

San Diego
Regional Water Quality
Control Board

Executive Officer's
Report



February 14, 2007

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Attachments for B-1, B-2, B-4, B-7, B-9, and C-1 are included at the end of the report. Also included as an attachment are the Significant NPDES Permits, WDRs and RB Actions.

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

February 14, 2007

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Agency Coordination: U.S. Marine Corps and County LEA *(Amy Grove and John Odermatt)*

On January 17, 2007; the Regional Board staff attended a coordination meeting with the County of San Diego Local Enforcement Agency (LEA), the U.S. Marine Corps, and U.S. Navy to discuss compliance issues at the Marine Corps Base Camp Pendleton active municipal solid waste (Class III) landfills (*i.e.*, Las Pulgas and San Onofre Landfills). The USMC lead a discussion of their plans and timing for construction of a Phase 2 waste management Unit at the Las Pulgas Landfill, which is estimated to increase the capacity of the landfill over 1 million cubic yards. The agenda also included discussions of results from recent compliance inspections, anticipated amendments to the Joint Technical Documents for Las Pulgas and San Onofre Landfills, landfill monitoring results for groundwater, leachate and landfill gas; the USMC plans for future uses of Three mile pit (currently contains construction / demolition debris); a brief discussion of the corrective action plan for the defective liner system in the Phase 1 Unit; and a discussion of processing/treatment/reuse options for biosolid wastes from wastewater treatment plants. The coordination meetings provide a regular forum for discussions with the USMC and local regulatory staff. The meetings are intended to allow the participants to discuss technical issues and compliance issues before they become violations of the applicable requirements.

2. Fostering Sustainable Behavior Workshop *(Michael McCann)*

The San Diego Storm Water copermittees sponsored a workshop titled, "Fostering Sustainable Behavior", conducted by Doug McKenzie-Mohr on Feb. 7 and 8. This excellent workshop focused on case studies and the application of a process called community based social marketing (CBSM) developed by Dr. McKenzie-Mohr to improve community actions to achieve regional and watershed water quality goals. The goal of the workshop was to learn the CBSM process to develop effective education and outreach strategies pertaining to sustainable behavior change. The CBSM process is effective in identifying and uncovering barriers that prevent people from engaging in sustainable behaviors, identifying tools that foster sustainable behavior, and evaluating the effectiveness of community action environmental programs.

The workshop consisted of an executive session providing an overview of the CBSM process to policy makers of local organizations and a two-day workshop for the San Diego copermittees, environmental organizations, consultants, and regulators. John Robertus, Phil Hammer, and Michael McCann of the Regional Board participated in the workshop.

The principal reference material used at the work was the Dr. McKenzie-Mohr's book, "Fostering Sustainable Behavior." This book and a other useful reference materials can accessed from the CBSM website www.cbsm.com

3. Summary of US EPA Watershed Planning Workshop (Melissa Valdovinos)

On January 24 and 25, 2007, US EPA Region 9 hosted a workshop on developing and implementing plans to improve water quality. The workshop was held in Berkeley and attendees included representatives from regulatory agencies, water districts, Indian tribes, environmental groups, academic institutions, and other interested parties.

Presentations were made by US EPA Region 9 staff and contractor (Tetra Tech) staff on the first day of the workshop, covering the following topics:

- The Watershed Approach in EPA Region 9
- Identifying Issues and Engaging Stakeholders in the Planning Process
- Watershed Plan Components
- Quantifying Current Pollutant Loads or Conditions
- Quantifying BMP Effectiveness (Load Reductions)

An extensive discussion on modeling was incorporated in the presentation on quantifying BMP effectiveness. Audience participation was encouraged; presenters asked the audience to identify watershed planning challenges that could be specifically addressed during the workshop and group activities were organized to give audience members "hands-on" exercises using an existing watershed management plan.

During the second day of the workshop, presentations were made by EPA Region 9 staff and contractor (Tetra Tech) staff, and by conservation/watershed project participants presenting case studies. These discussions covered the following topics:

- Implementing Management Strategies to Achieve Environmental Results
- Case Study of Estero Americano Watershed Management Plan (Agricultural Impacts)
- Case Studies of Unique Watershed Conditions (Hanalei Bay and Santa Cruz River)

Audience members were invited to discuss challenges, share success stories, and offer resources with one another. Several group discussions among the

audience members emphasized the importance of communicating effectively with stakeholders to ensure cooperative and successful planning/implementation.

PART B **SIGNIFICANT REGIONAL WATER QUALITY ISSUES**

1. **Sanitary Sewer Overflows (SSO) – January 2007** *(Eric Becker, Charles Cheng, Joann Cofrancesco, Michelle Mata, Olufisayo Osibodu, Melissa Valdovinos)* *(Attachment B-1)*
From January 1 to January 31, 2007, there were 31 sanitary sewer overflows (SSOs) in the San Diego Region, including six spills of 1,000 gallons or more, reported on-line pursuant to the requirements of State Board Order No. 2006-003-DWQ (General Statewide Waste Discharge Requirements for Collection Agencies). Sixteen of the 31 SSOs were releases from publicly-owned collection systems, eleven of which reached surface waters, drainage ditches, or storm drains. Two of these SSOs resulted in closures of recreational waters. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of January 2007 was 49,797 gallons.

There were also 15 sewage overflows from private property reported in January 2007. Five of these spills reached surface waters, drainage ditches, or storm drains; none resulted in closure of recreational waters. All of the reported sewage spills from private property were less than 1,000 gallons.

During January 2007, 0.51 inches of rainfall was recorded at San Diego's Lindbergh Field. For comparison, in December 2006, 0.71 inches of rainfall was recorded at Lindbergh Field, and 18 public SSOs were reported. Also for comparison, in January 2006, 0.36 inches of rainfall was recorded at Lindbergh Field, and 13 public SSOs were reported.

Attached is a table titled "Sanitary Sewer Overflow Statistics", updated through January 31, 2007, 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 sewage collection agency that has a relatively small system, a spill of a few hundred gallons or more could result in a high value for spill volume per volume conveyed. On the other hand, a high volume spill event for a large collection system may still result in a low 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 sewage collection agencies. The data does represent a different way to review and analyze SSO volume data as it relates to system size.

One Notice of Violation (NOV) for an SSO was issued in January. The NOV was sent to the City of Vista for a 2,925-gallon SSO that occurred on January 22, 2007 at 985 South Santa Fe Avenue in Vista. The SSO was caused by a sewer line blockage due to grease and roots, which resulted in discharge of raw sewage to Buena Vista Creek via a storm drain. The City of Vista posted warning signs along Buena Vista Creek in order to prevent public contact with affected waters.

Tentative Order No. R9-2007-0005 (formerly R9-2006-0121), a Region 9 Order prohibiting SSOs, which will supersede the current Order No. 96-04 and supplement the State Board Order, was presented to the Regional Board in October 2006. Tentative Order No. R9-2007-0005 has been revised to clarify findings, definitions, and reporting requirements and an errata sheet has been created to address the comment letters. The Tentative Order has been mailed to the sewage collection agencies and will be presented to the Regional Board on February 14, 2007.

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

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in January 2007 (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 January. 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)*

Statewide Proposition 50 Integrated Regional Water Management (IRWM) Grant Program

The State Water Resources Control Board (State Water Board) and the Department of Water Resources (DWR) released the IRWM Step 2 Implementation Grant Program Draft Funding Recommendations on November 13, 2006. Seven proposals were recommended for funding. The funding recommendations were approved on January 18, 2007. The Funding Recommendations and proposal evaluations are available on the State Water Board IRWM web site: <http://www.waterboards.ca.gov/funding/irwmgp/index.html>

The State Water Board and DWR Director requested that the agencies consider funding nine IRWM Step 2 proposals not included in the funding recommendation in the next cycle of Proposition 50 IRWM funding rather than undertake a second competitive review process. This approach is contrary to that described in the Proposition 50 Guidelines adopted in November 2004.

Two public scoping meetings were held on January 23, 2007 and January 31, 2007 in Sacramento and Los Angeles, respectively. Significant public comments opposed to bypassing a second round of competitive reviews were received by DWR and the State Water Board at these workshops. Nonetheless, both DWR and the State Water Board staff also raised other major changes during the scoping meetings including significant changes to the IRWM Plan Standards and eliminating the Prop. 50 second funding cycle in favor of the aforementioned awards and consolidation with the Proposition 84 funds. Written comments on these issues are due by 12:00pm on February 8, 2007. The State Water Board will conduct a hearing on February 20, 2007 regarding the Proposition 50 IRWM program.

