

**State Water Resources Control Board  
January 19, 2010 Board Meeting  
Item 6 - Executive Director's Report**

**OFFICE OF ENFORCEMENT**

**Criminal Filing Against Bruce Hoagland dba Techland Testing:** The Office of Enforcement has been working with the Attorney General's Office and the Merced County DA's Office regarding potential underground storage tank testing violations committed by Mr. Bruce Hoagland owner of Techland Testing, Inc. On December 22, 2009, the Merced County DA's Office filed criminal charges against Mr. Hoagland. The charges include seven felony counts of perjury and preparing falsified reports and six misdemeanor counts for submitting falsified reports.

**Filing of Consent Judgment against E2C:** The Office of the Attorney General, on behalf of the State Water Board and in consultation with the Office of Enforcement and Office of Chief Counsel, lodged a consent judgment in Sacramento County Superior Court on December 30, 2009 to resolve alleged fraudulent reimbursement requests that were submitted to the Underground Storage Tank Cleanup Fund (Fund) between 2005 and 2008 (*People v. E2C Remediation, LLC, et al.*, No. 07AS04626) The Attorney General's Office expects the superior court to enter the consent judgment without modification.

The total value of the consent judgment is \$1,215,173.98. The judgment is commensurate with the amount that was estimated to be overbilled by E2C and takes into account the fact that E2C has a lesser capacity to pay significant penalties than does a large, diversified consulting company.

This case is the first of its kind by the State Water Board against a consultant for submitting fraudulent reimbursement requests to the Cleanup Fund, and it should serve as a deterrent to other consultants and Claimants. Once the court enters the consent judgment, a press release will be posted on the State Water Board's web-site.

**Stipulated Order against Randy Johnson:** On March 17, 2009, the Office of Enforcement sent a Letter of Proposed Disciplinary Action to Mr. Randy Johnson alleging that Mr. Johnson (1) willfully or negligently allowed a violation of waste discharge requirements; (2) allowed the operation of a wastewater treatment plant by a person who is not certified at the grade necessary for the position; and (3) failed to use care or good judgment in the course of employment as an operator. These allegations comprised violations of Title 23 of the California Code of Regulations section 3710 subdivisions (a)(2), (a)(6), and (a)(7). Mr. Johnson appealed the Letter of Proposed Disciplinary Action and requested that the appeal be put into abeyance to allow the parties to engage in settlement discussions.

The parties reached a settlement agreement whereby Mr. Johnson's Grade V operator certificate would be downgraded to a Grade II operator certificate for six months. The parties memorialized this settlement agreement in a Stipulated Order signed by the parties and executed by the Executive Director on December 22, 2009.

## DIVISION OF WATER QUALITY

**Biodiesel Blends in Underground Storage Tanks (USTs):** At its November 17 meeting, the Board adopted proposed regulations which provide a variance from specific independent testing and approval requirements for UST systems storing certain biodiesel blends. The final rule-making package will be submitted to the Office of Administrative Law in mid-January 2010 for approval.

### **Groundwater Ambient Monitoring and Assessment (GAMA) Program:**

**GAMA's Priority Basin Project** has recently restarted. Sampling that had been interrupted due to the Governor's stop-work order, has been re-initiated by the USGS in Southern California basin study units. In addition, public meetings are planned for January in Sonora and Quincy to present preliminary results for the Sierra Regional Study Unit – the Sierra Nevada portions of 23 counties.

The **GeoTracker GAMA** online groundwater information system with water quality and water level data and tools is available for electronically receiving and displaying groundwater data from any source, as well as from Water Board programs. Demonstrations of GeoTracker GAMA are planned in February at the California State Legislature and ACWA (Association of California Water Agencies). Plans are being made for GeoTracker GAMA to be incorporated into the Water Quality Monitoring Council's Portal for "Is My Water Safe to Drink?"

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

**Landscape Irrigation General Permit:** Staff is still processing the application from the Delta Diablo Sanitation District.

**Once Through Cooling – CWA Section 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 February 16, 2010.

**Onsite Wastewater Regulations (Septic Tank Systems):** Staff has been meeting with different stakeholder groups and is preparing the outline of a new proposal based on these meetings and the many comments received. Staff expects to have the outline ready for internal review and possible public hearings on a new draft proposal in the Winter of 2010.

**Recycled Water Policy:** Vice Chair Frances Spivy-Weber and State Water Board staff participated in a series of three workshops on November 6, 12, and 20, sponsored by the WateReuse Association for its members on the Recycled Water Policy. The Vice-Chair and staff made presentations on the basin plan amendment process to ensure stakeholders get off on the right foot as they begin the process of developing salt/nutrient management plans. Following the workshops, State Water Board staff met with Regional Water Board staff on December 8, 2009 to discuss how the Water Boards can assist the stakeholders in developing

plans that meet the requirements and are approvable by the Regional and State Water Boards. The requirement for developing the salt/nutrient management plans is specified in the Recycled Water Policy.

**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 February, 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 March, 2010.

**Suction Dredging Update:** The Department of Fish and Game (DFG) held three Public Scoping Meetings on the Initial Study for the suction dredge Environmental Impact Report, in Fresno on November 16; in West Sacramento on November 17; and in Redding on November 18. State Water Board staff participated in the meetings. Written comments on the Initial Study were due December 3, 2009. DFG received about 230 comment letters, which DFG and State Water Board staff are currently reviewing.

**Toxicity Control Provisions:** Staff have been working with U.S. EPA staff to incorporate the alternative approach, as may be appropriate, into revised Toxicity Control Provisions the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (the "SIP"). Evaluating the additional alternative statistical approach is intended to ensure that the revised Toxicity Control Provisions considers the current state of the science for toxicity. Staff anticipate releasing a draft proposal in the Spring of 2010.

