

San Diego Regional Water Quality Control Board



Executive Officer's Report

July 9, 2009

TABLE OF CONTENTS

PART A – SAN DIEGO REGION STAFF ACTIVITIES

	There are no items to report in Part A this month.	
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PART B – SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1	Enforcement Actions for June 2009	1
2	Grants Update	3
3	Tijuana River Valley Recovery Team Meeting on June 26, 2009	6
4	Update on SWAMP and Biological Objectives	7
5	New Fish Consumption Advisory	9
6	MTBE Impacts: Municipal Groundwater Supply-City of San Juan Capistrano	9
7	Residential Recycled Water Use	11
8	Storm Water and Non-Storm Water Reuse	12

PART C – STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1	Update of Federal CWA Section 303(d) List of Impaired Surface Waters for 2008	13
2	International Visitors	15

Attachments for B-4, and B-8 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

July 9, 2009

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

There are no items to report in Part A this month.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Enforcement Actions for June 2009 *(Jeremy Haas)*

The following is a summary of all enforcement actions taken or initiated during the month of June 2009. During this period the California Regional Water Quality Control Board, San Diego Region (Regional Board) initiated nine enforcement actions: one Investigative Order, seven Notices of Violation, and one Staff Enforcement Letter.

In addition to the summary information provided below, access to information on violations, enforcement actions, and Mandatory Minimum Penalties (MMPs) on a real-time basis is available to the public from the State Water Resources Control Board's Internet webpage at:

http://www.waterboards.ca.gov/water_issues/programs/enforcement/

CLEANUP AND ABATEMENT ORDER (CAO)

Tentative Cleanup and Abatement Order No R9-2005-0126, Shipyard Sediment Site Cleanup Project

On June 10, 2009, the Presiding Officer for Prehearing Proceedings issued the fifth Order to extend the stay of schedule for proceedings during mediation for Tentative Cleanup and Abatement Order No. R9-2005-0126. On June 9, 2008, the Presiding Officer referred the proceedings related to the Tentative CAO to mediation. The referral was pursuant to Government Code section 14420.10(a)(1) and followed a joint request from most parties. No party objected to the mediation. The June 9, 2008 Order stayed the schedule of proceedings contained in the Second Amended Order of Proceedings for a period of ninety days. Subsequent Orders issued by the Presiding Officer dated September 5, 2008, December 8, 2008, and March 20, 2009 extended the mediation period for additional periods of time. More information on this matter is available at http://www.waterboards.ca.gov/sandiego/water_issues/programs/shipyards_sediment/

INVESTIGATIVE ORDER (IO)**IO No. R9-2009-0077 to S&S Farms Swine Raising Facility, Ramona**

IO No. R9-2009-0077 was issued on June 10, 2009 to S&S Farms Swine Raising Facility to submit an annual monitoring program report regarding the compliance of S&S Farms with the provisions prescribed in Conditional Waiver No. 3, Discharges from Animal Operations. An investigation is required to determine if discharges pose a threat to users of groundwater in the vicinity of the Facility and to provide technical information that will be used to determine if any corrective actions are necessary to bring the site into compliance with waiver conditions. The IO requires the first annual report to be submitted on December 1, 2009.

NOTICES OF VIOLATION (NOV)**NOV No. R9-2009-0085 to the County of San Diego, Bonsall Landfill**

NOV No. R9-2009-0085 was issued to the County of San Diego, Department of Public Works on June 1, 2009 for violations of Investigative Order No. R9-2008-0097, issued on September 23, 2008 requiring an Amended Report of Waste Discharge in response to a release of landfill constituents from the Bonsall Landfill. The NOV alleges that the Amended Report of Waste Discharge did not include a Public Participation Plan or list of constituents of concern as required by the Investigative Order.

NOV No. R9-2009-0087 to Mr. George Kelly, Former Carson Cleaners, Escondido

NOV No. R9-2009-0087 was issued to Mr. George Kelly on June 12, 2009 for alleged violations of Cleanup and Abatement Order No. R9-2009-0012. The NOV alleges a failure to submit a Baseline Groundwater Quality Investigation and a Site Investigation and Characterization Workplan by April 30, 2009 and May 29, 2009, respectively.

NOV No. R9-2009-0092 to Dr. William and Lori Moritz, Poway

NOV No. R9-2009-0092 was issued to Dr. William and Lori Moritz on June 1, 2009 for alleged violations of Cleanup and Abatement Order No. R9-2009-0152, which was adopted by the Regional Board on February 11, 2009 and required the cleanup and fill discharged into an unnamed ephemeral tributary to Rattlesnake Creek. The NOV alleges failure to conduct cleanup and abatement activities, failure to remove fill material, and failure to submit a final Cleanup and Abatement report by deadlines specified in the CAO.