On March 12, 2007, the Regional Board will host a meeting of the San Diego IRWM Regional Advisory Committee. The meeting will be held at the Regional Board Hearing Room from 9am to 11am. DWR will present information on IRWM Grant Funding Program under Propositions 84 and 1E.

Small Community Wastewater Grants (SCWG)

The SWRCB is accepting proposals and amending the Competitive Project List (CPL) to facilitate timely expenditure of grant funds. A total of \$29,942,971 has been encumbered for local assistance. A total of \$20,000,000 remains available from Propositions 40 and 50 to projects on the approved portion of the CPL, on a first-come, first-served basis. The deadline to submit an application is March 23, 2007. More information on the SCWG can be found at <http://www.waterboards.ca.gov/cwphome/scwg/index.html>

Clean Beaches Initiative Grant Program

The SWRCB adopted the Guidelines for the Proposition 50 Clean Beaches Grant Initiative (CBI) Grant Program on October 25, 2006. The Proposition 50

CBI solicitation closed on January 31, 2007. The State Water Board received 39 Concept Proposals, totaling \$53.4 million. The Clean Beaches Task Force will meet on February 26-27, 2007 to rank the proposals and develop the Recommended Project List (RPL). The RPL will list contain projects totaling 125% of the \$27 million in grant funds available.

More information can be found on the CBI website:

<http://www.waterboards.ca.gov/cwphome/beaches/index.html>

State Revolving Fund Program (SRF)

The SRF Loan Program has started the process of updating the SRF Project Priority List (PPL) for fiscal year 2007/2008. On January 25th, the State Water Board sent a memo along with 4 attachments (attached) to the Executive Officers and PPL List coordinators of each Regional Board. The memo explains the process and includes a timeline for bringing the updated PPL to the State Water Board for consideration at the July 19, 2007 meeting.

Proposition 84 Grant Programs

Proposition 84 was passed in November 2006, giving the State Water Board grant funds in the following three water quality areas: agriculture, beaches, and storm water. Interested parties can sign-up for the following e-mail lists on the State Water Board's webpage

(http://www.waterboards.ca.gov/lyrisforms/swrcb_subscribe.html) based upon their area(s) of interest: Agriculture Water Quality Funding Programs, Beaches Water Quality Grants, and Storm Water Grant Program.

4. Significant Enforcement Actions for January 2007 (Mark Alpert) (Attachment B-4)

The following is a summary of all enforcement actions during the month of January 2007. During this period the Regional Board initiated 15 enforcement actions (3 Staff Enforcement Letters, 4 Notice of Violations, 2 Investigative Orders, 2 Cleanup and Abatement Orders, 1 Settlement, and 2 Complaints for Administrative Civil Liability).

Additional information for those enforcement actions identified by an asterisk (*) is attached. Information on sewage spills may be provided in a separate discussion in this EO report under the topic entitled "Sewage Spills."

AGENCY/ FACILITY NAME	CITY	PROGRAM*	ACTION DATE
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Staff Enforcement Letters			
City of Escondido Industrial Brine Collection system	Escondido	NPDES	1/12/2007
South Orange County Wastewater Authority Aliso Creek Ocean Outfall	Dana Point	NPDES	1/24/2007

South Orange County Wastewater Authority San Juan Creek Outfall	Dana Point	NPDES	1/24/2007
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Notice of Violation and Investigative Orders*			
San Elijo Joint Powers Water Reclamation Facility	Cardiff	NPDES	1/5/2007
San Diego County Dept of Park and Rec	San Diego	MNSTW	1/10/2007
Murrieta 492 LLC Murrieta Apt complex	Murrieta	CERT	1/17/2007
ConocoPhillips Former Aztec Gas Station	National City	Tanks	1/22/2007
Lennar Homes Spencer's Crossing Project	Temecula	CERT	1/25/2007
Vignato Development Corp Rancho Car Wash	Del Mar	Tanks	1/29/2007

Cleanup and Abatement Orders*			
Bulen Family Trust Lovett's One Hour Dry Cleaners	Escondido	SLIC	1/8/2007
Glenwood Development Palmilla Development Site	Murrieta	CERT	1/24/2007

Settlements*			
Glenwood Development Palmilla Development Site	Murrieta	CERT	1/24/2007

Administrative Civil Liability Complaints*			
San Diego County Water Authority	San Diego	NPDES	1/22/2007
Terra VAC Body Beautiful Car Wash	San Diego	NPDES	1/25/2007

Program Acronyms*

CERT	401 Water Quality Certification
CONSTW	Construction Storm Water
INDSTW	Industrial Storm Water

LNDISP	Land Discharge
MNSTW	Municipal Storm Water
NPDES	National Discharge Elimination System
NON15	Waste Discharge Requirements
SLIC	Spills, Leaks, Investigations, and Cleanup
TANKS	Underground Storage Tank

5. Leaking UST Case: Aztec Gas Station (*Sue Pease & John Odermatt*)

On January 22, 2007 the Regional Board issued Order R9-2007-0016: "Investigative Order for Soil and Groundwater Investigation, Corrective Action Plan, Site Conceptual Model, Interim Remedial Action, and Quarterly Groundwater Monitoring" to ConocoPhillips for unauthorized release of fuel pollutions to groundwater from the Former Aztec Gas Station, 1540 East 8th Street, National City, San Diego. Order R9-2007-0016 is available on the Regional Board web page at:
<http://www.waterboards.ca.gov/sandiego/orders/orders-07.html>.

The former Aztec Gas Station had Underground Storage Tanks (UST) removed in 1986 and has soil and groundwater pollution from the UST's. Groundwater pollution at this site, approximately two feet of free phase petroleum product on groundwater, poses a potential threat to the El Toyon municipal water supply wells, which are located 2400 feet to the north. From 1989 until 2006, this leaking underground storage tank (LUST) case was under the regulatory oversight of the San Diego County Department of Environmental Health Local Oversight Program (LOP). The case was transferred to the Regional Board in November 2006 and investigative Order R9-2007-0016 was issued to compel the Discharger to investigate the nature and extent of the groundwater pollution, initiate a groundwater monitoring program, evaluate remedial methods for corrective action, and comply with reporting requirements of CCR Title 23, Chapter 16, Article 11.

6. Leaking UST Case: Rancho Car Wash (*Kelly Dorsey & John Odermatt*)

On January 29, 2007 the Regional Board issued investigative Order R9-2007-0021 for the unauthorized discharge of petroleum hydrocarbon waste to soil and ground water was discovered at the gasoline station located at 2661 Via De La Valle in Del Mar, San Diego County, California. The waste was discharged from the station's underground storage tank (UST) system creating a condition of pollution in the underlying ground water aquifer, and creating a threatened condition of pollution and nuisance to the ground water and nearby surface water. Order R9-2007-0021 is available on the Regional Board web page at:
<http://www.waterboards.ca.gov/sandiego/orders/orders-07.html>.

From 1994 until 2003, this leaking underground storage tank (LUST) case was under the regulatory oversight of the San Diego County Department of Environmental Health Local Oversight Program (LOP). The Regional Board

issued investigative Order R9-2007-0021 requiring the Discharger to investigate the nature and extent of the groundwater pollution, initiate a groundwater monitoring program, evaluate remedial methods for corrective action, and comply with reporting requirements of CCR Title 23, Chapter 16, Article 11.

7. Bradley Park/Old Linda Vista Landfill (*Amy Grove & John Odermatt*) (*Attachment B-7*)
The North County Times recently published two articles concerning the Bradley Park/Old Linda Vista landfill. These articles are provided as attachments B-7a and B-7b for this item.

The Regional Board was provided with background information on this facility in Executive Officer Reports for August 2006 and January 2007 (available on-line at http://www.waterboards.ca.gov/sandiego/eo_report/eoreport.html). Additional information for the public can also be found, under the heading of "Landfills in the News", on Regional Board web page at <http://www.waterboards.ca.gov/sandiego/units/ldu/ldu.html> and in the Geotracker database at http://www.geotracker.waterboards.ca.gov/reports/luft.asp?global_id=L10006943141&assigned_name=LANDFILL.