**Timber Activities on National Forest System Lands:** In August 2009, the State Board directed staff to develop a statewide approach to address forest activities on national forest system lands that have the potential to impact water quality. A web page on the process has been added to the board's website:  
[http://www.waterboards.ca.gov/water\\_issues/programs/nps/wqmp\\_forests.shtml](http://www.waterboards.ca.gov/water_issues/programs/nps/wqmp_forests.shtml).  
Water Boards and U.S. Forest Service (USFS) staff held their first working group meetings on November 24 and December 21, 2009. They also have regularly scheduled conference calls on the first and third Monday of each month. Water Board staff conducted a public workshop on November 30, 2009 to receive public comments on the USFS's Water Quality Management Plan (WQMP) content and the update process. During and following the workshop, Water Board staff formed a representative stakeholders group to assist in the update process. The first meeting of that group (which is publicly noticed) will be on January 12, 2010, and the next staff-level working group meeting will be January 13, 2010.

**Trash Policy:** Tetra Tech has delivered draft CEQA scoping information to staff for review. A CEQA scoping meeting is planned for Spring, 2010.

**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 final report on the economic considerations of Phase 1, contracted to Science Applications International

Corporation, has been completed. 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 Spring, 2010 in Sacramento.

**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 January 2010 report is attached as Appendix 2.

## **DIVISION OF WATER RIGHTS**

**Temporary Urgency Change Order Affecting Sonoma County Water Agency:** The temporary urgency change (TUC) order affecting the Sonoma County Water Agency (SCWA) was in effect from May 28, 2009 to October 2, 2009. To date SCWA has submitted all reports required by the TUC order as required by the Board. Term 12 of the TUC order required SCWA to make a 25 percent reduction in diversions from the Russian River from June 15, 2009 until October 2, 2009 as compared to actual diversion from the Russian River from June 15, 2004 through October 2, 2004. SCWA exceeded this requirement by reducing its actual diversions from the Russian River by approximately 35 percent in 2009 as compared to actual diversions made in 2004 during the referenced time period. SCWA has submitted its plan and all required milestone reports associated with the water conservation goals for water users in Sonoma and Mendocino Counties as required by Term 15 of the TUC order. Division staff finds SCWA in compliance with Term 15. SCWA has submitted the Water Conservation Status report as required by Term 16 of the TUC order. SCWA's report states that implementation of the TUC order was beneficial to the water resources of the Russian River, as the water storage level in Lake Mendocino never dropped below 30,375 acre-feet. As a result of lowering the minimum flow requirements of the Russian River and of conservation efforts by diverters, more water remained available for fishery resources in November and December 2009. Ultimately 45,459 acre-feet of water remained in Lake Mendocino on October 3, 2009. Public outreach measures regarding water conservation continue and a summary of all efforts by SCWA and its water users can be found in the water conservation status report. All reports and information provided by SCWA can be found on SCWA's website at <http://www.sonomacountywater.org/stateboard2009>

**Decision 1610:** On September 23, 2009, Sonoma County Water Agency (SCWA) submitted a petition to permanently modify its water right permits by changing the minimum instream flow requirements for the Russian River of State Water Board Decision 1610, as required by a biological opinion issued by National Marine Fisheries Service (NMFS). Based on the findings in the biological opinion, NMFS has concluded that the present instream flow requirements are artificially high and are jeopardizing steelhead and coho salmon. The proposed modifications to the SCWA permits would reduce the instream flow requirements of Decision 1610 in order to improve habitat and salmonid populations. When issuing Decision 1610, the Board reserved jurisdiction to modify minimum instream flow requirements if additional fishery studies were conducted for the Russian River. Division staff has accepted the petition and anticipates issuing a public notice no later than January 15, 2009.

**Russian River Frost Protection:** In response to a request from the NMFS that the State Water Board take immediate action, such as implementing emergency regulations, to address concerns that water diversions for frost protection in the Russian River watershed will cause significant salmonid mortality, the State Water Board held a workshop on April 7, 2009 and a follow up workshop on November 18, 2009. At the November workshop, the Board received information regarding: (1) the current status of Russian River salmonids since the April 7 workshop, (2) cooperative voluntary actions taken by stakeholders since the April 7 workshop to prevent future impacts to salmonids from frost protection diversions, and (3) the need for short- or long-term regulatory action by the State Water Board.

At the November 18, 2009 workshop, the Board Chairman asked staff to make a recommendation to the Board in January 2010. The Board will hold a follow-up workshop on January 19, 2010, and staff will make a recommendation for actions to address the effects on salmonids of water diversion practices for frost protection of crops in the Russian River watershed. Staff will recommend that the Board commence promulgating regulations to minimize impacts of frost protection activities.

**Instream Flow Policy (AB 2121):** Division staff is finalizing revisions to the Draft Instream Flow Policy for Marin, Sonoma, Mendocino and parts of Napa and Humboldt Counties. Staff anticipates that a revised draft policy will be available for public review in late January 2010, with an adoption meeting planned for late March 2010.

**2009 Annual Summary Report for Pending Water Right Applications:** As amended in 2004, the Water Code requires the State Water Board to prepare an annual summary of pending applications to appropriate water in Marin, Napa, Sonoma, Mendocino, and Humboldt Counties. The annual summary must include a description of the status of each pending application, the actions taken in the preceding year, proposed actions for the upcoming year, and the proposed date for final action with regard to that application. The annual summary was published on the State Water Board website in December 2009 and included the required information for the 265 applications pending in the specified counties during Calendar Year 2009.

**Oroville Project:** The Department of Water Resources (DWR) is seeking a new hydropower license from the Federal Energy Regulatory Commission (FERC) for the Oroville Project. DWR has requested water quality certification from the State Water Board. In July 2009 a draft water quality certification was provided to DWR, Butte County, Department of Fish and Game, the State Water Contractors, American Whitewater, and the California Sportfishing Protection Alliance. DWR and State Water Board staff held a series of meetings and exchanges of information concerning the draft certification. DWR withdrew and resubmitted its request for water quality certification in August 2009 to allow time for continuing discussions with Board staff. Board staff also met with State Water Contractors and Butte County representatives to discuss their concerns. Board staff released a draft water quality certification in early January 2010 for a 21-day public review and comment period.

