

**State Water Resources Control Board  
February 19, 2008 Board Meeting  
Item 9. Executive Director's Report**

**OFFICE OF CHIEF COUNSEL**

***Phelps v. State Water Resources Control Board.*** On February 13, 2008, the California Supreme Court denied a petition for review challenging an administrative civil liability assessment issued by the State Water Board. The Third District Court of Appeal had previously upheld the State Water Board's penalty assessment in its entirety. In the underlying enforcement action, the State Water Board had assessed civil liability totaling \$62,000 against the various Phelps parties for illegally diverting water within the Delta. The Supreme Court's decision means that the State Water Board's order is now final and enforceable.

**WATER QUALITY POLICIES AND PERMITS**

**Status of Draft Compliance Schedule Policy:** The draft Compliance Schedule Policy for NPDES permits was released to the public for comment on December 12, 2007. Comments are due by February 20, 2008, and a proposed adoption hearing is scheduled for the Board's March 18, 2008.

**Status of Draft Construction Storm Water Permit:** The revised Draft Storm Water Construction Permit is in its final internal review, and staff anticipates that it will be publicly noticed and made available for public comment during late February or early March 2008.

**Status of Draft CalTrans Storm Water Permit:** In November, staff sent the draft statewide MS4 permit for Caltrans to the Regional Boards for comments. Regional Board comments, including Region-specific requirements, are now being incorporated into the permit. Staff anticipates posting the permit for public comment in March 2008.

**Status of Development of Once-Through Cooling [316(b)] Policy:** Staff is continuing to refine its preliminary draft policy. Toward this end, we have been coordinating with other state agencies and the California Independent System Operator (ISO). The final draft Grid Reliability Study has been submitted to State Board's staff and the Expert Review Panel has been established for internal peer review of the draft policy and staff report. The draft report will be released as a scoping document in late February or early March, and a scoping meeting will be planned for late April or May 2008.

Staff co-sponsored a research-results Symposium titled "Understanding the Environmental Effects of Once-Through Cooling" at UC Davis on January 15-16, 2008. Approximately 120 attendees heard presentations on current research to assess and minimize aquatic life mortality at coastal power plants. The presentation materials are available at <http://www.waterboards.ca.gov/npdes/cwa316.html>. State Water Board staff outlined the ongoing development of the once-through cooling policy.

**Status of Draft Septic Tank System Regulations:** The State Water Board was directed by legislation, AB 885, to develop statewide regulations for the operation and permitting of septic tank systems. Staff has drafted regulations as well as a statewide waiver for implementation of the regulations. A draft Environmental Impact Report is also being prepared. Staff expects to public notice all three documents prior to the Board convening eleven public workshops around the state to receive public input during April and May 2008. After consideration of public comments, the documents may be modified and will be subsequently considered by the Board for adoption.

**Status of Draft Water Recycling Policy:** As mentioned in the previous Executive Director's Report, numerous substantive comments were received on the draft Water Recycling Policy. To allow staff to prepare responses to comments, the Board postponed its Adoption Hearing for this item until March 18, 2008. A revised Water Recycling Policy was made available for public review last week.

**Status of Development of Wetlands and Riparian Protection Policy:** State and Regional Water Board staff are working together to prepare a resolution to direct the development of a wetlands and riparian protection policy, in several stages. Staff plans to bring this item to the State Water Board for consideration at the Board Meeting on March 18, 2008. The resolution was made available for public review last week.

**Water Effects Ratio Guidance:** The Los Angeles Water Board is developing a policy on the development of water effects ratios for metals. The Los Angeles Water Board anticipates hearing a draft policy this summer. State Board staff will evaluate the policy developed by the Los Angeles Water Board and evaluate whether the policy could be proposed for statewide adoption.

## **WATER QUALITY DATA**

### **California Integrated Water Quality System (CIWQS):**

The independent CIWQS Review Panel will hold its second review meeting on February 27 and 28, at the offices of the Southern California Coastal Water Research Project. This review will focus on the progress the Water Boards have made on the seven recommendations received from the Review Panel's last

meeting in May 2007. The Water Board has engaged the different user communities in the improvements it is making to CIWQS through the formation of four external and one internal User Groups and a Steering Committee composed of two representatives from each User Groups plus a representative from the United States Environmental Protection Agency (U.S. EPA). The Steering Committee has met twice and will participate in next week's review to provide their perspective of the progress made on CIWQS and how effectively it is working for them. The results of the review and any further recommendations from the Review Panel will be made public when available.