The Regional Board has received legal briefs and other information, concerning the issuance of Order R9-2006-0044, from the Discharger and the County of San Diego during November 2006 to January 2007. In view of the continuing public interest in the case, the Regional Board has posted copies of only the legal briefs on our web page at: <http://www.waterboards.ca.gov/sandiego/units/ldu/bradley.html>.

The information provided by the affected parties is currently being reviewed by the Regional Board's legal counsel and the technical staff. During February 2007, the Regional Board staff hopes to convene a workshop with the interested and affected parties to discuss the issues raised in the legal briefs.

8. Las Pulgas Landfill (*Amy Grove & John Odermatt*)

On December 26, 2006, the USMC provided the Regional Board with the Corrective Action Plan (CAP) for the Phase 1 Unit at the Las Pulgas Landfill. The CAP has been uploaded to the Geotracker database and it is now accessible to the public on-line at: https://geotracker.swrcb.ca.gov/reports/electronic_submittals.asp?global_id=L10009449664&sub_type=GEO_REPORT&assigned_name=LANDFILL.

The CAP must contain information on how the USMC will identify and correct all the deficiencies in the existing liner system, clean close the existing Phase 1 Unit in compliance with California Code of Regulations, Title 27, or identify an acceptable alternative corrective action. The USMC's CAP is currently under review by the Regional Board staff.

Based upon recent discussions with the USMC, and the County Local Enforcement Agency on January 17, 2007; the Regional Board staff anticipates that the USMC will propose construction of a new Phase 2 Unit, located adjacent to the existing Phase 1 Unit, at the Las Pulgas Landfill. It is likely that the Regional Board staff will recommend that the Regional Board consider adoption of significant changes to the existing liner requirements described in waste discharge requirements (issued to the USMC as Order 2000-54: available on-line at <http://www.waterboards.ca.gov/sandiego/orders/orders-00.html>). An agenda item to consider modifications to the existing liner requirements may be scheduled during the spring of 2007.

Additional information on this issue can also be found in previous Executive Officer Reports (see reports for January, March, and October 2005, and January 2007 available on-line at http://www.waterboards.ca.gov/sandiego/eo_report/eoreport.html).

9. Proposed Gregory Canyon Landfill (*Carol Tamaki & John Odermatt*) (*Attachment B-9*)
This item is provided to update the Regional Board on recent events relating to the proposed Gregory Canyon Landfill.

To date, approximately 126 individuals/organizations have subscribed to the Regional Board's list server for the proposed Gregory Canyon project.

The following provides a summary of the project status and actions taken by the Regional Board to inform the public about the project:

CEQA Process and Status of Revised EIR

The CEQA processing of the Revised Partial Draft EIR (RPDEIR) is described on the San Diego County web page at <http://www.co.sandiego.ca.us/deh/chd/gchome.html>. 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. Those written comments are available from the Regional Board web page at: http://www.waterboards.ca.gov/sandiego/units/ldu/gregory_canyon.html.

The North County Times recently published an article about the proposed Gregory Canyon Landfill see attachment B-9 for this item.

Public Participation Requirements in CCR Title 27

Draft waste discharge requirements would be subject to public participation requirements in Title 27, California Code of Regulations, section 21730.

Scheduling an Agenda Item for consideration by the Regional Board

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 steps taken by the Regional Board to keep the Board and 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.

Executive Office Reports

The Regional Board staff continues to provide updates on solid waste issues to 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

List Server Updates

The Regional Board continues to maintain email list and issue periodic updates 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/mailling_lists.html

However, in view of the status of the CEQA document and the uncertainties with the completion date of the CEQA process, the staff cannot be certain when the future agenda item will be scheduled for consideration by our Regional Board.

10. Response to Public Complaint (Amy Grove & John Odermatt)

On January 5, 2007 the Regional Board received a complaint, assigned as CT#5179 by the State Water Board Executive Office, regarding possible illegal dumping in the Oso Creek watershed located in Mission Viejo. An effective evaluation and resolution of the complaint required coordination of efforts by the Regional Board staffs from the Land Discharge Unit and Northern Watershed Unit. In response to the complaint, the Regional Board undertook the following actions:

Regional Board Site Visit

On January 10, 2007 the Regional Board conducted a site visit along the Oso Creek Trail to investigate the complaint referenced above. Field observations indicated the presence of construction/ demolition debris (*i.e.*, mixed chunks of concrete and boulders) and other materials including litter, chunks of asphalt, and some bricks.

Disposition of Waste

The Regional Board considered a number of factors in evaluating the complaint, including that the observed wastes appear to be comprised of materials that are consistent with the definition of inert wastes pursuant to California Code of Regulations, Title 27, §20230. Based upon the field observations, the inert wastes appear to be rip-rap that helps reduce effects from processes of erosion upon the banks of Oso Creek, and the discharge does not appear to pose a significant threat to water quality.

Followup Actions with Local Agencies

The Regional Board Watershed staff contacted both the City of Mission Viejo (City) and the Santa Margarita Water District (District), which have done bank stabilization projects at the site in recent years. Both the City and the District have completed projects under Regional General Permit 63 for emergency projects from the U.S. Army Corps of Engineers. The final reports filed for those projects document that acceptable work was completed under that General Permit. Both the City and the District asserted that they are not responsible for the construction debris described in the complaint. The City does report that prior to incorporation (1988), that type of debris was placed as cheap erosion control in the area. The City does not intend to take action because it does not consider the debris to pose a water quality threat, and the City lacks funds at this time to replace the debris. However, when funds become available it would replace it with more appropriate riprap materials as appropriate.

Conclusions/Action

Under the current storm water permit, the Regional Board may require an enrolled municipality to remove the debris as an illicit discharge to the MS4 system. If there were evidence to indicate that the wastes were recently dumped, then the case is stronger than if the debris has been there for 20 years or more. From the evidence available to the Regional Board, it is not possible to determine who discharged the wastes or when the wastes were discharged into the watershed.

Based on the above considerations the construction debris at the site does not present a threat to water quality and immediate action to cleanup or remove the material does not appear to be warranted. The Regional Board asked that the City consider removal of the slab debris (e.g., tennis court waste) during annual creek cleanup days. The pieces of debris are probably very heavy and the expense of removing the debris may be difficult to justify given the higher priority water quality concerns in the watershed. The Regional Board responded by written correspondence to the source of the original complaint on January 23, 2007. A copy of the written response was sent to the State Water Board and the affected local agency contact.

PART C
STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. U.S. EPA Comments on Geotracker Database (*John Odermatt*) (*Attachment C-1*)

On January 23, 2007, the Regional Board received a copy of a letter (see attachment C-1 for this item) sent by the U.S. Environmental Protection Agency (U.S. EPA) to the State Water Resources Control Board regarding their concerns with the accuracy and completeness of statewide leaking underground storage tank (LUST) information included in the on-line Geotracker database. Since 2001, regulatory mandates have been in place for electronic reporting of information by Dischargers for LUST sites.

Local Oversight Program (LOP) agencies, under contract with the State Water Board, are also responsible for regulatory oversight of LUST cases located in the San Diego Region. According to the Geotracker database open LUST cases are currently distributed to the regulatory agencies in the San Diego Region, as follows:

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**SIGNIFICANT NPDES PERMITS, WDRs,
AND REGIONAL BOARD ACTIONS**

February 14, 2007

APPENDED TO EXECUTIVE OFFICER REPORT

**SIGNIFICANT NPDES
PERMITS, WDRS, AND RB ACTIONS**

DATE OF REPORT	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
February 14, 2007	MARCH 14, 2007 RB MEETING San Diego Regional Board Office									
	HUBBS RESEARCH AGUA HEDIONDA LAGOON SAN DIEGO COUNTY	NPDES Permit Reissuance	100%	100%	100%	0%	March 14, 2007	No	NPDES WORKPLAN FY 2006-07	Becker
	HUBBS RESEARCH AGUA HEDIONDA LAGOON COMPLIANCE TIMESCHEDULE	Hearing: Cease Desist Order	NA	100%	100%	0%	March 14, 2007	No		Becker
	OTAY WATER DISTRICT--R. W. CHAPMAN RECLAMATION FACILITY SAN DIEGO COUNTY	WDRs Update w/ Master Recl Req'ts	100%	100%	100%	0%	March 14, 2007	Yes	Also Master Reclamation Requirement Update	Valdovinos
	VALLECITO MUN. WATER DISTRICT MEADOWLARK FACILITY SAN DIEGO COUNTY	WDR Update	100%	100%	100%	0%	March 14, 2007	Yes		Becker
	APRIL 11, 2007 RB MEETING City of Mission Viejo, Orange County									
	ORANGE COUNTY MUNICIPAL STORMWATER PERMIT	Hearing: NPDES Permit Reissuance	100%	100%	100%	0%	April 11, 2007	No		Smith
	APRIL 25, 2007 RB MEETING San Diego Regional Board Office									
	CHOLLAS CREEK HEAVY METALS TOTAL MAXIMUM DAILY LOAD SAN DIEGO COUNTY	TMDL	NA	NA	100%	20%	April 25, 2007	No	TMDL Workplan FY 2006-07	Tobler
	REGIONWIDE BACTERIA TOTAL MAXIMUM DAILY LOAD	TMDL	NA	NA	100%	20%	April 25, 2007	No	TMDL Workplan FY 2005-06	Antas
	GROUNDWATER EXTRACTION GENERAL PERMIT FOR SAN DIEGO BAY	NPDES Permit Reissuance	NA	100%	80%	0%	April 25, 2007	No	NPDES Workplan FY 2004-05	Alpert
	OAK TREE RANCH INC. WASTEWATER AND DISPOSAL FACILITY SAN DIEGO COUNTY	WDRs Update	90%	90%	90%	0%	April 25, 2007	Yes		Mata
	FRANK J. KONYN DAIRY SAN PASQUAL VALLEY SAN DIEGO COUNTY	NPDES Permit Reissuance	80%	90%	0%	0%	April 25, 2007	Yes	NPDES Workplan FY 2005-06	Valdovinos
	T. D. DAIRY (VAN TOL DAIRY) RAMONA SAN DIEGO COUNTY	NPDES Permit	0%	90%	0%	0%	April 25, 2007	Yes	NPDES Workplan FY 2005-06	Valdovinos
	MAY 9, 2007 RB MEETING San Diego Regional Board Office									
	OCEAN DISCHARGER RECEIVING WATER MONITORING PROGRAM UPDATES	NPDES Permits Revisions	NA	0%	0%	0%	May 9, 2007	No		Kelley
	GROUNDWATER EXTRACTION GENERAL PERMIT FOR REGION OTHER THAN SD BAY	NPDES Permit Reissuance	NA	100%	50%	0%	May 9, 2007	No	NPDES Workplan FY 2004-05	Alpert

**SIGNIFICANT NPDES
PERMITS, WDRS, AND RB ACTIONS**

DATE OF REPORT	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
February 14, 2007	WATERBOARD'S STRATEGIC PLAN UPDATE WORKSHOP	Workshop	NA	NA	0%	0%	May 9, 2007	No		Robertus
	RECYCLED WATER REGULATION IN SAN DIEGO REGION WORKSHOP	Workshop	NA	NA	0%	0%	May 9, 2007	No		Kelley/Morris
	US MARINE CORPS CAMP PENDLETON LAS PULGAS LANDFILL	WDR Update	NA	50%	30%	0%	May 9, 2007	Yes		Grove
	JUNE 13, 2007 RB MEETING San Diego Regional Board Office									
	ORANGE COUNTY MUNICIPAL STORMWATER PERMIT	Adoption: NPDES Permit Reissuance	100%	80%	80%	0%	June 13, 2007	No	NPDES WORKPLAN FY 2006-07	Smith
	CHOLLAS CREEK HEAVY METALS TOTAL MAXIMUM DAILY LOAD SAN DIEGO COUNTY	Adoption TMDL	NA	NA	100%	0%	June 13, 2007	No	TMDL Workplan FY 2006-07	Tobler
	REGIONWIDE BACTERIA TOTAL MAXIMUM DAILY LOAD	Adoption TMDL	NA	NA	100%	0%	June 13, 2007	No	TMDL Workplan FY 2005-06	Arias
	AUGUST 8, 2007 RB MEETING San Diego Regional Board Office									
	HYDROSTATIC TEST WATER/POTABLE WATER DISCHARGES GENERAL PERMIT	NPDES Permit Reissuance	NA	90%	0%	0%	August 8, 2007	No	NPDES Workplan 2007-08	
	S & S FARMS LIVESTOCK RAISING FACILITY RAMONA SAN DIEGO COUNTY	NPDES Permit Reissuance	0%	90%	0%	0%	August 8, 2007	No	NPDES Workplan 2007-08	
	DAKOTA RANCH DEVELOPMENT CO. 401 W.Q. CERTIFICATION SAN DIEGO COUNTY	Hearing: Admin. Civil liability	100%	NA	100%	0%	August 8, 2007	No	ACL COMPLAINT \$140,500	Melbourn
	SEPTEMBER 12, 2007 RB MEETING San Diego Regional Board Office									
	US NAVY BASE YARD PT. LOMA INDUSTRIAL STORMWATER SAN DIEGO BAY	NPDES Permit Reissuance	0%	50%	0%	0%	September 12, 2007		NPDES Workplan 2007-08	
	NOVEMBER 14, 2007 RB MEETING San Diego Regional Board Office									
	CONTINENTAL MARITIME OF SAN DIEGO SHIPYARD SAN DIEGO BAY	NPDES Permit Reissuance	0%	0%	0%	0%	November 14, 2007	No	NPDES Workplan 2007-08	
	BAE SYSTEMS SAN DIEGO SHIP REPAIR SHIPYARD SAN DIEGO BAY	NPDES Permit Reissuance	0%	0%	0%	0%	November 14, 2007	No	NPDES Workplan 2007-08	
	US NAVY BASE SAN DIEGO INDUSTRIAL STORMWATER SAN DIEGO BAY	NPDES Permit Reissuance	0%	0%	0%	0%	November 14, 2007	No	NPDES Workplan 2007-08	

**SIGNIFICANT NPDES
PERMITS, WDRS, AND RB ACTIONS**

DATE OF REPORT February 14, 2007	Initial Document Application Complete	Dish./RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
NAME OF PERMIT/WDR/RB ACTION	Action Type							
PENDING / UNSCHEDULED ACTIONS								
PROPOSED GREGORY CANYON LANDFILL NORTH SAN DIEGO COUNTY	Hearing: New WDRs	100%	85%	0%		No		Tamaki
SO. ORANGE CO. WASTEWATER AUTHORITY ALISO CREEK DISCHARGE TO OCEAN OUTFALL	NPDES Permit Revision	80%	50%	0%		No		Cofrancesco

SANITARY SEWER OVERFLOW STATISTICS (Updated through January, 31 2007)

SEWAGE COLLECTION AGENCY	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 2006-07 ^A		NO. OF PRIVATE SPILLS ^E 06-07	VOLUME OF PRIVATE SPILLS GAL		
	Miles	MGD	02-03	03-04	04-05 ^A	05-06 ^A	06-07 ^A	02-03	03-04	04-05 ^A	05-06 ^A	06-07 ^A			GAL	GAL/MG ^C
ORANGE COUNTY:																
EL TORO WD	55	2.2	1	3	3	2	1	1.8	5.5	5.5	3.7	1.8	0	0	1	8
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	3	28.4	8.4	12.6	5.3	3.2	3,000	6	7	273
MOULTON NIGUEL WD	530	13.0	1	2	5	1	1	0.2	0.4	0.9	0.2	0.2	600	0	2	800
SAN CLEMENTE, CITY OF	179	4.5	7	2	5	2	5	3.9	1.1	2.8	1.1	2.8	6,050	6	4	350
SAN JUAN CAPISTRANO, CITY OF	100	3.4	0	1	2	0	1	0.0	1.0	2.0	0.0	1.0	5,300	7	0	0
SANTA MARGARITA WD	546	10.7	4	5	6	4	1	0.7	0.9	1.1	0.7	0.2	0	0	3	1,060
SOUTH COAST CWD	132	4.0	8	7	4	3	2	6.1	5.3	3.0	2.3	1.5	450	1	5	255
TRABUCO CANYON WD	43	0.7	0	1	3	0	1	0.0	2.3	7.0	0.0	2.3	0	0	0	0
RIVERSIDE COUNTY:																
EASTERN MWD	421	9.5	3	7	0	0	3	0.7	1.7	0.0	0.0	0.7	1,071,500	525	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	0	1	0	0	0	0	4.0	0.0	0.0	0.0	0	0	0	0
RANCHO CA WD	71	2.9	0	1	2	1	1	0.0	1.4	2.8	1.4	1.4	600	1	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	11	2.8	2.8	4.7	4.7	5.1	3,330	2	4	1,030
CHULA VISTA, CITY OF	400	16.0	3	1	7	4	1	0.8	0.3	1.3	1.0	0.3	200	0	7	677
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	3	1.5	0.0	1.5	0.0	1.5	4,100	2	1	5
ENCINITAS, CITY OF	118	4.1	6	1	5	0	1	5.1	0.8	4.2	0.0	0.8	0	0	0	0
ESCONDIDO, CITY OF	350	10.8	3	2	4	4	7	0.9	0.6	1.1	1.1	2.0	5,660	2	6	1,190
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	4	125
IMPERIAL BEACH, CITY OF	84	2.2	14	2	8	2	2	16.7	2.4	9.5	2.4	2.4	905	2	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
LEUCADIA CWD	185	4.2	6	1	6	3	0	3.2	0.5	2.7	1.6	0.0	0	0	2	119
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	3	5.2	4.9	3.1	1.6	0.7	28,770	10	1	700
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
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	1	2.9	1.8	0.0	2.9	0.6	100	0	0	0

