviewing the comments from the attendees and engaged in conversations with stakeholders and sister agencies with protection of water quality as part of their missions. A draft of the strategy is planned for circulation in December, followed by additional workshops in February and presentation of the final document to the Central Valley board in May or June, 2010.
A-10	Development of the Delta Regional Monitoring Program	Staff developing short and long-term alternatives for Regional and State Board consideration early 2010.
A-10	General NPDES Permit for Fish and Hatcheries	In drafting stage. Scheduled for December 2009 Regional Board Meeting

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

A-10	External Groundwater Monitoring Workgroup	Have assembled a group of groundwater monitoring experts to provide input on how the Regional Water Board addresses complex groundwater monitoring issues.
A-10	Delta Methyl Mercury and Total Mercury TMDL Control Programs - Amendment to the Sacramento River and San Joaquin River Basin Plan	Will be scheduled for Regional Board consideration in early 2010
A-10	Establish Site-Specific Objectives for Chloroform, Chlorodibromomethane and Dichlorobromomethane for New Alamo and Ulatis Creeks and Permit Implementation Provisions - Amendment to the Sacramento River and San Joaquin River Basin Plan	To be submitted for peer review. Tentatively scheduled for Regional Board consideration in July 2010
A-10	Central Valley Pesticide TMDL Control Plan - Amendment to the Sacramento River and San Joaquin River Basin Plan	Amendment addressing chlorpyrifos and diazinon in hundreds of valley floor rivers, streams and creeks scheduled for Regional Board consideration in June 2010. Other pesticides will be considered in 2011.
A-10	Drinking Water Policy for the Central Valley	Staff working with stakeholder group on a policy for Regional Board consideration by December 2010.
A-10	Revise Selenium Control Program - Amendment to the Sacramento River and San Joaquin River Basin Plan	CEQA Scoping meetings held in 2008. Tentatively scheduled for Central Valley Water Board consideration in early 2010.
P	Evaluate Municipal and Domestic Supply Beneficial Uses for Groundwater in the vicinity of the Littlejohns Fault and Establish Groundwater Protection Regulations for these Site-Specific Conditions - Amendment to the Sacramento River and San Joaquin River Basin Plan	Pending execution of a reimbursement agreement.

Lahontan Regional Water Board (R6)

A-10	Renew Waiver of filing a report of waste discharge and obtaining waste discharge requirements for septic systems in the Lahontan Region	Scheduled for late 2010 or early 2011
A-10	Renew Waiver of filing a report of waste discharge and obtaining waste discharge requirements and associated Memorandum of Understanding with the Tahoe Regional Planning Agency regarding construction and new development in the Lake Tahoe Basin	Scheduled for late 2010 or early 2011
A-10	Basin Plan Amendment and TMDL adoption for Lake Tahoe Sediment and Nutrient TMDL	Scheduled for June 2010
A-10	Basin Plan Amendment to provide exemption criteria to allow aquatic pesticides in the Lahontan Region for specific circumstances	Scheduled for September 2010
A-10	Basin Plan Amendment to lift pier prohibition in spawning habitat and address shorezone impacts at Lake Tahoe	Amendment and environmental analyses in development. Action by Water Board anticipated in Winter 2010-11 pending results of two lawsuits filed against TRPA's action on shorezone development at Lake Tahoe.
A-11	Basin Plan Amendment to revise waste discharge prohibitions concerning Lake Tahoe and the Truckee River hydrologic units	Scheduled for early 2011
A-10	Update Lake Tahoe Basin Municipal Storm Water NPDES Permit	Scheduled for September 2010
A-10	Update Lake Tahoe Basin Construction Storm Water NPDES Permit	Scheduled for June 2010
A-10	Adoption of NPDES Permit allowing use of Rotenone as part of USFWLS Piute Cutthroat Trout Recovery Project – Silver King Creek – (controversial)	Scheduled for April 2010

