San Diego
Regional Water Quality
Control Board

Executive Officer's Report

September 13, 2006

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SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

September 13, 2006

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

1. Project POWER *(Dave Gibson) (Attachment A-1)*
In March 2006, Dave Gibson attended the Project POWER (Protecting Our Wetlands with Educators and Regulators) workshop in New York with staff from the San Diego Zoological Society. The Project POWER program was funded through a US EPA National Leadership grant to the NY State Department of Environmental Conservation and New York Aquarium-Wildlife Conservation Society. The San Diego Project POWER Team is developing a wetlands public education program that will be held at the San Diego Wild Animal Park on October 7, 2006 (see attachment).

The goal of the San Diego Project POWER education program is to foster local stewardship to protect inland and coastal wetlands in San Diego. The program will initially target local watershed and water quality interest groups and members of the public. Future workshops will be expanded to include representatives of homeowners associations, realtor and building industry organizations, and civic and sporting groups. The emphasis of the workshops will be on the values and importance of wetlands and the regulatory and community tools to protect them.

Dave Gibson (dgibson@waterboards.ca.gov) and Cindy Wallace, the Associate Education Director of the San Diego Wild Animal Park (CWallace@sandiegozoo.org) are the primary contacts for information regarding the October 7, 2006 Project POWER Workshop.

PART B
SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) *(Eric Becker, Charles Cheng, Joann Lim, Melissa Valdovinos, Michelle Mata, Olufisayo Osibodu) (Attachment B-1)*
From July 1 to July 31, 2006, there were 10 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office pursuant to the requirements of Order 96-04; 4 of these spills reached surface waters or storm drains, none of which resulted in closure of recreational waters. Of the total number of overflows from public systems, 2 were 1,000 gallons or more. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of July 2006 was 7363 gallons.

There were also 21 sewage overflows from private property reported in July 2006. Five of these spills reached surface waters or storm drains, none of which resulted in closure of recreational waters. None of the overflows from private property were 1,000 gallons or more.

The total rainfall amount for July 2006 recorded at San Diego's Lindbergh Field was 0.04 inches. For comparison, in June 2006, a "Trace" amount of rainfall was recorded at Lindbergh Field, and 14 public SSOs were reported. Also for comparison, in July 2005, 0.01 inches of rainfall were recorded at Lindbergh Field, and 22 public SSOs were reported.

From August 1 to August 31, 2006, there were 18 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office pursuant to the requirements of Order 96-04; 10 of these spills reached surface waters or storm drains, none of which resulted in closure of recreational waters. Of the total number of overflows from public systems, 2 were 1,000 gallons or more. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of August 2006 was 18,506 gallons.

There were also 15 sewage overflows from private property reported in August 2006. Four of these spills reached surface waters or storm drains, two of which resulted in closure of recreational waters. One of the overflows from private property was 1,000 gallons or more.

The total rainfall amount for August 2006 recorded at San Diego's Lindbergh Field was 0.01 inches. For comparison, in July 2006, 0.04 inches of rainfall was recorded at Lindbergh Field, and 10 public SSOs were reported. Also for comparison, in August 2005, a "Trace" amount of rainfall was recorded at Lindbergh Field, and 19 public SSOs were reported.

Attached are two tables titled "Sanitary Sewer Overflow Statistics." One is updated through July 31, 2006 and the second is updated through August 31, 2006, which contains a summary of all SSOs by fiscal year (FY) from each agency since FY 2002-2003.

It should be noted that the data for spill volume per volume conveyed (GAL/MG) could be easily misinterpreted. For a sewer agency that has a small system size, but experienced a spill of a few hundred gallons or more, the value may show high. Also, for a sewer agency that has a large system size, a high volume spill event may not result in a high value for this statistic. Hence, these numbers by themselves are not sufficiently representative of the measures being taken by a sewer agency to prevent SSOs, nor can the numbers be compared directly between agencies. The data does represent a different way to review and analyze SSO volume data as it relates to system size.

Additional information about the Regional Board's SSO regulatory program is available at the Regional Board's website at http://www.waterboards.ca.gov/sandiego/programs/sso.html.

No Notices of Violation (NOV) were issued in July or August for sewer overflows.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in August 2006 *(Chiara Clemente) (Attachment B-2)*
Section 401 of the Clean Water Act requires that any person applying for a federal permit which may result in a discharge of pollutants into Waters of the United States must obtain a water quality certification that the discharge complies with all applicable state water quality standards, limitations, requirements, and restrictions. The most common federal permit that requires a 401 Certification is a CWA Section 404 permit, issued by the Army Corps of Engineers, for the placing of fill (sediment, rip rap, concrete, pipes, etc.) in Waters of the U.S. (i.e. Ocean, bays, lagoons, rivers and streams).

Upon receipt of a complete 401 certification application, the Regional Board may either certify the project or deny certification, with or without prejudice. In cases where there are impacts to Waters of the U.S., the Regional Board may issue a conditional certification. The certification can be either in the form of a conditional certification document approved by the Regional Board Executive Office, or Waste Discharge Requirements (WDRs), adopted by the Regional Board. And, in the case where a federal permit is not required because impacts have been determined to be only to Waters of the State, the Regional Board may adopt WDRs. Table B-2 (attached) contains a list of actions taken during the month of August. Public notification of pending 401 Water Quality Certification applications can be found on our web site at: http://www.waterboards.ca.gov/sandiego/programs/401cert.html.

3. Grants Update *(David Gibson) (Attachment B-3)*
Proposition 40 and Proposition 50 Consolidated Grants Program
Statewide 209 applicants were invited to submit full proposals for the Consolidated Grants programs. Full Proposal applications for the non-ocean protection projects were due to the State Water Resources Control Board (SWRCB) by June 9, 2006. A total of 190 applications were received by SWRCB. In the San Diego region, 27 applicants were selected to submit full proposals out of the 57 initial concept proposals that were submitted. The invitation lists and other information for all programs are available at: http://www.waterboards.ca.gov/funding/cg_fullproposals.html.

The review teams have completed the reviews and scoring of the full proposals submitted statewide and the SWRCB is compiling recommended funding lists for each program. The SWRCB will consider the recommended funding lists in September and October. The recommended funding lists are the Proposition 40

Integrated Watershed Management Program (IWMP) and Nonpoint Source Pollution Control Program (NPSPCP) (See Attachments). Four projects in the San Diego region are included in the funding recommendations:

Prop. 40 IWMP
PIN 9235 Freshwater Runoff Treatment Ponds $550,017

Prop. 40 NPSPCP
PIN 8967 Porous Pavement & Model Municipal Operations Center-Phase II $1,500,000
PIN 9401 Los Peñasquitos Sediment Basin $1,107,000
PIN 9028 Tijuana River Valley Invasive Plant Control Program - Phase 3 $719,000

The recommended funding lists for these two programs will be considered by the SWRCB on September 6, 2006. IWMP and NPSPCP applicants were sent e-mails regarding the status of their applications on August 25, 2006. The lists for the IWMP and NPSPCP are also posted on the web, under the September 6, 2006 SWRCB Agenda (Item 9), at: http://www.waterboards.ca.gov/agendas/2006/September/090606mtg.html.

Statewide Proposition 50 Integrated Regional Water Management (IRWM) Grant Program
The IRWM Step 2 Implementation proposal deadline was June 28, 2006. All 16 applicants statewide who were called back to Step 2 submitted applications on time. The South Orange County IRWM group was among the IRWM groups invited to submit a proposal. The 16 proposals represent a total of approximately 175 individual projects. Approximately $382 million in grant funding was requested for proposals totaling over $2 billion. The Department of Water Resources and SWRCB have approximately $150 million available for this cycle of grant funding. The actual funding and cost match amounts are as follows:

Grant Funds Requested	$ 382,156,434
Cost Match Funds	$1,679,717,545
Total Budget Funds	**$2,137,307,291**

The Step 2 technical reviews and consensus reviews are due September 8, 2006. Selection panel reviews will be conducted through October 2006.

On August 28, 2006, Regional Board staff attended one of three public meetings being held by the San Diego IRWM group to gather public feedback on issues to be addressed in the new San Diego IRWM Plan. The San Diego IRWM group is drafting an IRWM plan based on feedback from the review of their Step 1 proposal and refined member agency goals for the IRWM program. The draft IRWM Plan is expected to be released for public review and comment in October

2006 with approval expected by mid-year in 2007. The IRWM Plan must be complete by January 31, 2007 and adopted before the San Diego IRWM group can apply for the next round of Prop. 50 Chapter 8 IRWM grants. The second round of IRWM grants will make $220 million dollars available to IRWM groups statewide in late 2007 or early 2008.

Clean Beaches Initiative Grant Program
The SWRCB received six applications totaling $13.2 million for the remaining $6 million in Proposition 40 funds. The Clean Beaches Task Force met on August 30, 2006 to review applications and recommend projects for funding. Draft Guidelines for the Proposition 50 CBI Program were posted on the SWRCB website on August 9, 2006. Two workshops on the draft Guidelines have been scheduled. The first will be at the Newport Beach Public Library on Wednesday, September 13, 2006 and the second will be at the San Francisco Bay Conservation and Development Commission on Thursday, September 14, 2006. Additional information on the Clean Beaches Initiative including the CLL can be found at: http://www.waterboards.ca.gov/cwphome/beaches/index.html

4. Reissuance of the Orange County Municipal Storm Water Permit *(James Smith)*
The current Municipal Storm Water Permit for Orange County (MS4 Permit), Order No. R9-2002-001, expires in February 2007. The process to reissue the MS4 Permit has begun. Jeremy Haas and Jimmy Smith of the Northern Watershed Unit (NWU) have met with the co-permittees to discuss the renewal process and the information necessary in the Report of Waste Discharge (ROWD). The co-permittees submitted the ROWD on August 22, 2006. Staff of the NWU is currently reviewing the submittal and has 30 days to comment on the completeness of the ROWD. The tentative order renewing the WDRs is currently scheduled for release to all interested parties and the public in November 2006. After which, staff will conduct a workshop and interested parties will have 60 days to review the draft before a Public Hearing tentatively scheduled for February 2007. Staff will respond to all significant comments before returning the tentative permit, revised as appropriate, to the Board for deliberation and adoption. The goal of the numerous meetings and the extended comment period is to facilitate the reissuance process by eliminating misunderstandings between parties, gain support for and to seek ways to improve the tentative permit.

5. Significant Enforcement Actions for August 2006 (*Mark Alpert*)
The following are the most significant enforcement actions undertaken by the Regional Board during the month of August 2006.

401 Certification Program

Cleanup and Abatement Orders (CAOs) R9-2006-0101 and 0102
Agency: Mr. and Mrs. Dickerson and Mr. Fred Perry
Facility: Sea wall construction project at 501 First Street, Coronado

Agency: Mr. and Mrs. Gunning and Mr. Fred Perry
Facility: Sea wall construction project at 505 First Street, Coronado

The CAOs were issued on August 23, 2006 for the construction of an unauthorized sea wall and creation of a sandy beach on adjacent properties within tidelands in violation of a 401 water quality certification and Water Code Section 13260. The basis of the Cleanup Orders (CAO) is that the construction projects, which were not properly authorized, created a condition of pollution and threaten to negatively impact Eelgrass beds found in shallow waters in San Diego Bay near the construction sites. The CAOs require the removal of all structures by October 23, 2006, and provide shoreline stabilization as originally proposed in the certification application. The responsible parties must also submit an assessment on the potential impact to the offshore Eelgrass beds by December 23, 2006. The responsible parties have until September 22, 2006 (30 days from issuance) to petition for review of the CAOs.

For more information contact Mr. Christopher Means, Regional Board staff at (858) 637-5581 or cmeans@waterboards.ca.gov.

Construction Stormwater Program

ACL No. R9-2006-0105
Agency: Poway Unified School District
Facility: Construction project for Garden Road Elementary School

On August 14, 2006, the Executive Officer issued Administrative Civil Liability (ACL) Complaint No. R9-2006-0105 in the amount of $32,800 to Poway Unified School District, for alleged violations of the statewide general permit for discharges of storm water runoff associated with construction activity (Order No. 99-08-DWQ). The recommended liability for violations alleged in the Complaint include; failure to enroll in the storm water permit, failure to have or implement a Storm Water Pollution Prevention Plan (SWPPP), and sediment discharge to waters of the state for at least 2 days. A public hearing is scheduled for the November 8, 2006 Board meeting. The Poway School District has until September 13, 2006 to waive their right to a public hearing. If a waiver is submitted, the Regional Board will consider acceptance of the waiver at the November 8, 2006 Board meeting.

For more information contact Ms. Chiara Clemente, Regional Board staff at (858) 467-2359 or cclemente @waterboards.ca.gov

NOV and WC 13267 Investigative Order No. R9-2006-0085
Agency: Cameo Homes-Silverado
Facility: Construction project at Los Alamos and Murrieta Vista Roads, Murrieta

Issued on August 21, 2006 for violations of the statewide general permit for discharges of storm water runoff associated with construction activity (Order No. 99-08-DWQ). Violations included multiple failures to have adequate Best Management Practices (BMPs) to control erosion from the site to waters of the state. For more information contact Mr. Tony Felix, Regional Board staff at (858) 636-3134 or tfelix@waterboards.ca.gov.

NOV No. R9-2006-0107
Agency: West Construction and Concrete
Facility: Construction project at 38290 Via Vista Grande, Murrieta

Issued on August 21, 2006 for violations of the statewide general permit for discharges of storm water runoff associated with construction activity (Order No. 99-08-DWQ). Violations included failure to have adequate Best Management Practices (BMPs) to control erosion from the site to waters of the state and failure to furnish an adequate stormwater pollution prevention plan (SWPPP) during the site inspection. For more information contact Mr. Tony Felix, Regional Board staff at (858) 636-3134 or tfelix@waterboards.ca.gov

Industrial Stormwater

34 NOVs for Failure to Submit Annual Reports
Region wide
On August 11, 2006, thirty-four Notices of Violation (NOV's) were mailed, by certified mail, for failure to submit the 2005-2006 Annual Report by July 1, 2006 as required by the Statewide General Industrial Storm Water Permit, Order No. 97-03 DWQ. As of August 24, 2006, eighteen of the Annual Reports have been received. In early September, the Executive Officer plans on issuing complaints for assessment of administrative civil liability against those dischargers failing to submit their Annual Reports by August 31, 2006.

For more information contact Mr. Don Perrin, Regional Board staff at (858) 467-2969 or dperrin@waterboards.ca.gov

NPDES Program

NOV No. R9-2006-0103
Agency: North County Transit District:
Facility: Sprinter Couch Street Culvert Replacement Dewatering, Oceanside

Issued August 7, 2006 for violations of effluent limitations for total phosphorus and total nitrogen contained in Waste Discharge Requirements Order No. R9-2001-0096, known as the Extraction Dewatering Permit. The four violations occurred in May 2006 and are defined as serious* subject to $3,000 per violation Mandatory Minimum Penalty pursuant to the Water Code Section 13385(h). In

the near future, the Regional Board plans to issue complaints for administrative assessment of civil liability (ACL) for at least the mandatory minimum penalty. For more information contact Ms. Whitney Ghoram, Regional Board staff at (858) 467-2967 or wghoram@waterboards.ca.gov

* CWC 13385 (h) (2) defines "serious violation" to mean any waste discharge that violates of effluent limitations contained in waste discharge requirements by 20 percent or more for Group II pollutant, or 40 percent or more for Group I pollutant (Appendix A to Section 123.45 of Code of Federal Regulation Title 40. A mandatory minimum penalty of three thousand dollars ($3,000) shall be assessed for each serious violation.

NOV No. R9-2006-0042
Agency: Terra VAC:
Facility: Body Beautiful Car Wash, San Diego

Issued August 10, 2006 for violations of effluent limitations for total suspended solids contained in Waste Discharge Requirements Order No. R9-2000-0090, (known as the Extraction Dewatering Permit for San Diego Bay). The violations occurred in October 2005 through March 2006 include: 4 serious and 2 non-serious* violations that are subject to Mandatory Minimum Penalty of $3,000 per violation pursuant Water Code Section 13385(h) and (i); and, 4 violations of effluent limitations that are subject to discretionary liability. In the near future, the Regional Board plans to issue a complaint for administrative assessment of civil liability (ACL) for at least the mandatory minimum penalty. For more information contact Ms. Whitney Ghoram, Regional Board staff at (858) 467-2967 or wghoram@waterboards.ca.gov

* Pursuant to CWC 13385 (i), a mandatory minimum penalty of three thousand dollars ($3,000) shall be assessed for violation of certain effluent limitations contained in waste discharge requirements that are not-serious, beginning with the 4th violation in a six-month period.

WCS 13267 Investigative Order
Agency: Southern California Edison
Facility: San Onofre Nuclear Generating Station

Issued on August 23, 2006 to investigate the circumstances of a reported leak of radioactive tritium at the Unit 1 facility. A technical report was received by the Regional Board on September 1, 2006. For more information contact Dr. Charles Cheng, Regional Board staff at (858) 627-3930 or ccheng@waterboards.ca.gov

6. Proposed Gregory Canyon Landfill *(Carol Tamaki and John Odermatt)*
This item is provided to update the Regional Board on recent events relating to the proposed Gregory Canyon Landfill.