SANITARY SEWER OVERFLOW STATISTICS (Updated through January, 31 2007)

SEWAGE COLLECTION AGENCY	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 2006-07 ^A		NO. OF PRIVATE SPILLS ^E		VOLUME OF PRIVATE SPILLS		
	Miles	MGD	02-03	03-04	04-05 ^A	05-06 ^A	06-07 ^A	02-03	03-04	04-05 ^A	05-06 ^A	06-07 ^A	GAL	GAL/MG ^C	06-07	GAL	
SAN DIEGO COUNTY (continued):																	
RAINBOW MWD	54	0.7	2	6	2	0	1	3.7	11.1	3.7	0.0	1.8	3,000	19	1	761	
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	2,894	170.1	193	115	122	82	45	6.7	4.0	3.3	2.8	1.6	59,360	2	65	12,241	
SOLANA BEACH, CITY OF	52	1.2	1	6	1	1	0	1.9	11.5	0.0	1.9	0.0	0	0	1	2,000	
USMC BASE, CAMP PENDLETON	194	3.1	23	14	12	16	6	11.9	7.2	5.2	8.3	3.1	7,150	11	1	500	
US NAVY	123	4.0	12	11	13	11	8	9.8	9.0	10.6	9.0	6.5	14,227,990	16,544	1	50	
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	1	6.3	2.1	2.1	0.0	2.1	250	4	0	0	
VISTA, CITY OF	198	6.5	4	7	9	5	2	2.0	3.5	4.6	2.5	1.0	8,925	6	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	9,615	363	427	275	266	201	111						15,437,240		116	22,144	
AVERAGE ¹			4.4	2.9	2.8	2.1	1.2						365				
STANDARD DEVIATION ²			7.0	3.4	4.4	2.6	1.4						2,413				
MEDIAN ³			2.4	2.0	2.5	1.0	0.2						0				

^A Includes available preliminary data. May not include all spills less than 1,000 gallons that did not enter surface waters or storm drains during the period of July 1, 2004 through December 31, 2006. As of January 1, 2007 data reflects reports submitted on-line as required by State Board Order No. 2006-003-DWQ (General Statewide Waste Discharge Requirements for Collection Agencies).

^B As of June 2003.

^C Total spill volume (in gallons) divided by the volume of wastewater conveyed (in million gallons) from July 1, 2006 through January 31, 2006.

^D Included with Eastern Municipal Water District

^E Private spills are listed to indicate their locations. Public sewer agencies are not responsible for private property spills and have not been required by Order No. 96-04 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.

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JANUARY 1, 2007 THROUGH JANUARY 31, 2007**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
1/3/07	Unified Port of San Diego, Harbor Drive	Emergency Fender Pile Replacement – Fish unloading Pier	Perform emergency fender pile replacement (like for like) of damaged and or missing fender piles.	San Diego Bay	Temporary impact of 0.0001 acre unvegetated sub-tidal bay floor/open water.	No mitigation is proposed.	Low Impact Certification & Waiver of Waste Discharge Requirements
1/3/07	County of San Diego, Department of Public Works, Descanso	Viejas Boulevard Bridge Replacement Project	Demolition of existing bridge and the installation of a new bridge. Along with widening the channel of the Sweetwater River (south side).	Sweetwater River	0.006 acre Wetland (P) 0.020 acre Waters (P) 0.576 acre Waters (T)	Permanent impacts will be mitigated by 0.012 acre onsite creation/restoration of wetlands. Temporary impacts of waters will be mitigated by 0.576 acre restoration to preconstruction conditions	Technically-Conditioned & Waiver of Waste Discharge Requirements
1/8/07	Otay Water District, Rancho San Diego	Construction of Reservoirs 640-1 and 640-2	Installation of 3,600 linear feet of 42-inch diameter pipeline. Construction of two 10 MG drinking water reservoirs. The demolition of an existing 1.6 MG reservoir, and the paving of the access road leading to the site.	Unnamed Tributary to the Sweetwater River	0.08 acre Streambed (P)	0.26 acre Wetland creation credits purchased at the Rancho Jamul Mitigation Bank	Technically-Conditioned & Waiver of Waste Discharge Requirements

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JANUARY 1, 2007 THROUGH JANUARY 31, 2007**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
1/9/07	San Diego Gas & Electric, Miramar Transmission District	3010 TM Maintenance Project Dig Site 4	Routine operation and maintenance activities on existing natural gas pipelines and associated structures in order to meet federal and state public safety regulation. Preliminary tests indicate the coal tar sealant may be damaged.	Los Penasquitos Canyon Creek	0.055 acre Wetlands (T)	Replanting and seeding all affected areas with native plant species.	Low Impact & Waiver of Waste Discharge Requirements
1/10/07	San Diego Gas & Electric, Miramar Transmission District	3010 TM Maintenance Project Dig Site 1	Routine operation and maintenance activities on existing natural gas pipelines and associated structures in order to meet federal and state public safety regulation. Preliminary tests indicate the coal tar sealant may be damaged.	Carroll Canyon Creek	0.04 acre Wetlands (T)	Replanting and seeding all affected areas with native plant species.	Low Impact & Waiver of Waste Discharge Requirements

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JANUARY 1, 2007 THROUGH JANUARY 31, 2007**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
1/10/07	San Diego Gas & Electric, Miramar Transmission District	ECDA Digs, TM Line 1600, San Diego, California	Routine operation and maintenance activities on existing natural gas pipelines and associated structures in order to meet federal and state public safety regulation. Preliminary tests indicate the coal tar sealant may be damaged.	Carroll Canyon Creek	0.003 acre Wetland (T)	Replanting and seeding all affected areas with native plant species.	Low Impact & Waiver of Waste Discharge Requirements
1/17/07	Driscoll Inc., Shelter Island	Kettenburg Marine Center & Boatyard	Renovate the original Kettenburg Boatyard site to provide a new 35 ton travelift pier, boat repair facility, work docks, and a new marine sales & service facilities.	San Diego Bay	0.083 acre waters (P); Dredge 1854 cubic yards	The project is self mitigating.	Technically-Conditioned & Waiver of Waste Discharge Requirements
1/19/07	The Nature Institute, Central/Coastal City of San Diego	Wetland Expansion Science & Technology Against Runoff (WESTSTAR)	The project includes trash and weed removal, pruning of native trees, excavating furrows to enhance water flow in the emergent wetland, use of embankment stabilization technology, and the installation of masonry berms to expand existing emergent wetland habitat.	Lower Rose Creek	200 linear feet Wetlands (P); 2.0 acre, 300 linear feet Streambed (T)	The project is self mitigating as the amount of recruited wetlands will expand as a function of time.	Technically-Conditioned & Waiver of Waste Discharge Requirements