**Merced River Hydroelectric Project FERC Study Dispute Determination:**

On December 22, 2009, the Director of the Office of Energy Projects of the Federal Energy Regulatory Commission (FERC) issued his determination regarding the formal study disputes filed by the State Water Board, US Fish and Wildlife Service and NMFS for the relicensing of the Merced River Hydroelectric Project (Project), owned and operated by Merced Irrigation District (MID). The Director's Determination is the final action in the formal study dispute process that included an examination of the disputed studies by a three-member dispute resolution panel

(Panel), which released their recommendations to the Director on December 2, 2009. The Director agreed with the Panel and the disputing agencies that the geographic scope for the water temperature and water operations modeling studies should be expanded beyond MID's irrigation diversion dam to the current FERC flow compliance point located 23.6 miles downstream of the Project. The Director did not, however, agree to extend the scope for the water quality study or to require studies proposed by the resource agencies and conservation groups that address mercury bioaccumulation, anadromous fishery resources, habitat conditions, fish passage, water temperature management or instream flows. Instead, the Director adopted a phased approach recommended by the Panel where results from the required modeling studies will be used to determine the necessity and scope for additional studies that may be required during the second year. Staff are concerned that the Director's study determination may not be sufficient to provide the full range of information needed to adequately evaluate the impacts of MID's Project for issuance of the Section 401 Water Quality Certification, so may propose a request for information per Water Code section 13383.

**New Delta Flow Criteria Development:** Senate Bill No. 1 of the 2009-2010 Seventh Extraordinary Session (Senate Bill 1) was enacted on November 12, 2009. Section 85086 of SB 1 requires the State Water Board to develop new flow criteria for the Delta ecosystem that are necessary to protect public trust resources. Per SB 1, the flow criteria shall include the volume, quality, and timing of water necessary for the Delta ecosystem under different conditions. In developing the new flow criteria, the State Water Board shall review existing water quality objectives and use the best available scientific information. The flow criteria shall be developed in a public process within nine months of the enactment of SB 1. The public process shall be in the form of an informational proceeding and shall provide an opportunity for all interested persons to participate.

To meet the requirements of SB 1, the State Water Board has formed a staff team with expertise in matters affecting the Delta. The team is comprised of five State and Regional Water Board staff who have been partially or fully redirected from other programs. The Delta Flow Criteria Team members are Phil Crader, David LaBrie, Chris Foe, Adam Ballard, Diane Riddle, Jean McCue, Erin Mahaney and Barbara Leidigh. To date, the team has issued public notice of an informational proceeding to develop the flow criteria and participated in a pre-proceeding conference on January 7, 2010. The Informational Proceeding will commence on March 22, 2010 and continue on March 23 and 24. The team will subsequently develop a report based on the information received during the Informational Proceeding. It is anticipated that the Delta Flow Criteria Staff Report will be presented to the Board for consideration in August 2010. The notice of proceeding and other information are posted at:  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/deltaflow/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/deltaflow/)

**Petitions for Reconsideration of Water Right Annual Fees:** The Division received 617 timely petitions for reconsideration of 2009 water right annual fees. The Office of Chief Counsel will prepare orders for consideration by the Board or, at the pleasure of the Board, 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. These fees were levied against him by the State Board of Equalization on behalf of the State Water Board. On January 4, 2010, the court dismissed the case without prejudice.

**El Dorado Water and Power Authority Rubicon River and American River Project:**

El Dorado Water and Power Authority (El Dorado) is developing a project to divert 40,000 acre-feet per annum from the Rubicon, Middle Fork American and South Fork American River watersheds. In late 2008, El Dorado filed: 1) two water right applications and accompanying petitions seeking partial assignment of State-filed water right Applications 5645 and 5644; and 2) petitions to change points of diversion, place of use, and purpose of use of State-filed Applications 5645 and 5644.

Public notice of the applications/petitions resulted in 17 protests. The draft Environmental Impact Report is scheduled for circulation in January 2010. A hearing is mandatory to approve assignment of state-filed applications.

**Alternative Intake Project of Contra Costa Water District and U.S. Bureau of Reclamation:**

In August 2007, Contra Costa Water District (CCWD) and the U.S. Bureau of Reclamation (Reclamation) jointly filed 18 petitions to change one CCWD permit and 17 Reclamation permits to authorize a new point of diversion/rediversion on Victoria Canal. The project is designed to provide high quality water for storage in Los Vaqueros Reservoir and for direct use by CCWD.

Protest resolution was completed in September 2009. Construction of the new facility was recently completed, and CCWD is anxious to begin operations at the new facility. The Division is preparing the approval orders on the change petitions and anticipates that the orders will be completed by mid-February 2010.

**Nevada Irrigation District Petitions:** In March and April 2009, Nevada Irrigation District (District) filed a combined total of 26 petitions for change and/or time extensions for nine of its water right permits and five of its water right licenses. The petitions were filed as a result of findings in the reports of inspection prepared by the Division of Water Rights for licensing the District's Lower Division water rights.

The petitions were publicly noticed in October 2009, and protests were filed based on environmental and prior right concerns. The District is preparing a CEQA document for the petitions. No progress is anticipated on the environmental protests until the CEQA document is completed.

**Department of Water Resources Petitions for Time Extension:** On December 31, 2009, the Department of Water Resources filed petitions for extension of time until 2015 for six water rights. The time to complete full beneficial use on these permits ended on December 31, 2009. Petitions were filed on two hydropower permits related to the Oroville Project and four permits for diversion from the Feather River and Delta channels for municipal and other water supply purposes as part of the State Water Project. The petitions will be noticed within the next six months.