## **DIVISION OF WATER RIGHTS**

**Delegation Authority:** The State Water Board has delegated specific actions relating to the general operation of the water rights program to the Deputy Director for Water Rights. (See Resolution 2007-0057.) Each month, mid-month, the Division of Water Rights posts on its webpage a report on the actions it has completed in the previous month. The table below provides a summary of the activities of the Division during December 2007 and for the first half of Fiscal Year 2007-2008. Permitting, Licensing, Petition, Transfer, Monitoring and Reporting, and proposed Enforcement activities are delegated or conditionally delegated to the Deputy Director for Water Rights. Water Quality Certification activities are delegated to the Executive Director. In general, a conditionally delegated activity is delegated unless the affected water right holder is entitled to a hearing on the action and a hearing is requested. Where the Division has set a goal for completing a specific number of actions during the fiscal year, the goal is included in the table.

Division of Water Rights  
Monthly Progress Report  
December 2007

	FY Goal	FY	Month
<b>Permitting</b>			
Applications Rejected	--	6	1
Applications Cancelled	--	22	7
Registrations Issued	--	12	4
Registrations Renewed	--	32	1
New Statements Processed	131	18	0
New Groundwater Recordations Processed	80	22	0
Permits Issued	26	6	0
Temporary Urgency Permits Issued	--	1	0
<b>Licensing</b>			
Licenses issued	1	19	0
<b>Petitions</b>			
	30		
Time extension Orders Issued <sup>2</sup>		7	2
Change Orders Issued <sup>3</sup>		3	3
<b>Transfers Approved<sup>4</sup></b>			
Orders Issued on Temporary Urgency Change Petitions <sup>5</sup>	--	3	1
Orders Issued on Temporary Change for Transfer Petitions <sup>6</sup>	--	4	1
Orders Issued on Long Term Transfer Petitions	--	0	0
<b>Monitoring and Reporting</b>			
Annual Reports of Permittee and Licensee Processed	3250	938	98
Supplemental Statement of Diversion & Use Processed	1504	541	0
Annual Groundwater Recordation Processed	1148	914	0
Ownership Changes Processed	1425	1143	83
<b>Enforcement</b>			
Permit and License Revocations Issued	1	41	13
Complaint Actions Closed	45	17	3
Cease and Desist Orders Issued	7	1	0
Administrative Civil Liability Complaints Issued	7	0	0
Administrative Civil Liability Orders Paid	8	0	0
<b>Water Quality Certifications Issued</b>			
Certifications on FERC projects	3	0	0
Certifications on Non-FERC projects	--	3	1
<b>Adjudicatory</b>			
Water Right Decisions Issued by the Board	3	0	0
Division Decisions Issued	5	0	0
Water Right Orders Issued by the Board <sup>9</sup>	5	1	1
Orders on Petitions for Reconsideration	--		
By the Executive Director		1	0
By the State Water Board		1	0
Administrative Records Completed	--	0	0

<sup>1</sup> The goal is to conduct license inspections and issue licenses or prepare orders of revocation for 85 permits.

<sup>2</sup> Includes one Extension Order issued in October 2007 and one Extension Order issued in November 2007 not previously reported.

<sup>3</sup> Includes one Change Order issued in October 2007 not previously reported.

<sup>4</sup> Transfers may also be accomplished under change petitions filed pursuant to Water Code section 1700 *et seq.*

<sup>5</sup> Includes one Temporary Urgency Change Order issued in October 2007 not previously reported.

<sup>6</sup> Includes one Temporary Change Order for Transfers issued in July 2007 not previously reported.

<sup>7</sup> The goal is to initiate 9-14 enforcement actions (draft Cease and Desist orders or Administrative Civil Liability complaints).

<sup>8</sup> The goal is that 100 percent of ACLs imposed be paid.

<sup>9</sup> Includes one Water Rights Board Order issued September 2007 not previously reported.

**Water Right Permitting:** On February 15, 2008, the Division issued Permit 21209 (Application 30454) to Sacramento County and Sacramento County Water Agency to divert 132 cubic feet per second from the Sacramento River at Freeport. Peak flows will be diverted at Freeport when available, enabling the County to reduce its groundwater diversions and achieve in-lieu groundwater recharge.

On February 1, 2008, San Bernardino Valley Municipal Water District and Western Municipal Water District of Riverside County filed Temporary Urgency Application 31693 to divert Santa Ana River flows stored behind or regulated by the Seven Oaks Dam. The application to collect 45,000 acre-feet to groundwater storage was filed because local groundwater basins have been severely affected by recent drought. This area was declared to be in a state of emergency for the 2006-07 water year. A temporary permit (good for 180 days) will be issued by February 22, 2008.