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JANUARY 1, 2007 THROUGH JANUARY 31, 2007**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
1/26/07	City of San Diego, Water Department	Marlesta Canyon 8-inch Water Main Repair	Replace a 10' section of 8" inch diameter asbestos-concrete pipe that is leaking and possibly broken.	Ephemeral Marlesta Canyon Stream	0.002 acre Wetlands (P); 0.18 acre Wetlands (T)	Enhance 0.18 acre of Southern Willow Scrub. Enhance 0.09 acre of Coastal Sage Scrub through the removal of green waste associated with illegal dumping, along with citing APN 420-260-12 for illegal encroachment into environmentally sensitive lands.	Low Impact Certification & Waiver of Waste Discharge Requirements
1/29/07	San Diego Gas & Electric, San Diego County	4887 - Wetland Permitting, SWPL 500kV Line, Otay	SDG&E is currently regrading the SWPL 500kV TL 50001 dirt access road system and is proposing to make improvements at eleven locations where the access roads cross jurisdictional waters/wetlands within SDG&E's existing access road easements. Improvements consist of placing rock fill or filter fabric, crushed gravel and a culvert in the drainages.	Nine unnamed drainages. Potrero Creek and Jamul Creek	0.0138 acre Wetland (P); 0.0313 acre Riparian (P)	0.0451 acre mitigation credits purchased from the Rancho Jamul Mitigation Bank. Eradicate/remove tamarisk in Slat Creek at a ratio of 2:1.	Technically-Conditioned & Waiver of Waste Discharges

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JANUARY 1, 2007 THROUGH JANUARY 31, 2007**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
1/29/07	The Metropolitan Water District of Southern California (Metropolitan), Fallbrook	Rainbow Creek Road Repair Project	The purpose of this project is to repair an unpaved maintenance road that has been damaged by erosion to provide maintenance access for Metropolitan.	Rainbow Creek	0.0004 acre Streambed (P); 0.016 acre Riparian (T)	0.019 acre mitigation credits purchased in the Santa Margarita Arundo Control Fund In-Lieu Fee Mitigation Program.	Technically-Conditioned & Waiver of Waste Discharges

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.

Notice of Violation and Investigative Orders

Agency/Entity: Facility:	San Elijo Joint Powers Water Reclamation Facility, Cardiff	1/5/2007
Program:	National Pollutant Discharge Elimination System (NPDES)	
Description:	Issued for violations of effluent limitations contained in the NPDES discharge permit for the facility that occurred in September 2006. These violations are subject to mandatory minimum penalties in accordance with Water Code section 13385. San Elijo provided a technical report documenting the violations were the result of a single operational upset at the treatment plant. The report is under review.	

Agency/Entity: Facility:	Murrieta 492 LLC Old Vista Murrieta Road and Los Alamos Road, Murrieta	1/17/2007
Program:	401 Water Quality Certification (401 Cert)	
Description:	Issued for impacts to jurisdictional waters resulting from road widening and construction of a new crossing of an unnamed tributary to Murrieta Creek, in violation of an existing 401 cert. The discharger has proposed to purchase a 1 acre mitigation credit which would increase the mitigation ration to 55:1 to compensate for the impacts. A technical report is due to the Regional Board by February 16, 2007, that describes the restoration work needed at the site and documentation that the mitigation credit has been purchased.	

Agency/Entity: Facility:	ConocoPhillips Former Aztec Gas Station, National City	1/22/2007
Program:	Underground Storage Tanks (TANKS)	
Description:	Issued to implement electronic reporting requirements of CCR Title 23, complete the site investigation, and to evaluate corrective action alternatives to cleanup the site, as required by State requirements. Release of fuel pollutants to soil and groundwater from a former underground tank. The San Diego County DEH referred the case to the Regional Board in November 2006. The site is located approximately 2400 feet upgradient of public water supply wells in National City.	

Agency/Entity: Facility:	Lennar Homes Spencer's Crossing Project, Temecula	1/25/2007
Program:	401 Water Quality Certification (401 Cert)	
Description:	Issued for dredging and filling a waterway and impacts to jurisdictional waters during installation of a sewer pipeline construction without first obtaining a 401 water quality certification. The Regional Board is investigating the incident and may consider further enforcement in the future.	

Agency/Entity: Facility:	Bill & Heidi Dickerson, Perry & Paupenhause 501 First Street, Coronado	1/26/2007
Program:	National Pollutant Discharge Elimination System (NPDES)	
Description:	Issued for violations of effluent limitations that occurred in July through October 2006 for flow and copper contained in the NPDES discharge permit for the facility. These violations are subject to mandatory minimum penalties in accordance with Water Code section 13385.	

Agency/Entity: Facility:	Vignato Development Corp Rancho Car Wash, Del Mar	1/29/2007
Program:	Underground Storage Tanks (TANKS)	
Description:	Issued to implement electronic reporting requirements of CCR Title 23, complete the site investigation, and to evaluate corrective action alternatives to cleanup the site, as required by State requirements. Release of fuel pollutants to soil and groundwater from a former underground tank. The San Diego County DEH referred the case to the Regional Board in 2003.	

Cleanup and Abatement Orders

Agency/Entity: Facility:	Bulen Family Trust Lovett's One Hour Dry Cleaners, Escondido	1/8/2007
Program:	Spills, leaks, Cleanup, Investigations (SLIC)	
Description:	Addendum no. 2 was issued to require additional ground water quality sampling to define the extent of the chlorinated solvent plume and to implement a pilot remedial plan as part of the feasibility study to clean up the site. The dischargers had until January 31, 2007 to contest the Order.	

Agency/Entity: Facility:	Glenwood Development Palmilla Development Site, Murrieta	1/24/2007
Program:	401 Water Quality Certification (401 Cert)	
Description:	Addendum No.1 to CAO R9-2007-0010 was issued to extend the deadline, by 30 months, to complete restoration of 1,045 feet of wetlands impacted during construction project. Glenwood, the new property owner, requested the extension after it took possession of the project from the estate of the previous owner. Glenwood also paid the State \$6,000 to reimburse the Regional Board staff costs for overseeing the Cleanup action	

Settlements

Agency/Entity: Facility:	Glenwood Development Palmilla Development Site, Murrieta	1/24/2007
Program:	401 Water Quality Certification (401 Cert)	
Description:	The Regional Board accepted \$15,000 in settlement of all outstanding liability associated with the failure to implement the restoration plan on a wetland disturbed by construction activities.	

Administrative Civil Liability Complaints
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Agency/Entity: Facility:	San Diego County Water Authority San Vicente Pipeline Project, San Diego	1/22/2007
Program:	National Pollutant Discharge Elimination System (NPDES)	
Description:	Issued for violations of effluent limitations for total nitrogen contained in the General Extraction Permit from a discharge associated with the construction of the San Vicente Pipeline. These violations are subject to \$120,000 in mandatory minimum penalties in accordance with Water Code section 13385. A hearing is scheduled for April 11, 2007. The Water Authority has until February 16 to notify the Regional Board of whether it will contest the penalty waive its' right to hearing.	

Agency/Entity: Facility:	Terra VAC Body Beautiful Car Wash, San Diego	1/25/2007
Program:	National Pollutant Discharge Elimination System (NPDES)	
Description:	Issued for violations of effluent limitations for total suspended solids, Nickel, and Tributyltin, contained in the General Extraction Permit from a discharge from a groundwater remediation system from a former leaking fuel tank site. These violations are subject to \$27,000 in mandatory minimum penalties in accordance with Water Code section 13385. A hearing is scheduled for April 11, 2007. The discharger has until February 16 to notify the Regional Board of whether it will contest the penalty waive its' right to hearing	



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Monday, January 29, 2007

Last modified Monday, January 22, 2007 11:35 PM PST

San Marcos mulling legal remedy to Bradley Park landfill issue

By: NED RANDOLPH - Staff Writer

SAN MARCOS -- Still unable to determine who is responsible for monitoring and possibly cleaning up the old county landfill beneath Bradley Park, the city is now considering legal action to resolve the issue with the county.

The city manager and city attorney will brief the City Council on the city's options at a special hearing tonight prior to the regular city council meeting.

Fears of water contamination began after two heavy rains in 2005 and 2006, when rusty colored water was discovered in a ditch at Bradley Park along Rancho Santa Fe Road, which lies on top of the old Linda Vista Landfill.

The city was ordered by the Water Quality Control Board to investigate the water's source and then in August ordered to begin ground-water testing around the soccer fields and develop a plan to remove any contaminated surface water.

"When the order was first issued, we wrote to the water board and pointed out our historic agreement with the county. We thought it was the county's responsibility to assume those obligations," said Richard Opper, the city's hired attorney. "We learned the county had a different view."

The city has received two extensions from the Regional Water Quality Board to develop and implement its monitoring program. The most recent extension was granted on Jan. 7, which gives the city until May 18 to comply.