**Reclamation Petitions for Time Extension:** On June 29, 2009, the U.S. Bureau of 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 protests were evaluated, and some were not accepted. Reclamation has been afforded a 180-day time period to determine how it will proceed with development of the CEQA document for the petitions. As lead agency, the Department of Water Resources 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 have provided 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.

In December 2009, the Stream Scientists submitted an administrative draft Synthesis Report to LADWP containing instream flow recommendations for Rush and Lee Vining Creeks. LADWP will be given an opportunity to comment on the report. When complete, the Synthesis Report will include the results of an instream flow report and data on fisheries, hydrology, geomorphology, and riparian vegetation collected over the past ten years of monitoring in the Mono Basin. On January 29, 2010, the final report will be submitted to Division staff, after which it will be circulated for public review and comment.

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.

**eWRIMS Online Report Management System (RMS) – Public Outreach Plan:** Staff of the Division of Water Rights (Division) and Information Technology have enhanced eWRIMS to receive on-line water rights reports. Staff of the Division has developed an outreach plan and timeline to help educate the public about this new functionality and prepare them for the State Water Board's plans to adopt emergency regulations requiring online reporting beginning in 2011.

- January 14, 2010 - The Division will mail the first issue of the California Water Rights Monthly Newsletter to all postmasters in Northern California to post as they would a water rights notice. The content for the first issue includes information about the RMS and changes in statute for Statements of Diversion and Use. A column comparing California's water rights to other states will be a regular feature of the newsletter. Electronic copies will be sent to all water rights Lyris lists. Distribution of subsequent issues will occur exclusively through the Water Rights Newsletter Lyris list.
- January 29, 2010 – The Division will post an RMS public users manual to the internet.
- February 2, 2010 – The Division will demonstrate RMS as an information item at the Board meeting.
- February 15, 2010 – The Division will mail usernames and passwords for the new Online Report Management System along with paper reporting forms to 1/3 of statement filers, 1/3 of license holders, and all permit holders statewide.
- March 8, 2010 – The Division will mail usernames and passwords along with paper Groundwater Extraction Notices to groundwater extractors in the counties of Riverside, San Bernardino, Los Angeles, and Ventura.
- March 8-11, 2010 – The Division will record four webinars and post them to the internet to give users 24-hour access to training specific to each type of report.
- April 27-28, 2010 – The Division will hold remote location training: “How to File Water Diversion and Use Reports Online” in Yreka, Redding, Willits, and Santa Rosa.



**Delta Compliance Actions:** In December 2009, the Division of Water Rights issued eight Notices of Cease and Desist Orders (CDOs) against diverters irrigating lands on Roberts and Union Islands in the Sacramento-San Joaquin Delta. These eight cases represent approximately 2,114 acres of cropland being served with about 6,015 acre-feet of water annually without a known basis of right. If adopted, the CDOs, require immediate cessation of the diversions and removal of the diversion works, unless the parties can demonstrate to the satisfaction of the State Water Board that their diversions are covered by existing riparian or pre-1914 appropriative water rights or other contractual service. The State Water Board has received requests for hearings for four of the CDOs, and it is likely that the remaining four parties will also request a hearing in the near future. The Division anticipates additional enforcement actions on other properties on Roberts and Union Islands in the near future.

**Cooperative Stream Gage Installation:** In December, staff of the Division of Water Rights with the assistance of local landowners, Azonde Company, Center for Ecosystem Management and Restoration, and National Marine Fisheries Service installed a Division-owned stream monitoring station on Green Valley Creek in the Russian River watershed in Sonoma County. The National Marine Fisheries Service previously identified Green Valley Creek as a high-priority stream needing streamflow monitoring for the protection of endangered coho salmon and steelhead. The high tech water monitoring gage is the first of four stream gages that the Division purchased from Azonde, a local Rohnert Park company. The Green Valley Creek gage is currently operational and uploads water depth, and air and water temperature to a website. The Division is loaning stream gauging equipment as an outreach effort to provide necessary real-time data to local water users and fishery agencies to better manage water diversions on small tributaries in the Russian River. The Division is also working with Shasta Valley RCD to loan and assist in the installation of a stream gage on the Shasta River.

## **DIVISION OF FINANCIAL ASSISTANCE**

**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.

In the past year, the Fund has experienced a cash shortage. Due to the reduction in gas consumption, the increase in other obligations against the Fund, and the increase in payment activity in fiscal year (FY) 2007-2008, the Fund had to make some hard decisions to bring the demand against the Fund back in line with the available cash. During the course of these decisions, the Fund has determined some ways to help increase the efficiency and effectiveness of the program.

### **Updates about the Program:**

- **AB 1188 (Ruskin) Passage:** On November 4, 2009, the Governor signed this bill into law. This law adds Priority Class B and C school district claims to the Fund's current authority to reimburse Priority Class D school district claims from the School District Account. With this authority, the Fund is able to lift Letter of Commitment (LOC) suspensions for school district claims in Priority Class C and D.

This law will also increase the current petroleum storage fee of \$0.014 to \$0.02 per gallon for the time period of January 1, 2010, through December 31, 2011. The increase in fee will provide the Fund with more cash to pay active claims.

The last major piece of this law makes the claimant's carrying cost a reimbursable cost by the Fund. The limitation is that these costs can only be reimbursed if the claimant's Reimbursement Request (RR) package was received by the Fund between November 7, 2008, and June 30, 2010, and the RR package could not be paid at the time it was reviewed due to lack of available funds.