On August 24, 2006 the Regional Board provided an email entitled "August 2006 - Update #4: Proposed Gregory Canyon Landfill Project" to subscribers to the Regional Board's listserver mailing list for the proposed Gregory Canyon Landfill. To date, approximately 120 individuals/organizations have subscribed to the Regional Board's list server for the proposed Gregory Canyon project!

The August 2006 Update #4 email included information on the following topics:

CEQA Process and Status of Revised EIR.
The update informed the subscribers of the dates for public comment on the Revised Partial Draft Environmental Impact Report (RPDEIR), and referred them to the San Diego County Web Page at http://www.co.san-diego.ca.us/deh/chd/gchome.html for further information on the CEQA process. The subscribers were notified that the Regional Board submitted written comments (dated August 23, 2006), concerning various water quality related topics associated with the proposed project, for consideration by the County DEH. The update also indicated that those written comments are available from the Regional Board web page at:
http://www.waterboards.ca.gov/sandiego/units/ldu/gregory_canyon.html

Public Participation Requirements in CCR Title 27.
The update provided notification to the subscribers about public participation requirements in Title 27, California Code of Regulations, section 21730.

Scheduling an Agenda Item for consideration by the Regional Board.
The subscribers were informed that the Regional Board Executive Officer informed the Regional Board members that he preferred not to schedule a public hearing on the proposed Gregory Canyon Landfill project until after the County of San Diego completes its CEQA process.

The August 2006 update also informed the subscribers/public of the steps being taken by the Regional Board to keep the public informed on our work concerning the proposed project:

UPDATE OF WEB PAGES
The Regional Board continues to maintain web pages, which have recently been updated, to keep the public informed about developments regarding the proposed Gregory Canyon Landfill project. The revised web page is available at http://www.waterboards.ca.gov/sandiego/units/ldu/Canyon%20Project/gregory_canyon_landfill.html. The revised web pages also include the written comments provided to the County DEH on the RPDEIR for the proposed project. Our written comments are available from our web page at:
http://www.waterboards.ca.gov/sandiego/units/ldu/gregory_canyon.html

EXECUTIVE OFFICER REPORTS
The Regional Board staff continues to update our Regional Board members in Executive Officer Reports (EORs). These EORs are also available to the public on our Regional Board web page at:
http://www.waterboards.ca.gov/sandiego/eo_report/eoreport.html

LISTSERVER UPDATES
The Regional Board continues to maintain email list to keep the public informed about developments regarding the proposed Gregory Canyon Landfill project. The Regional Board encourages all interested parties to sign up for email notifications via our list server for the proposed Gregory Canyon project on our home page at: http://www.waterboards.ca.gov/sandiego/misc/mailing_lists.html

In the interim, the Regional Board staff continues to move forward with the development of a tentative Order, and supporting technical information, for a future agenda item regarding the proposed project. However, in view of the status of the CEQA document and the uncertainties with the completion date of the CEQA process, it remains uncertain when the future agenda item will be scheduled for consideration by our Regional Board.

7. Mission Valley Terminal Integrity Testing *(Kelly Dorsey)*
On December 15, 2005 Kinder Morgan submitted a report of the findings from their annual tracer tight leak test for the Mission Valley Terminal (MVT). Several leak tracer detections had been found during the pipeline testing at MVT. Some of the locations also had detections during the previous years leak test. Regional Board staff met with Kinder Morgan and recommended that the pipeline areas where tracer had been detected be excavated and the pipelines visually inspected for leaks. The pipelines in question were excavated. The excavations were left open for several months and inspected for leaks on a regular basis (including 3 inspections by Regional Board Staff); no pipeline leaks were visually detected.

Between March and July of this year Kinder Morgan performed pressure tests on the lines in question. The testing was completed while the excavations were open to allow for visual inspection of the pipelines during the pressure tests. All of the pipelines passed the pressure tests and no leaks were visually detected during or after the pressure tests.

After a final inspection of the pipelines by Regional Board staff on August 15, 2006, the excavations were backfilled to prepare for the 2006 tracer tight leak test. Kinder Morgan and Regional Board staff has discussed new leak test procedures to help eliminate sources of leak tracer other than from actual leaks. There is a possibility that some of the detections were the result of various venting systems throughout MVT which could have leaked tracer to the soil. Additionally, Kinder Morgan will use a new type of leak tracer during the 2006

test to eliminate the possibility of erroneously detecting residual tracer left in the soil by the previous year's test. After the 2006 tracer tight leak test results are reported to the Regional Board, Regional Board staff and Kinder Morgan will meet to discuss the results.

8. Poway Landfill Status/Update *(John Odermatt and Kelly Dorsey)*
The Regional Board staff has provided previous Executive Office Report items (*i.e.,* dated April 12, 2006 and May 10, 2006) on the Poway Landfill. This information is available on-line at http://www.waterboards.ca.gov/sandiego/eo_report/eoreport.html .

On August 31, 2006, Regional Board staff attended a public meeting, convened by County of San Diego Department of Public Works (DPW) and Local Enforcement Agency (LEA), to discuss recent developments at the Poway Landfill. The meeting was attended by residents and local realtors. The technical presentation focused on recent results from permanent soil vapor probes installed and sampled within the residential community located adjacent to the Poway Landfill. The presentation by the technical consultant and the County staff also described results from a human health risk assessment, including the most recent soil vapor data. The County staff indicated that the results from the human health risk assessment seem to indicate that quantified risk to residents for excess cancer from soil vapor exposure are below the level of $1x10^{-6}$ or less than one-in-a-million. The DPW also indicated that they plan to continue monitoring of soil vapor in the community and conduct further investigation of groundwater impacts from the Poway Landfill. Following the technical presentation, a panel comprised of staff from the County DPW, LEA, and the Regional Board answered questions from the public.

The most recent soil vapor report is currently available on-line, and the LEA has committed to posting power point presentations from the most recent public meeting on their Poway Landfill web site at: http://www.co.san-diego.ca.us/deh/chd/poway.html .

9. Las Pulgas Landfill Camp Pendleton *(Amy Grove)*
On August 22, 2006 the Regional Board conducted a routine site inspection at the Las Pulgas Landfill at Camp Pendleton. Despite a failed liner system within the Phase 1 disposal area, Regional Board staff did not observe any areas of concern or violations during the site inspection.

The USMC has received their permit from the Navy Radiation Safety Committee to authorize the disposal of tritium-contaminated liquid wastes, previously collected from the leachate conveyance and recovery system (LCRS), from the Phase 1 unit. As of the date of the inspection, all previously stored leachate liquids (~140,000 gallons) had been removed from the site, and the USMC was conducting decontamination activities.

In compliance with Cleanup and Abatement Order (CAO) No. R9-2006-0016, the USMC continues their investigation into the failed liner system in the Phase 1 expansion area. According to representatives of the USMC, the development of the Corrective Action Plan (CAP) required by the CAO is on track, and will be submitted to the Regional Board in December.

10. Forster Canyon Landfill, Orange County *(Amy Grove)*
Regional Board staff has continued to review the Final Closure and Post-Closure Maintenance Plans (December 2005) for the Forster Canyon Landfill. Because of the difficult geotechnical and slope-stability issues associated with this project, the Regional Board staff has continued to coordinate their work with the State Water Board Land Disposal Program technical staff (Mr. Rich Boylan). The staff has been in correspondence with Mr. Ray Poulter, representative of Advanced Group SJ-99 regarding efforts to provide technical comments to the most recently submitted information. Regional Board staff anticipates written comments to be completed and submitted to the Discharger in September 2006.

11. Bradley Park/Old Linda Vista Landfill *(Amy Grove)*
On April 17, 2006 the Regional Board issued Investigative Order NO. R9-2006-0044 (Order) to the City of San Marcos for the unauthorized release of waste constituents from the Bradley Park Landfill. On July 17, 2006, the City of San Marcos submitted a work plan to the Regional Board in accordance with the Order for the development of an Evaluation Monitoring Program (EMP), as required for closed, abandoned or inactive Units prescribed in CCR Title 27. Regional Board staff has completed their review of the work plan and on August 21, 2006 sent comments to the City of San Marcos regarding deficiencies to the work plan. On August 28, 2006 Regional Board staff met with representatives from the City of San Marcos to address comments issued by the Regional Board. Pursuant to Water Code section 13267, the City of San Marcos has until September 30, 2006 to submit a revised work plan to the Regional Board for review and comment.

The Regional Board has continued to receive a number of inquiries regarding the Bradley Park/ Old Linda Vista Landfill and the associated Order from representatives of "Save Lake San Marcos", the San Diego Union Tribune, and the North County Times. To assist the public in obtaining information regarding the Regional Board's comments to the work plan, the letter written by the Regional Board and sent to the City of San Marcos on August 21, 2006 was posted on the Regional Board's website.

12. Mission Bay Landfill *(Brian McDaniel)*
On August 4, 2006, Regional Board staff attended the monthly Mission Bay Landfill Technical Advisory Committee (TAC) meeting. The committee approved release of a revised draft report to the regulatory agencies. The goal of the report's investigation was to determine the environmental and public health issues surrounding the former landfill site. The report was completed by SCS

Engineers on behalf of the City of San Diego. The City of San Diego has created a web site at http://www.sandiego.gov/citycouncil/cd6/crtk/mblandfill.shtml) allowing the public, and other interested parties, to follow the work of the Mission Bay TAC.

13. Bioremediation Facility, Camp Pendleton *(Amy Grove)*
On August 22, 2006 the Regional Board conducted a clean closure inspection at the Bioremediation Facility at Camp Pendleton. The inspection was conducted in conjunction with clean closure activities completed in accordance with California Code of Regulations (CCR) Title 27, Section 21090(f). The United States Marine Corps (USMC) conducted field sampling and closure activities from December 7 through December 9, 2005. Based on the information provided, as well as the recent site inspection, the site meets the applicable State requirements for clean closure. The Regional Board staff is preparing a tentative rescission order, in which the USMC would be relieved of continuing ground water monitoring and reporting for the facility. The Order would also rescind waste discharge requirements (existing Order 95-109) for the treatment of contaminated soil at the facility, which terminated discharge in 2000, and completed clean closure tasks. At this time, staff anticipates an agenda item will be scheduled for the Regional Board to consider the tentative rescission Order January 2008.

14. GIS Committee *(Brian McDaniel)*
On August 16, 2006, Regional Board staff attended the quarterly GIS Committee teleconference and webex meeting. Committee members included members from all Regional Boards, OIT and DWQ staff. The current focus for the committee included discussions regarding ARCGIS training, ESRI User Conference review, GIS support and planning and member reports. The purpose of the committee is to assess the Board's needs for Geographic Information Systems (GIS) software, hardware, maintenance, and support and also to improve GIS communication throughout the Regions. The committee is chaired by Fiona Renton, GIS Technical Advisor, Office of Information Technology, State Water Resources Control Board.

15. Foothill South SR-241 Toll Road Extension, Orange County *(Jeremy Haas)*
The Regional Board has previously asked for periodic updates on the proposed project to construct a southerly extension of State Route 241, which is a toll road also known as the Foothill Transportation Corridor, located in Orange County. The southerly toll road extension is also referred to as the South Orange County Transportation Infrastructure Improvement Project (SOCTIIP) and as the Foothill Transportation Corridor-South (FTC-South). The Foothill/Eastern Transportation Corridor Agency (TCA), a Joint Powers Authority, is the project sponsor. The planned toll road extension is approximately 16 miles long plus approximately 0.8 miles of improvements on Interstate 5. The proposed roadway includes four general-purpose travel lanes, two in each direction, for the entire length of the corridor. Two additional lanes could be added in the future if traffic conditions

warrant. The planned alignment would connect Interstate 5 at San Onofre State Beach with the existing portion of SR-241 at Oso Parkway in the Coto de Caza area of Orange County. An aerial map of the alignment is available on the TCA web page at:
http://www.tcagencies.com/home/SOCTIIP%20Alignments%2011x17_Rev_A.pdf

TCA has identified planned permanent discharges of fill into 6.27 acres (approximately 40,000 linear feet) of waters of the U.S. and into an additional 1.68 acres (5,181 linear feet) of non-federal waters of the State. Another 9.5 acres of waters would be temporarily affected. A potential mitigation strategy has been developed, but a habitat mitigation and monitoring plan has not yet been provided. The scope of the project is highly controversial, with particular public concern for potential effects at the beach caused by hydromodification within the Christianitos Creek and San Mateo Creek watersheds.

On February 23, 2006 the TCA approved an Environmental Impact Report (EIR) for the proposed project and the proposed alignment alternative. In March 2006 the California Attorney General, the state's Native American Heritage Commission, and a group of environmental organizations filed separate lawsuits in San Diego Superior Court challenging the approval of the EIR. As anticipated in the June 2004 Executive Officer report to the Regional Board, resource limitations prevented the submittal of comments from the Regional Board on the draft EIR to the TCA.

On June 13, 2006 the TCA submitted an application for Clean Water Act Section 401 Water Quality Certification (401 Certification) for proposed discharges of fill to federal waters associated with the proposed project. On July 5, 2006, the Regional Board notified the TCA that the application was incomplete and that a Report of Waste Discharge (ROWD) would also be required for proposed discharges of fill to non-federal waters because such discharges are not subject to the 401 Certification. TCA submitted an ROWD and a response to the incomplete 401 Certification determination on August 14, 2006, both of which are currently being reviewed by the Northern Watershed Unit (NWU). NWU staff is planning to conduct a site visit in September. If the ROWD and 401 Certification application are found to be complete, the Regional Board may be asked to consider a combined Order for 401 Certification and waste discharge requirements this winter.

16. Radioactive Tritium Detected in Groundwater at San Onofre Nuclear Generating Station (SONGS), San Diego County *(Charles Cheng) (Attachment B-16)*
During early August 2006 demolition activities, radioactive tritium was discovered in groundwater beneath the retired reactor Unit 1 at SONGS. Southern California Edison (SCE), the owner of the facility, reported that the source of the tritium was from radioactive water that has leaked out of the reactor for an unknown period of time. SCE reported that the tritium levels exceeded USEPA drinking water standards, but did not pose a significant threat to the nearby water

supply wells. However, surface water quality may be impacted by the leak since groundwater under Unit 1 is extracted and discharged to the Pacific Ocean through the facility's ocean outfall Under NPDES permit (Order Nos. R9-2005-005 and 006). The Executive Officer issued the attached August 23, 2006 letter that requested a technical report to provide information on the extent of the leak and SCE's efforts to address the presence of tritium in the dewatering discharge to the ocean. On September 6, 2006, SCE provided the attached response that indicated that SONGS has discharged minimal amounts of tritium and has complied with all radioactive wastewater requirements. (See Item B-5)

17. New Signs Warn of Eating San Diego Bay Fish *(David Barker)*
The San Diego County Department of Health Services conducted a study in 1989 to estimate the potential health risks associated with consuming fish from San Diego Bay. The County of San Diego's follow-up 1990 report, *San Diego Bay Health Risk Study*, resulted in the posting of the Bay at various public fishing locations with "fish consumption warning signs" in the early 1990s which warned about potential health risks associated with the consumption of fish from the Bay.

In March 2006 the California Environmental Protection Agency, Office of Environmental Health Hazard Assessment (OEHHA) published draft updated advisories about potential health risks associated with chemical contamination of sport fish (i.e. non-commercial fish). These advisories apply to fish taken from inland or coastal waters throughout California. The OEHHA advisories were recently incorporated into new updated "fish consumption warning signs" for San Diego Bay developed by the County of San Diego Department of Environmental Health Services. The County began posting the updated signs at various public fishing locations around San Diego Bay on September 5, 2006. The updated warning signs, written in English, Spanish, Tagalog and Vietnamese, state the following:

WARNING!
Fish From The Bay May Contain Chemicals
Believed To Cause Cancer and Birth Defects

Per Month, Do Not Eat More Than
Adults – *2 Meals*
Pregnant Women – *1 Meal*
Children Under 6 – *None*
Avoid Eating Stingray, Sand bass, Croaker and Shellfish.

For More Information, Please Call The
County of San Diego, Department of Environmental Health Services
— (800) 253-9933

News Media Coverage
The posting of these signs received some coverage by the local print and television news media. David Barker, Supervising Engineer, Regional Board staff, was interviewed by Channel 6 FoxNews on the San Diego Regional

Board's on-going efforts to cleanup San Diego Bay contaminated sediment and reduce associated health risks to consumers of Bay fish and shellfish. David explained that contaminants in bay sediment can cause adverse effects either through direct toxicity to benthic organisms or through bioaccumulation and food chain transfer to human and wildlife consumers of fish and shellfish. David pointed out that in 1985 the Regional Board initiated a long-term endeavor to combat this water quality problem by controlling pollutant inputs to San Diego Bay through stringent regulation and mandating the cleanup or remediation of contaminated marine sediments. As a result of this effort eight contaminated sites have been totally cleaned up or otherwise remediated. These projects involved removal or capping of more than 230,000 cubic yards of contaminated sediment in San Diego Bay and they were the first such cleanup projects to be completed in California. David also explained there are approximately fifteen additional contaminated sediment cleanup/remediation projects at various stages currently underway in San Diego Bay, including the Shipyard Sediment Site, which the Regional Board is attempting to accomplish within the limits of its staff resources. Key Regional Board steps in the cleanup or remediation phase include requiring identified responsible parties to delineate the horizontal and vertical extent of the contamination, establishing cleanup levels and directing cleanup. The process is long, controversial, contentious, and staff resource intensive, with environmental organizations pushing for stringent cleanup levels and responsible parties trying to keep the costs of cleanup or remediation as low as possible.