Meanwhile, the county has denied the city's request to help pay for the monitoring program and is fighting the city's efforts to ask the water quality board to intervene.

"This is really a tug of war between the city and county -- and the water board is acting like a judge," said Opper.

The landfill was operated by the county from 1948 to the late 1960s. And since 1986, responsibility for the landfill has been shared by the county and city under a limited agreement, which basically says the city is responsible for the park and the county is responsible for the landfill, city officials say.

A call to county landfill officials was referred to senior attorney James O'Day, who was out of the office.

However, in a previous interview, O'Day said enhancements to Bradley Park since 1986 changed the county's view of its role.

"There were large changes made to the site after that -- ball fields, soccer fields and all sorts of improvements on the top deck of the landfill," he said.

And the county apparently has no intention of sharing the city's burden.

The city filed a legal brief in November asking the regional board to share the burden of the order with the county. The county then appealed in a separate brief filed on Dec. 31, which was followed by another city brief on Jan. 8, Opper said.

The regional water quality board would not provide a copy of the brief on Monday, saying it had only one copy on file, which was not available.

Opper said he had hoped the water quality board would make a decision on the county's responsibility by the end of this month. However, Amy Grove, an analyst for the water quality board, said the issue would take an uncertain amount of time to settle.

"I'm not sure, because the two agencies will at some point come into the office and present their arguments, and eventually it will go before the board," she said.

The city of San Marcos, which legally took over the property after the Linda Vista Landfill closed, is listed as the responsible party by the water quality board.

Opper said the city is pursuing parallel tracks on the issue -- while it seeks relief from the county, it is also preparing a monitoring program as ordered by the board.

"The city is on track to undertake testing and remediation, which it does so reluctantly because of the agreement with county," Opper said. "We're going to do it, but at the same time we're really trying to focus the regulatory agencies attention on historic facts."

-- Contact staff writer Ned Randolph at (760) 761-4411 or nrandolph@nctimes.com.



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Wednesday, January 31, 2007

Last modified Tuesday, January 30, 2007 12:06 AM PST

San Marcos sues county over landfill

By: NED RANDOLPH - Staff Writer

SAN MARCOS -- The City of San Marcos has sued the county, asking a Superior Court judge to enforce a 20-year-old joint powers agreement that specifies areas of responsibility at the old county landfill which lies beneath Bradley Park.

The county and city in 1986 signed the agreement, which states that the county is responsible for landfill-related issues and the city is responsible for those related to the park, which is located on the west side of town along Rancho Santa Fe Boulevard.

"We think it's pretty straightforward and clear," City Manager Paul Malone said recently.

The suit, which was filed on Thursday in San Diego, is asking the court to name the county as the responsible party for the landfill, and seeks compensation for water-monitoring performed by the city at the site recently. When the county is served a subpoena in the next day or two, it will have 30 days to reply.

The suit follows a Regional Water Quality Board investigative order that the city develop a comprehensive -- and probably costly -- monitoring program at the site, where rust-colored water was discovered after heavy rains in 2005.

The regional water board names the city as the responsible party for the landfill, which the city is disputing even as it carries out the water board's investigative order.

The county operated the Linda Vista landfill from 1945 until it closed in 1968. It later turned the land over to the city to develop Bradley Park.

Despite the city's assertions that the county is equally responsible for the site, the county says that improvements over the last six years to Bradley Park in the way of soccer fields, an indoor arena, lighted ball fields and buildings have changed the scenario -- and affected the landfill beneath it.

"We can't say discharges are directly linked to those things -- but there's a lot of circumstantial evidence that would tie them together," said Jim O'Day, the county's senior counsel.

"We believe that the proper and ordinary maintenance of a closed landfill facility is to have no structures going into the cover, and you do not irrigate it," he said. "They irrigate eight ball fields on top of this former waste facility. Only one of those fields has a liner on it, and it's possible the liner is not even working because that's where the discharge was."

The city has received two extensions since it was ordered by the regional water board in May 2006 to develop the monitoring and testing program. The most recent was granted on Jan. 7, which gives the city until May 18 to

comply.

In addition to its lawsuit, the city has filed an appeal with the regional water board asking the board to name the county as the responsible party.

The county has historically assumed responsibility for the landfill. It has continued to file quarterly reports on groundwater data to the water quality board -- even after the water board issued a 2000 order that identified the city as the responsible party for the site.

O'Day said the county's department of public works has landfill expertise, so it continues to report data from its groundwater monitoring wells at the site.

"It's something we've been doing for many years, and we will continue to do that," he said. "At the present time, there are no plans on the part of the county to discontinue them."

Because the city never appealed the 2000 order, the county says the city missed its chance.

"The city now seeks, six years after failing to exercise its right to appeal that decision, to get a second chance to bite the apple it left on the table in 2000," the county states in a legal brief filed in response to the appeal to the water board.

"It's a slow turning of the worm," said City Attorney Helen Holmes Peak. "They have continued to file quarterly monitoring reports. I guess they're just doing it out of the goodness of their hearts. It doesn't make sense."

The latest investigative order by the regional water board is also similar to a work program suggested by county consultants to the regional water board in 2004 after contaminants were discovered.

"Our consultants noticed some potentially higher readings in some areas, and suggested a possible work plan to be proactive with those issues," said O'Day.

"I don't believe the consultants suggested who was going to do the work. ... It would have been the county's understanding that the regional board would direct the responsible party -- in this case the City of San Marcos," he said.

The regional water board never responded to the county's suggested work plan.

Meanwhile, Peak said the city will continue to carry out the order by the regional water board as it seeks relief from the courts.

"We're not trying to be irresponsible, and we understand the board's concerns. Although they're a little belated since the county submitted a plan in 2004. And it's now 2007."

-- Contact staff writer Ned Randolph at (760) 761-4411 or nrandolph@nctimes.com.



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Monday, January 29, 2007

Last modified Saturday, January 27, 2007 10:52 PM PST

Gregory Canyon document still under review

By: TOM PFINGST

- Staff Writer



A key environmental report said to be holding up the proposed Gregory Canyon landfill is still under review.

North County Times File Photo

FALLBROOK

---- County officials said last week that a key environmental document holding up development of the proposed Gregory Canyon landfill remains under review as county staff members respond to roughly 160 comments and questions about the report that were submitted as part of the project's environmental review process.

Meanwhile, critics of the proposed solid waste dump say they are encouraged by the slow pace of the review, and that recent problems at the nearby Las Pulgas landfill on Camp Pendleton have only strengthened their case against the Gregory Canyon plan.

The proposed landfill would be built on several hundred acres south of Highway 76, about three miles east of Interstate 15 and two miles west of Pala Casino. It would accept a projected 1 million tons of solid waste annually over 30 years.

Controversy over the development has persisted since it was proposed more than a decade ago, sparking an outcry from nearby residents, environmental groups and others concerned about the proximity of the canyon to the San Luis Rey River.

Supporters say the county will soon need more space for its garbage, with projections showing an output of 6.5 million tons per year by 2020, up from 3.7 million in 2002.

Gregory Canyon Ltd., the company that would build the landfill, says its design will keep pollution from contaminating groundwater by trapping harmful chemicals using an advanced liner system.

Opponents say the Gregory Canyon site ---- a gorge at the foot of historical Gregory Mountain ---- is a dangerous place for a dump, too near the river and too reliant on already-strained Highway 76.

Several court cases and two ballot measures have heightened the stakes and the public's awareness of the

project.

In 1994, 68 percent of San Diego County voters approved the first measure, Proposition C, which changed the land-use designation on the 1,770-acre Gregory Canyon site to allow for a landfill.

Then, in 2004, the Pala Band of Mission Indians put Proposition B on the ballot to put a stop to the landfill, but the measure was struck down by 65 percent of the county's voters.

Where it is now

Jack Miller, assistant director of the county's Department of Environmental Health, said that his staff had been working since August to respond to comments on the "revised partial environmental impact report," part of a mandated review process for the landfill project.

"It's progressing, but there were some fairly complex comments," Miller said. "It's taking time to address those --- more time than anticipated."

He said the county must determine, on a case-by-case basis, whether the comments warrant changes to the environmental report. If so, those changes must be incorporated into the document; if not, the comments still require a written response from the county.

The revised partial report is part of a larger environmental report, and contains more information on three items that a Superior Court judge ruled in 2006 were lacking in the original document: traffic, water supply and the amount of land to be set aside to compensate for habitat destruction, a process known as "mitigation."