**Strategic Work-Plan for the Bay-Delta:** On December 4, the State Water Board adopted Resolution 2007-0079 outlining regulatory actions the State Water Board, Central Valley Regional Water Board, and San Francisco Bay Regional Water Board will take, or will consider taking, to address Bay-Delta issues related to water supply, species protection, and water quality improvements. The resolution directs Water Board staff to develop a strategic workplan for the proposed action items by June of 2008.

Staff continues to meet with representatives working on other Bay-Delta related activities, including the Bay-Delta Authority efforts, the Delta Vision, and the Bay-Delta Conservation Plan to coordinate State Water Board delta activities with those actions. Division of Water Rights staff also continues to coordinate actions with the Central Valley and San Francisco Bay Regional Boards. Staff will provide an update on efforts related to strategic workplan development efforts at the March 18/19 State Water Board meeting.

**Water Right Hearing on the Cease and Desist Order Issued to California-American Water for Illegal Diversion from the Carmel River in Monterey County:** On April 1, 2008, the State Water Board will accept policy statements on a proposed Cease and Desist Order (CDO) issued to California-American Water (Cal-Am). Cal-Am has requested a hearing on the proposed CDO. The policy statement session, which will be held in Monterey, will provide an opportunity for interested persons to provide non-evidentiary statements on the proposed CDO to the Water Board. The evidentiary portion of the hearing is tentatively scheduled for June. In 1995, the State Water Board found that CalAm was diverting water in excess of its water rights and required Cal-Am to terminate unlawful diversions from the Carmel River and to comply with specified conditions. On January 15, 2008, the Division of Water Rights issued the draft CDO requiring Cal-Am to cease and desist from diverting water from the Carmel River in excess of its legal rights by reducing its unlawful diversions pursuant to a schedule set forth in the CDO.

**Water Right Hearing on the Revocation of Four Permits held by the Bureau of Reclamation (Bureau) for Construction of the Auburn Dam:**

On February 6, 2008, the State Water Board received a request from the Bureau of Reclamation (Reclamation) for hearing on a proposed revocation of Reclamation's four water right permits that authorized diversions on the North Fork American River for the Auburn Dam project. A Notice of Proposed Revocation was issued to Reclamation by the Division of Water Rights on January 24, 2008, alleging Reclamation failed to diligently pursue beneficial use of the water authorized by the permits. A date for the hearing has not yet been determined.

**Other Water Right Hearings:**

The Division of Water Rights has received the following requests for hearings that will be scheduled in the future:

- Emerson Investment, Inc. – A request was received on January 30, 2008, regarding revocation of its two permits for diversion from the Shasta River in Siskiyou County.
- Redwood Terrace Mutual Water System – A request was received on November 21, 2007, regarding a draft Cease and Desist Order for unauthorized diversion from San Gregorio Creek in San Mateo County.
- Irish Beach Water District – A request was received on October 16, 2007, regarding revocation of its permit for diversion from Mallo Pass Creek in Mendocino County.
- Golden State Water Company: - A request was received on September 7, 2007, regarding a revocation its license for diversion from San Dimas Canyon in Los Angeles County.

**North Coast Instream Flow Policy:** Effective January 1, 2005, Assembly Bill 2121 (Stats. 2004, ch. 943, § 3) added section 1259.4 to the Water Code, which requires State Water Board to adopt principles and guidelines for maintaining instream flows in coastal streams from the Mattole River to San Francisco and in coastal streams entering San Pablo Bay. In response to these requirements, on December 28, 2007, the Division of Water Rights released a draft Policy for Maintaining Instream Flows in Northern California Coastal Streams. The Notice of Availability provided a public comment period that ended on February 19, 2008. After the release of the documents, the State Water Board received twenty-five written requests for an extension of the public comment period. On January 30, 2008, the public comment period was extended to noon on May 1, 2008. On February 6, 2008, Division of Water Rights staff held a technical staff workshop on the draft AB 2121 policy to explain the technical basis of the policy and to provide the public an opportunity to ask clarifying questions on the technical aspects of the about the draft policy. Over 100 people attended the workshop, which was held at the offices of the North Coast Regional Water Quality Control Board. The draft policy has been peer reviewed

as required by the Health and Safety Code. Peer review comments are posted on the Division of Water Rights' webpage at [http://www.waterrights.ca.gov/HTML/instreamflow\\_nccs.html](http://www.waterrights.ca.gov/HTML/instreamflow_nccs.html)

## OFFICE OF RESEARCH PLANNING AND PERFORMANCE

**Strategic Plan:** On February 6, 2008, the State Water Board held a workshop to discuss the goals, objectives and actions proposed in a recently revised draft Strategic Plan Update covering the years 2008-2012. The workshop was facilitated in order to generate comment through small group discussion. The comment period on the current draft plan ran through February 15, although we are encouraging those that did not have an opportunity to submit comments to do so through our webpage. Staff is now compiling comments received during the workshop, via e-mail and through written correspondence and will be proposing suggested changes in response to the specific suggestions received.