Background on OEHHA Guidance Tissue Levels and Screening Values
Chemical contamination of fish is a global problem that has resulted in the issuance of fish consumption advisories for numerous waterbodies in most states, including California. Although mercury contamination is a frequent cause of these advisories, polychlorinated biphenyls (PCBs) and chlorinated pesticides such as chlordane and DDTs are also often implicated. In California, the Office of Environmental Health Hazard Assessment (OEHHA) is the state agency responsible for evaluating potential public health risks from chemical contamination of noncommercial fish, referred to as sport fish. This includes issuing advisories, when appropriate, based on mandates in the California Health and Safety Code, Section 59009, to protect public health, and Section 59011, to advise local health authorities, and the California Water Code, Section 13177.5, to issue health advisories. More recently, OEHHA advisories (which focus primarily on fish whose consumption should be restricted) are being expanded to include "safe eating guidelines," which also inform consumers of fish with low contaminant levels considered safe to eat frequently.

In March 2006, OEHHA announced the availability of a draft report providing critical toxicity values, guidance tissue levels and screening values for seven common contaminants in California sport fish: chlordane, DDTs, dieldrin, methylmercury, PCBs, selenium, and toxaphene. Guidance tissue levels are designed to provide a number of recommended fish meals that correspond to the

range of contaminant concentrations found in fish and are used to provide meal consumption advice to prevent consumers from being exposed to more than the average daily reference dose for non-carcinogens or to a risk level greater than $1x10^{-4}$ for carcinogens. Screening values are specific guidance tissue levels used to identify situations where contaminant concentrations in fish are of potential health concern and further action (e.g., additional sampling or developing consumption advice) is recommended.

PART C
STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. Water Boards Enforcement Report 13385 *(Mark Alpert) (Attachment C-1)*
On Aug 18, 2006, the State Water Resources Control Board released an enforcement status report titled "Water Boards Enforcement Report."

The report, which is required to be prepared annually pursuant to Water Code Section 13385(o), provides a measure of the Regional Board's enforcement of water quality laws, primarily, through issuance of mandatory minimum penalties (MMP) for violations of certain effluent limitations contained in NPDES permits. The report summarizes violations of NPDES permits (discharges to surface waters) and compares the enforcement actions taken by the regions in response to those violations. This year the report also includes, for the first time, compliance rates with Stormwater permits (construction, industrial, and municipal). The report is attached [Document 1] and could also be viewed at http://www.waterboards.ca.gov/legislative/docs/2005/enforcementrpt2004_13385o.pdf

The State Board relied on data from a new central database called California Integrated Water Quality System (CIWQS), inaugurated midway through 2005, which superseded the prior database referred to as System for Water Information Management (SWIM). The State Board recognizes there were and continue to be serious problems implementing the new CIWQS database, such as; data lost during migration from the old database, inadequate and unreliable reporting tools, delays in development of business rules, and other system functionality problems. Together these problems cast some doubt on the quality of the data in the report. At this time, the State Board intends to reissue the report in late September using revised queries of the data as well as providing the regions additional time to clean up and record data.

Notwithstanding problems with the database, overall the report puts the San Diego Regional Board's enforcement program in very favorable light, placing the Region in the top of most enforcement categories compared to its peers.

The following is a brief summary of report highlights

NPDES

- Since 2000, R9 has completed Mandatory Penalties on 77% of all effluent violations subject to MMP (555 of 719) compared to a 41% statewide average. Only Regions 7 and 3 have a higher percentage.

- In 2005, R9 completed enforcement on 83% of 107 effluent violations compared to 9% statewide. R9 also issued 64 formal actions (e.g. Cleanup Orders, Investigative Orders, and Administrative Civil Liability with mandatory penalties), which comprises 22% of all formal actions completed statewide (64 of 295).

Stormwater

- Since 2001, R9 identified an average of 360 storm water violations per year out of 1960 (19%) statewide violations.

- In 2005, R9 completed formal actions (CAO, ACL/MMPs, 13267 orders) on 77% of stormwater violations (99 out of 128) compared to 40% statewide (256 out of 641)

2. Development of Sediment Quality Objectives (SQO) for California Bays and Estuaries *(Alan Monji, Craig Carlisle)*

Introduction

The State Water Resources Control Board (State Water Board) issued a California Environmental Quality Act (CEQA) Scoping Meeting Informational Document titled *"Development of Sediment Quality Objectives for Enclosed Bays and Estuaries"* (CEQA Scoping Document) to the Advisory Committee members and for public review on August 17, 2006. This document is now available at the State Water Board's website at:
http://www.waterboards.ca.gov/bptcp/sediment.html

The purpose of the CEQA Scoping Document is to present the progress and direction of this program to the public and interested parties in preparation for the CEQA Scoping Meetings. Two CEQA Scoping meetings are tentatively scheduled for October 2006 in Oakland and San Diego, California.

Background

In 1989, the California Water Code (CWC) was amended to require the State Water Board to develop SQOs as part of a comprehensive program to protect existing and future beneficial water uses within California's enclosed bays and estuaries. The State Water Board prepared a conceptual approach in 1991 to develop SQOs; however, this conceptual approach was never implemented due to lack of resources. In 1999, a lawsuit was filed against the State Water Board for failing to adopt SQOs. The Court agreed and the State Water Board was mandated to develop and adopt SQOs by February 28, 2007. That date was subsequently changed to February 2008.

For the past three years, the State Water Board has been developing SQOs for enclosed bays and estuaries with the assistance of scientists from the Southern California Coastal Water Research Project (SCCWRP), San Francisco Estuary Institute (SFEI), Moss Landing Marine Laboratories (MLML), Marine Pollution Studies Laboratory at Granite Canyon (MPSL), and scientists from other agencies and organizations.

A Scientific Steering Committee (SSC) was established to assist in the design of studies, data analysis, and development of a strategy for SQO implementation. In addition, two other committees were formed to assist in the SQO development process and public outreach. The first committee is the Sediment Quality Advisory Committee. The other committee is the Agency Coordination Committee. The purpose of this committee is to ensure that the proposed implementation policy does not conflict with other established water quality and resource protection programs.

Overview
The State Water Board's goal for adoption of a water quality control plan for sediment quality for enclosed bays and estuaries are:

- Establish narrative receptor-specific SQOs;
- Establish a condition that is considered protective for each target receptor;
- Develop, refine, and validate the tools so that the condition of each station can be measured relative to the protected condition; and
- Build a regulatory framework around these tools to promote the protection of sediment quality related beneficial uses.

Preliminary Draft Plan
The 68 page CEQA Scoping Document contains a Preliminary Draft Plan for Enclosed Bays and Estuaries (Preliminary Draft Plan) that includes:

- Narrative SQOs for the protection of aquatic life and human health;
- Identification of the beneficial uses that these objectives are intended to protect; and
- A program of implementation that contains:
    - Specific indicators, tools and implementation provisions to determine if the sediment quality at a station or multiple stations meets the narrative objectives;
    - Monitoring, stressor identification, and corrective action guidance.

The Preliminary Draft Plan does not include numeric SQOs. Instead it includes narrative objectives and identifies a process (i.e. methods and procedures) to implement the narrative objectives. The risk to receptors such as fish and aquatic-dependent wildlife are not considered within the proposed plan (see

Section 2.7 for details). The narrative objectives in the Preliminary Draft Plan are:

- Aquatic Life Pollutants in sediments shall not be present in quantities that, alone or in combination, are toxic to benthic communities in bays and estuaries of California.

- Human Health Pollutants shall not be present in sediments at levels that will bioaccumulate in aquatic life to levels that are harmful to human health.

The process described to implement the Aquatic Life narrative objective involves collecting and integrating data for each of three lines of evidence (benthic community effects, toxicity, and sediment chemistry). Decision matrices are then provided to integrate the three lines of evidence to indicate the likelihood of adverse impacts to aquatic life at each sampling station.

Protection of human health will be assessed based on a human health risk assessment in accordance with OEHHA, DTSC, and U.S. EPA policies.

Applicability to Sediment Cleanup Actions
Section 2.4 of the CEQA Scoping Document indicates that the tools in the Preliminary Draft Plan:

> *"do not specifically address the application of SQOs to sediment cleanup actions. The Regional Water Boards retain the discretion to apply the SQOs and supporting tools to cleanup activities, where appropriate"*

and that

> *"The SQOs and supporting tools could be applied to determine what sediments within a specific area are protected or degraded for benthic communities. However, these tools may not protect all species in a water body."*

3. Impacts and Regulation of Coastal Power Plants *(Charles Cheng, Victor Vasquez, Bruce Posthumus) (Attachment C-3)*
The Water Boards Training Academy conducted a course on "Regulation and Impact Assessment of Once-Through Cooling Systems of California Coastal Power Plants" at Moss Landing Marine Laboratories on August 21 and 22. Charles Cheng, Victor Vasquez, and Bruce Posthumus attended on behalf of the SDRWQCB.

The California water boards have regulatory responsibilities related to coastal power plants that go beyond their usual responsibilities for regulating the discharge of waste. As with other discharges, the water boards are responsible

for regulating discharges of waste from coastal power plants to waters of the state. In addition, however, water boards are responsible for regulating coastal power plants in connection with the cooling water intake structures through which water is withdrawn from waters of the state for cooling purposes.

Extremely large volumes of water are withdrawn from and discharged to coastal waters by coastal power plants with once-through cooling water systems. Waste heat and various other wastes from coastal power plants are discharged with cooling water. The discharge of these wastes, as well as the movement of water towards and away from power plant cooling water systems, can have significant adverse effects on water quality and beneficial uses in coastal waters. Significant adverse effects on beneficial uses of coastal waters can also occur as a result of the mortality of extremely large numbers of various organisms in various life stages that are present in water that is withdrawn from coastal waters and used in the once-through cooling water systems of coastal power plants. The nature and magnitude of effects can vary considerably from facility to facility and from time to time, depending on characteristics of the facility site, design, and operation, and on conditions in the marine environment. Attachment C-3a provides an overview of selected characteristics of existing San Diego region coastal power plants with once-through cooling water systems.

Section 316(b) of the Clean Water Act requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. In July 2004, USEPA promulgated "316(b) regulations" for existing power plants which withdraw at least 50 MGD of cooling water (including all coastal power plants in the San Diego region.) The State Water Resources Control Board is in the process of developing a statewide policy that would clarify and provide further guidance on implementing the 316(b) regulations. Attachment C-3b identifies existing and proposed statutes, regulations, plans, and policies applicable to water board regulation of coastal power plants in the San Diego region

Other California governmental entities, in addition to the water boards, have roles related to the effects of coastal power plants on the marine environment. In 1991, the California Coastal Commission adopted requirements for implementation of a mitigation program to compensate for adverse effects of the San Onofre Nuclear Generating Station on the marine environment. In June 2005, the California Energy Commission (CEC) issued a staff report on power plant once-through cooling water systems. The CEC also supports research on how to assess and reduce the environmental impacts from once-through cooling water systems and how to advance the knowledge and implementation of alternative cooling technologies. In April 2006, the State Lands Commission and the California Ocean Protection Council both adopted resolutions regarding power plant once-through cooling water systems.

For additional information see:
State Water Resources Control Board
Water Boards Training Academy course agenda and materials: "Regulation and Impact Assessment of Once-Through Cooling Systems of California Coastal Power Plants"
http://www.waterboards.ca.gov/academy/html/courses_coastalpp.html
Office of the Chief Counsel memo: "Legal Analysis Regarding Compliance with the Thermal Plan"
http://www.swrcb.ca.gov/rwqcb3/Facilities/Diablo/Testimony/Hearing%20Legal%20Thermal%206-9-03.pdf
San Diego Regional Water Quality Control Board
May 10, 2006 Executive Officer's Report, Part B, No. 14: "Clean Water Act Section 316(b) Rules"
http://www.waterboards.ca.gov/sandiego/eo_report/reports/5-10-06%20eoreport.pdf
California Coastal Commission
SONGS mitigation program information
http://documents.coastal.ca.gov/reports/2005/12/Th3a-12-2005.pdf
California Energy Commission
staff report: "Issues and Environmental Impacts Associated with Once-Through Cooling at California's Coastal Power Plants"
http://waternet/training/courses/coastalpp/item3_issues_environ_impacts_otc_power_plants.pdf - and -
http://energy.ca.gov/2005publications/CEC-700-2005-013/CEC-700-2005-013-AP-A.PDF
Public Interest Energy Research Program – Energy-Related Environmental Research – Aquatic Resources
http://www.energy.ca.gov/pier/environmental/aquatic.html
State Lands Commission
"Resolution by the California State Lands Commission Regarding Once-Through Cooling in California Power Plants"
http://archives.slc.ca.gov/Meeting_Summaries/2006_Documents/04-17-06/ITEMSANDEXHIBITS/R71ExhA.pdf
background information for resolution
http://archives.slc.ca.gov/Meeting_Summaries/2006_Documents/04-17-06/ITEMSANDEXHIBITS/R71.pdf
California Ocean Protection Council
"Resolution of the California Ocean Protection Council Regarding the Use of Once-Through Cooling Technologies in Coastal Waters"
http://resources.ca.gov/copc/docs/060418_OTC_resolution_LH2_adopted_2006-4-20.pdf
United States Environmental Protection Agency
"Cooling Water Intake Structures"
http://www.epa.gov/waterscience/316b/

4. Monitoring and Assessment of Wetlands and Riparian Areas (*Bruce Posthumus*)
The Southern California Wetlands Recovery Project (SCWRP) is a joint effort of a number of federal and state agencies, including the SDRWQCB, to protect and restore wetlands and riparian areas in coastal southern California watersheds. The State Coastal Conservancy staffs the SCWRP.

In 2002, in response to a recommendation from the SCWRP Science Advisory Panel, the SCWRP Board of Governors requested the Science Advisory Panel to develop a monitoring program to enable assessment of the extent and condition of wetlands and riparian areas in coastal southern California watersheds. In response to the request from the Board of Governors, the Science Advisory

Panel has been developing the "Integrated Wetlands Regional Assessment Program" (IWRAP). The Board of Governors will consider adoption of IWRAP at its meeting scheduled for November 14, 2006. On August 25, representatives of the Science Advisory Panel made a presentation about IWRAP to representatives of the SDRWQCB.

IWRAP has been developed (a) to be compatible with wetlands monitoring and assessment programs that are underway or under development for other parts of California and (b) to enable integration and comparison of results of monitoring conducted by different parties and/or in different areas. IWRAP is intended to provide the following products:

- Standardized monitoring protocols for wetlands and riparian areas
- Information management system for wetlands and riparian areas
- Inventory of wetlands and riparian area habitats
- Status and trends information for wetlands and riparian areas
- Tracking of projects affecting wetlands and riparian areas

IWRAP would include three levels of monitoring intended to address three levels of key management questions:

Level I: Inventory of wetlands and riparian areas in coastal southern California watersheds

A. Where are wetlands and riparian areas?
B. What changes are occurring in the acreage and distribution of the various habitats in wetlands and riparian areas?
C. How are permitted losses of wetlands and riparian areas impacting this acreage?
D. How are recovery efforts impacting the acreage and habitat distribution of wetlands and riparian areas?
E. Is there a net loss or net gain in acreage of wetlands and riparian areas?

Level II: Assessment of overall condition of wetlands and riparian areas in coastal southern California watersheds

A. What is the overall condition of wetlands and riparian areas?
B. How is the overall condition of wetlands and riparian areas changing over time?
C. What are the major stressors on wetlands and riparian areas?
D. What is the impact of watershed management and TMDL activities on the beneficial uses of wetlands and riparian areas?

Level III: Assessment of site-specific conditions – *such as:*

A. Are individual sites or projects meeting their performance standards?
B. Are populations of rare species increasing or decreasing?
C. Are source control measures reducing impairment?

SCWRP member agencies are being asked to support adoption of IWRAP by the SCWRP Board of Governors and to help implement IWRAP. Different

member agencies have or may have the ability to assist in different ways and/or with different kinds of monitoring. The SDRWQCB could help implement IWRAP by:

- Including "overall condition assessment" (Level II) monitoring in the ambient monitoring conducted by the SDRWQCB (e.g., as part of the Surface Water Ambient Monitoring Program);
- Including "overall condition assessment" (Level II) monitoring in the monitoring required by the SDRWQCB (e.g., in NPDES permits);
- Participating in developing the IWRAP project tracking form; and
- Including "site-specific condition assessment" (Level III) monitoring in the monitoring required by the SDRWQCB (e.g., as a condition of Clean Water Act section 401 certifications).