A-10	Reissuance of General NPDES Permit for Disposal of Treated Groundwater	Scheduled for June 2010
Colorado River Regional Water Board (R7)		
A-10	Basin Plan Amendment: Suspend Rec-1 Beneficial Use For Coachella Valley Stormwater Channel During Critical Flow/Flood Conditions	Staff working with National Weather Service to define critical flow conditions. Adoption anticipated June 17, 2010.
A-10	Basin Plan Amendment: Revise Indicator Bacteria Used To Demonstrate Compliance With Bacteria Water Quality Objectives For Coachella Valley Stormwater Channel	Legal review in progress. Public review anticipated February 2010.
A-10	Basin Plan Amendment: Conditional Prohibition For Agrecultural Discharges In Pal Verde Valley/Palo Verde Mesa	Active TAC. Adoption anticipated latter part of 2010.
A-11	Basin Plan Amendment: Conditional Prohibition For Agrecultural Discharges In Coachella Valley	First TAC scheduled for December 14, 2009. Adoption anticipated late 2010 or early 2011.
A	Correct/Update Basin Plan	Public review probably April 2010.
Santa Ana Regional Water Board (R8)		
A-10	Riverside County MS4 Municipal Storm Water Permit Reissuance	Anticipated adoption date is January 29, 2010.
A-10	San Bernardino County MS4 Municipal Storm Water Permit Reissuance	Anticipated adoption date is January 29, 2010.
A-10	Conditional waiver for agricultural waste discharges (CWAD) program in the San Jacinto River Watershed	Hearings and Regional Board consideration expected in first half of 2010.
A-10	Basin Plan Amendment to adopt TMDLs and establish Site-Specific Objectives for selenium in San Diego Creek, Big Canyon Creek, and Upper Newport Bay that includes compliance requirements for the Newport Bay watershed permits.	To be submitted for peer review and public review Dec. 2009. Currently planned for Regional Board consideration of adoption in 2010.

San Diego Regional Water Board (R9)

A	Tijuana River Valley Recovery Team--Trash and Sediment Project	The Recovery team, consisting of local, state, and Federal agencies, are coordinating, directing, and overseeing efforts to identify and remove trash and sediment in the valley. The team's efforts also include prevention of sediment and trash into the valley and the long-term restoration of the river/lagoon/watershed system.
A-10	Hydrostatic Testing and Potable Water Discharge General Permit—NPDES Permit Reissuance	Was tentatively scheduled for the Regional Board consideration and approval on August 8, 2009. Regional Board postponed action for 90 days at the request of the dischargers. Targeted for permit reissuance March 2010.
A-10	General De Minimis Discharges NPDES Permit	Was tentatively scheduled for the Regional Board consideration and approval on Aug. 8, 2009. Regional Board postponed action for 90 days at the request of the dischargers. Targeted for permit reissuance early 2010.
A-10	Ocean Discharge Receiving Water Monitoring Program Updates—Revisions to NPDES monitoring programs of POTW discharges to the Pacific Ocean	To be considered by the Regional Board in early 2010.
A-10	US Navy Yards—San Diego Bay NPDES Permit Reissuance—Point Loma and Naval Base/San Diego	Regional Board deferred adoption of the NPDES permit reissuance for Navy Base San Diego for 90 days at the Aug. 8, 2009 meeting. Adoption of the Point Loma NPDES Permit reissuance is delayed indefinitely pending the outcome of the petition for review for Naval Station Coronado and the permit reissuance for Naval Base San Diego.
A-10	San Diego Bay Shipyards Toxic Bay Sediment Clean Up Order	The Regional Board issued a revised draft Clean Up and Abatement Order and Technical Report in April 2008. The Regional Board and Responsible Parties have been engaged in confidential settlement mediation since June 2008. A revised tentative Clean Up and Abatement Order and revised Draft Technical Report will be released on December 22, 2009. The Tentative Order will be considered by the Regional Board in mid-2010.

A-10	2010 Basin Plan Triennial Review	Previously planned for December 9, 2009, the Triennial Review was pushed to June 2010 due to General Fund budget cuts and furlough days.
A-10	Gregory Canyon Landfill—Waste Discharge Requirements	Hearing and adoption date have been suspended because CEQA has not yet been satisfied for the project. The 401 Certification for the bridge component of the project may be considered by the Regional Board on November 18, 2009.
A-10	Riverside County MS4 Municipal Stormwater Permit Reissuance	Initial Hearing and adoption scheduled for the first half of 2010.
A-10	Carlsbad Energy Center Power Plant in Carlsbad—New NPDES Permit	New power plant facility utilizing dry cooling technology. Scheduled adoption late 2009
A-10	Total Max. Daily Load (TMDL) Bacti Beaches and Creeks and Tecolote Creek Bacteriological Indicators.	Hearing and adoption on Basin Plan Amendment scheduled for February 2010.
A	Agricultural Waiver of Waste Discharge Requirements—Conditional Waiver No. 4 Discharges from Agricultural and Nursery Operations	In May 2009 notification by mail to all agricultural and nursery operators of the need to conduct monitoring of water quality. The notification explains the option for the operators to join a monitoring group.
A	Lake San Marcos--Water Quality Improvement Project	Review proposal to improve water quality of the lake. Performed reservoir and stream monitoring of Lake San Marcos and San Marcos Creek in May 2009. Stakeholder meetings continue and the dischargers are working on watershed management plans aimed at achieving a 10% reduction in anthropogenic pollutants in receiving waters over a 10 year period of time to achieve water quality objectives in Lake San Marcos and its tributaries.
A	Hydromodification Policy	Staff working on a policy that will be an outgrowth of the hydromodification plan requirement in the tentative MS4 Permit for Orange County scheduled for adoption on December 16, 2009.