NOV No. R9-2009-0095 to County of San Diego, San Pasqual Academy, Escondido

NOV No. R9-2009-0095 was issued to the County of San Diego on June 12, 2009 for alleged violations of Order No. 94-004, for the treatment and disposal of domestic wastewater from an onsite wastewater treatment system at the San Pasqual Academy in Escondido. The NOV alleges 25 effluent violations from January 2008 through December 2008 based on review of three semiannual and annual monitoring reports.

NOV No. R9-2009-0097 to City of Carlsbad, Calavera Dam Remedial Project

NOV No. R9-2009-0097 was issued to the City of Carlsbad on June 18, 2009 for alleged violations of Clean Water Act Section 401 Water Quality Certification No. 04C-077. The Certification was issued on August 11, 2006 for proposed remedial improvements at the Calavera Dam. The NOV alleges failure to construct required compensatory mitigation by December 2008.

NOV No. R9-2009-0102 to County of San Diego, Rancho Del Campo Water Pollution Control Facility

NOV No. R9-2009-0086 was issued to the County of San Diego, Department of Public Works on June 24, 2009 for alleged violations of Order No. 87-108, Waste Discharge Requirements for the County of San Diego, Rancho del Campo Water Pollution Control Facility, San Diego County. The NOV alleges six effluent violations from January 2008 through March 2009 based on review of four quarterly and annual monitoring reports.

NOV No. R9-2009-0103 to County of San Diego, Pine Valley Water Pollution Control Facility

NOV No. R9-2009-0103 was issued to the County of San Diego, Department of Public Works on June 25, 2009 for alleged violations of Order No. 94-161, Waste Discharge Requirements for the County of San Diego, Pine Valley Sanitation District, Pine Valley Water Pollution Control Facility, San Diego County. The NOV alleges four effluent violations from January 2008 through December 2008 based on review of four quarterly and annual monitoring reports.

STAFF ENFORCEMENT LETTER (SEL)**SEL to LandBank Properties, LLC, Former Omar Rendering Site, Chula Vista**

An SEL was sent to LandBank Properties, LLC on June 11, 2009 following review of reports submitted for the Former Omar Rendering Site in accordance with Cleanup and Abatement Order No. R9-2003-0080. The SEL identified numerous shortcomings with the Comprehensive Site Investigation Report, Site Conceptual Model, and Comprehensive Feasibility Study submitted pursuant to the CAO. In addition, the SEL requested that a Site Conceptual Model and Workplan to Conduct a Comprehensive Site Investigation be submitted no later than August 31, 2009.

2. Grants Update (Laurie Walsh)**Department of Water Resources Integrated Regional Water Management Region Acceptance Process (RAP) Update**

The Proposition 50, Chapter 8, Integrated Regional Water Management (IRWM) Grant Program provides funding for projects to protect communities from drought, protect and improve water quality, and reduce dependence on imported water. The IRWM Grant Program includes two separate grant types - Planning Grants and Implementation Grants. The IRWM Grant Program is administered

jointly by Department of Water Resources (DWR) and State Water Resources Control Board (State Water Board) and is intended to promote a new model for water management.

The Region Acceptance Process (RAP) is a component of IRWM Program Guidelines used to evaluate and accept an "IRWM Region" into the IRWM grant program. Although the RAP is not a grant funding application, acceptance and approval of the composition of an IRWM region into the IRWM grant program is required before any region can submit an application for IRWM grant funds. DWR has not previously reviewed and accepted any region. Therefore, this process applies to existing and developing IRWM regions.

Regional Board staff member Laurie Walsh participated in the group review of RAP applications that began in May 2009. Within the San Diego Regional Board boundary, RAP applications were received from:

- San Diego County Water Authority on behalf of the San Diego Regional Water Management Group;
- County of Orange on behalf of the South Orange County Watershed Management Area;
- Rancho California Water District on behalf of the Upper Santa Margarita Planning Area Regional Water Management Group.

Group Interviews are scheduled to be finished by July 9, 2009. DWR will be accepting comments on the draft recommended RAP list during August 2009. Final decisions on IRWM regions are scheduled to be released by DWR in September 2009.

American Recovery and Reinvestment Act (ARRA)

On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act (ARRA) of 2009. The ARRA is designed to boost the U.S. economy through a \$787 billion package of spending and tax measures. In response to the national recession and global credit crunch, Congress authorized new incentives in the ARRA for state and local governments to issue bonds. The authorization, provided under the American Recovery and Reinvestment Act (ARRA) of 2009, is for a limited time and is intended to expedite economic recovery in the US. The State of California estimates that it currently stands to receive approximately \$85 billion from the ARRA – approximately \$50 billion in education, infrastructure and other spending, and \$35 billion in tax benefits.

To date, the State Water Board has awarded \$105.3 million of ARRA funds for 35 clean water "shovel ready" projects to protect public health and the environment and create jobs for Californians. The ARRA money was made available to the State Water Board by the U.S. EPA. The money awarded is in the form of grants and ultra-low interest zero and one-percent loans for projects

that include wastewater treatment plant construction, upgrade and infrastructure improvements as well as "green" projects such as wastewater recycling.