SDRWQCB representatives understand that the SCWRP Science Advisory Panel plans to provide "boiler plate" language clearly specifying the monitoring and reporting that the SDRWQCB will be asked to conduct or require as part of IWRAP. This is essential in order to minimize the level of effort necessary for the SDRWQCB to help implement IWRAP.

For background information see:
Southern California Wetlands Recovery Project
http://www.scwrp.org/index.htm
Southern California Wetlands Recovery Project "Information Station"
http://www.wrpinfo.scc.ca.gov/index.html
Southern California Wetlands Recovery Project Science Advisory Panel
"Improving Regional Planning of Wetland Ecosystem Restoration and Management in Southern California"
http://www.scwrp.org/documents/SAP/Treatment_wetlands/SAP-PP1-RegIPlanning.pdf

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

SIGNIFICANT NPDES PERMITS, WDRs, AND REGIONAL BOARD ACTIONS

September 13, 2006

APPENDED TO EXECUTIVE OFFICER REPORT

SIGNIFICANT NPDES
PERMITS, WDRS, AND RB ACTIONS

9/1/2006 1:42 PM

DATE OF REPORT **September 13, 2006**									
NAME OF PERMIT/WDR/RB ACTION	**Action Type**	**Initial Document Application Complete**	**Dish./RWQ Limits and Monitoring Plan Known**	**Draft Complete**	**Public Rev. & Comment**	**BOARD HEARING & ADOPTION**	**Consent Item**	**COMMENTS**	**Staff**
OCTOBER 11, 2006 RB MEETING									
Rancho California Water District Office									
Temecula									
SANITARY SEWER OVERFLOWS --STATE	Consider Revision	NA	100%	50%	0%	October 11, 2006	No		Morris
BOARD GENERAL WDR ORDER No. 2006-003	Order No. 96-04								
SANTA MARGARITA RIVER WATERSHED	Hearing: Revision	NA	100%	0%	0%	October 11, 2006	No	Request for hearing to modify order	Chiu
INVESTIGATIVE ORDER NO. R9-2006-0076	of Order								
DAKOTA RANCH DEVELOPMENT CO.	Hearing: Admin.	100%	NA	100%	20%	October 11, 2006	No	ACL COMPLAINT $140,500	Melbourn
401 WATER QUALITY CERTIFICATION	Civil liability								
RANCHO MISSION VIEJO DEVELOPMENT SAN	WDRs and 401 WQ	20%	10%	0%	0%	October 11, 2006	No		Haas
JUAN AND SAN MATEO BASINS ORANGE CO.	Certification								
SUPPLEMENTAL ENVIRONMENTAL PROJECTS	Review of SEP	NA	90%	0%	0%	October 11, 2006	No		Morris
REVIEW OF SEP PROCESS	Process								
ACTIVE AUTO DISMANTLERS, INC	Hearing: Admin.	NA	100%	100%	20%	October 11, 2006	No		Stewart
2812 COMMERCIAL ST. SAN DIEGO	Civil Liability								
EXCELLENT COATINGS, INC.	Hearing: Admin.	NA	100%	100%	20%	October 11, 2006	No		Stewart
1285 DISTRIBUTION WAY VISTA	Civil Liability								
EASTERN MUNICIPAL WATER DISTRICT	WDR Revision	100%	50%	0%	0%	October 11, 2006	Yes		Osibudo
TEMECULA VALLEY WRTF RIVERSIDE COUNTY									
NOVEMBER 8, 2006 RB MEETING									
San Diego Regional Board Office									
REGIONWIDE BACTERIA TOTAL MAXIMUM	Adoption TMDL	NA	NA	100%	20%	November 8, 2006	No	TMDL Workplan FY 2005-06	Arias
DAILY LOAD									
CHOLLAS CREEK HEAVY METALS TOTAL	Adoption TMDL	NA	NA	100%	20%	November 8, 2006	No	TMDL Workplan FY 2006-07	Tobler
MAXIMUM DAILY LOAD									
SAN DIEGO STATE UNIV. COASTAL WATERS	New NPDES	90%	70%	10%	0%	November 8, 2006	Yes		Vasquez
LABORATORY SAN DIEGO BAY	Permit								
CITY OF SAN DIEGO SOUTH BAY WATER	NPDES Permit	100%	100%	100%	50%	November 8, 2006	No	NPDES Workplan FY 2005-06	Valdovinos
REC. FACILITY/SO.BAY OCEAN OUTFALL	Reissuance								
JACK AND MARK STIEFEL DAIRY	NPDES Permit	80%	90%	90%	0%	November 8, 2006	No	NPDES Workplan FY 2004-05	Morris
RIVERSIDE COUNTY	Reissuance								
KAMPEN BROS. (fmr.DeJAGER/BOERSMA)	NPDES Permit	0%	90%	0%	0%	November 8, 2006	No	NPDES Workplan FY 2005-06	Morris
DAIRY RIVERSIDE COUNTY	Reissuance								

SIGNIFICANT NPDES PERMITS, WDRS, AND RB ACTIONS

DATE OF REPORT September 13, 2006									
NAME OF PERMIT/WDR/RB ACTION	Action Type	Initial Document Application Complete	Dish./RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
SWEETWATER AUTHORITY BRINE DISCHARGE	NPDES Permit	0%	100%	0%	0%	November 8, 2006	No		Vasquez
CHULA VISTA	Revision								
GROUNDWATER EXTRACTION GENERAL	NPDES Permit	NA	50%	0%	0%	November 8, 2006	No	NPDES Workplan FY 2004-05	Alpert
PERMIT FOR SAN DIEGO BAY	Reissuance								
HUBBS RESEARCH AGUA HEDIONDA LAGOON	NPDES Permit	90%	50%	0%	0%	November 8, 2006	Yes		
	Reissuance								Morris
ANZA PINES MOBILE HOME PARK	WDR Update	100%	50%	0%	0%	November 8, 2006	Yes		Cheng
RIVERSIDE COUNTY									
CITY OF ESCONDIDO HAARF WATER	WDR Revision	100%	50%	0%	0%	November 8, 2006	No		Morris
RECLAMATION PROJECT									
FRANK J. KONYN DAIRY SAN PASQUAL	NPDES Permit	80%	90%	0%	0%	November 8, 2006	No	NPDES Workplan FY 2005-06	Valdovinos
VALLEY SAN DIEGO COUNTY	Reissuance								
VALLEY CENTER MUN. WATER DISTRICT	New WDRs	50%	0%	0%	0%	November 8, 2006	Yes		Osibudo
LIVE OAK RANCH									
T.D. DAIRY (VAN TOL DAIRY) RAMONA	NPDES Permit	0%	90%	0%	0%	November 8, 2006	No	NPDES Workplan FY 2005-06	Valdovinos
	Reissuance								
VALLECITO MUN. WATER DISTRICT	WDR Update	90%	50%	0%	0%	November 8, 2006	Yes		Becker
MEADOWLARK FACILITY									
DECEMBER 13, 2006 RB MEETING									
San Diego Regional Board Office									
SAN DIEGO COUNTY MUNCIPAL STORM	Adoption: NPDES	100%	100%	100%	0%	December 13, 2006	No		Hammer
WATER PERMIT	Permit Reissuance								
FEBRUARY 14, 2007 RB MEETING									
San Diego Regional Board Office									
GROUNDWATER EXTRACTION GENERAL	NPDES Permit	NA	50%	0%	0%	February 14, 2007	No	NPDES Workplan FY 2004-05	Alpert
PERMIT FOR REGION	Reissuance								
MARCH 13, 2007 RB MEETING									
San Diego Regional Board Office									
ORANGE COUNTY MUNICIPAL	Hearing: NPDES	0%	50%	0%	0%	March 13, 2007	No		Smith
STORMWATER PERMIT	Permit Reissuance								
CITY OF SAN DIEGO PT. LOMA WASTEWATER	NPDES Permit	0%	90%	0%	0%	March 13, 2007	No		Valdovinos
PLANT AND OCEAN OUTFALL	Reissuance								

SIGNIFICANT NPDES
PERMITS, WDRS, AND RB ACTIONS

DATE OF REPORT **September 13, 2006**									
NAME OF PERMIT/WDR/RB ACTION	**Action Type**	**Initial Document Application Complete**	**Dish./RWQ Limits and Monitoring Plan Known**	**Draft Complete**	**Public Rev. & Comment**	**BOARD HEARING & ADOPTION**	**Consent Item**	**COMMENTS**	**Staff**
PENDING / UNSCHEDULED ACTIONS									
PROPOSED GREGORY CANYON LANDFILL	Hearing: New	100%	85%	85%	0%		No		Tamaki
NORTH SAN DIEGO COUNTY	WDRs								
OCEAN DISCHARGER RECEIVING WATER	NPDES Permits	NA	0%	0%	0%		No	NPDES Workplan FY 2004-05	Kelley
MONITORING PROGRAM UPDATES	Revisions								

ATTACHMENT
A-1

Project Power:
Becoming Advocates for
San Diego County Wetlands

Saturday, October 7th
9:00-12:00
at the
San Diego Wild Animal Park

Join us for an overview of San Diego County's water history, wetlands ecology, the laws that protect this valuable resource, and how we can all work together as wetlands advocates.

The session will include lecture, walking tour, and take home materials.

This workshop is offered free of charge.

RSVP by calling 760-738-5057

Project POWER Workshop

Agenda

October 7, 2006

9:00am – 12:00pm

9:00am	**Arrival, coffee service**
9:15am	**Introductions, Workshop Overview**
	San Diego Water History Activity
9:30am	**Watershed Ecology**
	Wild Animal Park Strategic Water Plan
10:00am	**Wetlands Structure and Functions**
	State and Federal Laws and Regulations
	Public Participation in Wetlands Protection
11:00am	**Walking Tour of Wild Animal Park Wetlands**
12:00pm	**Workshop Wrap-Up.**

SANITARY SEWER OVERFLOW STATISTICS (Updated through July 31, 2006)

	SYSTEM SIZE[B]		NO. OF SEWAGE SPILLS [LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30]					SPILLS PER 100 MILES (LISTED BY FY)					SPILL VOLUME 2005-06[A]		NO. OF PRIVATE SPILLS[E]	VOLUME OF PRIVATE SPILLS
SEWAGE COLLECTION AGENCY	Miles	MGD	02-03	03-04	04-05[A]	05-06A	06-07[A]	02-03	03-04	04-05[A]	05-06A	06-07[A]	GAL	GAL/MG[C]	06-07	GAL
ORANGE COUNTY:																
EL TORO WD	55	2.2	1	3	3	2	0	1.8	5.5	5.5	3.7	0.0	0	0	0	0
EMERALD BAY SERVICE DISTRICT	6	0.1	0	0	1	0	0	0.0	0.0	16.7	0.0	0.0	0	0	0	0
IRVINE RANCH WD	36	2.0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0	0	0
LAGUNA BEACH, CITY OF	95	2.4	27	8	11	5	0	28.4	8.4	12.6	5.3	0.0	0	0	3	173
MOULTON NIGUEL WD	530	13.0	1	2	5	1	0	0.2	0.4	0.9	0.2	0.0	0	0	0	0
SAN CLEMENTE, CITY OF	179	4.5	7	2	5	2	0	3.9	1.1	2.8	1.1	0.0	0	0	0	0
SAN JUAN CAPISTRANO, CITY OF	100	3.4	0	1	2	0	0	0.0	1.0	2.0	0.0	0.0	0	0	0	0
SANTA MARGARITA WD	546	10.7	4	5	6	4	0	0.7	0.9	1.1	0.7	0.0	0	0	0	0
SOUTH COAST CWD	132	4.0	8	7	4	3	0	6.1	5.3	3.0	2.3	0.0	0	0	2	30
TRABUCO CANYON WD	43	0.7	0	1	3	0	0	0.0	2.3	7.0	0.0	0.0	0	0	0	0
RIVERSIDE COUNTY:																
EASTERN MWD	421	9.5	3	7	0	0	0	0.7	1.7	0.0	0.0	0.0	0	0	0	0
ELSINORE VALLEY MWD	80	2.0	0	1	3	1	0	0.0	1.3	3.8	1.3	0.0	0	0	0	0
MURRIETA MWD	25	0.5	D	1	0	0	0	D	4.0	0.0	0.0	0.0	0	0	0	0
RANCHO CA WD	71	2.9	0	1	2	1	0	0.0	1.4	2.8	1.4	0.0	0	0	0	0
SAN DIEGO COUNTY:																
BUENA SANITARY DISTRICT	84	1.9	2	1	2	3	0	2.4	1.2	2.4	3.6	0.0	0	0	0	0
CARLSBAD MWD	214	7.2	6	6	12	10	1	2.8	2.8	4.7	4.7	0.5	900	4	2	90
CHULA VISTA, CITY OF	400	16.0	3	1	7	4	0	0.8	0.3	1.3	1.0	0.0	0	0	1	5
CORONADO, CITY OF	53	3.8	2	5	0	0	0	3.8	9.4	0.0	0.0	0.0	0	0	0	0
DEL MAR, CITY OF	30	1.1	7	1	0	2	0	23.4	3.3	0.0	6.7	0.0	0	0	0	0
EL CAJON, CITY OF	198	9.1	3	0	3	0	0	1.5	0.0	1.5	0.0	0.0	0	0	0	0
ENCINITAS, CITY OF	118	4.1	6	1	5	0	0	5.1	0.8	4.2	0.0	0.0	0	0	0	0
ESCONDIDO, CITY OF	350	10.8	3	2	4	4	0	0.9	0.6	1.1	1.1	0.0	0	0	0	0
FAIRBANKS RANCH COMM SERV DIST	15	0.2	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0	0	0
FALLBROOK PUBLIC UTILITY DIST	72	2.0	22	9	10	8	0	30.6	12.5	13.9	11.1	0.0	0	0	0	0
IMPERIAL BEACH, CITY OF	84	2.2	14	2	8	2	0	16.7	2.4	9.5	2.4	0.0	0	0	0	0
LA MESA, CITY OF	155	5.8	3	4	3	0	0	1.9	2.6	1.9	0.0	0.0	0	0	0	0
LEMON GROVE, CITY OF	69	2.4	4	4	3	0	0	5.8	5.8	4.3	0.0	0.0	0	0	0	0
SAN DIEGO COUNTY *(continued)*:																
LEUCADIA CWD	185	4.2	6	1	6	3	0	3.2	0.5	2.7	1.6	0.0	0	0	0	0
NATIONAL CITY, CITY OF	97	5.1	1	2	1	4	0	1.0	2.1	1.0	4.1	0.0	0	0	0	0
OCEANSIDE,CITY OF,WTR UTIL DEP	446	13.0	23	22	13	7	0	5.2	4.9	3.1	1.6	0.0	0	0	0	0
OLIVENHAIN MWD	16	0.4	2	0	3	0	0	12.5	0.0	18.8	0.0	0.0	0	0	0	0
OTAY MWD	86	1.4	3	1	0	0	0	3.5	1.2	0.0	0.0	0.0	0	0	0	0
PADRE DAM MWD	150	5.1	3	3	1	1	0	2.0	2.0	0.7	0.7	0.0	0	0	0	0

ATTACHMENT B-1

SANITARY SEWER OVERFLOW STATISTICS (Updated through July 31, 2006)

	SYSTEM SIZE[B]		NO. OF SEWAGE SPILLS [LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30]					SPILLS PER 100 MILES (LISTED BY FY)					SPILL VOLUME 2005-06[A]		NO. OF PRIVATE SPILLS[E]	VOLUME OF PRIVATE SPILLS
SEWAGE COLLECTION AGENCY	Miles	MGD	02-03	03-04	04-05[A]	05-06A	06-07[A]	02-03	03-04	04-05[A]	05-06A	06-07[A]	GAL	GAL/MG[C]	06-07	GAL
PAUMA VALLEY COMM SERVICE DIS	8	0.7	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0	0	0
POWAY, CITY OF	170	4.0	5	3	0	5	0	2.9	1.8	0.0	2.9	0.0	0	0	0	0
RAINBOW MWD	54	0.7	2	6	2	0	0	3.7	11.1	3.7	0.0	0.0	0	0	0	0
RAMONA MWD	83	1.3	2	2	4	4	0	2.4	2.4	3.6	4.8	0.0	0	0	0	0
RANCHO SANTA FE COMM SERV DIST	52	0.4	1	0	2	0	0	1.9	0.0	3.9	0.0	0.0	0	0	0	0
SAN DIEGO CO, PUBLIC WORKS	380	11.0	11	2	2	3	0	2.9	0.5	0.5	0.8	0.0	0	0	0	0
SAN DIEGO, CITY OF, MWWD	2894	170.1	193	115	122	82	7	6.7	4.0	3.3	2.8	0.2	2713	1	13	1053
SOLANA BEACH, CITY OF	52	1.2	1	6	1	1	0	1.9	11.5	0.0	1.9	0.0	0	0	0	0
USMC BASE, CAMP PENDLETON	194	3.1	23	14	12	16	2	11.9	7.2	5.2	8.3	1.0	3750	40	0	0
US NAVY	123	4.0	12	11	13	11	0	9.8	9.0	10.6	9.0	0.0	0	0	0	0
VALLECITOS WD	202	6.1	5	4	6	7	0	2.5	2.0	2.5	3.5	0.0	0	0	0	0
VALLEY CENTER MWD	48	0.3	3	1	1	0	0	6.3	2.1	2.1	0.0	0.0	0	0	0	0
VISTA, CITY OF	198	6.5	4	7	9	5	0	2.0	3.5	4.6	2.5	0.0	0	0	0	0
WHISPERING PALMS COMM SERV DIS	17	0.3	1	0	0	0	0	5.8	0.0	0.0	0.0	0.0	0	0	0	0
REGION 9 TOTAL	9615	363	427	275	266	201	10						7363		21	1351
AVERAGE[1]								4.4	2.9	2.8	2.1	0.1		1		
STANDARD DEVIATION[2]								7.0	3.4	4.4	2.6	0.2		6		
MEDIAN[3]								2.4	2.0	2.5	1.0	0.0		0		

[A] Includes available preliminary data for July 1, 2004 through July 31, 2006, and may not include all spills less than 1,000 gallons that did not enter surface waters or storm drains during this period.