A-10	Dynegy Power Plant in So. San Diego Bay— NPDES Permit Reissuance	The Board has requested consideration of a rescission order regarding the NPDES permit in March 2010.
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Status Code Key:

White = Active effort (A)

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

Green = Targeted for completion in 2011 (A-11)

Blue = Completed (C)

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

Policies/General Permits Completed in 2009

Status Code	Policy/Significant General Permit	Status
North Coast Regional Water Board (R1)		
C	Renewal/Update Categorical Waiver for non-industrial Timber Harvest Activities	Done
C	General WDR for in-situ treatment of contaminated groundwater	Done
C	Integrated Report	Done
C	Low Threat Discharge Amendment	Done
C	Low Threat General Permit	Done
C	MS4 for Santa Rosa	Done
C	MOU with USFS for Scott Valley non timber activities	Done
San Francisco Bay Regional Water Board (R2)		
C	Basin Plan Amendment to establish a TMDL for sediment in the Napa River, including a Habitat Enhancement Plan.	Adopted by the Board at its September 9, 2009 hearing.
C	General NPDES Permit for discharge of groundwater from the cleanup of volatile organic compounds	Board adopted on August 12, 2009, permit posted at http://www.swrcb.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2009/R2-2009-0059.pdf
C	Municipal Regional Stormwater Permit to reissue 6 MS4 Phase I permits	Adopted by the Board on October 14, 2009.
Central Coast Regional Water Board (R3)		
C	Timber permitting streamlining	Adopted at July 10 Regional Board meeting

Los Angeles Regional Water Board (R4)		
C	Prohibition on On-site Wastewater Disposal Systems – Malibu Civic Center Area	Completed, as per Resolution No., R4-2009-007. Admin Record to be submitted for consideration by SWRCB next month.
C	General NPDES Permit for Discharges of Nonprocess Wastewater to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties.	Adopted April 3, 2009. This general permit introduced new effluent limitations to regulate iron and manganese in filter backwash wastewater from water treatment facilities.
C	General NPDES Permit for Discharges of Low Threat Hydrostatic Test Water to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties.	Adopted at June 4, 2009 Board meeting. This is a renewal of the waste discharge requirements. No significant new issue is included in this tentative permit
Central Valley Regional Water Board (R5)		
C	Small Winery and Food Processor GENERAL ORDER or waiver	Adopted October 8, 2009.
C	Non-Regulatory Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Correct Editing Errors and Update Language	Amendment approved by Regional Board in August 2009.
C	Integrated 303(d)/305(b) Report	Integrated Report approved by Regional Board in June 2009
C	NPDES Low Threat General Order	Actively Used (R5-2008-0081)
C	NPDES Limited Threat General Order	Actively Used (R5-2008-0082)
C	NPDES Petroleum Clean Up General Order	Actively Used (R5-2008-0085)
C	General Order for In-Situ Groundwater Remediation at Sites with VOCs, nitrogen compounds, perchlorate, pesticides, semi-volatile compounds, hexavalent chromium and/or petroleum hydrocarbons.	General WDRs for in-situ groundwater remediation/cleanup are actively used. This permit a) applies to a wide variety of pollutants; b) simplifies the application process for dischargers; c) allows efficient use of Regional Board staff time.

C	Implementation of San Joaquin River at Vernalis Salt and Boron Control Program through MAA with Reclamation - Sacramento River and San Joaquin River Basin Plan	In December 2008, the Regional Board entered into a management agency agreement (MAA) with the US Bureau of Reclamation (Reclamation) to address salt imported via the Central Valley Project. A Draft Compliance Monitoring and Evaluation Plan (including the first quarterly report) was released in May 2009.
C	Revise Water Quality Objectives for pH and Turbidity - Amendment to the Sacramento River and San Joaquin River Basin Plan	U.S. EPA approved the standards in July 2009 and the amendment is fully effective.
C	Determine Certain Beneficial Uses are not Applicable and Establish Water Quality Objectives in Sulphur Creek - Amendment to the Sacramento River and San Joaquin River Basin Plan	U.S. EPA approved the standards in September 2009 and the amendment is fully effective.
C	General WDRs for Maintenance Dredging Operations	Adopted August 13, 2009. Requirements for maintenance dredging projects (e.g., marinas, boat ramps) that results in less than 100,000 cubic yards of material produced during the life of the project.
Lahontan Regional Water Board (R6)		
Colorado River Regional Water Board (R7)		
C	General NPDES Permit, Waste Discharge Requirements For Discharges Of Extracted And Treated Groundwater Resulting From The Cleanup Of Groundwater Polluted By Volatile Organic Constituents Into Surface Waters Within The Colorado River Basin Region	Regional Board adopted General Order R7-2009-0400 at the September 17, 2009 Board Meeting.
C	General NPDES Permit, Waste Discharge Requirements For Low Threat Discharges To Surface Waters Within The Colorado River Basin Region.	Regional Board adopted General Order R7-2009-0400 at November 19, 2009 Board Meeting.