Nancy Chase, a spokeswoman for Gregory Canyon Ltd., said Friday she does not mind that the county is taking its time to respond to the public comments.

"We're fully supportive of them doing a thorough review," Chase said. "The county does a really thorough and excellent job ---- they take their tasks really seriously."

However, project opponents such as Lenore Volturno, who works for the Pala Band of Mission Indians, said Thursday she thinks it's a good sign for landfill foes that the county is taking so long to review the report.

"Obviously, the county's taking a little bit of a harder look at this," said Volturno. "We feel like a lot of the issues that we've been bringing up are starting to be recognized by not only the court system, but also by the county."

Pala was one of three plaintiffs in a lawsuit filed in 2004 against Gregory Canyon Ltd. and the county's director of environmental health, Gary Erbeck, claiming that the landfill company's original environmental impact report was faulty, and accusing Erbeck of approving an inadequate report.

The environmental group RiverWatch and the city of Oceanside were also plaintiffs in the lawsuit, and in a May ruling, Judge Michael Anello sided with the city, RiverWatch and Pala on several points.

Anello's ruling required Gregory Canyon Ltd. to rework the traffic evaluation, mitigation and water supply portions of its environmental report and resubmit them to the county as the "revised partial" report now being reviewed.

The original impact report was submitted to the county on Jan. 28, 1999, and was approved on Feb. 6, 2003. Such reports are required for projects such as solid waste landfills, which must secure permits from a host of agencies before accepting trash, officials have said.

Miller said that after all the public comments had been answered, the county's next step is to determine whether the changes that were made based on those comments warrant another period of public review.

"If so, there will be another review," he said. "If there weren't enough significant changes caused by the comments, then it would go to the director of environmental health for his consideration in certifying the EIR."

As for updates on the project itself, Gregory Canyon spokeswoman Chase said, "There really won't be anything new until the county finishes its work."

Meanwhile, opponents of the project say they are content to wait, and will continue their fight no matter what happens.

"We don't plan on giving up anytime soon ---- we plan on fighting this landfill to the end," said Volturno. "We believe that once everyone understands all of the environmental hazards associated with the landfill, it will not be built."

Old argument, new strategies

One line of reasoning that is likely to appear in future debates about the landfill involves a defective liner and groundwater pollution discovered at the Las Pulgas landfill on Camp Pendleton.

Last week, critics of the Gregory Canyon proposal used the Camp Pendleton situation to illustrate what they fear will happen to the Gregory Canyon area if a landfill is built there.

Ted Griswold, an attorney for Pala who has spent years fighting the Gregory Canyon project in court, said Thursday that the Las Pulgas situation reinforced a phrase that has often been used to debate the Gregory Canyon proposal: "All liners leak."

"It obviously concerns us from a couple of standpoints," Griswold said of the leaky Camp Pendleton landfill.

He drew several parallels between Las Pulgas and the Gregory Canyon proposal, including the assurances that were made before the Las Pulgas landfill was built in the middle of the busy Marine Corps base.

"Everybody was told it was state of the art and wasn't going to leak, but it did," said Griswold, comparing that statement to Gregory Canyon Ltd.'s claim that their proposed liner system will never leak contaminants into the nearby San Luis Rey River.

"(The Las Pulgas situation) supports the position of RiverWatch and Pala, and that is, no matter what, it's going to leak," Griswold said.

However, John Odermatt, a senior engineering geologist for the Regional Water Quality Control Board, said Thursday that it may not be accurate to draw parallels between the liner system at Las Pulgas and the one proposed for Gregory Canyon.

"That liner system is about 4 1/2 feet thick," Odermatt said of the liner planned for the Gregory Canyon site. "The kind of problems we are seeing at Las Pulgas are extremely unlikely to develop at Gregory Canyon, because of the thickness of the proposed liner."

Odermatt said that Las Pulgas has been plagued by a variety of problems, beginning with shoddy construction and continuing with the recent discovery that the liner has developed holes because it consists only of a layer of clay topped with a layer of stiff, industrial plastic.

"The fact is, the whole liner system is fairly thin, and the grade that the liner sits on is fairly rocky, and it wasn't supposed to be," he said. "The rocks are poking through the liner."

Still, said Griswold, the burden of proof rests with the company whose proposal could affect the quality of water downstream from Gregory Canyon ---- a region that includes thousands of Oceanside residents who drink water from the San Luis Rey.

"I understand it's difficult to prove a negative, that a leak will not occur," he said. "But all evidence continues to point to the fact that it will leak. What kind of risk to a water source does the county want to take, especially in Southern California?"

In other news related to the landfill, the Army Corps of Engineers in November requested a consultation with the U.S. Fish and Wildlife Service to discuss how endangered species in the area might be affected by a bridge that would need to be built over the San Luis Rey River.

One of the permits that Gregory Canyon Ltd. must secure before it can begin building the landfill is from the Corps, for pilings that would be put in the river to support a bridge providing access to the dump from Highway

76.

Jane Hendron, a spokesperson for the federal fish and wildlife office in Carlsbad, said that her office is awaiting information about the project and what effects the bridge could have on endangered species in the area.

Hendron said that federal agencies are required to consult the U.S. Fish and Wildlife Service when a project they are reviewing may affect animals listed under the Endangered Species Act.

The process will culminate in a "biological opinion" outlining the potential effects that the bridge pilings may have on endangered wildlife, as well as recommendations on how to lessen those effects.

Landfill opponents said they welcome each new level of scrutiny.

"All of this stuff goes with what we've been saying all along, and that is, this landfill is a threat to San Diego County's water," said Volturno, Pala's environmental director. "It's something that cannot be overlooked."

Contact staff writer Tom Pfingsten at (760) 731-5799 or tpfingsten@nctimes.com.

Previous stories:

Gregory Canyon EIR heads for further review

Gregory Canyon landfill study back for public comment

Gregory Canyon could be sent back to drawing board

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Public hears both sides of Gregory Canyon debate

San Marcos mulling legal remedy to Bradley Park landfill issue



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 9

**75 Hawthorne Street
San Francisco, CA 94105-3901**

January 18, 2007

Darrin Polhemus, Deputy Director
Division of Water Quality
State Water Resources Control Board
1001 I Street, Sacramento, CA 95814

Dear Mr. Polhemus,

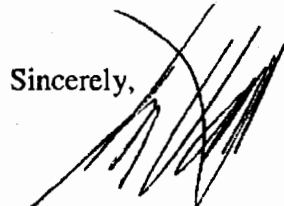
The purpose of this letter is to express the U.S. Environmental Protection Agency's (USEPA) concern with the State Water Resources Control Board's inability to provide quarterly Underground Storage Tanks (UST) program progress reports as required by the State/EPA cooperative agreement that provides approximately \$3.5 million per year in Federal Funds to your agency. I have been informed by James Giannopoulos and Kevin Graves of your staff that sufficiently accurate quarterly reports can not be provided because of operational problems with the State's Geotracker data system. The accurate and timely reporting of this data is critical. Pursuant to the Federal Government Performance Review Act (GPRA), USEPA is required to track and report the status of leaking underground storage tank (LUST) cleanups in the states to the Office of Management and Budget (OMB) and Congress. This information is used to set federal LUST program budgets, allocate funding to states, and track program performance.

As Matthew Small of my staff discussed with you on January 16th, we recently also became aware of several problems with the data system through our partnership effort with your underground tank program to assist local and regional agencies accelerate site cleanup and closure. I have been informed that these problems may be responsible for inaccuracies in the tracking of leaking underground storage tank cases statewide. I urge you to expedite efforts to fix the State's Geotracker database.

We at EPA Region 9 see the efficient and accurate function of Geotracker as vital to maintaining a statewide underground storage tank program designed to manage approximately 14,000 cleanups being overseen by over 130 state and local agency offices with almost one quarter of a billion dollars being spent annually by the State's UST Cleanup Fund. Nationally we continue to tout Geotracker as a model system for leaking underground storage tank program and case management, and we hope that the current programming errors can be repaired and maintenance of the system will be given greater priority.

I suggest a meeting at your earliest convenience in Sacramento to discuss these data issues and the LUST program commitments. Please give me a call at (415) 972-3378 so we can further discuss this issue. Thank you for your attention to this matter.

Sincerely,



Rich Vaille, Associate Director
Waste Management Division

cc. James Giannopoulos
Kevin Graves