Under the ARRA stimulus program, the State Water Board is handling \$270.5 million in addition to more than \$200 million normally loaned by the Clean Water State Revolving Fund (SRF) each year. On May 21, 2009 the State Water Board approved the first Stimulus project the same day that it received money from the U.S. EPA. The stimulus money is available for projects in communities that might not normally be able to qualify for an SRF loan. The stimulus money is being granted or loaned at rates even lower than normally available from the SRF. The SWRCB has been working with local governments and others to make sure their clean water projects were ready to begin work and qualify for stimulus money as quickly as possible.

Within the San Diego Region, two Grantees were eligible to receive ARRA funds:

- The Mission Resource Conservation District received \$294,746 to continue its work on Arundel Control in the San Luis Rey River. The project will restore approximately 2.2 miles of river in the San Luis Rey Watershed. The project is estimated to create or retain up to 20 jobs.
- The Los Penasquitos Lagoon Foundation is scheduled to receive \$972,166 to continue its work on constructing a sedimentation basin in the Los Penasquitos Lagoon Watershed. The project is estimated to create or retain up to 40 jobs.

State Revolving Fund Project Priority List

The Federal Water Pollution Control Act (Clean Water Act or CWA), as amended in 1987, provides for establishment of a Clean Water State Revolving Fund (CWSRF) program. The program is funded by federal grants, State funds, and Revenue Bonds. The purpose of the CWSRF program is to implement the CWA and various State laws by providing financial assistance for the construction of facilities or implementation of measures necessary to address water quality problems and to prevent pollution of the waters of the State.

The CWSRF Loan Program provides low-interest loan funding for construction of publicly-owned wastewater treatment facilities, local sewers, sewer interceptors, water recycling facilities, as well as, expanded use projects such as implementation of nonpoint source (NPS) projects or programs, development and implementation of estuary Comprehensive Conservation and Management Plans, and storm water treatment.

The current State Revolving Fund Project Priority List (PPL) for State Fiscal Year (SFY) 2008/2009 was adopted by the State Water Board on September 16, 2008. It was amended by the Executive Director on April 17, 2009 to add projects that are expected to receive ARRA and base program funds in the remainder of SFY 2008/2009 and the beginning of SFY 2009/2010. A project

must appear on the PPL to qualify for financial assistance through the State Revolving Fund.

On June 16, 2009, the State Water Board adopted Resolution No. 2009-0051. Resolution No. 2009-0051 which reserved additional ARRA subsidy (grant) funds for disadvantaged community wastewater and urban storm water projects that could potentially be approved for financing before September 15, 2009. In addition, the State Water Board's Division of Financial Assistance (DFA) has continued to receive numerous applications for financial assistance since the Executive Director amended the PPL on April 17, 2009. Accordingly the SFY 2008/09 PPL is being amended again to add projects that may be approved for financial assistance, including American Recovery and Reinvestment Act of 2009 (ARRA) and base program financing.

The State Water Board's Division of Financial Assistance has compiled a list of projects that will be added to the existing SRF PPL. The State Water Board Executive Director will approve the addition of projects to the PPL after considering all public comments. The final amended PPL will reflect all projects on the original PPL adopted on September 16, 2008, all projects added by the Executive Director on April 17, 2009, and all projects added by the Executive Director after the current public comment period. The final amended PPL will reflect all projects that may be financed with ARRA or base program funds prior to the State Water Board adopting the SFY 2009/10 PPL.

The PPL is currently out for public comment. Anyone interested may submit written comments to the Executive Director. Comments are due by 5:00 p.m. on July 15, 2009 and should be directed to: CleanWaterSRF@waterboards.ca.gov or (916) 327-9978.

Proposition 84 Storm Water Grant Program Solicitations - Still On Hold
Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, was approved by California voters in the general election on November 7, 2006. The Proposition 84 Storm Water Grant Program provides matching grants to local public agencies for the reduction and prevention of Storm Water contamination of rivers, lakes, and streams.

Project solicitations for the Proposition 84 Storm Water Grant Program funds are currently on hold until further notice due to the continued budget crisis and Bond Fund Suspension ordered per the December 18, 2008, Budget Letter issued by the California Department of Finance. For the most up-to-date information on the Budget Letter, visit the Department of Finance Website.

3. Tijuana River Valley Recovery Team Meeting on June 26, 2009 (Benjamin Tobler)

The quarterly Tijuana River Valley Recovery Team (TRVRT) met on Friday, June 26, 2009, including 53 representatives of various agencies and organizations

who collaborated with the TRVRT's four Action Teams, comprised of the: Border Team, Cleanup Team, Restoration Team, and the Bi-national Team. The teams met for approximately one hour following which the chair persons of each Action Team reported on the status of the various projects and efforts of their teams. The Team reports included the following highlights:

Border Action Team: The City of San Diego will authorize a task order on behalf of the Border Action Team to identify potential technically suitable sites for trash capture devices in Smugglers Gulch Canyon and Goat Canyon and a sedimentation basin in Smugglers Gulch Canyon. Tony Heinrichs (Team Co-Chair) also reported on the status of the pilot trash net being installed this fall in Goat Canyon and indicated that sediment will be removed from the basin prior to the winter rains.