- **LOC Process:** The LOC process was streamlined to help improve the processing time of issuing payments for Reimbursement Requests (RRs) submitted to the Fund. By eliminating the need to encumber funds against a claim prior to paying them out, the Fund will be able to reduce the check issuance time by two weeks. Furthermore, this change will allow the Fund to issue an LOC only once during the life of a claim for up to \$1.5 million per occurrence less the deductible, unless the claimant information changes. Thus, reducing the staff time to process amended LOCs for each RR processed for payment.
- **Reimbursement Request (RR) Form:** The Fund has revised the RR Form to make it more user friendly for our claimants submitting an RR package. The form has been modified to include a place for our claimants to list a person/entity they would like the Fund to contact if there is an issue with their RR package. The new form also includes a spot for the claimant to enter the amount they are requesting for reimbursement for the RR package being submitted. The new form is being sent out to claimants as Fund staff review their submitted RR packages.
- **Status of Reimbursement Request (RR) Packages and Payments:** The Fund is currently running on a backlog for processing RR packages. As of November 16, 2009, the Fund has approximately 1,800 RR packages that still need to be reviewed to determine the eligible amount for reimbursement. The Fund has approximately 1,200 reviewed RRs on hold awaiting funding, of which about 540 are Priority Class C RRs totaling roughly \$29 million. To date, the Fund has reimbursed about \$56.5 million this fiscal year to claims, of which \$11.4 million has been given to Priority Class C claims.

With the October 2009 revenue posting, the Fund has approximately \$46.7 million available to pay claims. Of this amount, the Fund has already sent out roughly \$9 million. The Fund is paying some money to each of the four Priority Classes.

- **Status of Claims:** The Fund currently has approximately 3,000 active claims, not including about 1,200 claims with LOC suspensions. Currently, the Fund has roughly 1,100 Priority Class C claims with LOC suspensions. The Fund is working to lift these suspensions by January 1, 2010, as directed in the recently adopted November 17, 2009, Board Resolution.

The Fund has closed 89 claims this fiscal year, of which 62 received actual site closure from the regulatory agency. The five-year Review Unit is working to get more sites closed and will be bringing a list of recommended closures to the Board in January 2010 as an agenda item.

Funds available and paid out thru January 5, 2010 for FFY 09/10:

- \$85.2 million = 1,878 claims
  - Priority A –\$1.1M
  - Priority B –\$59.9M
  - Priority C –\$15.1M
  - Priority D –\$9.1M

Anticipated funds for the third quarter FFY 09/10:

- \$40 million
  - Anticipated pay outs:
  - Priority A – \$500K
  - Priority B – \$19.5M
  - Priority C – \$8M
  - Priority D – \$12M

Anticipated funds for the fourth quarter FFY 09/10:

- \$60 million
  - Anticipated pay outs:
  - Priority A – \$500K
  - Priority B – \$43.5M
  - Priority C – \$8M
  - Priority D – \$8M

Status of Reimbursement Request (RR) Packages and Payments:

- As of December 2009, the Fund has 2,238 RR packages in house as follows:
  - Awaiting Review:
    - Priority A – 0
    - Priority B – 568
    - Priority C – 922
  - On Hold for Revenue:
    - Priority A – 0
    - Priority B – 242 for \$8.7M
    - Priority C – 442 \$22.5M
    - Priority D – 64 \$4M

Projections:

Program expects to become current for B claims in the third quarter of FY 09/10. Payments for C Claims are still expected to be paid out within five quarters from when they were received. This is consistent with the projections presented at the November 17, 2009 Board Meeting.

Task Force:

A draft final report is being reviewed by task force members with the expectation that it will be presented to the Board at the February 16, 2010 Board Meeting.

**Training Contract with Rural Community Assistance Corporation (RCAC):**

On December 28, 2009, the State Water Board executed a contract with the RCAC to provide wastewater-related training to small, disadvantaged communities (SDACs) statewide. The State Water Board's Division of Financial Assistance defines a SDAC as a public body with a population of 20,000 persons or less, and an annual median household income (MHI) of less than 80 percent of the current statewide MHI. The assistance will help improve SDAC compliance and ensure that

funds available through the State Water Board are used as effectively as possible in implementing practical, cost-effective wastewater projects that will be adequately maintained over the long-term. Classroom as well as web-based training courses will be offered in early 2010. The types of training courses to be offered include: Board Governance: Roles and Responsibilities; Budgeting; Operation and Maintenance for Small Wastewater Utilities; and Rate Setting, Proposition 218, and Community Outreach. A full list of courses will be made available online via the Small Community Wastewater Strategy webpage at:

[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/small\\_community\\_wastewater\\_grant/strategy.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/small_community_wastewater_grant/strategy.shtml). This training contract is one of the strategies to assist SDACs identified in State Water Board Resolution No. 2008-0048 and the *Water Boards' Small Community Wastewater Strategy*.

**Division Approvals:**

The Deputy Director of the Division approved the following Preliminary Loan/Grant Commitments from November 4, 2009 to January 4, 2010.

**Clean Water State Revolving Fund Loan**

Entity	Preliminary Loan Commitment	Project	Approved
City of Galt	\$16,631,000	Tertiary Filtration and Ultraviolet Disinfection (UV) Facilities Project	12/10/09
Del Norte County, Service Area No. 1	\$1,326,013 (Amended)	Sewer System Rehabilitation Project	12/17/09

**Water Recycling Grant/Loan**

Entity	Preliminary Funding Commitment	Project	Approved
Yorba Linda Water District	\$75,000	Water Recycling Facility Plan	12/17/09

On January 20, 2010, the Water Recycling Funding Program will host the second meeting of the Economic Analysis Task Force (EATF). The EATF was created pursuant to recommendations from the 2003 Governor's Recycled Water Task Force. This meeting's focus will be on bringing new task force members up to speed and continuing discussions developing Economic Analysis Guidance and Beneficiary Pays Evaluation of Options documents.

**Cleanup and Abatement Account**

Entity	Preliminary Loan Commitment	Project	Approved
Region 2	\$100,000	Undaria Removal in the San Francisco Bay	11/17/09

## OFFICE OF INFORMATION MANAGEMENT AND ANALYSIS

**U. S. EPA Review of California's Bioassessment Program:** US EPA conducted a review of Water Board's statewide bioassessment program, managed and implemented by the Surface Water Ambient Monitoring Program (SWAMP) in partnership with the Department of Fish and Game (DFG). U. S. EPA found that California's bioassessment program is above average and second only to one other state in the nation. The review found that SWAMP and DFG are capable of building, maintaining, and refining the tools needed to incorporate biological criteria and assessments in their water quality programs and that some Regional Boards already are utilizing the available tools. Finally, U. S. EPA recommended that the Water Board's should integrate biological assessment tools in their water quality programs and develop statewide biocriteria.