Santa Ana Regional Water Board (R8)		
C	Task Force to Develop Monitoring Program for Emerging Contaminants	Approved by the Regional Board on December 10, 2009.
C	Orange County MS4 Municipal Storm Water Permit Reissuance	Adopted by Regional Board on May 22, 2009.
C	Conditional Waiver allowing the emergency use of compost products for erosion control on fire- and disaster-impacted lands within the Santa Ana Region	Adopted by the Regional Board on October 23, 2009.
San Diego Regional Water Board (R9)		
C	2008 Fed. CWA Section 303 (d) Listing of Water Quality Segments	Adopted on December 16, 2009.
C	Orange County MS4 Municipal Stormwater Permit Reissuance	Adopted on December 16, 2009.
C	City of San Diego Point. Loma Ocean Outfall NPDES Permit Reissuance	Regional Board adopted this reissuance on June 10, 2009. This permit provides for a waiver of federal secondary treatment standards as recommended by the U.S. EPA. Recent denial of the waiver by the California Coastal Commission may require additional review and revision by Regional Board in 2010.
C	US Navy Yards – San Diego Bay NPDES Permit Reissuance - Coronado	Regional Board adopted the permit reissuance for Coronado on June 10, 2009. The Regional Board's action was petitioned to State Board in July 2009.
C	BAE Shipyards NPDES Permit Re-issuance	Regional Board adopted the NPDES permit for BAE Shipyards on June 10, 2009.
C	NASSCO Shipyards NPDES Permit Re-issuance	Regional Board adopted the NPDES permit for NAASCO Shipyards on August 8, 2009.

Appendix 2

IRRIGATED LANDS REGULATORY PROGRAM MONTHLY REPORT February 2010

This month's Irrigated Lands Regulatory Program (ILRP) monthly report will provide an update on activities of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) ILRP, as reported in the Central Valley Water Board's January 28-29, 2010 Executive Officer's report. English and Spanish translations of current and past ILRP program monthly reports can be found on the State Water Boards Irrigated Agricultural Waiver Program website: http://www.waterboards.ca.gov/water_issues/programs/agriculture/

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

For additional information on the statewide ILRP, please contact State Water Resources Control Board staff:

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CENTRAL VALLEY WATER BOARD IRRIGATED LANDS REGULATORY PROGRAM

Long-term Program / Environmental Impact Report (EIR)

On 12 November, Regional Board staff attended an organic farm tour along with the Organic Certification, Trade Association, Education and Outreach, Political Advocacy (CCOF). At this meeting staff and CCOF met with organic farmers to discuss organic operations and applicability to the long-term ILRP. CCOF, staff and growers also discussed proposed long-term program alternatives and potential roles of CCOF.

On 9 December, staff spoke at the annual conference of the California Agricultural Commissioners and Sealers Association. The presentation included a discussion of the alternatives being considered in the long-term program EIR and economics analysis and potential Agricultural Commissioner roles.

On 10 December, staff gave a presentation at the 37th Annual Almond Industry Conference. The purpose of the presentation was to inform growers of the long-term program development process and to provide them with an overview of the types of information being considered. The presentation included general information regarding the long-term irrigated lands program, Central Valley groundwater nitrate levels, and other programs addressing groundwater quality in the Central Valley [e.g., Department of Pesticide Regulation's (DPR) Groundwater Protection Program].

On 30 December, State and Regional Water Board staff met with representatives from the California Department of Food and Agriculture (CDFA) and DPR to discuss the potential for coordination with the Fertilizer Research and Education Program (FREP). Each year, FREP

provides funding for agricultural research projects. Nitrate leaching to groundwater is a chief concern for the long-term program. At the 30 December meeting, staff presented a concept for a research project that would utilize GAMA well data and information regarding DPR's vulnerability zones to determine if DPR's vulnerability areas for pesticides could also reasonably represent nitrate vulnerability.

Staff and ICF Jones and Stokes have begun the development of a draft EIR, economics, and policy analysis. The results of the draft EIR, economics, and policy analysis will be used to identify a staff recommended alternative from the range of alternatives given in the *Final Long-term Irrigated Lands Regulatory Program Alternatives* document. Staff has committed to continue to engage stakeholders throughout the draft EIR process. Staff has developed a participation plan inviting small workgroup meetings during the development of the draft EIR and economic analysis. The participation plan also establishes that staff will conduct at least two general stakeholder meetings to provide updates prior to public release of the draft EIR and economic analysis. Staff intends to circulate the draft EIR and staff recommended alternative for public review in spring of 2010.