[B] As of June 2003.

[C] Volume of spills for the period in gallons divided by the amount conveyed for the period in million gallons.

[D] Included with Eastern Municipal Water District

[E] Private property spills are not the responsibility of the sewering agencies. The private spills are listed here to show locations of these spills from private property systems. Also, it is not a requirement of Order No. 96-04 for Public Sewer Agencies to report private property spills.

[1] The average is the sum of all values divided by the number of values.

[2] In a normally distributed set of values, 68% of the values are within one standard deviation either above or below the average value.

[3] The median is the middle value in a set; half the values are above the median, and half are below the median.

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ORANGE COUNTY:																
EL TORO WD	55	2.2	1	3	3	2	0	1.8	5.5	5.5	3.7	0.0	0	0	0	0
EMERALD BAY SERVICE DISTRICT	6	0.1	0	0	1	0	0	0.0	0.0	16.7	0.0	0.0	0	0	0	0
IRVINE RANCH WD	36	2.0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0	0	0
LAGUNA BEACH, CITY OF	95	2.4	27	8	11	5	0	28.4	8.4	12.6	5.3	0.0	0	0	4	223
MOULTON NIGUEL WD	530	13.0	1	2	5	1	0	0.2	0.4	0.9	0.2	0.0	0	0	0	0
SAN CLEMENTE, CITY OF	179	4.5	7	2	5	2	1	3.9	1.1	2.8	1.1	0.6	13500	49	2	1042
SAN JUAN CAPISTRANO, CITY OF	100	3.4	0	1	2	0	0	0.0	1.0	2.0	0.0	0.0	0	0	0	0
SANTA MARGARITA WD	546	10.7	4	5	6	4	1	0.7	0.9	1.1	0.7	0.2	375	1	0	0
SOUTH COAST CWD	132	4.0	8	7	4	3	0	6.1	5.3	3.0	2.3	0.0	0	0	2	30
TRABUCO CANYON WD	43	0.7	0	1	3	0	1	0.0	2.3	7.0	0.0	2.3	200	4	0	0
RIVERSIDE COUNTY:																
EASTERN MWD	421	9.5	3	7	0	0	0	0.7	1.7	0.0	0.0	0.0	0	0	0	0
ELSINORE VALLEY MWD	80	2.0	0	1	3	1	0	0.0	1.3	3.8	1.3	0.0	0	0	0	0
MURRIETA MWD	25	0.5	D	1	0	0	0	D	4.0	0.0	0.0	0.0	0	0	0	0
RANCHO CA WD	71	2.9	0	1	2	1	0	0.0	1.4	2.8	1.4	0.0	0	0	0	0
SAN DIEGO COUNTY:																
BUENA SANITARY DISTRICT	84	1.9	2	1	2	3	0	2.4	1.2	2.4	3.6	0.0	0	0	0	0
CARLSBAD MWD	214	7.2	6	6	12	10	2	2.8	2.8	4.7	4.7	0.9	960	2	2	90
CHULA VISTA, CITY OF	400	16.0	3	1	7	4	0	0.8	0.3	1.3	1.0	0.0	0	0	1	5
CORONADO, CITY OF	53	3.8	2	5	0	0	0	3.8	9.4	0.0	0.0	0.0	0	0	0	0
DEL MAR, CITY OF	30	1.1	7	1	0	2	0	23.4	3.3	0.0	6.7	0.0	0	0	0	0
EL CAJON, CITY OF	198	9.1	3	0	3	0	1	1.5	0.0	1.5	0.0	0.5	300	1	0	0
ENCINITAS, CITY OF	118	4.1	6	1	5	0	1	5.1	0.8	4.2	0.0	0.8	200	1	0	0
ESCONDIDO, CITY OF	350	10.8	3	2	4	4	2	0.9	0.6	1.1	1.1	0.6	1220	2	1	370
FAIRBANKS RANCH COMM SERV DIST	15	0.2	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0	0	0
FALLBROOK PUBLIC UTILITY DIST	72	2.0	22	9	10	8	0	30.6	12.5	13.9	11.1	0.0	0	0	0	0
IMPERIAL BEACH, CITY OF	84	2.2	14	2	8	2	0	16.7	2.4	9.5	2.4	0.0	0	0	0	0
LA MESA, CITY OF	155	5.8	3	4	3	0	0	1.9	2.6	1.9	0.0	0.0	0	0	0	0
LEMON GROVE, CITY OF	69	2.4	4	4	3	0	0	5.8	5.8	4.3	0.0	0.0	0	0	0	0
SAN DIEGO COUNTY *(continued)*:																
LEUCADIA CWD	185	4.2	6	1	6	3	0	3.2	0.5	2.7	1.6	0.0	0	0	0	0
NATIONAL CITY, CITY OF	97	5.1	1	2	1	4	0	1.0	2.1	1.0	4.1	0.0	0	0	0	0
OCEANSIDE,CITY OF,WTR UTIL DEP	446	13.0	23	22	13	7	0	5.2	4.9	3.1	1.6	0.0	0	0	0	0
OLIVENHAIN MWD	16	0.4	2	0	3	0	0	12.5	0.0	18.8	0.0	0.0	0	0	0	0
OTAY MWD	86	1.4	3	1	0	0	0	3.5	1.2	0.0	0.0	0.0	0	0	0	0
PADRE DAM MWD	150	5.1	3	3	1	1	0	2.0	2.0	0.7	0.7	0.0	0	0	0	0

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PAUMA VALLEY COMM SERVICE DIS	8	0.7	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0	0	0
POWAY, CITY OF	170	4.0	5	3	0	5	0	2.9	1.8	0.0	2.9	0.0	0	0	0	0
RAINBOW MWD	54	0.7	2	6	2	0	0	3.7	11.1	3.7	0.0	0.0	0	0	0	0
RAMONA MWD	83	1.3	2	2	4	4	0	2.4	2.4	3.6	4.8	0.0	0	0	0	0
RANCHO SANTA FE COMM SERV DIST	52	0.4	1	0	2	0	0	1.9	0.0	3.9	0.0	0.0	0	0	0	0
SAN DIEGO CO, PUBLIC WORKS	380	11.0	11	2	2	3	0	2.9	0.5	0.5	0.8	0.0	0	0	0	0
SAN DIEGO, CITY OF, MWWD	2894	170.1	193	115	122	82	16	6.7	4.0	3.3	2.8	0.6	5194	0	24	2621
SOLANA BEACH, CITY OF	52	1.2	1	6	1	1	0	1.9	11.5	0.0	1.9	0.0	0	0	0	0
USMC BASE, CAMP PENDLETON	194	3.1	23	14	12	16	2	11.9	7.2	5.2	8.3	1.0	3750	20	0	0
US NAVY	123	4.0	12	11	13	11	1	9.8	9.0	10.6	9.0	0.8	170	1	0	0
VALLECITOS WD	202	6.1	5	4	6	7	0	2.5	2.0	2.5	3.5	0.0	0	0	0	0
VALLEY CENTER MWD	48	0.3	3	1	1	0	0	6.3	2.1	2.1	0.0	0.0	0	0	0	0
VISTA, CITY OF	198	6.5	4	7	9	5	0	2.0	3.5	4.6	2.5	0.0	0	0	0	0
WHISPERING PALMS COMM SERV DIS	17	0.3	1	0	0	0	0	5.8	0.0	0.0	0.0	0.0	0	0	0	0
REGION 9 TOTAL	9615	363	427	275	266	201	28						25869		36	4381
AVERAGE[1]								4.4	2.9	2.8	2.1	0.3		2		
STANDARD DEVIATION[2]								7.0	3.4	4.4	2.6	0.4		8		
MEDIAN[3]								2.4	2.0	2.5	1.0	0.0		0		

[A] Includes available preliminary data for July 1, 2004 through August 31, 2006, and may not include all spills less than 1,000 gallons that did not enter surface waters or storm drains during this period.

[B] As of June 2003.

[C] Volume of spills for the period in gallons divided by the amount conveyed for the period in million gallons.

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CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF August 1, 2006 THROUGH August 31, 2006

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres)[1]	MITIGATION	CERTIFICATION ACTION[2]
8/2/2006	Mike Freeman	Briggs Road, Murrieta	Realignment of Briggs road and improvements to Baxter Road	Warm Springs Creek	Streambed (P) 0.15 acre (4422 linear feet)	Offsite creation of 0.45 acre of vegetated streambed	Conditional Certification
8/3/2006	County of San Diego Department of Public Works	Central Avenue Flood Control Improvement Project, unincorporated County of San Diego	Upgrade drainage facilities to alleviate flooding for up to a 100-year storm event in the vicinity of Central Avenue, Spring Valley	Sweetwater River	Wetland (P) 0.519 acre, (T) 0.9 acre Streambed (P) 0.262 acre, (T) 0.461 acre	1) Restore all temporary impacts; 2) Offsite creation of 1.97 acre of southern willow scrub at the Sweetwater River County Park and 3) Convert 400 feet of concrete channel in Spring Valley to vegetated channel	Conditional Certification
8/17/2006	North County Transit District	NCTD Track Roadbed Drainage Improvements/ Bridge Replacement Project	Removal of existing timber structures and construction of new pipe culverts at Mileposts 216.9 and 217.0	Two unnamed creeks in the San Onofre HA	Upland (T) 0.59 Streambed (P) 0.07 (131 linear feet)	Purchase of credits from the Santa Margarita Weed Management Program of the Mission Resource Conservation District at a 3:1 ratio	Conditional Certification

ATTACHMENT B-2

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF August 1, 2006 THROUGH August 31, 2006

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres)[1]	MITIGATION	CERTIFICATION ACTION[2]
8/18/2006	Ed Malone	Hidden Valley Ranch, Poway	Subdivision of a 420-acre property into 40 lots, road improvements, construction of an access road and fill operation	Sycamore Creek and an unnamed tributary to Sycamore Creek	None occurred	None occurred	Denial
8/21/2006	County of Orange Dana Point Harbor Department	Dana Point Harbor Boat Launch Ramp Renovation	Replace deteriorated boat launch ramp with three 8-foot wide boarding float docks and add eight parking stalls	Dana Point Harbor	Ocean/Bay (T) 0.1 acre	Remove temporary fill upon completion	Low Impact Certification
8/21/2006	City of Temecula	Margarita Road Undercrossing Project	Construct a bicycle/multi-use trail under the existing Margarita Road bridge	Santa Gertrudis Creek	Wetland (T) 0.19 acre (540 linear feet) Streambed (T) 0.08 acre (110 linear feet)	Restore all temporary impacts	Conditional Certification
8/22/2006	City of San Diego Street Division	Sorrento Creek Channel Maintenance Project	Vegetation trimming in Los Penasquitos Creek and upper Carroll Canyon Creek and hydraulic sediment dredging and vegetation trimming in Sorrento Creek for flood protection against a 10-year storm	Sorrento Creek, Carroll Canyon Creek and Los Penasquitos Creek	Streambed (T) 5.1 acres Isolated Waters (T) 1.5 acres	Offsite creation of 7.27 acre and enhancement of 4.80 acre of wetland at the El Cuervo Norte mitigation site	Conditional Certification

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF August 1, 2006 THROUGH August 31, 2006

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres)[1]	MITIGATION	CERTIFICATION ACTION[2]
8/28/2006	County of Orange	Narco Channel Water Quality Project	Improve water quality and restore wetland habitat within Narco Channel, a tributary to Sulphur Creek	Sulphur Creek	Streambed (T) 0.3 acre (350 linear feet) In addition, 10,000 square feet of vegetation in the stream channel will be cut annually using hand tools	Enhancement of 0.3 acre of wetland habitat and creation of 0.36 acre of riparian habitat	Conditional Certification

1. Wetland refers to vegetated waters of the U.S. and streambed refers to unvegetated waters of the U.S. (P) = permanent impacts. (T) = temporary impacts.
2. Low impact certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are issued when the project will adversely impact water quality and suitable mitigation measures are not proposed or possible. Time expired refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines. Withdrawn refers to projects that the applicant or Regional Board have withdrawn due to procedural problems that have not been corrected within one year.

2005-06 Consolidated Grants Program
Integrated Watershed Management Program (IWMP) - Implementation*
Recommended Funding List
(To be presented to the State Water Board for adoption on September 6, 2006.)

PIN	PROPOSAL TITLE	NATIVE REGION	FUNDS REQUESTED	TOTAL	
9342	Mattole River Watershed Management Initiative	1	$3,280,200	$3,280,200	
9019	Trinity Drinking Water Source Sediment Reduction Project	1	$505,384	$3,785,584	
8914	Integrated Watershed Restoration Program Phase 2	3	$4,048,135	$7,833,719	
8839	Middle Santa Ana River Pathogen TMDL - BMP Implementation	8	$600,000	$8,433,719	
9402	San Anselmo Creek MTCC Erosion Reduction, Habitat Enhancement, Flood Management, and Fish Passage I	2	$1,435,000	$9,868,719	
9556	Mill Creek Wetland Regional Natural Treatment System	8	$5,000,000	$14,868,719	
8919	Perazzo Meadows Acquisition and Restoration	6	$2,000,000	$16,868,719	
8828	Evaluating Land Use Practices in Sierra Nevada Watersheds and Their Impact on Water Quality	6	$925,000	$17,793,719	
9144	Lake Nacimiento Watershed Mercury Sediment Reduction Project	3	$1,000,000	$18,793,719	
9033	San Jacinto River Watershed Nutrient TMDL BMP Implementation	8	$600,000	$19,393,719	
9122	Reforestation of the upper Bull Creek watershed	1	$525,000	$19,918,719	
9377	Stormwater Attentuation and Floodplain Restoration Project	1	$5,000,000	$24,918,719	
9114	Salinas River Parkway	3	$4,000,000	$28,918,719	
9124	Matilija Dam Ecosystem Restoration Project (Project)	4	$5,000,000	$33,918,719	
9353	Tomki Road Feasibility Study & Prototype Vented Low Water Crossing	1	$337,500	$34,256,219	
8906	Upland Basin Expansion Project Phase 2	8	$5,000,000	$39,256,219	
8929	Big Chico Creek and Lindo Channel Floodplain, Wetland and Riparian Restoration	5	$1,307,418	$40,563,637	
8974	Pond A8 Applied Study	2	$1,125,000	$41,688,637	
9039	Brookside Park BMP Program	4	$1,930,207	$43,618,844	
9235	Freshwater Runoff Treatment Ponds	9	$550,017	$44,168,861	Funding Line
9427	Lower Ventura River Wetlands Restoration and Enhancement	4	$2,000,000	$46,168,861	
9112	Los Coches Creek/Ha Hana Creek Water Quality, Flood Control and Restoration Project	9	$1,076,850	$47,245,711	
8999	Forester Creek Improvement Project	9	$2,000,000	$49,245,711	
9177	Arroyo Grande Creek Water Quality Enhancement and Flood Management Project 2006-2008	3	$664,537	$49,910,248	
9520	Jackson Demonstration State Forest (JDSF) Sediment Reduction and Fish Passage Improvement	1	$262,165	$50,172,413	
9199	Ormond Beach Wetlands Preservation for Subsequent Restoration	4	$5,000,000	$55,172,413	
			$55,172,413		

***Applicants must address technical reviewer comments during the development of their grant agreement.**
PINs NOT recommended for funding do not appear on this list.

25 August 2006

ATTACHMENT B-3

2005-06 Consolidated Grants Program:
Nonpoint Source Pollution Control Program (NPSPCP)*
Recommended Funding List
(To be presented to the State Water Board for adoption on September 6, 2006.)