**Water Board Training Academy:** Our Training Academy continues to provide needed high quality courses. Some recent and upcoming highlights include:

<b>Recently Completed</b>	<b>Bill Analysis</b> – Two one-day classes were offered in January to educate and train State and Regional Water Board staff in the legislative process and the preparation of bill analyses. The Office of Legislative Affairs did a very good job at providing bill analysis training that was relevant to Water Boards' legislation. Both classes were attended at capacity and received positive evaluations.
	<b>Landform Grading and Soil Ecology:</b> This one-day course presented two techniques which constitute inexpensive Low Impact Development strategies for areas undergoing urban development. Mr. Horst Schor outlined the principles and benefits of landform grading as an alternative to mass grading. This advanced grading technique helps preserve the predevelopment hydrology, establishes slopes not subject to erosion and mass wasting and utilizes the annual rainfall for the establishment of vegetation. Dr. Elaine Ingham described natural soil biological processes, how to restore them, and their many valuable benefits, such as preventing soil erosion, maintaining a healthy watershed, encouraging re-vegetation efforts, and water conservation. This course was attended by approximately 140 people including landscape architects, engineers, scientists, Water Boards staff, Cal/EPA BDO staff, other State Agency staff and members of the public.
	<b>NPDES Permit Writers Training</b> - A week-long class was held in San Diego on February 4-8 for NPDES permit writers. This course, limited to 40 participants statewide, is given every two years and is

	considered core curriculum for permit writers around the state. All of the instructors are from U.S. EPA. The course was successfully completed.
<b>Upcoming</b>	<b>Transition to Supervision</b> – This one-day course, offered in both February and March, will cover the role of the supervisor, the variety of skills it takes to be successful, and the challenges as well as opportunities associated with a supervisory role.
	<b>Basic CEQA for the Water Boards:</b> This two-day course will be offered in February, March, April, and sometime in late spring and provides the basics about the California Environmental Quality Act (CEQA) and how it applies to Water Board programs and activities. This class introduces CEQA requirements and process constraints, explains how and why the Water Board responsibilities vary depending upon our role as responsible agency, lead agency or certified regulatory program.
	<b>CEQA for Certified Regulatory Programs</b> – This two and a half-day course is scheduled for April 21, 22, and 23 and requires registrants to have either good working knowledge of CEQA or have attended the Basic CEQA course prior to attending this more advanced course. When the State or a Regional Water Board adopts, a Basin Plan or a Basin Plan amendment, including adoption of a Total Maximum Daily Load (TMDL), it is acting as a “Certified Regulatory Program” under the California Environmental Quality Act (CEQA). This training explains how to ensure compliance with CEQA and coordinate the requirements of the CEQA process with our Basin Planning process.
	<b>Water Education Workshop for State and Regional Water Board Members</b> – This day and a half workshop scheduled for April 21 -22, will be designed to provide information on State water issues, including complex policy and legal issues surrounding water quality and quantity that currently face the Water Boards.

**Water Education Workshop:** As noted in the chart above, a day and a half workshop will be held for Board Members statewide on April 21-22, 2008 in San Diego. This workshop will provide valuable information on many water related topics (which should be especially helpful for new Board members) and provide an opportunity for interaction through panel led discussions with several leading experts in the fields of water supply and water quality. More information on the specific content and logistics of the workshop will be available soon.

**NPDES Permit Writers' Training:** DWQ staff, in coordination with the Training Academy, will be conducting training at the San Diego Water Board on February 19 and 20, 2008. This course will begin with a one-day primer on the State Water Board’s Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries (SIP) and the California Toxics Rule, which are used for development of water quality-based effluent limitations

for non-ocean waters. The second day will include more advanced topics, such as setting effluent limits for hardness-based metals, application of maximum contaminant levels (MCLs) in permits, Total Maximum Daily Loads (TMDL) effective dates in NPDES permits, and a discussion of the Ocean Plan and related tools. The Training Team provided the same training at the Central Valley Water Board in Sacramento on January 29 and 30, 2008. The training was well-received from both new and experienced staff. DWQ staff is coordinating with the Training Academy and the U.S. EPA to provide additional training requested by experienced staff, and/or a forum for NPDES permit writers to discuss these more advanced topics.