Compliance Outreach – Postcards

In November and December 2009, Central Valley Water Board staff issued 412 outreach postcards to potential owners of irrigated lands in the San Joaquin County and Delta Water Quality Coalition and Sacramento Valley Water Quality Coalition (SVWQC) areas. The November mail out targeted the Delta Pilot Project area of Contra Costa County as well as Placer County; and the December mail outs targeted Colusa and Tehama Counties (SVWQC) and the Delta Plot Project area of San Joaquin County. The postcard recipients were identified using county tax assessor rolls, a state agricultural land use database, and a federal agricultural land use database. The postcards advise owners of irrigated lands to obtain the proper regulatory coverage.

Compliance Outreach - Exemption Claim Inspections

In November and December 2009, Central Valley Water Board staff completed 14 inspections to verify landowner claims of exemptions to the ILRP. Landowners can respond to ILRP staff's postcards or 13267 Orders by claiming their land is not used for agriculture, not irrigated, or that it has no irrigation tail water or storm water runoff. These claims create a need for verification inspections, which staff regularly conducts.

Enforcement

California Water Code section 13267 Orders

In November and December 2009, the Executive Officer issued 179 CWC §13267 Orders to potential owners of irrigated lands in the Sacramento Valley Water Quality Coalition's area. Of these, 98 Orders were issued to landowners in the Delta Plot Project area of Sacramento County, 13 Orders were issued to landowners in Solano County, and 68 Orders were issued to landowners in El Dorado County. The Order recipients first received an outreach postcard. Those who received a postcard and did not respond subsequently received a 13267 Order.

In December 2009, 48 NOVs were mailed for failure to submit a technical report under CWC §13267. The NOVs were mailed to landowners in Mariposa, Madera, Merced, San Joaquin, and Stanislaus Counties.

Technical Issues Committee (TIC)

Staff is preparing a revised Coalition Group MRP Order (R5-2008-0005), based on the changes and clarifications that have been identified by the TIC and staff. Staff is planning a process and

schedule to receive and consider TIC members' input regarding proposed changes in the Coalition Group MRP Order. To facilitate TIC member input, Staff is proposing to hold two TIC meetings during early 2010. Staff will provide a draft of the proposed Coalition Group MRP Order changes to the TIC members prior to meetings.

Management Plan Focus Group

The Management Plan Focus Group (Focus Group) met on 10 November 2009. Each Coalition provided a summary and status of progress on their management plan tasks. Staff addressed the Coalitions' concern about reaching 100% completion on surveys and individual contacts. There was also a forum for questions from the Focus Group members to Dr. Tessa Fojut, UC Davis Postdoctoral Scholar working on the UC Davis pesticide water quality criteria methodology. Staff from the Central Valley Water Board TMDL program provided information on the Central Valley Pesticide TMDL and Basin Plan Amendment project. Management Plan Focus Group members were encouraged to provide comments regarding the diuron criteria report to TMDL staff by 6 December 2009.

Coalition Groups

California Rice Commission (CRC)

A multi-year Monitoring and Reporting Program (MRP) is being completed. The MRP will be in effect until 31 December 2012. The CRC submitted a draft management plan for propanil that is being reviewed by staff. The CRC 2009 Annual Monitoring Report has been received and is under review. The Rice Pesticides Program has been transferred to ILRP staff and will continue as a separate program. A multi-year resolution is being prepared and should be ready for public review in January 2010.

East San Joaquin Water Quality Coalition (ESJWQC)

On 1 December, the ESJWQC submitted a quarterly monitoring data report. This report covered sampling that occurred between 1 July and 30 September of 2009, and included: (1) Hard copies of all laboratory reports (e.g., quality control reports, laboratory analytical reports, toxicity reports); (2) Hard copies of all field sheets; and (3) Electronic submittal in SWAMP comparable format of all available data.

Goose Lake Coalition

On 23 November, Goose Lake Coalition submitted a quarterly monitoring data report, covering the sampling period of 1 July through 30 September 2009. An exceedance for *E. coli* was identified for a sampling event on 9 July and an initial draft Management Plan has been developed by the Goose Lake Resource Conservation District and is currently under review by Central Valley Water Board Redding office staff. Completion of the draft Management Plan for review by Irrigated Lands Program management staff is expected by the end of January 2010. Regional Board staff will be attending the next Goose Lake Coalition meeting scheduled for mid January.