Cleanup Action Team: Cid Tesoro (Team Co-Chair) reported on the successful request for a \$700,000 grant from the State Water Resources Control Board (SWRCB) via the San Diego Regional Water Quality Control Board, and the ongoing progress in the trash and sediment characterization study.

Restoration Action Team: Jeff Crooks (Team Co-Chair) identified work required to begin imaging a restored Tijuana River valley and announced that a \$200,000 SWRCB/EPA grant will be used to backfill a shortfall in funding for the sediment fate and transport study.

Bi-National Team: Oscar Romo (Team Co-Chair) introduced three officials from Mexico and reported on a Border Environment Cooperation Commission grant to fund a trash characterization study in the City of Tijuana. Mr. Romo also presented an overview of the cross-border issues, including the sources of some of the trash and sediment, and summarized plans being implemented by Tijuana-area agencies to address the issue. This informative presentation will be posted on the Tijuana River Team website at <http://www.tjriverteam.org/>.

The Regional Board supports the continued work of the TRVRT, which has the following mission: To bring together the governmental administrative, regulatory, and funding agencies in tandem with advice from the scientific community, the environmental community, and affected stakeholders to protect the Tijuana River Valley from future accumulations of trash and sediment, identify, remove, recycle or dispose of existing trash and sediment, and restore the Tijuana River floodplain to a balanced wetland ecosystem.

4. Update on Surface Water Ambient Monitoring Program (SWAMP) and Biological Objectives (Cynthia Gorham-Test and David Gibson) (Attachment B-4)

Vision for Bio-Objectives for the Short Term: As a result of a joint effort initiated in January 2009 by the San Diego and the Lahontan Regional Boards, State Board, California Department of Fish and Game, and US EPA, SWAMP is beginning the task of developing biological-objectives (also known as bio-criteria)

as a necessary step to augment water quality objectives and ensure compliance with the Clean Water Act goals set forth in section 101(a) "to restore and maintain the chemical, physical, and biological integrity of the nation's waters". Development of biological objectives in each of the States is a priority for US EPA Region 9.

Biological objectives are the narrative or numeric expressions describing the qualities that must be present to support desired conditions in a waterbody; they serve as the standard against which monitoring results are compared. The purpose of attaining and maintaining the biological objectives are to protect the "health", ecological integrity, and beneficial uses of a waterbody. Ecological integrity refers to the chemical, physical, and biological conditions that are capable of supporting and maintaining a balanced and adaptive community of organisms including a species composition and diversity that is comparable to what would be found under natural conditions in the region. Currently, none of the nine Region Basin Plans include biological objectives.

The development of bio-criteria will be divided into short term (the next 2-3 years) and long term (> 3 years) development.

Short term: SWAMP will focus on improving basic major technical elements that include some indicator metrics improving our reference condition program, data management strategies, and protocols for quality assurance (QA).

- SWAMP will develop a mechanism to evaluate bio-criteria with different degrees of development using a "Tiered Aquatic Life Objective Approach" (TALO). The TALO approach is based on the idea of comparing a continuum of a stressor to a biological community condition. As stress increases, including effects from pollutant concentrations, the ecological integrity of biological community may decrease. The TALO approach is based upon the effects of the stressor(s) being grouped into one of three tiers: a "reference tier" representing good conditions, an "impacted tier" representing poor conditions, and a tier that is located between the reference and impacted tiers. The graph in Attachment B-4, illustrates the anticipated relationship between the tiers.
- SWAMP also must have a better understanding of what the healthy or ecological conditions are for waterbodies in the various ecoregions within our state. Therefore, efforts will be taken to improve that portion of the program through additional monitoring and intensive data analysis.

Long term: SWAMP will develop tools for fine-tuning the TALU/ TALO process, and also will integrate use of ecological condition indicators as performance measures throughout State Board programs. The Tiered Aquatic Life Use (TALU) approach is similar to the TALO approach in many ways. TALU still addresses biological community condition, but focuses on the aquatic life beneficial use categories rather than on specific stressors.

Algae Bioassessment Standard Operating Procedure (SOP): In the past year, tremendous progress has been made in including algae in a more effective bioassessment program for surface water resources in California. A technical document was released on May 2, 2009 for Standard Operating Procedures (SOP) for collecting and field-processing benthic stream algae for the California State Water Resources Control Board (SWRCB) SWAMP Program. The Algae Bioassessment SOP (Algae SOP) provides instructions for (1) collection of samples for taxonomic identification of benthic diatoms and soft-bodied algae, (2) collection of samples for determination of algal biomass and (3) estimation of percent algal cover. The Algae SOP was reviewed and approved by the SWAMP Roundtable members at their June 10, 2009 meeting. The Algae SOP was written by Dr. Elizabeth Fetscher of the Southern California Coastal Water Research Partnership (SCCWRP), Dr. Lilian Busse of the San Diego Regional Board, and Dr. Pete Ode of the CA Department of Fish and Game, Aquatic Bioassessment Laboratory.