## **DIVISION OF FINANCIAL ASSISTANCE**

**Meeting with RCAC – January 23, 2008:** On January 23, 2008, State Water Board staff met with staff from the Rural Community Assistance Corporation (RCAC) to discuss wastewater issues faced by small, disadvantaged, and rural communities and potential solutions. RCAC staff also provided an overview of the technical assistance and other services they provide to small, disadvantaged, and rural communities through grants from the U.S. EPA, the United States Department of Agriculture (USDA), the California Department of Public Health (CDPH), and others.

**Orange County Water District Ribbon Cutting Ceremony:** January 25, 2008  
On January 25, 2008, State Water Board staff and Board member Frances Spivy-Weber attended the District's official initiation of operation ceremony for the Groundwater Replenishment System Project. The project is the largest project of its kind in the world, and is a model for the United States. It is located in the City of Fountain Valley and serves several Orange County cities from Huntington Beach to Anaheim. The project consists of recycled water pipelines, pump stations, injection wells and treatment facilities able to produce 78,000 acre-feet per year of recycled water. The project provides recycled water for the Talbert Gap seawater intrusion barrier and for groundwater recharge of the local basins. The State Water Board provided loans and grants totaling \$204,831,346. Funds were awarded through Proposition 13 (2000) which included a \$5 million grant through the Water Recycling Funding Program and a \$37 million grant through the Southern California Integrated Watershed Program to assist in construction of the facilities, and a \$163 million loan through the State Revolving Fund (SRF).

**SRF Stakeholder Advisory Group Meeting:** February 7, 2008  
The first meeting of the SRF Stakeholder Advisory Group (SAG) was held in Sacramento, on February 7, 2008. The SAG was formed to get additional outside input on improving program performance. Division staff provided an overview of the program, introduced current hot topics, and highlighted work in progress. The SAG members identified several new topics and provided

suggestions for further consideration. The next SAG meeting will be held in Sacramento, on April 17, 2008.

**Updates:** The Prop 50 Integrated Regional Water Management Program received nine Step 2 proposals which are being reviewed by staff along with the Department of Water Resources. There are approximately \$58 million available in this round of funding.

**Division Delegated Approvals:** The following Preliminary Loan/Grant Commitments were approved from January 8, 2008 through February 11, 2008 by the Deputy Director of DFA.

**Small Community Wastewater Grant**

<b>Entity</b>	<b>Preliminary Funding Commitment</b>	<b>Project</b>	<b>Approved</b>
City of Gridley	\$897,215	Wastewater Treatment Plant Expansion Project	1-30-08
Byron Sanitary District	\$1,906,926	Wastewater Treatment Plant Upgrades and Major Improvements	2-4-08

**Clean Beaches Grant**

<b>Entity</b>	<b>Preliminary Funding Commitment</b>	<b>Project</b>	<b>Approved</b>
City of Los Angeles	\$5,000,000	Multiple Low Flow Diversion Expansions	2/4/08

**Water Recycling Grant/Loan**

<b>Entity</b>	<b>Preliminary Funding Commitment</b>	<b>Project</b>	<b>Approved</b>
West Basin Municipal Water District	\$75,000	Phase V Recycled Water Expansion	1-30-08

**DIVISION OF ADMINISTRATIVE SERVICES**

**Workforce Management Conference:** Senator Perata and Senator Ashburn invited the Water Boards to participate in their Workforce Management Conference, held on February 7<sup>th</sup> at the State Capitol as a presenter. The Water

Board was selected as a small state agency that is a leader in workforce and succession planning. The Department of Social Services was selected as the leading large state agency.

Other presenters included the Director of the Department of Personnel Administration and the Director of the State Personnel Board. There were over 200 state agency executives and legislative staff in attendance. The Executive Director of the Water Board made a power point presentation that was very well received. We have already had some inquiries from other departments about our workforce and succession planning efforts.

**Background:** In April of 2006, the Water Boards contracted with CPS Human Resource Services to provide a framework for developing an organizational Workforce Plan and Succession Plan.

A 13 member Task Force was assembled to assist in accomplishing this workforce analysis. A total of 335 WRCB/WQCB employees participated in either small group discussions or one-on-one interviews – 262 from the nine Regional Boards and 73 at the State Board. The 335 employees came from a total of 28 employee classifications.