Pleasant Valley Coalition

Pleasant Valley Water District Board of Directors conditionally approved a Memorandum of Agreement (MOA) that provides for the inclusion of Pleasant Valley lands into Westlands Storm water Coalition. Westlands Board of Directors previously approved the MOA on 15 October 2009. The MOA is set to be executed by March 2010 pending the signature of land owner agreements with the involved farmers.

Sacramento Valley Water Quality Coalition (SVWQC)

On 9 November, staff participated by telephone in a meeting with representatives of the El Dorado Subwatershed group. Staff received comments and answered question regarding the Pilot Watershed Management Practices Plan and the Coon Hollow Creek Source Evaluation Report.

On 10 November, Redding staff attended the Shasta-Tehama subcoalition meeting to discuss outreach activities to identify potential non-participants in Shasta and Tehama Counties. Regional Board staff and Shasta-Tehama board members discussed the quantity and timing of postcard mailings for future outreach activities.

On 25 November, staff held a meeting with Coalition representatives to review the SVWQC MRP Order, which will be implemented beginning January 2010. Staff received comments related to reporting schedules, toxicity procedures, and assessment monitoring cycles.

On 25 November, staff and Coalition representatives held the fourth SVWQC Quarterly Management Plan meeting for 2009. The following items were addressed: a) Management Plan Progress Report; b) grower survey status; and c) Source Evaluation Reports for high priority constituents.

On 10 December, staff attended the SVWQC Quarterly Coalition Meeting. Agenda items included: 2009 water quality results; SVWQC MRP Order; 2009 Management Plan accomplishments and 2010 Management Plan goals; Long-term Irrigated Lands Program update; and BMP surveys.

On 21 December, the Executive Officer approved the SVWQC MRP Order No. R5-2009-0875. Implementation begins on 1 January 2010.

On 23 December, staff received a draft Pilot Watershed Management Practices Plan from the Napa County Putah Creek Watershed Group. Staff will determine if the proposal meets the requirements of a Pilot Plan, as defined in the SVWQC MRP Order.

On 30 December, the Executive Officer approved a modification of the SVWQC Management Plan. The annual Management Plan Progress Report due date has been changed to 1 March. San Joaquin County and Delta Water Quality Coalition (SJCDWQC)

On 3 November, staff held the fifth quarterly meeting with the SJCDWQC to discuss progress of implementing the Management Plan.

On 16 November, the Central Valley Water Board Executive Officer approved modification to the SJCDWQC Monitoring and Reporting Program Plan 2010 Core sampling schedule. Sampling is suspended until Assessment monitoring resumes in 2011 for azinphos methyl, dieldrin, methidathion, nickel, and Group a pesticides because data indicates these are no longer parameters of concern.

On 1 September, the SJCDWQC submitted its quarterly monitoring data report for April through June, as required by Order No. R5-2006-0053. After review, these data will be posted on the Irrigated Lands Regulatory Program web site.

On 1 December, the SJCDWQC submitted its quarterly monitoring data report for July through September, as required by Order No. R5-2006-0053. After review, these data will be posted on the Irrigated Lands Regulatory Program web site.

On 29 December, the Central Valley Water Board approved modifications to the SJCDWQC monitoring schedule. Modifications included deliverable date changes to their performance goal schedule and the Management Plan High Priority implementation schedule. Southern San Joaquin Valley Water Quality Coalition (SSJVWQC) submitted a draft Monitoring and Reporting Program Plan containing all four of the sub-watersheds' edits was submitted by the Coalition on 23 November 2009. Staff reviewed the document and is preparing a response. A meeting was held with the Tule River Sub-watershed group on 29 December 2009 to discuss questions regarding a management plan on the Tule River for toxicity to fathead minnow and clarification on sediment sampling procedures. Staff agreed to provide the sub-watershed group with additional examples of management plans and provide information on the procedure for collecting bed sediment samples.

On 30 December 2009, the Coalition submitted the 2009 Irrigation season semi-annual monitoring reports. The monitoring reports are currently under staff review.

Westlands Coalition

On 30 November 2009, the Coalition submitted the third quarter 2009 monitoring report. The monitoring report is currently under staff review.

Westside San Joaquin River Watershed Coalition (WSJRWC)

On 23 November, staff received a copy of the WSJRWC Semi-Annual (Irrigation Season) Monitoring report covering monitoring from 1 March 2009 to 31 August 2009. Staff is currently reviewing the report for completeness.