During 2008 and 2009, sampling benthic stream algae was included in the following core SWAMP monitoring programs: (1) Perennial Streams Assessment (PSA), (2) Reference Site program, and (3) Regional Board programs. SWAMP funds were used to develop the Algae SOP for field sampling and establish a freshwater algae taxonomy group to standardize algae taxonomy for the state. Future SWAMP related projects include the continuation of the algae taxonomy group, training on the use of the recently developed Algae SOP, and the development of an algae Quality Assurance Project Plan (QAPP).

5. New Fish Consumption Advisory (*Bruce Posthumus*)

On June 18, 2009, the California Office of Environmental Health Hazard Assessment (OEHHA) issued a "health advisory and safe eating guidelines" (advisory) for fish from certain coastal waters of southern California. The area covered by the advisory extends from Ventura Harbor (in the Los Angeles region) to San Mateo Point (in the San Diego region). The new advisory, which is based on new data and improved analytical methods, revises a previous advisory for the area. The new advisory applies to nineteen species of fish, several of which were not included in the previous advisory. The advisory is based on findings of elevated levels of PCBs, DDTs, and/or mercury in some species of fish.

Additional information about the advisory, including a fact sheet, is available at http://oehha.ca.gov/fish/so_cal/socal061709.html.

6. MTBE Impacts to the Municipal Groundwater Supply for the City of San Juan Capistrano (*Barry Pulver*)

The gasoline constituent, methyl tertiary-butyl ether (MTBE) has impacted the municipal groundwater supply for the City of San Juan Capistrano. The City elected to shut down two of its six municipal supply wells due to low concentrations of MTBE in groundwater produced from the wells. The San Juan

Capistrano Groundwater Recovery Plant (GWRP), which began operation in 2005, consists of six groundwater production wells and a greensand filter and reverse osmosis treatment system. The GWRP can extract and treat up to 5.1 million gallons per day of highly mineralized local groundwater. The GWRP was designed to supply virtually all of San Juan Capistrano's winter needs and half of its summer needs.

The Dance Hall well and the Kinoshita well, have been shut down since early 2008. Although the MTBE concentrations in well water were below both the health-based threshold of 13 µg/l and the taste and odor threshold of 5 µg/l, the City of San Juan Capistrano elected shut down the wells to eliminate the potential of distributing groundwater with MTBE to its residents.

MTBE was used as an octane booster in gasoline from the mid 1970s to 2004 before it was banned in California. The investigation for the source of the MTBE was focused on former and existing gasoline underground storage tanks (UST). Releases of gasoline from Chevron Service Station 9-3417 are reported to be a potential contributor to the MTBE in the Dance Hall Well. Releases from the Kinoshita Farms site, for which the City of San Juan Capistrano is the responsible party, has been identified as the potential source of MTBE in the Kinoshita well water. In addition, the Orange County Health Care Agency, which runs the State Board's Local Oversight Program (OCLOP), is in the process of evaluating closed UST cases in San Juan Capistrano in an attempt to identify additional potential sources.

The State Water Resources Control Board contracts with Orange County to provide regulatory oversight for cleanup of leaking underground storage tanks (USTs) under the Local Oversight Program (LOP) contract. The OCLOP has been overseeing remedial investigations at Chevron Service Stations 9-3417 and 9-8719. Based on mutual agreement these two cases were transferred to the Regional Board for oversight effective June 4, 2009.

Since the transfer of the cases Groundwater Basins Branch staff Barry Pulver and Craig Carlisle have inspected the sites and have met with the representatives of the OCLOP and Chevron Environmental Management Company (Chevron) to discuss the plans for further investigation and cleanup.

Chevron has been conducting investigations and engineering studies to identify the extent of the dissolved MTBE plume and to determine appropriate cleanup actions. The MTBE plume in groundwater extends approximately 2,500 feet from Chevron Service Station 9-3417 to the Dance Hall well.

In March 2008 Chevron prepared a Corrective Action Plan (CAP) that, in addition to onsite remediation, proposed using the Dance Hall Well to extract MTBE-bearing groundwater, treat the extracted groundwater using a greensand filter and granular activated carbon to remove MTBE, and then discharge the treated

groundwater into the GWRP for final treatment and use. This approach would be useful to capture the downgradient extent of the dissolved MTBE plume, reduce the potential for the MTBE to impact additional water supply wells further downgradient, and restore the water that was taken out of production. However, the City of San Juan Capistrano (City) and Chevron have not been able to reach agreement to allow Chevron to use the Dance Hall well in this manner.