**Conclusions and Recommendations:** The study resulted in a total of 36 recommendations in six separate areas related to general trends – retention and succession planning. We have established task forces comprised of representatives throughout the Water Boards to address the recommendations and identify action steps.

## **IRRIGATED LANDS REGULATORY PROGRAM – CENTRAL VALLEY WATER BOARD**

### **September 2007 Joint State and Regional Water Board Meeting Follow Up:**

The State Water Resources Control Board (State Water Board) requested a joint meeting of the State Water Board and Central Valley Regional Water Board in a memorandum dated May 18, 2007. The joint meeting held in Clovis on September 13, 2007. The purpose of the meeting was to afford interested members of the agricultural community and the public an opportunity to hear staff updates on implementation of the Irrigated Lands Regulatory Program (ILRP), and to address questions and suggestions from stakeholders, the public and Board members.

Several items were identified for further follow up during the meeting, including translation of documents containing program information into the Spanish language to better enable members of Spanish speaking communities to engage with the Regional Water Board on program implementation and long-term program development, and providing regular status reports to the State Water

Board. Regular status reports are now being provided to the State Water Board, and translation of the ILRP section of the Executive Officer's Report into the Spanish language was initiated with the December 2007 Executive Officer's Report. Staff met with Laurel Firestone, a representative of the Community Water Center, on December 17, 2007 to discuss translation needs for given types of program documents. The Buff sheet for the Coalition Group Monitoring and Reporting Program Order going to the Regional Water Board for consideration at its January 24-25, 2008 meeting was translated into Spanish. As further follow up from the joint meeting is conducted, it will be reported in the Executive Officer's Report.

**Long-term Program / Environmental Impact Report (EIR):**

The Regional Water Board's contractor, Jones and Stokes Associates (JSA) is continuing to update the surface and ground water quality data in the Existing Conditions Report (ECR). Information gaps that were identified during the public comment period on the ECR are being addressed. A vacancy for a Senior Water Resources Control Engineer (Specialist) has been announced. The senior specialist will have primary responsibility for overseeing the development and implementation of the long-term program and EIR.

**Request for Contract Funds:**

Regional Water Board staff is working with State Water Board staff to identify potential resources to address the ILRP's contract funding needs. The State Water Board is currently considering how to disburse over \$13 million of Proposition 84 funds that are available for agricultural implementation projects. These funds could be used to support projects that reduce polluted runoff from irrigated lands.

Regional Water Board staff is also evaluating how to allocate the remaining Clean up and Abatement funds available to the ILRP. The first priority will be to fund the long-term program / EIR development. Other funding needs include monitoring and student assistant support.

**Administrative Civil Liability Complaints:**

In September 2007, a Regional Water Board Assistant Executive Officer issued five Administrative Civil Liability (ACL) Complaints to landowners in Colusa, Glenn, Sutter and Merced counties for failure to respond to California Water Code (CWC) section 13267 Orders. The five landowners were issued the Orders along with a one-page technical report form to fill out and mail back, which would allow the Regional Water Board to assess the operations and need for compliance. After the landowners failed to respond, the Regional Water Board issued Notices of Violation (NOVs) to give them a second chance to respond to the Orders. The complaints proposed that the landowners pay \$3,000 in administrative civil liability. Four of the complaints have been addressed, with one being withdrawn by the Assistant Executive Officer after the recipient provided evidence of compliance that occurred approximately one year prior to

issuance of the complaint (in response to the NOV); one being paid in full (\$3,000); and two complaints being withdrawn and each re-issued in the amount of \$200 after the recipients provided additional information that was not previously available to the Assistant Executive Officer for consideration when setting the amount of the complaints. These latter complaints have been paid in full. All four recipients are in compliance with the CWC section 13267 Orders. Of the four recipients, two had enrolled their property in Coalition Groups prior to the December 31, 2006 deadline, one stated on his technical report that there is no discharge (and thus coverage has not been obtained), and one is working with staff to obtain coverage under the waiver for individuals. The fifth complaint is still pending. The recipient waived the right to a hearing before the Board within 90-days of issuance of the complaint. Staff is working with this recipient to obtain information that will bring him into compliance with the CWC section 13267 Order, and to address the complaint.

**California Water Code section 13267 Orders:**

Staff is continuing to conduct follow up on the 1400 CWC section 13267 Orders the Regional Water Board issued to recipients in 19 of the 38 counties within its boundaries, accounting for 6,683 parcels and more than 930,000 parcel acres. Issuance of new CWC section 13267 Orders to counties not yet covered is pending a staff evaluation of the resource implications of issuing additional CWC section 13267 Orders (based on experience with the first set of orders and resulting ACL's).