PIN	PROPOSAL TITLE	NATIVE REGION(S)	FUNDS REQUESTED	TOTAL	
9150	Chino II Desalter Ultimate Expansion Project	8	$5,000,000	$5,000,000	
8967	Porous Pavement & Model Municipal Operations Center-Phase II	9	$1,500,000	$6,500,000	
9401	Los Peñasquitos Sediment Basin	9	$1,107,000	$7,607,000	
9452	Lake Elsinore Recharge Pipeline	8	$2,175,000	$9,782,000	
8961	Calleguas Regional Salinity Management Program, Phase 1B (Brine Line)	4	$5,000,000	$14,782,000	
8891	Upper Middle Fork Feather River Complex	5	$1,068,000	$15,850,000	
8921	Lake Tahoe Watershed Improvement Project	6	$3,003,779	$18,853,779	
9006	Irby Park Urban Runoff Treatment Project	8	$1,875,000	$20,728,779	
9028	Tijuana River Valley Invasive Plant Control Program - Phase 3	9	$719,000	$21,447,779	
8814	Groundwater Quality Protection Project: Phase IV	7	$2,000,000	$23,447,779	
8862	Sacramento-San Joaquin Delta Watersheds Boating Program (DBP)	5	$1,650,061	$25,097,840	
9324	Strathern Pit Multiuse	4	$912,254	$26,010,094	Funding Line
9324	Strathern Pit Multiuse	4	$4,087,746	$30,097,840	
8853	Westside Regional Drainage Plan - Distribution Facilities Improvements Component	5	$5,000,000	$35,097,840	
9245	Van Duzen Watershed Ranch Road Sediment Reduction Project - Phase II	1	$375,000	$35,472,840	
9060	Water Quality Improvements on California Rangelands: Demonstrating Success and Cost-effectiveness	1,3, 5, & 6	$600,000	$36,072,840	
			$36,072,840		

***Applicants must address technical reviewer comments during the development of their grant agreement.**
PINs NOT recommended for funding do not appear on this list.

ATTACHMENT
B-16

Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Diego Region

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

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
http:// www.waterboards.ca.gov/sandiego

August 23, 2006

In reply refer to:
NCRU:13-0087.02:CCheng

Robert K. Heckler
Environmental Specialist
Southern California Edison Company
P.O. Box 128 (W44)
San Clemente, CA 92674

Dear Mr. Heckler :

SUBJECT: TRITIUM DETECTION IN GROUNDWATER UNDER UNIT 1, SAN ONOFRE NUCLEAR GENERATING STATION, SOUTHERN CALIFRONIA EDISON COMPANY, SAN DIEGO COUNTY

The Regional Board has been contacted by the media and interested persons about a reported leak of tritium at the Unit 1 facility at your company's San Onofre Nuclear Generating Station. Based on an August 18, 2006 discussion with you and Mr. Eric Becker of the Northern Core Regulatory Unit staff, it is my understanding that the radioactive constituent tritium has been detected in groundwater under Unit 1 at the station. You have reported that the tritium is restricted to an area under the unit and that any groundwater extracted from under Unit 1 is monitored for radioactive material prior to discharge through the ocean outfall. Although groundwater extraction from under Unit 1 is permitted under Order Nos. R9-2005-005 and 006 and addenda thereto, I remain concerned that radioactive pollutants may be discharged into the Pacific Ocean at levels that impact water quality.

It is also my understanding that the U.S. Nuclear Regulatory Commission (NRC) is monitoring the discharge of tritium at the Unit 1 site.

Pursuant to California Water Code Section 13267, I direct you to submit a technical report **no later than September 1, 2006**. This technical is required because of the potential water quality impacts from the discharge of tritium and the need for an evaluation of Southern California Edison's (SCE) efforts to address this potential water problem. The technical shall include, but not limited to, the following:

1. A description of how the pollutant, tritium, was detected at the plant, the known extent of the discharge to groundwater, and SCE's efforts to determine the nature and extent of the pollutant in groundwater.

2. The monitoring data obtained thus far on any quantities of tritium in the dewatering discharge to the ocean outfall.

3. A description of the added monitoring program implemented to monitor the possible presence of tritium in the dewatering discharge.

4. The actions SCE has taken and plans to take to detect the presence of tritium in the dewatering discharge to the ocean and to prevent any discharge of tritium in the dewatering discharge to the ocean.

If you have any questions regarding the above, please contact Charles Cheng at (858) 627-3930 or CCheng@waterboards.ca.gov.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Respectfully,

JOHN H. ROBERTUS
Executive Officer

JHR:dtb:tla

cc: Blair Spitzberg
Chief, FCDB
U.S. NRC Region IV
Texas Health Resources Tower
611 Ryan Plaza, Suite 400
Arlington, TX 76011-4005

U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105
Attn: Douglas Eberhardt

John Richards
Staff Counsel
Office of Chief Counsel (OCC)
State Water Resources Control Board
1001 "I" Street, 22nd Floor
Sacramento, CA 95814

cc: State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130
Attn: Phil Isorena

SOUTHERN CALIFORNIA
EDISON
An EDISON INTERNATIONAL Company

September 1, 2006

John Robertus, Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353
NCRU: 13-0087.02:CCheng

Dear Mr. Robertus,

Subject: SCE Response to Referenced Letter
Tritium Detection in Groundwater
San Onofre Nuclear Generating Station Unit 1

Reference: Letter to Robert K. Heckler, SCE, "Tritium Detection in Groundwater under Unit 1, San Onofre Nuclear Generating Station, Southern California Edison Company, San Diego County" from John H. Robertus (RWQCB)

As noted in your letter, the controlling governmental authority, the Nuclear Regulatory Commission (NRC) is monitoring the discharge of radioactive wastewater from Unit 1. The discharge, handling and processing of radioactive wastewater falls under the jurisdiction of the NRC in accordance with the Atomic Energy Act. Although we do not believe that section 13267 currently applies in this situation, in the interests of keeping the Regional Board and the public informed on this issue, we have responded to your request below.

Prior to the construction of San Onofre Units 2 and 3, an Environmental Impact Report was conducted which determined that the levels of radioactivity (including tritium) that would be discharged from the site would not have a significant impact on the environment. San Onofre is licensed by the NRC to discharge radioactive wastewater to up to 3 millirem of whole body dose per year. As a point of reference, the radiation dose from one transcontinental flight is equivalent to 2 to 5 millirem.

Beginning the week of August 7, 2006, groundwater was extracted through the dewatering taps installed inside the Unit 1 containment and collected in a tank to support the removal of the containment sphere as part of the decommissioning of Unit 1. Samples were taken of the extracted groundwater to ensure that all applicable NRC and National Pollutant Discharge Elimination System (NPDES) parameters were met prior to being discharged through the yard drain sump. These samples identified the presence of detectable levels of tritium. To date, just less than 19,000 gallons of extracted groundwater have been released through the permitted yard drain sump. The total amount of tritium that has been released in the extracted groundwater from the vicinity of the Unit 1 containment is 8.3 millicuries. By comparison, a new, self illumination indoor building exit sign contains 25 curies – more than 3,000 times as much tritium. The estimated whole body dose is less than 2E-6 (0.000002) millirem.

P.O. Box128
San Clemente, CA 92674-0128

Radioactive wastewater is controlled in accordance with Title 10 of the Code of Federal Regulations Parts 20 and 50, and the Operating License. The site's effluent control program is mandated, approved, and regularly inspected by the NRC. Discharges are performed using detailed programs and procedures, waste treatment systems where appropriate, and in-line instrumentation to continuously measure the radioactive concentrations in the wastewater being released. We will continue to comply with our existing radioactive effluent control program, which involves determining the concentrations of tritium (and other radionuclides) in discharges of wastewater from the site. Discharges of wastewater will continue to be performed in accordance with the NRC's requirements and all wastewater released by the site that is radioactive (including tritium) will be monitored. No additional monitoring programs are required.

It is important to note that several groundwater samples obtained in the vicinity of the Unit 1 Turbine Building in 2005 adjacent to the Unit 1 containment showed no detectable levels of tritium or other radionuclides.

We encourage you to contact the NRC at (817)-860-8191 if you have any questions about the NRC's actions on this issue. We have enclosed a copy of our most recent annual Radioactive Effluent Release Report and annual Radiological Environmental Operating Report. We will also keep you informed as the investigation continues. If you have any questions about this letter, you can contact Robert Heckler at (949)-368-6816.

Sincerely,

H. W. Newton
Manager, Site Support Services

Enclosures

cc: B Spitzberg (Chief, Fuel Cycle and Decommissioning Region IV)
C. Cheng (Nuclear Regulatory Commission)
E. Becker (Nuclear Regulatory Commission)
J. T. Reilly
A. E. Scherer
K. C. Yhip
C. Williams
D. W. Kay
P. Tennant
N. Mascolo
W. Messner
M. J. Johnson
R. K. Heckler
IDB / CDM

ATTACHMENT
C-1

California Environmental Protection Agency

CALIFORNIA
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

ENFORCEMENT REPORT

[Per California Water Code Chapter 5.5 Section 13385(o)]

August 18, 2006

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Appendices

State Water Boards
Enforcement Report
[Per California Water Code Chapter 5.5 Section 13385(o)]

This State Water Boards report provides the information directed by Chapter 5.5 Section 13385(o) of the California Water Code, responding to the following provision:

> *13385 Civil Liability*
> *(o): The state board shall continuously report and update information on its Web site, but at a minimum, annually on or before January 1, regarding its enforcement activities. The information shall include all of the following:*
>
> *(A) A compilation of the number of violations of waste discharge requirements in the previous calendar year, including stormwater enforcement violations.*
>
> *(B) A record of the formal and informal compliance and enforcement actions taken for each violation, including stormwater enforcement actions*
>
> *(C) An analysis of the effectiveness of current enforcement policies, including mandatory minimum penalties.*

As directed by this statute, the report is available at the Water Board's website at **http://www.waterboards.ca.gov** .

Executive Summary

This report summarizes information regarding violations of waste discharge requirements and enforcement actions taken by the Regional Water Boards in response to those violations. The report addresses only discharges to surface water because it has been prepared pursuant to Chapter 5.5 of the California Water Code. Chapter 5.5 implements provisions of the Federal Water Pollution Control Act and establishes a regulatory program for discharges to surface water only. This report also contains commentary on performance and follow-up actions.

The Water Boards use the California Integrated Water Quality System (CIWQS) database to track violations and the resulting enforcement actions. The CIWQS database contains information on violations and enforcement actions that have occurred since July 1, 1999.

The major findings of this report are:

(1) The Water Boards have assessed over $50 million in civil liabilities over the last several years.
(2) The Water Boards track thousand of violations each year. The number of violations of waste discharge requirements at National Pollutant Discharge Elimination System (NPDES) wastewater facilities and the number of violations has fluctuated over the past several years with no discernable patterns.
(3) The percentage of violations linked to a completed enforcement action is low for 2005 (Note some violations may not warrant enforcement).
(4) A backlog of MMPs developed as the Water Boards adjust to this newly required MMPs for certain reporting violations effective January 1, 2004.
(5) Although improvements are occurring, data quality and completeness problems persist due to continued reliance on manual review of discharger self-monitoring reports, manual data entry, and implementation of a new data system.

These findings are based on analysis of the data from the CIWQS database as presented in this report.

The Water Boards are undertaking the following actions to address these findings:

(a) Standardization for efficient processing of permits and MMPs; return saved resources to compliance work.
(b) Continued development of electronic submittal of compliance information from dischargers to provide dischargers and state staff greater efficiencies and enable more state resources to be devoted to compliance; to date more than 152 dischargers have been trained to submit their monitoring information electronically.
(c) Public reporting of violation information and compliance rates on the Internet are being developed with the assistance of a public work group, with a goal of achieving continuous reporting.
(d) Assess scope of violations at federal facilities for discussion with USEPA.
(e) Make the data reports presented herein available for live, public use on the Internet

Introduction

This report addresses violations of Waste Discharge Requirements for discharges to surface water. Discharges to surface water are issued a combined Waste Discharge Requirements/NPDES permit. The NPDES program is administered by California in accordance with the United States Environmental Protection Agency's approval, and is implemented through Chapter 5.5 of the California Water Code. NPDES Waste Discharge Requirements are usually issued by one of the nine Regional Water Boards. These nine Regional Water Boards and twelve regional offices lie within different watersheds and are as follows (see Appendix A for map and details):

- Region 1 – North Coast Water Board
- Region 2 – San Francisco Bay Water Board
- Region 3 – Central Coast Water Board
- Region 4 – Los Angeles Water Board
- Region 5 – Central Valley Water Board (With Offices in Redding [5R], Sacramento [5S] and Fresno [5F])
- Region 6 – Lahontan Water Board (With offices in South Lake Tahoe [6A] and Victorville [6B])
- Region 7 – Colorado River Basin Water Board
- Region 8 – Santa Ana Water Board
- Region 9 – San Diego Water Board

Four overarching considerations are pertinent to this report: the reporting period, federal facilities, stormwater facilities, and data quality.

Reporting Period

This report includes a compilation of violations that occurred during calendar year 2005 and the enforcement actions in response to those violations. Typically, it takes approximately six months to issue an enforcement action after the violation has occurred; it may take substantially longer for more complex cases, or where staff has been assigned to higher priorities. Also, self-monitoring reports are typically due to the Water Boards 30 to 45 days after the end of the month for which the monitoring was done. This allows for laboratory analysis and transmittal of data. As a result, Water Board staff does not detect violations for several months after they occur. Staff must review the reports, identify the violations and manually enter the information into the data system. Unless specified otherwise, data for the report was extracted from the CIWQS database the week of August 14, 2006.

Federal Facilities

CIWQS database information about federal facilities has become inconsistent and problematic because Water Boards have found it difficult to prevail in enforcement against federal facilities. Federal facilities are shielded from most enforcement actions by sovereign immunity, so enforcement actions are often precluded. Motivation for data entry under these circumstances has declined. For example, San Diego Regional Water Board initially entered all identified violations at federal facilities into the database. The San Diego Regional Water Board discontinued this comprehensive recordation of federal facility violations because of their inability to enforce. Inclusion of this data in summary information about violations and related enforcement has a dramatic and misleading impact on the historic data. For that reason, this report does not include violations and enforcement actions for federal facilities. To ensure the Water Boards are properly addressing violations, a separate assessment of such facilities will be done, and the findings will be discussed with USEPA.

Stormwater Facilities

Two things have occurred with respect to reporting on stormwater enforcement: 1) previously separate wastewater and stormwater enforcement reports were consolidated by statute, commencing January 1, 2005, into this report, and 2) the stormwater program began using the CIWQS data base for recording stormwater violations and enforcement actions. The result is dedicated wastewater and stormwater sections in this report, and a broader stormwater discussion than in past stormwater enforcement reports.

Data quality

Data quality and completeness present an ongoing challenge. Spot checks indicate that data entry is inconsistent between Water Boards and has been delayed in some. The primary reasons for these difficulties are the manual review of monitoring reports, manual data entry, and adjustment to a new data system.

In July 2005, the Water Boards launched a new data system called the California Integrated Water Quality System (CIWQS). Implementation of this system continues, and further development of reporting functionality, development of business rules, and data migration continues. As such, inconsistencies and apparent deficiencies in the data presented in this report do not necessarily reflect inconsistencies in our enforcement program statewide. To address the question of data quality, the Water Board has begun a project that will assess the quality of data in CIWQS by coordinating a data audit and establishing QA/QC protocols to assure that the quality of data remains high into the future.

The functionality expected in CIWQS promises to move us well beyond where we were in terms of data quality, data entry and management, and public access to information on compliance. One of the key elements of this new system is electronic submittal and analysis of monitoring reports, and automated generation and tracking of violation information. Of the 669 non-general NPDES Permits statewide, 152 permits are ready for electronic submittal, and 40 are currently submitting electronic data, alleviating the need for manual review of regular reports from these facilities. We anticipate that as this functionality is implemented for all our NPDES Permits, the quality and completeness of routine compliance monitoring data will improve dramatically.

(A) A compilation of the number of violations of waste discharge requirements in the previous year.

Wastewater

During 2005, there were 2,199 active wastewater facilities regulated by NPDES waste discharge requirements in California. These facilities are divided into two categories:

- Major facilities – Facilities with an average daily discharge greater than 1 million gallons per day or those that pose a high degree of threat to water quality;
- Minor facilities – Facilities with an average daily flow less than 1 million gallons per day and have a lower threat to water quality.

The waste discharge requirements (hereinafter "NPDES permits" or "permits") are issued as individual permits or as general permits. Dischargers who are eligible for coverage under a general permit must enroll and agree to comply with the conditions of the general permit.

A summary of active NPDES facilities by category and Regional Office is shown in Table 1.

Table 1: NPDES Wastewater Facilities by Category and Regional Office

REGIONAL OFFICE	MAJOR FACILITIES	MINOR FACILITIES			Total
	INDIVIDUAL Permits	GENERAL Permit Enrollees	INDIVIDUAL Permits	Total Minor	
1	14	18	35	53	67
2	60	187	46	233	293
3	18	85	18	103	121
4	45	552	109	661	706
5F	6	24	42	66	72
5R	13	17	53	70	83
5S	37	84	58	142	179
6A	1	15	3	18	19
6B	1	6	8	14	15
7	3	41	17	58	61
8	15	412	28	440	455
9	17	89	22	111	128
Total	230	1,530	439	1,969	2,199

Table 2 lists the total number of violations of NPDES permits by Water Board office for each of the past five calendar years. The table shows a decrease in the number of total violations over the first three years followed by an increase in violations in 2003 and 2004. This increase in the number of violations is mostly explained by the increased diligence in recording violations prompted by the late report MMP requirements commencing January 1, 2004.