The Regional Board staff has directed Chevron to prepare a revised Corrective Action Plan (CAP) that includes an effective alternative to using the Dance Hall well in the event it cannot reach agreement with the City. Chevron is currently doing further delineation sampling and pilot testing to better define the extent of the plume and to evaluate the effectiveness of potential corrective actions that may be proposed in the revised CAP. The revised CAP will be submitted to the Regional Board staff no later than August 30, 2009.

7. Residential Recycled Water Use (*Robert Pierce*)

Although the California Department of Public Health (CDPH) does not prohibit using recycled water for landscape irrigation around private residences, the relatively high cost of residential recycled water use has limited the demand for it in the San Diego Region. As a follow-up to the discussion at the May 13, 2009 Regional Board meeting regarding the use of recycled water at private residences, the Groundwater Basins Branch staff contacted the CDPH for its input on the topic. The CDPH does not prohibit using recycled water for landscape irrigation around private residences provided the recycled water is disinfected tertiary recycled water. In addition, the residence must have an approved dual-plumbed system, and the recycled water can not be used within the residential units. These requirements are stipulated in Division 4, Title 22 of the California Code of Regulations.

The regulations also require that the recycled water agency submit either an individual report for each residence or a master plan that details the design and installation of the recycled water piping system and the cross-connection testing procedure. The recycled water agency must have a certified specialist inspect cross-connections before startup and annually thereafter at each residence, and test at least once every four years.

The relative costs of the required planning, testing and inspection procedures at private residences limit the demand for recycled water, especially for retrofitting existing irrigation systems. Recycled water agencies expect, however, that with restrictions on the use of potable water for landscape irrigation, the demand for recycled water will increase.

Recycled water is commonly used by private residences that are part of homeowners associations. Use is generally limited to common area landscaping although recent upscale projects provide recycled water to individual lots. Individual residences typically would need large lot sizes in order to warrant the

relatively high cost of providing recycled water. In the San Diego Region, however, large lot sizes are more common in the east and north county where significant distribution distances and groundwater supply may discourage individual residences from demanding recycled water.

8. Storm Water and Non-Storm Water Reuse *(Ben Neill) (Attachment B-8)*

Storm water is a valuable resource supporting many beneficial uses. As such, storm water resources should be conserved and preserved rather than wasted. The San Diego region's burgeoning population in an arid environment stresses the region's current water supply. Other stressors to the water supply include climate change, the increased cost of importing water, and competing environmental and business interests. In response to the water shortage, Governor Schwarzenegger issued a proclamation on February 27, 2009 ordering the implementation of efforts to protect water quality and water supply (Attachment B-8). Conservation measures alone are unlikely to completely address the water shortage. The capture and re-use of storm and non-storm water must become a vital part of a complete water supply future.

The capture and storage of storm water is typically done for later reuse as landscape irrigation. Storm water reuse can be accomplished on several scales:

- A rain-barrel collecting storm water from a home or business rooftop.
- Cisterns at homes, businesses or communities.
- Groundwater infiltration for aquifer recharge.

The benefits of storm water reuse include providing an inexpensive local supply of water, augmenting local water supplies, recharging local aquifers, injection into groundwater to prevent salt water intrusion, reducing storm water runoff and pollution, reducing downstream erosion, providing water that needs little treatment for irrigation or non-potable use, helping reduce peak summertime demands, and helping manage existing drinking water systems.

Regional Board staff are working to incorporate storm water reuse into the municipal separate storm sewer system (MS4) permits. The draft Orange County MS4 permit currently has a requirement for new development and redevelopment to infiltrate, reuse, or evapotranspire the volume of runoff from the 85th percentile 24-hour storm event. Storm water reuse can also be used to comply with the draft permit's existing development retrofitting provisions. Storm water for reuse does contain pollutants, but generally at lower levels than those found in gray water and recycled water with a corresponding reduced threat to the public health. Storm water from industrial areas and contaminated sites has higher pollutant loads that would require treatment prior to infiltration and most re-use applications. Numerical municipal action levels proposed in the draft permit will reduce pollutant levels in storm water for reuse and protect the quality of storm water for future reuse.

Non-storm water, such as over irrigation and car wash water, is being diverted from the storm drain system to the sanitary sewer in some cities. Reuse of

diverted non-storm water may then occur through recycled water manufactured by a publicly owned treatment works. The use of numeric effluent limits, such as those contained in the draft permit, will help ensure that the diverted non-storm water requires less treatment prior to reuse.

PART C **STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION**

1. Update of Federal Clean Water Act Section 303(d) List of Impaired Surface Waters for 2008 *(Alan Monji)*

The federal Clean Water Act (CWA) requires States to identify and make a list of surface water bodies that do not meet water quality standards. This list is referred to as the "Clean Water Act Section 303(d) List of Water Quality Limited Segments" (303(d) List). The 303(d) List is updated every two years. The previous update was prepared by the State Water Board staff in 2006. For the 2008 update, the State Water Board assigned preparation of the 303(d) List to the Regional Water Boards.

The Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Policy) is the policy for the State and Regional Water Boards to follow when developing updates to the 303(d) List. This policy describes the process by which the State and Regional Water Boards comply with the requirements of the Clean Water Act in developing the 303(d) List. The Policy and links to the 2006 303 (d) is available at the provided link. (http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/index.shtml).

The 303(d) List will be included in a final technical report: "Clean Water Act Sections 305(b) and 303(d), Integrated Report for the San Diego Region" (*Integrated Report*) for 2008. The Integrated Report includes an updated 303(d) List and an assessment of surface water quality in accordance with Clean Water Act section 305(b). For more background information, please see the December 2007 Executive Officer report http://www.waterboards.ca.gov/sandiego/publications_forms/publications/eoreports.shtml.

For 2008, all Regional Boards must use the State Water Board's California Water Quality Assessment (Cal WQA) database. Cal WQA is a state-wide database that holds and formats all the information entered by each Regional Board. The use of Cal WQA and following the above mentioned Policy is a concerted state-wide effort to provide greater consistency in the assessment of water quality data and the recommendations made for the 303(d) List.

Over 450 fact sheets and 2,453 lines of evidence (LOEs) for proposed water body listings and de-listings have been drafted and the information entered into

Cal WQA for water bodies in the San Diego Region. Fact sheets summarize the relevant information from a data source and are used as a tool to move the information into Cal WQA. LOEs are a part of Cal WQA and summarize the water quality data into the total number of samples versus the number of water quality exceedances for each pollutant.

The information for each waterbody-pollutant combination is examined in Cal WQA to support a "Decision". A Decision is the recommendation the Regional Board will make to the State Board on a specific waterbody and pollutant. A Decision is based on the total number of samples and total number of water quality exceedances from the relevant LOEs.

The Decision for new assessments is either "List" a waterbody as impaired or "Do Not List" a waterbody because there is no impairment. For previously listed waterbodies, the recommendation is to either remove the waterbody from the 303(d) List (Delist) or for the waterbody to remain listed (Do Not Delist).

The San Diego Regional Board's 2008 303(d) List contains 1,538 new Decisions now in Cal WQA. In addition, a review and update of 934 Decisions is required for 2006 Decisions because the 2008 303(d) List builds off of the information from previous Lists. While a majority of the older listings have no new information to add, actions within the database are required to reflect that older Decisions have been reviewed and no new information is available or new information has been taken into account and the Decision revised this cycle.

Most of the required 2008 Decision recommendations and 2006 updates have been completed in Cal WQA. The remaining database tasks include reviewing the information associated with a Decision, complete all Decisions, address informal comments submitted by the State Board staff, and work with State Board staff on some additions and revisions to the Cal WQA database. Once the review and edits are completed in Cal WQA, the information will be summarized and included in the draft staff report that will accompany the 2008 Integrated Report.

It is projected that a draft integrated report and staff report will be ready for public review in August 2009. Other major milestones for this effort include a Regional Board hearing to present the 2008 Integrated Report to the public, responding to public comments, and a Regional Board hearing to adopt the 2008 Integrated Report. The State Board will compile all the Integrated Reports for an update of the statewide 303(d) list and final approval by the U.S. Environmental Protection Agency.

The mandatory state-wide furlough has had, and will continue to have, significant impacts on the all aspects of the 2008 303(d) and related Cal WQA work. Since the end of 2008, there has been four Regional Board staff dedicating a majority of their time to 303(d) work. With start of the furloughs in February 2009, an

estimated eight days per month of staff time was lost. For the period from February 2009 to June 2009, the estimated amount of lost staff time was 40 days. With the recent addition of a third furlough day per month through June 2010, the lost staff time will rise to approximately 12 days per month.

2. International Visitors (*Bruce Posthumus*)

On June 18, 2009, David Gibson and Bruce Posthumus met briefly with a group of visitors from several countries who were invited to the United States under the auspices of the Department of State's International Visitor Leadership Program. The group included individuals from Algeria, Egypt, Lebanon, Libya, Saudi Arabia, Syria, and United Arab Emirates.

The group came to the United States as part of a water resource management project with the following goals:

- Provide an overview of environmental issues in the U.S. with an emphasis on water conservation and land reclamation;
- Address sanitation techniques in order to maintain usability of the existing water supply;
- Examine legislation that regulates point sources of water pollution, including industrial facilities and agricultural facilities such as animal feedlots;
- Visit sites of various water management projects, including those that demonstrate the latest developments in supply- and demand-side solutions to water scarcity issues; and
- Discuss legal rights, cross-border water challenges, and conflict resolution strategies employed to resolve water allocation and conservation issues.