Data Management

Since June of 2009, staff has received SWAMP comparable electronic data from five out of six Coalitions. Staff will be working closely with Coalition leads and stakeholders to ensure that the data submitted meets the formatting and submission guidelines. The submittal of electronic data within the SWAMP comparable format has allowed Staff to review and make the data available to other Staff and the public very quickly. The format also allows for a rapid verification process and loading into a master ILRP database for future querying. Uploads to the database have begun with the quarterly and annual data submittals received since June of this year. Staff continues to work closely with the Surface Water Ambient Monitoring Program (SWAMP) to maintain comparability of the data and the database structure for future merging of the ILRP data with state-wide monitoring efforts.

The ILRP Participant Monitoring Data web site currently has data available through mid 2009 for all Coalitions and Irrigation Districts that have submitted monitoring reports though 31 September 2009. The next update is scheduled for January 2010 and will add the December quarterly data submissions and the California Rice Commissions annual report. Continued updates are expected to occur throughout the year.

An ILRP specific web-based SWAMP format checking tool is in the final stages of development and slated to be ready for use very soon. This tool will streamline data transfer from coalitions to Central Valley Water Board staff as well as provide feedback on the format and business rules of SWAMP compatibility for electronic data submittals. The ILRP Staff have tested the draft system and provided comments back to the SWAMP development team to complete the

project. Both programs will be attempting to reach out to the Water Board Training Academy to potentially aid in the training of coalition groups for use of this tool once it is finalized and made available.

Remaining funds earmarked for the Region 5 SWAMP UC Davis Data Center have been directed to be used to assist the entry, formatting, and loading of some of the ILRP's historical datasets from 2004-2007. This assistance will support the continued efforts by the ILRP staff to upload older datasets concurrently with new datasets submitted by Stakeholders throughout the year. Oversight of the use of these funds and progress by the UC Davis Data Center will be coordinated between the ILRP Staff and the San Joaquin Watershed SWAMP unit. At this time, this project has not yet begun.

MOU Pilot Program

Contract requests to amend and extend the contracts with Butte and Glenn Counties have been started. The request would extend the contracts to 30 June 2011, by which time the conditional waiver will end for the ILRP. At that time, the EIR will be complete and the long-term alternative for the ILRP should be before the Board for approval.

APPENDIX 3

Current Board Member Directives Checklist as of 2/10/2010

Board Meeting	Staff	Requested by Board member	Issue	Due Date	Direction	Current Status
9/16/2003	Rik Rasmussen	WQO 2003-12	Toxicity Revisions to the SIP	Release draft revisions - January 2009. Adoption - Spring 2009.	Modify the SIP to include policy direction on the use of the numeric chronic toxicity effluent limits in NPDES permits for POTWs that discharge to inland waters.	Staff is currently working to revise the toxicity control provisions in the SIP. Proposed changes include: 1) clarifying the appropriateness of numeric toxicity effluent limits in NPDES permits, and 2) expanding and standardizing implementation requirements for toxicity control. Staff is working with USEPA on developing options for determining highly defensible statistical methods for the analysis of toxicity testing data. Staff are working with USEPA on incorporating newly-released statistical methods for determining compliance with permit toxicity limits. Results of this project are intended to lead to defensible options for toxicity control. USEPA has funded a contract with SAIC for an economic analysis of the proposed changes. Staff anticipate releasing a draft policy document for informal review by January 2010 to initiate stakeholder input. A 60 day review period is anticipated to start in February, 2010. Adoption hearing anticipated Spring, 2010.
11/15/2006 (during Klamath River TMDL proceedings)	Steven Herrera, Karen Niiya, Eric Oppenheimer	All	Inclusion of the Klamath River watershed in the policy being developed pursuant to AB 2121	late 2009	Upon adoption of the policy for the five counties described in Water Code section 1259.4, the Board should consider the expansion or amendment of AB 2121 policy to include the Klamath River and its tributaries.	The Division of Water Rights previously released a draft policy for protection of instream flows in five coastal counties described in Water Code section 1259.4 as added by AB 2121. The policy will affect the geographic area for which the Board is required to adopt a policy; this area does not include the Klamath River. The Board directed the staff to consider amending the policy or developing a policy specific to the Klamath River system following the adoption of the policy for the required area. Staff anticipates taking the AB 2121 policy to the Board in March 2010. Litigation is likely to follow, filed by either grape growers or environmental groups.
2/19/2008	Shakoora Azimi-Gaylon	Resolution No. 2008-0014	Plan for Enclosed Bays/ Estuaries- Part 1 Sediment Quality	Feb-09	Directs staff to initiate appropriate proceedings to amend the section 303(d) listing policy by February 2009.	In progress. Expected Board consideration February, 2010
4/15/2008	Wetland Policy Development Team	All	Regional Policy Progress Updates	Summer 09	State Board has directed in the Board Wetland Policy resolution (April 15, 2008) that the Wetland Policy Development Team report back to the Board following the peer review of Region 1 & 2's Stream and Wetlands System Protection Policy and also within the public comment period prior to Regional Board adoption.	Latest update was an Information Item on the Technical Advisory Team's wetland definition at the State Water Board's October 6, 2009 Board Meeting.