**Development of Statewide Biological Objectives:** SWAMP, in partnership with DFG, has invested significant resources to develop California's statewide bioassessment program, which assesses the biological integrity of the State's streams. Now that the technical tools needed for conducting and interpreting biological assessments are in place, SWAMP is taking the next step to develop biological objectives to incorporate use of these assessment tools into the Water Boards' regulatory programs. SWAMP staff will hold a stakeholder kick-off meeting on 8 March in Sacramento and 11 March in Costa Mesa, to educate stakeholders on the project and initiate development of the stakeholder advisory committee.

**Water Quality Monitoring Council 2009 Progress Report:** On December 30, the Monitoring Council delivered its [2009 Annual Progress Report](#) to the Secretaries of Cal/EPA and the Natural Resources Agency, providing a summary of progress achieved since December 2008 in implementing the recommendations contained in the [Monitoring Council's December 2008 recommendations report](#). Specific accomplishments include:

- Creating four theme-based workgroups that validated the broad applicability of the collaborative workgroup approach to coordination and web portal development
- Clearly identifying, through the workgroup process, gaps in data acquisition, monitoring coverage, and management responsibility
- Implementing a single point of access, through the Monitoring Council's [My Water Quality web page](#), to organized monitoring data, assessment products, and useful background information
- Developing and releasing two theme-based web portals ([Safe to Swim](#) and [Safe to Eat Fish and Shellfish](#)), with two additional portals scheduled for early 2010, (Wetlands and Safe to Drink Groundwater). These are organized around a small set of core, high-priority questions that provide ready access to monitoring and assessment results
- Achieving tangible improvements in coordination among local, state, federal, and non-governmental agencies
- Making progress on developing and implementing coordinated and/or standardized monitoring designs for beach water quality sampling, seafood tissue contaminant assessment, and wetlands project tracking and overall assessment

Read the 2009 Annual Progress Report at [http://www.waterboards.ca.gov/water\\_issues/programs/monitoring\\_council/docs/progress\\_report\\_2009.pdf](http://www.waterboards.ca.gov/water_issues/programs/monitoring_council/docs/progress_report_2009.pdf). A companion report, targeted for March 2010, will present the Monitoring Council's comprehensive monitoring program strategy, as required by SB 1070 (Kehoe, 2006).

**Monitoring Council Delivers Second “My Water Quality” Portal Evaluating Safety of Fish and Shellfish Consumption in California:** Pursuant to SB 1070 (Kehoe, 2006) the California Water Quality Monitoring Council has released its second internet portal addressing timely water quality issues. The theme of the second *My Water Quality* portal is “*Is it Safe to Eat Fish and Shellfish from Our Waters?*” The portal includes interactive maps and monitoring data that provide a variety of perspectives on chemical contaminants in fish and shellfish, the sources of these contaminants, and how people can avoid or reduce their exposure. The goal is to make information available to decision makers and the public in a timely and user-friendly manner. View the new portal at [www.waterboards.ca.gov/mywaterquality/](http://www.waterboards.ca.gov/mywaterquality/)

## **BOARD MEMBER DIRECTIVES**

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

## Appendix 1

# Statewide Policies/Significant General Permits

<b>Division of Water Quality</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
A*	Anti-Degradation Policy / Implementation Triennial Review	Scoping meeting held on 11/17/08. Reviewing the 30+ comment letters received. Preparing recommendation for the Board. 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 Spring 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 Spring, 2010.

<b>Division of Water Quality</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
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.
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.
A-10	Leaking Underground Fuel Tank (LUFT) Manual	Draft manual update in preparation.
A-10	Listing Policy Update (Sediment Quality Objectives)	Targeting CEQA Scoping Meeting in February 2010. Targeting Board consideration in April 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.
A-10*	Once-Through Cooling (316b) Policy	Board Workshop held on 12/1/09. Targeting Board consideration for adoption on February 16, 2010.



<b>Division of Water Quality</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
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.
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 February, 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 February 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, 2 739, Laird)	Working with Storm Water Task Force to develop guidance. Task Force guidance delayed until late Fall. Targeting Public Workshops in March, 2010.
A-10*	Storm Water MS4 Phase II Permit	Work has resumed now that staff returned from leave.
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.
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.

<b>Division of Water Quality</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
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 December 2009. Targeting Public Hearing in Spring 2010.
A-10*	Trash Policy	Contractor provided draft scoping documents, reviewing and will be setting up meeting in Spring 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.
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 USEPA 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 USEPA'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.

<b>Division of Water Rights</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
(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 <sup>th</sup> . 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 <sup>th</sup> , 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
C	State Revolving Fund Policy	The Policy was updated and approved by the Board on March 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)

Status Code	Policy/Significant General Permit	Status
<b>North Coast Regional Water Board (R1)</b>		
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
<b>San Francisco Bay Regional Water Board (R2)</b>		
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.

<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
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.
<b>Central Coast Regional Water Board (R3)</b>		
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.