Table 2: Number of Violations of NPDES Wastewater Permits, from 2000 to 2005

Violations of NPDES Waste Discharge Requirements						
Regional Office	2000	2001	2002	2003	2004	2005
1	897	531	339	361	580	115
2	414	432	214	153	198	174
3	363	404	325	216	412	372
4	1,183	1,137	1,012	2,131	1,389	1,082
5F	297	564	649	835	411	165
5R	224	94	94	73	49	70
5S	1,106	773	765	970	1,710	1,825
6A	9	11	18	11	9	4
6B	3	10	20	23	21	11
7	128	187	198	315	167	182
8	422	263	121	96	157	81
9	189	191	104	143	466	107
Total	5,235	4,597	3,859	5,327	5,569	4,188

A comparison of the number of violations by Water Board and the number of facilities regulated in that Water Board is provided in Table 3. A comparison of the average number of violations per permitted facility in violation assists in recognizing Water Boards or facilities that have above average and below average compliance rates.

Table 3: Number of Violations Per Wastewater Facility for 2005

Number of Violations Per Wastewater Facility 2005				
Regional Office	NPDES Permits	NPDES Permits Violated	Total Violations	Average number of Violations per Permit in Violation
1	67	20	115	5.8
2	293	26	174	6.7
3	121	44	372	8.5
4	706	236	1068	4.5
5F	72	19	165	8.7
5R	83	24	70	2.9
5S	179	44	1825	41.5
6A	19	2	4	0.0
6B	15	4	11	2.8
7	61	24	182	7.6
8	455	12	81	6.8
9	128	12	107	8.9
Total	2199	467	4174	8.9

The data indicate an uneven distribution of the average number of violations per facility among the different Water Board offices. The reasons for this high

variability include differences in facility-specific requirements, differences in Water Board office processes and priority assigned to report review and data entry, and differences in rates of compliance among dischargers. Variability due to report review and data entry should be reduced with the electronic submittal and analysis being implemented through our improved data system. Another project to standardize permits will reduce the difference in facility specific requirements over the next few years as permits are renewed.

A breakdown of the violation types and the number of those violations that are identified as priority violations is presented in Table 4. A more detailed description of each violation category is provided in Appendix B. Violations vary from not submitting monitoring reports on time to acute toxicity violations. The Water Boards identify priority violations based on criteria identified in the Water Quality Enforcement Policy (Resolution No. 2002-0040) (http://www.waterboards.ca.gov/plnspols/docs/wqep.doc). A priority violation represents a greater threat to water quality than other violations. Approximately thirty four percent of NPDES wastewater violations have been identified as priority violations.

Table 4: NPDES Wastewater Violations by Category for 2005

Breakdown of the Number of NPDES Violations by Category for 2005					
Description of Violation Category (See Appendix B)	**Total Violations**		**Priority Violations**		
	Number	**%**	**Number**	**% of Total Priority**	**% of Total Violations**
Category 1 Pollutant	**1,486**	**35%**	**750**	**52%**	**18%**
Other Effluent Violation	**1,082**	**26%**	**136**	**9%**	**3%**
Reporting	**657**	**16%**	**101**	**7%**	**2%**
Category 2 Pollutant	**505**	**12%**	**407**	**28%**	**10%**
Receiving Water	**115**	**3%**	**8**	**1%**	**0%**
Sanitary Sewer Overflow	**103**	**2%**	**3**	**0%**	**0%**
Violation of Non-Effluent Permit Condition	**85**	**2%**	**0**	**0%**	**0%**
Monitoring	**55**	**1%**	**1**	**0%**	**0%**
Acute Toxicity	**35**	**1%**	**2**	**0%**	**0%**
Chronic Toxicity	**27**	**1%**	**12**	**1%**	**0%**
Enforcement Action	**20**	**0%**	**11**	**1%**	**0%**
Other Codes	**9**	**0%**	**0**	**0%**	**0%**
Unauthorized Discharge	**9**	**0%**	**1**	**0%**	**0%**
Groundwater	**3**	**0%**	**2**	**0%**	**0%**
Total	**4,191**		**1,434**		**34%**

Stormwater

At the time of report preparation, there are 29,535 active facilities/permittees regulated by NPDES stormwater permits in California. These facilities are divided into five categories:

- Construction Stormwater Facilities – Dischargers who's projects disturb 1 or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade or capacity of the facility.
- Industrial Stormwater Facilities – The Industrial Storm Water General Permit Order 97-03-DWQ (General Industrial Permit) is an NPDES permit that regulates discharges associated with 10 broad categories of industrial activities.
- Linear Stormwater Facilities –Underground/Overhead Projects disturbing at least 1 acre but less than 5 acres (including trenching and staging areas) are covered by the Statewide General Permit for Storm Water Discharges Associated with Construction Activity from Small Linear Underground/Overhead Projects (Small LUP General Permit)
- Municipal Stormwater Phase I Facilities – The Municipal Storm Water Permits regulate storm water discharges from municipal separate storm sewer systems (MS4s). Under Phase I, which started in 1990, the Water Boards have issued NPDES MS4 permits to permittees serving populations greater than 100,000 people. Many of these permits are issued to a group of co-permittees encompassing an entire metropolitan area.
- Municipal Stormwater Phase II Facilities – Under Phase II, the SWRCB adopted a General Permit for the Discharge of Storm Water from Small MS4s (WQ Order No. 2003-0005-DWQ) to provide permit coverage for smaller municipalities (10,000 to 100,000 people), including non-traditional Small MS4s which are governmental facilities such as military bases, public campuses, and prison and hospital complexes.

The stormwater permits are generally issued as individual permits to the Phase 1 MS4s and as general permits to the other categories. Dischargers who are eligible for coverage under a general permit must enroll and agree to comply with the conditions of the general permit.

A summary of active NPDES stormwater permits by category and Regional Office is shown in Table 5.

Table 5: NPDES Stormwater Permits by Permit Type and Regional Office

Stormwater Permits by Type						
REGIONAL OFFICE	Construction	Industrial	Linear	Municipal Phase I**	Municipal Phase II**	Total
1	449	359	2	7	0	817
2	1,826	1,405	10	76	25	3,342
3	715	395	6	2	4	1,122
4	2,615	2,811	10	100	0	5,536
5F	1,424	597	8	8	0	2,037
5R	511	181	3	2	3	700
5S	3,539	1,144	14	21	34	4,752
6A	144	38	1	4	0	187
6B	954	165	4	1	4	1,128
7	680	175	6	14	0	875
8	3,634	1,555	8	60	0	5,257
9	2,979	716	14	73	0	3,782
Total	19,470	9,541	86	368	70	29,535

Table 6 lists the total number of violations of NPDES stormwater permits by Regional Office for each of the past five years. The table shows fluctuations in the numbers over the last four years. The low number of violations in 2005 reflects a transition of the Stormwater Program into the CIWQS data system.

Table 6: Number of Violations of NPDES Stormwater Permits by Year

Violations of NPDES Stormwater Waste Discharge Requirements					
Regional Office	2001	2002	2003	2004	2005
1	62	51	89	8	4
2	18	105	65	1	7
3	29	96	30	203	31
4	1,185	1,127	715	500	189
5F	5	6	9	106	25
5R	20	128	27	153	37
5S	45	58	219	384	114
6A	32	72	51	78	40
6B	74	15	1	0	1
7	11	21	0	49	2
8	738	388	264	269	47
9	298	599	397	374	128
Total	2,517	2,666	1,867	2,125	625

A breakdown of the storm water violations by violation type for 2005 is presented in Table 7. Approximately six percent of NPDES stormwater violations have been identified as priority violations.

Table 7: NPDES Stormwater Violations by Category for 2005

Breakdown of the Number of NPDES Stormwater Violations by Category					
Description of Violation Category (See Appendix B)	**Total Violations**		**Priority Violations**		
	Number	**%**	**Number**	**% of Total Priority**	**% of Total Violations**
Permit Condition	292	46%	16	42%	3%
Effluent	87	14%	2	5%	0%
Reporting	87	14%	10	26%	2%
BMP	50	8%	0	0%	0%
SWPPP	33	5%	0	0%	0%
Monitoring	29	5%	0	0%	0%
Unauthorized Discharge	23	4%	10	26%	2%
Enforcement Action	7	1%	0	0%	0%
Basin Plan Prohibition	6	1%	0	0%	0%
Unregulated Discharge	6	1%	0	0%	0%
Other Codes	5	1%	0	0%	0%
Failure to Obtain a Permit	4	1%	0	0%	0%
Sanitary Sewer Overflow	2	0%	0	0%	0%
Groundwater	1	0%	0	0%	0%
Other Requirement	1	0%	0	0%	0%
Total	633		38		6%

(B) A record of the formal and informal compliance and enforcement actions taken for each violation.

Wastewater

Enforcement actions taken as a result of a violation are classified as either informal or formal. An informal enforcement action is any enforcement action taken by Water Board staff that is not defined in statute such as staff letters and notices of violation. Formal enforcement actions are statutorily recognized actions to address a violation or threatened violation such as cleanup and abatement orders. Appendix C describes the enforcement options used by the Water Boards.

Table 8: NPDES Wastewater Violations Compared to Completed Enforcement Actions

NPDES Violations and Completed Enforcement Actions				
Regional Office	Total Violations	Total Violations without Completed Enforcement Actions	Total Violations with Informal Enforcement Actions	Total Violations with Formal Enforcement Actions
1	115	90	24	1
2	174	109	12	53
3	372	286	50	37
4	1082	943	54	106
5F	165	161	2	1
5R	70	28	41	2
5S	1825	1769	47	9
6A	4	2	2	0
6B	11	4	6	2
7	182	133	39	19
8	81	79	1	1
9	107	5	89	64
Total	**4188**	**3609**	**367**	**295**
Percentage		**86%**	**9%**	**7%**

Table 8 shows the number of violations in 2005. It also lists the number of violations for which there is no completed enforcement action (enforcement is still pending for some, but not all, of these violations), the number of violations that are linked to an informal enforcement action, and the number of violations that are linked to formal enforcement actions. The percentages at the bottom show each violation category as a percentage of the total number of violations. The sum of these percentages is greater than 100 percent because one violation can receive multiple enforcement actions.

While Water Board authorities for enforcement are significant, resource levels generally preclude enforcement against every violation. The low numbers of enforcement actions are related to competing priorities and other factors. Discussions of this matter with the Regions showing low numbers of enforcement actions indicate many enforcement actions are pending or have not been entered and liked to the associated violations in the data system.

Stormwater

Table 9 shows the number of stormwater violations. It also lists the number of stormwater violations addressed by informal and formal enforcement actions. The percentages at the bottom show each violation category as a percent of the total number of violations. The sum of these percentages is greater than 100 percent because one violation can receive multiple enforcement actions.

Table 9: NPDES Stormwater Violations Compared to Completed Enforcement Actions in 2005

NPDES Stormwater Violations and Completed Enforcement Actions				
Regional Office	Total Violations	Total Violations without Completed Enforcement Actions	Total Violations with Informal Enforcement Actions	Total Violations with Formal Enforcement Actions
1	4	4	0	0
2	10	7	3	0
3	31	10	24	11
4	202	4	90	119
5F	25	6	19	0
5R	37	6	30	1
5S	114	29	76	15
6A	40	30	10	0
6B	1	0	0	1
7	2	1	1	0
8	47	8	29	10
9	128	6	65	99
Total	**641**	**111**	**347**	**256**
Percentage		**17%**	**54%**	**40%**

Historically, many violations at stormwater facilities were only entered when an enforcement action was taken, showing an artificially high rate of enforcement responses. Improvements in data entry are being developed to address this issue.

(C) An analysis of the effectiveness of current policies, including mandatory minimum penalties (MMPs).

Mandatory Minimum Penalties (MMPs)

Background

California Water Code section 13385 requires MMPs for specified violations of NPDES permits. For violations that are subject to those MMPs, the Water Board must either assess an Administrative Civil Liability (ACL) for the minimum penalty or assess an ACL for a greater amount. California Water Code section 13385(h) requires a MMP of $3,000 for each "serious" violation. A serious violation is defined as any waste discharge that exceeds the effluent limitation for a Group I pollutant by 40 percent or more, or a Group II pollutant by 20 percent or more.

The Water Boards are also required by California Water Code section 13385(i) to assess MMPs of $3,000 for multiple non-serious violations. This penalty applies when

the discharger does any of the following four or more times in any period of six consecutive months:

1) Violates effluent limitations;
2) Fails to file a report of waste discharge pursuant to California Water Code section 13260;
3) Files an incomplete report of waste discharge pursuant to California Water Code section 13260; or
4) Violates a toxicity effluent limitation where the WDR does not contain pollutant-specific effluent limitations for toxic pollutants.

California Water Code section 13385(j) includes several limited exceptions to the mandatory minimum penalty provisions. The primary exceptions are for discharges that are in compliance with a cease and desist order or time schedule order under narrowly specified conditions. California Water Code section 13385(k) provides an alternative to assessing MMPs against a publicly owned treatment works (POTW) that serves a small community, "as defined by subdivision (b) of Section 79084". Under this alternative, the Water Boards may require the POTW to spend an amount equivalent to the mandatory minimum penalty toward a compliance project that is designed to correct the violations.

California Water Code section 13385.1, effective January 1, 2004, defines the term "effluent limitation" and expands the definition of a "serious violation" in California Water Code section 13385(h) to include failure to file a discharge monitoring report for each 30 days it is late. Section 13385.1 also re-defines MMPs as applicable only to permits in which the location of the discharge is specified. Most general NPDES permits do not specify the location of discharge and are therefore no longer subject to MMPs for effluent or reporting violations.

Summary of MMP Violations and MMP Enforcement Actions

According to the CIWQS database, 12,311 MMP violations occurred between January 1, 2000 and December 31, 2005. Of these, 5,024 (41 percent) are recorded as having received a minimum or greater penalty. Some portion of the reported effluent violations may qualify for statutory exemptions. MMPs have been issued and recorded in the database for 41% of the effluent violations to date. Enforcement actions are either yet to be recorded or are pending for the majority of the remaining violations.

Table 10 shows the number of violations that have had penalties issued by each Water Board office.

Table 10: Status of Violations Subject to MMPs From January 2000 to December 2005

Violations Subject to MMPs - January 2000 to December 2005				
Regional Office	TOTAL MMP VIOLATIONS	VIOLATIONS With MMP/ACL ENFORCEMENT	VIOLATIONS Without Completed MMP/ACL ENFORCEMENT	% Without
1	377	71	306	81%
2	911	645	266	29%
3	328	293	35	11%
4	5,987	2,039	3,948	66%
5F	463	34	429	93%
5R	121	66	55	45%
5S	2,415	624	1,791	74%
6A	0	0	0	NA
6B	0	0	0	NA
7	583	328	255	44%
8	407	369	38	9%
9	719	555	164	23%
TOTAL	12,311	5,024	7,287	59%

Table 11 lists the number of facilities in each Water Board office that have one or more MMP violations, the number of facilities for which MMPs have been issued for all MMP violations, and the number of facilities that would require at least one enforcement action to cover the outstanding MMP violations. As shown, 623 or more enforcement actions would be necessary to cover the 7,287 violations subject to MMPs.

Table 11: Facilities With MMP Violations and Pending Enforcement Actions January 2000 to December 2005

Facilities With MMP Violations and Pending Enforcement Actions			
Regional Office	Facilities with MMP Violations	Facilities with all MMP penalties issued	Facilities with pending MMP Penalties
1	30	2	28
2	85	30	55
3	31	15	16
4	382	86	296
5F	17	1	16
5R	27	5	22
5S	70	9	61
6A	0	0	0
6B	0	0	0
7	37	3	34
8	48	23	25
9	124	54	70
TOTAL	851	228	623

Effectiveness of Mandatory Minimum Penalties on Violations

Early trends in MMP violations over the last several years indicated an overall reduction in the number of violations at NPDES facilities. We believed that reduction was at least partly a result of increased compliance due to the deterrent effect of MMPs. Recent data shows an increase in violations, but we believe this is partly due to increased emphasis on recording and collecting these mandatory penalties. Additionally, the introduction of MMPs for reporting violations put a greater emphasis on reviewing and tracking all such reports. The Water Boards generally prioritize MMP issuance to facilities with greater compliance problems because of the staff resource costs associated with issuing MMPs and ACLs.

Our transition to a new data system caused a temporary drop in the numbers of MMP violations recorded and linked to the appropriate enforcement actions, limiting our ability to track some violations. We anticipate that electronic submittal and analysis of monitoring reports, and automated generation and tracking of violation information will significantly improve our confidence in the data for MMP violations, and should simplify MMP issuance. This may result in a greater number of known violations to validate and address, an increased need for enforcement responses to these violations, and a commensurate staff cost to issue them.

Overall effectiveness

The data presented in the tables throughout this report provide various perspectives on Water Board effectiveness relative to violations and enforcement actions. Having this data in a database and being able to use it is a significant accomplishment over the last several years. The data also reveals a workload greater than was recognized prior to having the data.