An issue paper is being developed for Executive Management, and an item may be brought to the Regional Water Board, scheduled tentatively for its April 24-25, 2008 meeting. As information on this is developed, it will be summarized in the Executive Officer's reports.

**Applications for Regional Water Board Approval to Join Coalition Groups:**

As of December 18, 2007, 216 applications had been submitted to the Regional Water Board, encompassing over 49,000 acres of land and 602 parcels. One hundred and four applications have been processed to date. Staff is working with applicants to obtain complete information from them, evaluate the applications and prepare recommendations for the Executive Officer. The Executive Officer must approve all applications to join a Coalition Group. The issue paper mentioned in the previous section (CWC section 13267 Orders) will also discuss the application process and conditions specified in the waiver that would allow persons to join a Coalition Group after the deadline. Elements of the Orders and the application process are interrelated, which will be discussed, along with program resource implications and potential approaches for addressing impacts.

**Data Management:** The manual entry, formatting, and upload of water quality monitoring data to the SWAMP comparable database format is a continuous priority for Monitoring and Assessment Unit Staff. This activity must take place

for the ILRP dischargers that do not yet submit SWAMP comparable electronic data deliverables – a majority of the coalitions and individual dischargers. At this time only two coalitions submit their data in the correct format. Staff continues to meet with State Water Resources Control Board SWAMP data management representatives to coordinate efforts and maintain comparability. Staff also serves as informational and technical support for ILRP Dischargers who wish to begin or continue providing SWAMP comparable electronic data deliverables.

During the past month Staff has been working closely with the newly formed Region 5 SWAMP Data Center at UC Davis. Discussions have been focused on the initiation of transferring completed datasets to a centralized location for upload into the California Environmental Data Exchange Network (CEDEN). The first set of data was planned to be transferred to the Data Center at UC Davis prior to the close of the year. These efforts demonstrate a newly formed long lasting collaboration of the ILRP program with SWAMP and CEDEN to add to the collective water quality data shared throughout the State.

**Technical Issues Committee:** There are several ILRP Coalitions that are engaged in the process of developing Management Plans for E-coli exceedances that have occurred during the last three years of monitoring. There are various technical questions associated with the source identification portion of Management Plan development that are very challenging. For this reason, those Coalitions requested that a new Technical Issues Committee Focus Group be formed to address this topic. The initial membership of the new Focus Group is largely that of those Coalitions that are engaged in the Management Plan development, as well as some representation from UC Cooperative Extension, and drinking water interests. Their first meeting was held on December 20, 2007. Follow-up to this meeting will include a presentation on January 15, 2008 by Mike Johnson regarding the findings from his preliminary source Identification studies conducted for some of the Coalitions. The January 15 meeting is open to all interested parties.

**Memorandum of Understanding (MOU) with Butte and Glenn Counties:** On December 5, 2007, Margaret Wong attended the Natural Resources Protection Committee meeting for the California Agricultural Commissioners and Sealers Association Conference in Sacramento. Richard Price (Butte County) and Mark Black (Glenn County) presented an update on the MOU Pilot Program.

On December 14, 2007, Margaret Wong met with the Richard Price, Mark Black, and their staff in Oroville to plan and discuss future work for the MOU Pilot Program and to provide an update on the tentative MRP for Coalition Groups. A contract to continue work in 2008 under the MOU Pilot Program is being processed.

## **Coalition Group Updates:**

**California Rice Commission:** On December 12, 2007, Regional Water Board staff met with the California Rice Commission (CRC) to discuss the 2008 Monitoring and Reporting Program (MRP) Order for the CRC under the ILRP, and the development of management plans. A one-year interim MRP Order was approved by the Executive Officer on December 24, 2007. This MRP Order is intended for implementation during 2008. The CRC will continue to work with Regional Water Board staff during 2008 to develop a long-term CRC MRP that is consistent with the pending Coalition Group MRP.

Staff is also working with the CRC to discuss the format and content of Management Plans to meet the objectives of the ILRP. The East San Joaquin Water Quality Coalition submitted a proposal during the month of November to modify its Monitoring and Reporting Program Plan for the upcoming storm season. Some recommendations for reductions in monitoring requirements have been approved, based on the Coalition achieving the required frequency of monitoring and the absence of exceedances. Meetings were held with Coalition representatives to discuss the data and the decision process that was being used to approve the reductions.