Status Code	Policy/Significant General Permit	Status
<b>Los Angeles Regional Water Board (R4)</b>		
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
<b>Central Valley Regional Water Board (R5)</b>		
A	Aquifer Storage and Recovery (City of Roseville)	In discussion with City
A	Regulation of Ready-mix Concrete Waste Products	In discussion with Industry
A	Irrigated Lands Regulatory Program-Coalition Group Conditional Waiver	Coalition groups are conducting monitoring and implementing management plans for identified water quality problems. Compliance activities are ongoing for non-participants in the program.
A	Federal Land Management Agency Sites Memorandum of Understanding	Negotiating a MOU between USFS, BLM, DTSC, DFG, DOC, SWRCB, Regional Boards, that will establish principles for the parties to work cooperatively within the State to identify, prioritize, investigate and cleanup inactive and abandoned mine lands. Recently renewed
A	Conditional Waiver for Disaster-Related Wastes During a State of Emergency	R5-2008-0093 to provide a mechanism for management and disposal of disaster related wastes, in compliance with the California Water Code, that results from fires, floods, storms, earthquakes, and mass mortality of animals when a state of emergency has been declared by the Governor.
A	GENERAL ORDER for petroleum cleanup waste to land	Actively used (Order R5-2003-0044)
A	Waiver of low threat discharges to land	Actively used (Resolution R52008-0182)

<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
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.

<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
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

<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
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

Status Code	Policy/Significant General Permit	Status
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.

Status Code	Policy/Significant General Permit	Status
<b>Lahontan Regional Water Board (R6)</b>		
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

<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
A-10	Reissuance of General NPDES Permit for Disposal of Treated Groundwater	Scheduled for June 2010
<b>Colorado River Regional Water Board (R7)</b>		
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.
<b>Santa Ana Regional Water Board (R8)</b>		
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.

Status Code	Policy/Significant General Permit	Status
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.
<b>San Diego Regional Water Board (R9)</b>		
A	Tijuana River Valley Recovery Team--Trash and Sediment Project	The Recovery team, consisting of local, state, and Federal agencies, are coordinating, directing, and overseeing efforts to identify and remove trash and sediment in the valley. The team's efforts also include prevention of sediment and trash into the valley and the long-term restoration of the river/lagoon/watershed system.
A-10	Hydrostatic Testing and Potable Water Discharge General Permit—NPDES Permit Reissuance	Was tentatively scheduled for the Regional Board consideration and approval on August 8, 2009. Regional Board postponed action for 90 days at the request of the dischargers. Targeted for permit reissuance 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.



<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
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.

Status Code	Policy/Significant General Permit	Status
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	Dynergy 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.

**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
<b>North Coast Regional Water Board (R1)</b>		
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
<b>San Francisco Bay Regional Water Board (R2)</b>		
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 <a href="http://www.swrcb.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2009/R2-2009-0059.pdf">http://www.swrcb.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2009/R2-2009-0059.pdf</a>
C	Municipal Regional Stormwater Permit to reissue 6 MS4 Phase I permits	Adopted by the Board on October 14, 2009.
<b>Central Coast Regional Water Board (R3)</b>		
C	Timber permitting streamlining	Adopted at July 10 Regional Board meeting

<b>Los Angeles Regional Water Board (R4)</b>		
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
<b>Central Valley Regional Water Board (R5)</b>		
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	US 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	US 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.
<b>Lahontan Regional Water Board (R6)</b>		
<b>Colorado River Regional Water Board (R7)</b>		
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.
<b>Santa Ana Regional Water Board (R8)</b>		
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.
<b>San Diego Regional Water Board (R9)</b>		
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 USEPA. 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 January 2010

This month's Irrigated Agricultural Lands Regulatory Program (ILRP) report will provide an update on the activities of the Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Regional Water Quality Control Board programs.

Future monthly reports will alternate between the status of the ILRP at the Central Valley Water Board for one month, and the status of other Regional Water Boards for the alternate month. English and Spanish translations of current and past ILRP monthly reports can be found on the State Water Boards Irrigated Agricultural Waiver Program website:  
[http://www.waterboards.ca.gov/water\\_issues/programs/agriculture/](http://www.waterboards.ca.gov/water_issues/programs/agriculture/)

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

Johnny Gonzales	(916) 341-5510	<a href="mailto:jgonzales@waterboards.ca.gov">jgonzales@waterboards.ca.gov</a>
Gita Kapahi	(916) 341-5501	<a href="mailto:gkapahi@waterboards.ca.gov">gkapahi@waterboards.ca.gov</a>

#### CENTRAL COAST REGION AGRICULTURAL REGULATORY PROGRAM Update – January 4, 2010

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

At a December 10, 2009 meeting, the Central Coast Water Board directed staff to release a draft of a proposed order regulating discharges from irrigated lands. The release of the draft proposed order will be on February 1, 2010 for members of the public to review and comment. The Central Coast Water Board also agreed to consider alternative recommendations for regulating discharges from the agricultural industry, environmental organizations, or any other party, in a public workshop on May 12, 2010. The Board encouraged any party who wants to present such an alternative, to provide recommendations in writing by April 1, 2010, so Board members and other members of the public have time to review and comment on all proposed options at the public workshop on May 12, 2010.

Non-point sources of pollution, primarily from agricultural sources, are a major cause of water quality impairment that severely impacts drinking water, aquatic life and other beneficial uses of surface and groundwater in the Central Coast Region. The Water Board currently regulates discharges from irrigated Lands with a Conditional Waiver of Waste Discharge Requirements that expires in July 2010 (Order No. R3-2009-0050). Irrigated agriculture discharges are regulated by the conditions in that order. To receive updates on the Agricultural Order Renewal via email, interested parties are encouraged to subscribe to the "Agricultural Dischargers" email list at [http://www.waterboards.ca.gov/resources/email\\_subscriptions/reg3\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/reg3_subscribe.shtml).

## **Enforcement**

The Central Coast Water Board penalized Pacifico Azul, Inc., a Watsonville agricultural operation, \$7,455 for failing to comply with the enrollment and monitoring requirements of the Water Board's Agricultural Regulatory Program.