Despite issuing over $50 million in total penalties over the past several years, and despite the changes from Fiscal Year 1996-1997 when only 5 percent of violations resulted in a formal enforcement action and 1 percent resulted in the assessment of an administrative civil liability,[1] the overall conclusion from review of the data is that the Water Boards need to further improve their effectiveness in handling violations and enforcement actions. However, despite this overall conclusion, there are success stories.

A case in point is an increased emphasis on prioritizing potential enforcement cases to ensure we are addressing the most significant threats. Based on an approach used by the San Diego Water Board, the Water Boards have developed a consistent format for prioritization, and regularly report this information to the State Water Board. Enforcement managers at each Regional Water Board meet regularly to discuss and prioritize potential enforcement cases.

[1] Legislative Analyst Office Analysis of 1999-2000 Budget Bill Resources Department 3 Issues.

Organizationally, the Regional Water Boards have an identified enforcement unit or team, and the State Water Board created an Office of Enforcement in July, 2006 to ensure greater coordination and consistency in enforcement. Enforcement representatives from the State and Regional Water Boards meet regularly to discuss enforcement matters and get feedback on enforcement approaches. The Office of Enforcement is also focusing on increased coordination with local, state, and federal law enforcement agencies, giving the Water Boards more enforcement tools, and more efficient use of resources statewide in addressing water quality problems.

The Water Boards' Water Quality Enforcement Policy was updated in 2002 (http://www.waterboards.ca.gov/plnspols/docs/wqep.doc). It creates a framework for identifying and investigating instances of noncompliance, for taking enforcement actions that are appropriate in relation to the nature and severity of the violation, and for prioritizing enforcement resources to achieve maximum environmental benefits.

The Policy includes the following elements:

- An overview of water quality enforcement options.
- A process for identifying enforcement priorities and choosing the appropriate enforcement response.
- Provisions for more efficient use of standardized, enforceable permits and enforcement order language.
- Information to assist in integrated enforcement efforts with other agencies.
- Procedures for response to fraudulent reporting or knowingly withholding data.
- Specific guidance regarding assessment of administrative civil liability, use of supplemental environmental projects and compliance projects, handling of criminal activities, and standards for violation and enforcement reporting.

The concepts and approaches of the Enforcement Policy are sound and provide appropriate approaches, practices, and considerations for effective enforcement. Improved implementation of the Enforcement Policy is needed to achieve its framework for effectiveness. The San Diego Water Board experience demonstrates this.

The Water Boards continue to face multiple competing priorities and pressures that limit our opportunities to implement the Enforcement Policy provisions. Issuing permits, for example, has become more complex and contentious in recent years. It has drawn staff resources away from dealing with violations and enforcement because of discharger reactions and challenges related to the California Toxics Rule, to MMPs, and to other factors. The number of permits each staff is responsible for issuing, overseeing, and enforcing has increased in recent years. MMPs have also changed enforcement priorities by mandating formal enforcement actions in response to violations that, given their relative threat to water quality, were often resolved through informal enforcement actions before. Mandatory issuance of penalties in the hundreds of thousands of dollars for some small communities has had a substantial impact on those communities, disproportionately impacting them relative to larger dischargers.

To overcome these obstacles and improve implementation of the Enforcement Policy, the Water Boards will undertake the following actions to increase staff efficiencies,

prioritize enforcement activities, and increase management oversight and public information:

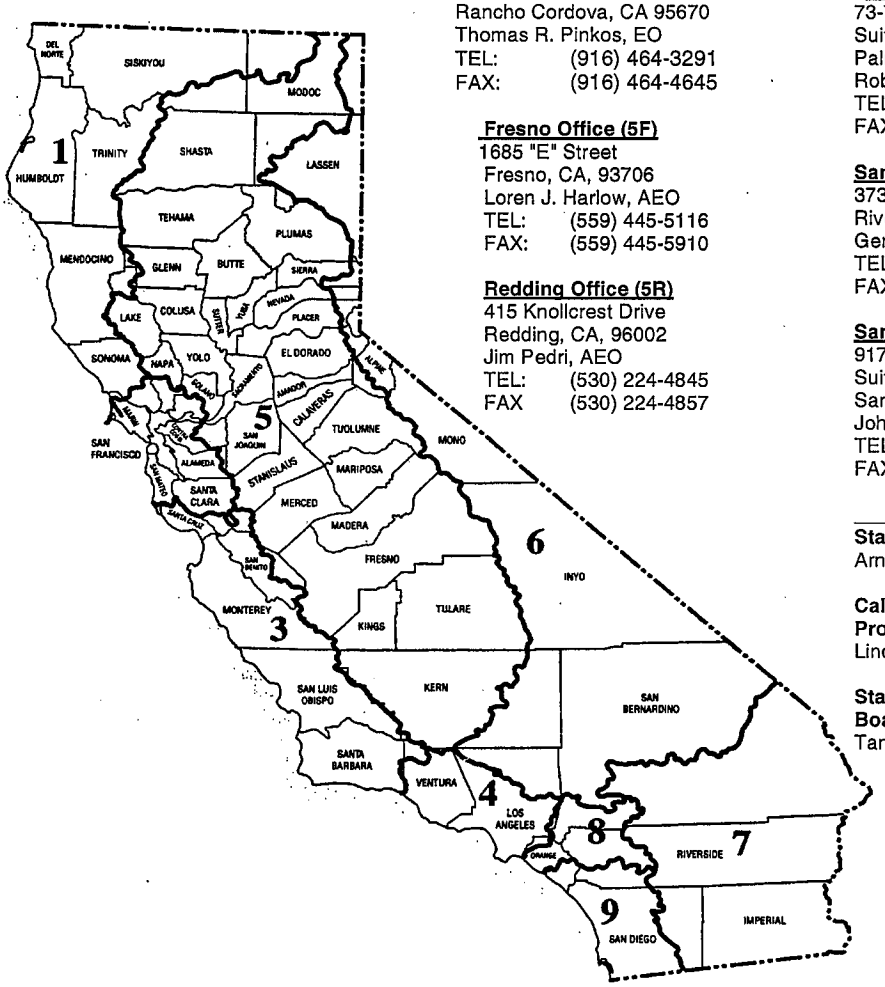
1. Standardize NPDES permitting to the extent feasible to restore certainty and expectations for staff and dischargers, to restore efficiency and performance to these efforts, and to return diverted staff resources to address violations and enforcement.
2. Standardize the issuance of MMPs to maximize efficiency and minimize the resource impacts of these new requirements.
3. Continued development of electronic submittal and analysis of monitoring reports, and automated generation and tracking of violation information.
4. Development of public reporting of violations and compliance rates of dischargers, both as a disincentive to violate and to build partnerships in enforcement with public interest groups and interested communities. This includes development of a "Compliance Report Card" on the Internet to engage the public in a productive dialogue about discharger performance, environmental effects, Water Board workload, and Water Board performance.
5. Conduct an assessment of violations at federal facilities, and discuss the findings with USEPA.
6. Make the data reports presented above available for live, public use on the Internet.

Appendix A

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARDS

North Coast Region (1)
5550 Skylane Blvd, Suite A
Santa Rosa, CA, 95403
Catherine E. Kuhlman, EO
TEL: (707) 576-2220
FAX: (707) 523-0135

San Francisco Bay Region (2)
1515 Clay Street,
Suite 1400
Oakland, CA, 94612
Bruce H. Wolfe, EO
TEL: (510) 622-2300
FAX: (510) 622-2460



Central Coast Region (3)
895 Aerovista Place,
Suite 101
San Luis Obispo, CA 93401
Roger W. Briggs, EO
TEL: (805) 549-3147
FAX: (805) 543-0397

Los Angeles Region (4)
320 W. 4th St., Suite 200
Los Angeles, CA, 90013
Jonathan Bishop, EO
TEL: (213) 576-6600
FAX: (213) 576-6640

Central Valley Region (5S)
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670
Thomas R. Pinkos, EO
TEL: (916) 464-3291
FAX: (916) 464-4645

Fresno Office (5F)
1685 "E" Street
Fresno, CA, 93706
Loren J. Harlow, AEO
TEL: (559) 445-5116
FAX: (559) 445-5910

Redding Office (5R)
415 Knollcrest Drive
Redding, CA, 96002
Jim Pedri, AEO
TEL: (530) 224-4845
FAX (530) 224-4857

Lahontan Region (6SLT)
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA,
96150
Harold J. Singer, EO
TEL: (530) 542-5400
FAX: (530) 544-2271

Victorville Office (6V)
14440 Civic Dr, Suite 200
Victorville, CA, 92392
Cindi Mitton, SWRCE
TEL: (760) 241-6583
FAX: (760) 241-7308

Colorado River Basin Region (7)
73-720 Fred Waring Drive
Suite 100
Palm Desert, CA, 92260
Robert Perdue, EO
TEL: (760) 346-7491
FAX: (760) 341-6820

Santa Ana Region (8)
3737 Main Street, Suite 500
Riverside, CA, 92501
Gerald J. Thibeault, EO
TEL: (951) 782-4130
FAX: (951) 781-6288

San Diego Region (9)
9174 Sky Park Court,
Suite 100
San Diego, CA, 92123
John Robertus, EO
TEL: (858) 467-2952
FAX: (858) 571-6972

State of California
Arnold Schwarzenegger, *Governor*

California Environmental Protection Agency
Linda S. Adams, *Secretary*

State Water Resources Control Board
Tam M. Doduc, *Board Chair*

Appendix B

LISTING AND DESCRIPTIONS OF VIOLATION TYPES USED IN THE CIWQS DATA SYSTEM

Category 1 pollutant – Category 1 pollutants as defined by USEPA include:

Oxygen Demand Biochemical Oxygen Demand Chemical Oxygen Demands Total Organic Carbon Other	Detergents and Oils MBAS NTA Oil and Grease Other detergents or algaecides
Solids Total Suspended Solids (Residues) Total Dissolved Solids (Residues) Other	Minerals Calcium, Chloride, Fluoride, Magnesium, Sodium, Potassium, Sulfur, Sulfate, Total Alkalinity, Total Hardness, Other Minerals
Nutrients Inorganic Phosphorus Compounds Inorganic Nitrogen Compounds Other	Metals Aluminum, Cobalt, Iron, Vanadium

Category 2 pollutant – Category 2 pollutants as defined by USEPA:

Metals (all forms) - Other metals not specifically listed under Group I

Inorganics - Cyanide, Total Residual Chlorine

Organics - All organics are Group II except those specifically listed under Group I.

Other effluent violation – Any violation of an effluent requirement not cover under Category 1 or Category 2.
Chronic Toxicity – Violation of a chronic toxicity effluent requirement.
Acute Toxicity – Violation of an acute toxicity effluent requirement.
Violation of Non-effluent Permit Condition – Violation of any permit condition not pertaining to effluent requirements.
Reporting – Late report, failure to submit a report, or a report that is either not complete or contains errors.
Monitoring – Failure to conduct required monitoring
Compliance schedule – Failure to comply with a compliance schedule in a permit. This does not include schedules in an enforcement order likes a Cease & Desist and Time Schedule Orders.
Sanitary Sewer Overflow – Any spill from a sanitary sewer collection system or pump station.
Unauthorized Discharge – Any discharge other than allowed by WDRs that is not a sanitary sewer overflow.
Unregulated Discharge – Discharge from a site not currently under WDRs.
Groundwater – Any release to groundwater that violates permit conditions or basin plan prohibitions.
BMP – Failure to implement proper best management practices.
SWPPP – Failure to complete or update a stormwater pollution prevention plan.
Failure to obtain permit – Failure to obtain the appropriate permit prior to discharge or regulated activity.
Other Codes – Violations of codes sections other that the California Water Code.
Enforcement Action – Failure to comply with a previous enforcement order by not meeting its requirements, its time schedule, or failure to pay penalties.
Basin Plan Prohibition – Violation of any basin plan prohibition.

Appendix C

Types and Classification of Enforcement Actions

Type of Enforcement Action	Description	Classification
Verbal Communication	Any communication regarding the violation that takes place in person or by telephone.	Informal
Staff Enforcement Letter	Any written communication regarding violations and possible enforcement actions that is signed at the staff level.	Informal
Notice of Violation	A letter officially notifying a discharger of a violation and the possible enforcement actions, penalties, and liabilities that may result. This letter is signed by the Executive Officer.	Informal
Notice to Comply	Issuance of a Notice to Comply per Water Code Section 13399.	Formal
13267 Letter	A letter utilizing Water Code Section 13267 authority to require further information or studies.	Formal
Clean-up and Abatement Order	Any order pursuant to Water Code Section 13304.	Formal
Cease and Desist Order	Any order pursuant to Water Codes Sections 13301-13303.	Formal
Time Schedule Order	Any order pursuant to Water Code Section 13300.	Formal
Administrative Civil Liability (ACL) Complaint	ACL Complaint issued by the Executive Officer for liability pursuant to Water Code 13385.	Formal
Administrative Civil Liability (ACL) Order	An ACL Order that has been imposed by the Water Board or SWRCB.	Formal
Settlement	A settlement agreement per California Government Code Section 11415.6	Formal
Referral	Referral to the District Attorney, Attorney General, or USEPA.	Formal
Referred to a Task Force	Any referral of a violation to an environmental crimes task force.	Formal
Referral to Other Agency	Any referral to another State Agency.	Formal
Third Party Action	An enforcement action taken by a non-governmental third party and to which the State or Water Board is a party.	Formal
Waste Discharge Requirements	Any modification or rescission of Waste Discharge Requirements in response to a violation.	Formal

ATTACHMENT
C-3

Attachment C-3a

Selected Characteristics of
Existing San Diego Region Coastal Power Plants with
Once-Through Cooling Water Systems

FACILITY	MAXIMUM COOLING WATER FLOWRATE	COOLING WATER INTAKE LOCATION	COOLING WATER INTAKE TYPE	DISCHARGE LOCATION	DISCHARGE TYPE
San Onofre Nuclear Generating Station (SONGS) Unit 2	1287 MGD	Pacific Ocean	offshore riser with velocity cap	Pacific Ocean	offshore diffuser
SONGS Unit 3	1287 MGD	Pacific Ocean	offshore riser with velocity cap	Pacific Ocean	offshore diffuser
Encina Power Station	963 MGD	Agua Hedionda Lagoon	shoreline	Pacific Ocean	across-the-beach
South Bay Power Plant	601 MGD	San Diego Bay	shoreline	San Diego Bay	shoreline

Attachment C-3b

Existing and Proposed Statutes, Plans, and Policies
Applicable to Water Board Regulation of
Coastal Power Plants in the San Diego Region*

SUBJECT	FEDERAL	CALIFORNIA
Cooling water intake structures	Clean Water Act (CWA) Section 316(b) http://www.waterboards.ca.gov/water_laws/docs/fedwaterpollutioncontrolact.pdf "316(b) regulations, Phases I & II" (40CFR Subparts I & J) http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40cfr125_main_02.tpl	*Proposed* statewide policy for once-through cooling http://www.waterboards.ca.gov/npdes/cwa316.html
Heat / thermal discharges	CWA Section 316(a) http://www.waterboards.ca.gov/water_laws/docs/fedwaterpollutioncontrolact.pdf "316(a) regulations" (40CFR Subpart H) http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=cca7f080f1085428c41e001931d26a57&rgn=div6&view=text&node=40:21.0.1.1.15.8&idno=40	"Thermal Plan" http://www.waterboards.ca.gov/plnspols/docs/wqplans/thermpln.pdf
Other wastes	Effluent guidelines and standards for "Steam Electric Power Generating Point Source Category" (40CFR423) http://ecfr.gpoaccess.gov/e/ecfr.orig/ecfrbrowse/Title40/40cfr423_main_02.html "California Toxics Rule" (40CFR131.37) http://www.epa.gov/waterscience/standards/ctrindex.html	"Ocean Plan" http://www.waterboards.ca.gov/plnspols/oplans.html "State Implementation Policy" http://www.waterboards.ca.gov/iswp/index.html "Enclosed Bays and Estuaries Policy" http://www.waterboards.ca.gov/plnspols/docs/wqplans/rs95-84.pdf *Proposed* statewide policy for total residual chlorine and chlorine-produced oxidants http://www.waterboards.ca.gov/iswp/chlorine.html
"Anti-degradation"	"Antidegradation Policy" (40CFR131.12) http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?type=simple;c=ecfr;cc=ecfr;sid=cca7f080f1085428c41e001931d26a57;idno=40;region=DIV1;q1=131.12;rgn=div6;view=text;node=40%3A21.0.1.1.18.2	SWRCB Resolution No. 68-16 http://www.waterboards.ca.gov/plnspols/docs/wqplans/res68-16.pdf
General	Clean Water Act http://www.waterboards.ca.gov/water_laws/docs/fedwaterpollutioncontrolact.pdf Code of Federal Regulations, Title 40 http://www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=200540	Porter-Cologne Water Quality Control Act http://www.waterboards.ca.gov/water_laws/docs/portercologne.pdf California Code of Regulations, Title 23 http://government.westlaw.com/linkedslice/default.asp?Action=TOC&RS=GVT1.0&VR=2.0&SP=CCR-1000 "Basin Plan" for the San Diego region http://www.waterboards.ca.gov/sandiego/programs/basinplan.html

* Not an exhaustive listing