**Goose Lake Water Quality Coalition:** The Goose Lake Water Quality Coalition completed a BMP Demonstration Projects Implementation Plan and all necessary CEQA documentation. The Coalition also submitted a first draft Management Plan for Lassen Creek Ceriodaphnia toxicity and a project work schedule.

### **Sacramento Valley Water Quality Coalition:**

On November 2, 2007, Staff met with the Sacramento Valley Water Quality Coalition and Sub watershed representatives to discuss the Management Plan requirements in the Sacramento area. A draft list of water bodies in which two or more exceedances have been identified and a process for determining necessary actions were provided by Staff. Coordination with the Coalition will continue in order to ensure the development and submission of an approvable Management Plan to the Executive Officer by February or March of 2008.

On December 5, 2007, Sacramento Valley Water Quality Coalition (SVWQC) submitted their Final Draft of a proposed 2008 Monitoring and Reporting Program Plan (MRP Plan). Regional Board staff has also requested the addition of a monitoring site in the Delta for their proposed MRP Plan. Site selection in coordination with the Coalition and the Agricultural Commissioners is ongoing. Regional Board staff has reviewed the draft MRP Plan and on December 11, 2007, provided comments. SVWQC has committed to submit a revised Final Draft version of their 2008 MRP Plan. Regional Board staff has communicated to the SVWQC that the monitoring and reporting for 2008 will

follow the current 2007 MRP Plan until a revision has been re-submitted and approved by the Regional Board Executive Officer.

**San Joaquin County and Delta Water Quality Coalition:**

The San Joaquin County & Delta Water Quality Coalition (Coalition) submitted a proposal on November 19, 2007, to modify its Monitoring and Reporting Program Plan (MRP Plan) for the upcoming storm season. On December 14, 2007, based on the proposal as well as other criteria, approval for certain modifications in the monitoring were granted by the Executive Officer.

**Westlands Water District:**

The Westlands Water District is prepared to begin Phase II monitoring during the upcoming 2007-2008 storm water season. ILRP staff discussed the upcoming sampling season and requirements with the Westlands Water District representative on November 1, 2007.

**Westside San Joaquin River Watershed Coalition (Westside Coalition):**

The Westside Coalition's development of their revised Monitoring Plan and their Management Plan continued in November and December. Conference calls to discuss comments and revisions to these plans were held with Coalition representatives on November 14, November 29 and December 3. Focused, written comments on the Management Plan were provided to the Coalition on December 7. Based on the progress of the development of these plans, it is expected that both plans will be finalized, approved and implemented by March. The Westside Coalition's revised Monitoring Plan, when approved and implemented, will make more efficient use of resources. The plan was designed to be generally consistent with the components of the Tentative Coalition Group Monitoring and Reporting Program Plan. It is expected to provide more of the data needed to evaluate water quality, while reducing the frequency and cost of analyses. The comprehensive monitoring that the Coalition has conducted in the past has contributed significantly to the ability to reduce monitoring at some locations and to refine their monitoring approach.

**Coalition Group Coordination:**

On December 3, 2007, staff met with the San Joaquin County and Delta water Quality Coalition, and the East San Joaquin Water Quality Coalition to discuss the format and content of Management Plans to meet the objectives of the Irrigated Lands Regulatory Program. Staff scheduled monthly progress meetings January through April with the Coalitions to continue the development of effective Management Plan design.

On December 13, 2007, Joe Karkoski and Margie Read participated in a Coalition Group Coordination Meeting that was held at the Farm Bureau Office in Modesto. Discussion topics included membership, enforcement and monitoring and reporting topics as well as future activities related to the ILRP. All Coalition

Groups were represented with the exception of the Goose Lake Water Quality Coalition.

On December 14, 2007, Margie Read and Jodi Pontureri attended a telemeeting organized by Joe McGahan (Westside Coalition) and Tina Lunt (Sacramento Valley Water Quality Coalition) to communicate with Coalition Representatives regarding management plan development for E. coli. A two-pronged approach was discussed, which included the development of a Pathogen Focus Group of the Technical Issues Committee.

**Dissemination of information on the Irrigated Lands Program to Spanish-Speaking residents:**

With respect to dissemination of ILRP information to Spanish-speaking residents, translation has been completed for the monthly reports into Spanish.

Environmental Justice (EJ) representatives have identified that a large segment of the targeted audience is non-technical. In response, we will translate general program information into layman's terms into Spanish and post this information to the State and Regional Board's websites, with a link to the more detailed technical information contained in the monthly Executive Director's reports, and the contact person for each Board. This information will also be sent to the EJ groups for release by them to the appropriate audience. We will have continued meetings with these groups to ensure we are being responsive to their needs.