APPENDIX 3

Current Board Member Directives Checklist as of 2/10/2010

Board Meeting	Staff	Requested by Board member	Issue	Due Date	Direction	Current Status
6/1/2008	Executive	Frances Spivy-Weber	Aerial Deposition		Executive staff and Board lead will coordinate with ARB to evaluate joint solutions to aerial deposition that impacts water quality.	
9/2/2008	Jon Bishop	All	Recycled Water Policy	Nov-08	Bring suggested staff changes to stakeholder draft recycled water policy back to the Board.	Completed.
9/16/2008	Barbara Evoy	All	SRF Loans	Mar-09	Bring to the Board for consideration options on how to address 218 vote. One option must include no new SRF loans until the issue is resolved.	Item 7 at the November 18, 2008 Board meeting presented options and recommendations to the Board. The State Board accepted the staff recommendations to continue offering financial assistance to eligible applicants while simultaneously implementing additional measures to ensure the security of CWSRF payments; and directed staff to make the State Water Board aware of developments that signal a deterioration of CWSRF finances. Staff did add in additional measure to ensure security of CWSRF payments.
10/7/2008	Miles Burnett	Gary Wolff	Development of Environmental User Fees	May-09	Such a fee was adopted for NPDES permittees. Similar fees should be developed for other permit types.	Alternative fee strategies are being developed.
11/4/2008	DWQ	Frances Spivy-Weber	Beaches	Jul-09	Include the use of rapid indicators in discussions on long term funding for beach monitoring.	Working with SCCWRP and So CA counties on rapid indicator workgroup to develop pilot on using rapid indicators.
11/18/2008	DFA	All	SRF Loans	Jul-09	Work with CASA and Tri-TAC to develop alternatives to explore safety fund for the SRF to protect against rate rollbacks.	Work on this issue was suspended due to additional workload demand of the American Recovery and Reinvestment Act. Staff will resume its effort in January 2010 to find a backstop for the CWSRF against rate rollbacks in conjunction with the Stakeholder Advisory Group, CASA/TriTAC, and its financial advisor. Recommendations will be presented to the Board as part of the CWSRF Regulations or a Policy amendment.
1/6/2009	Liz Haven	All	Suction Dredge	Jul-09	Work with DFG to define scope of work for suction dredge EIR. Brief Board members on process and contents.	Latest update on status was in the November 17, 2009 Executive Director's Report.

APPENDIX 3

Current Board Member Directives Checklist as of 2/10/2010

Board Meeting	Staff	Requested by Board member	Issue	Due Date	Direction	Current Status
2/3/2009	DWQ and DFA	Resolution No. 2009-0011	Recycled Water Policy		Request the Department of Water Resources to provide funding for recycled water projects.	Completed (DWR replied that funding is not available).
2/17/2009	DWQ	All	Blue Green Algae	Apr-09	Report back to the Board on Blue Green Algae work being conducted on the Klamath.	Contacting R1 to work up report.
2/17/2009	DWQ	All	LID	Jul-09	Staff will follow up with the Coastal Commission and DWR IRWM on outreach for LID education for the Municipalities and report back in a future ED report.	Working with DFA to develop LID outreach.
2/17/2009	Darrin Polhemus	Charles Hoppin	Monitoring	Jan-10	Report back from time to time in the ED report on work with the shipping industry regarding monitoring requirements.	No further work to date pending outcome of lawsuits on the VGP.
5/19/2009	DWQ	WQO 2009-0003	Salt Management		Work collaboratively with Central Valley Water Board to identify, scope, and implement short-term, intermediate-term, and long-term regulatory options for addressing salts.	Developing discussion document. Will be meeting with R5 staff.
8/4/2009	DWQ	Resolution No. 2009-0064	Forestry	Jan-11	Develop a statewide approach addressing forest activities on National Forest System Lands, including Timber Harvesting, Grazing, Off-Road Vehicle Recreation, and Fire Suppression	Stakeholder group established on 11/30/09. Staff working group meetings underway with Regional Boards and USFS.
11/17/2009	DWQ	Resolution No. 2009-0081	USTs	Continuing	Conduct UST case reviews similar to the Cleanup Fund's Five Year Review process for all petroleum cases and recommend closure as appropriate.	DWQ plans on bringing non-Cleanup Fund cases to the Board for closure starting March/April 2010.
11/17/2009	Darrin Polhemus and Val Connor	All	CIWQS	Feb-10	Report back to the Board on ways to inform dischargers of MMPs and non-reporting issues.	Developing approaches and will report back.