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

## **LOS ANGELES REGION CONDITIONAL WAIVER FOR IRRIGATED LANDS UPDATE TO THE SWRCB Irrigated Agriculture Program Update staff report dated January 5, 2010**

- Staff continued follow-up work on 5 ACLs issued on May 5, 2009.
  - All ACL recipients have enrolled in the Los Angeles Region Conditional Waiver for Irrigated Lands program.
  - One ACL recipient paid the penalty; this case is completed.
  - Staff met with ACL recipients who wished to engage in settlement discussions. Three ACL recipients have verbally agreed to settlements. Staff is currently working with legal counsel to draft the settlement agreements and complete these cases.
  - One ACL recipient elected to pursue a Regional Board panel hearing. The hearing is scheduled for January 28, 2010. Staff is preparing evidence documents required for the hearing.
- Staff is developing new enforcement cases against landowners for failure to enroll in the Conditional Waiver for Irrigated Lands.
- Staff continues to work with the Ventura County Agricultural Irrigated Lands Group (VCAILG) on the implementation of their Water Quality Management Plan (WQMP).
  - BMP survey results from 1<sup>st</sup> tier priority growers are available. Staff is working with VCAILG to evaluate the results in a county wide context.
  - BMP implementation is underway in 1<sup>st</sup> tier priority drainages.
  - 2<sup>nd</sup> tier priority growers are expected to complete BMP surveys in spring 2010.
  - 2<sup>nd</sup> tier priority growers are the primary target of ongoing outreach.

Staff, in cooperation with the NPS program, solicited 319 (h) grant concept proposals from agriculture stakeholders.



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

**COLORADO RIVER BASIN CONDITIONAL PROHIBITION FOR AGRICULTURAL  
DISCHARGES  
Irrigated Agriculture Program Update from a December 2009 staff report**

The Palo Verde Ag Prohibition has had legal review; staff is completing final edits. Staff anticipate circulating the prohibition for public comment next spring.

Staff conducted the first TAC meeting for the Coachella Valley Ag Prohibition on December 14th at the Coachella Valley Water District. Presentations were given by Johnny Gonzales (State Water Board) on The Cooperative Approach to Assess and Protect Water Quality in Agricultural Areas, and Jon Rokke (RB-7) on The Role of the TAC. Discussion was facilitated by Gita Kapahi (State Water Board).

The TAC agreed to conduct monthly meetings at the Coachella Valley Water District on the third Wednesday of each month. TAC meetings will be held from 1:00 P.M. to 5:00 P.M. for six consecutive months, beginning January 20, 2010. Meetings are scheduled as follows:

- o January 20, 2010
- o February 17, 2010
- o March 17, 2010
- o April 21, 2010
- o May 19, 2010
- o June 16, 201

Staff is reviewing the Imperial County Farm Bureau 319(h) concept proposal submitted for the 2010 competition.

**For additional information** on the Colorado River Basin Conditional Prohibition for agricultural discharges, please contact Doug Wylie at (760) 346-6585 [dwylie@waterboards.ca.gov](mailto:dwylie@waterboards.ca.gov)

**SANTA ANA REGION  
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR AGRICULTURAL  
DISCHARGES (CWAD PROGRAM)  
An update to the SWRCB-ILRP Coordinator December 30, 2009**

Board staff is proposing that all operators of irrigated land, dry-farmed land subject to inundation by flooding, and of other agricultural operations not already regulated by the Regional Board, enroll in a conditional waiver of waste discharge requirements. Board staff is calling this the Conditional Waiver (of waste discharge requirements) for Agricultural Discharges (CWAD). The Regional Board staff proposes that the CWAD program will be developed and implemented on watershed-based, phased approach. The first phase of this program is being developed for waste discharges from agricultural operations in the Lake Elsinore / San Jacinto Watershed. The Regional Board adopted separate nutrient Total Maximum Daily Loads (TMDLs) for Canyon Lake and Lake Elsinore, and the CWAD program is being designed to be part of implementation program for these TMDLs.

In order to formulate a strategy to develop a CWAD program, the Regional Board staff has been

consulting with State Water Board staff and conducting meetings with key stakeholders, including the Western Riverside County Agricultural Coalition (WRCAC), a NGO, and the Lake Elsinore San Jacinto Watershed Authority (LESJWA), a joint-powers authority that includes the Cities of Canyon Lake and Lake Elsinore, Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Santa Ana Watershed Project Authority.

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

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

On November 17, 2009, Regional Board staff conducted a public information meeting regarding its upcoming CWAD program as a part of its public outreach aspect of this program. This meeting was held in Eastern Municipal Water District's Board room. At this meeting, State and Regional Board staff gave presentations on statewide prospective of irrigated ag. program in various regions and regional board staff presented the status its CWAD program. Also, information on the upcoming CWAD program and its stakeholders' potential role in the program was also discussed. The meeting was attended by over 50 people representing growers, local farmers and various stakeholder groups. Regional Board staff received feedback from local growers during its question and answers session.

At this meeting, Board staff also discussed the proposed program, and solicited suggestions about how best to put the CWAD program in place. Possible topics for workshop discussions will include:

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

The Board staff is planning to schedule another evening public information meeting, sometimes in February 2010. The meeting place and agenda will be announced in near future. The public information meeting will be publicized on the Regional Board's website, through direct email contact, and through stakeholders throughout the watershed.

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

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

**Irrigated Agricultural Lands Regulatory Program December 2009 staff report.**

During the month of December, staff continued to develop basic monitoring criteria that will be required in monitoring plans, once the waiver enrollment period ends. Monitoring groups and individual dischargers are required to submit monitoring plans between January 1, 2011 (the enrollment deadline date) and December 31, 2011.

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

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

**APPENDIX 3**

**Current Board Member Directives Checklist as of 1/12/2010**

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 Niya, Eric Oppenheimer	All	Inclusion of the Klamath River watershed in the policy being developed pursuant to AB 2121	late 2009	Upon adoption of the policy for the five counties described in Water Code section 1259.4, the Board should consider the expansion or amendment of AB 2121 policy to include the Klamath River and its tributaries.	The Division of Water Rights 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 1/12/2010**

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 1/12/2010**

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.