The International Visitor Leadership Program annually brings approximately 5,000 foreign nationals from all over the world to the United States to meet and confer with their professional counterparts and to experience America firsthand. The visitors, who are selected by American Foreign Service Officers overseas, are current or potential leaders in government, politics, the media, education, labor relations, the arts, business and other fields.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

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

July 9, 2009

APPENDED TO EXECUTIVE OFFICER'S REPORT

SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCB

Scheduled Board Meeting Date	Action Agenda Item	Action Type	Initial Document Application Complete	Discharge & Receiving Water Quality Limits and Monitoring Plan Known	Draft Complete	Public Review & Comment	Consent Item	Comments
August 12, 2009 Regional Board Meeting San Diego Regional Water Board Office								
8/12/2009	Ametek Inc. (<i>Laurie Walsh / John Anderson</i>)	ACL Settlement	NA	NA	95%	NA	Yes	Discharger has requested this be a consent item.
8/12/2009	Coronado Seawall Erection and Riprap Removal: William and Heidi Dickerson; Larry and Penelope Gunning; and Perry and Papehausen, Inc. a. Settlement of CAO Order Nos. R9-2006-0101 and R9-2006-0102 as amended; and b. Settlement of Administrative Civil Liability. (<i>Frank Melbourne</i>)	ACL Settlement	100%	NA	100%	0%	Yes	Mandatory Minimum Penalty ACL \$24,000, plus settlement for liability associated with seawall construction discharges
8/12/2009	NASSCO / General Dynamics Corp. - Shipyard San Diego Bay (<i>Kristin Schwall</i>)	NPDES Permit Reissuance	100%	90%	80%	0%	No	NPDES Workplan FY 2007-08
8/12/2009	NPDES General Permit Hydrostatic Testing and Potable Water Discharge (<i>Michelle Mata</i>)	NPDES Permit Reissuance	NA	100%	80%	0%	No	NPDES Workplan FY 2006-07
8/12/2009	US Navy--Naval Base San Diego (including Graving Dock) - San Diego Bay (<i>Vicente Rodriguez</i>)	NPDES Permit Reissuance	100%	90%	80%	0%	No	NPDES Workplan FY 2007-08

DATE OF REPORT July 6, 2009

TENTATIVE SCHEDULE

SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCB

Scheduled Board Meeting Date	Action Agenda Item	Action Type	Initial Document Application Complete	Discharge & Receiving Water Quality Limits and Monitoring Plan Known	Draft Complete	Public Review & Comment	Consent Item	Comments
8/12/2009	Agriculture Waiver Status Report (Peter Peuron)	Status Report	NA	NA	NA	NA	NA	
8/12/2009	Oglebay Norton - Mission Viego Sand (Cathryn Henning)	WDRs Rescission	100%	100%	0%	0%	Yes	
8/12/2009	Mission Valley Terminal Cleanup and Abatement Order	Information Item	NA	NA	NA	NA	No	Item in response to letter from City of SD Critical of Staff for not meeting and "partnering" with the City on the Cleanup.
September 9, 2009 Regional Board Meeting San Diego Regional Water Board Office								
9/9/2009	US Navy-- Naval Base Pt. Loma - San Diego Bay (Vicente Rodriguez)	NPDES Permit Reissuance	100%	90%	80%	0%	No	NPDES Workplan FY 2007-08
9/9/2009	Sweetwater Authority Groundwater Demineralization (Michelle Mata)	NPDES Permit Reissuance	0%	80%	0%	0%	No	
9/9/2009	Hubbs Research Facility Carlsbad - Agua Hedionda Lagoon (Michelle Mata)	NPDES Permit Reissuance	100%	80%	80%	50%	No	Pending receipt of information from Hubbs Res.

SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCB

Scheduled Board Meeting Date	Action Agenda Item	Action Type	Initial Document Application Complete	Discharge & Receiving Water Quality Limits and Monitoring Plan Known	Draft Complete	Public Review & Comment	Consent Item	Comments
9/9/2009	CALTRANS - Buckmann Springs Rest Stop (<i>Fisayo Osibodu</i>)	New WDRs	100%	20%	0%	0%	Yes	
9/9/2009	Minshew Brothers Steel Construction, Inc. (<i>Rebecca Stewart</i>)	ACL Order	100%	NA	20%	0%	No	Mandatory and discretionary liability proposed for failure to submit two annual industrial storm water reports
9/9/2009	San Luis Rey River Hydro Unit (Watershed) (<i>Chiara Clemente</i>)	Information Item	0%	NA	NA	NA	Yes	
October 14, 2009 Regional Board Meeting San Diego Regional Water Board Office								
10/14/2009	Initial Hearing - 2008 Fed. Clean Water Act Sec. 303(D) List Of Water Quality Segments (<i>David Gibson</i>)	Hearing: CWA 303(d) WQ List	NA	NA	75%	0%	No	Finalizing the decisions and drafting staff report underway. Planning on July 1 release for public review and comments.
10/14/2009	NPDES General De Minimis Discharges Permit - San Diego Region (<i>Michelle Mata</i>)	NPDES Permit Adoption	NA	0%	0%	0%	No	
10/14/2009	Carlsbad Energy Center, LLS Power, Agua Hedionda Lagoon Seawater Intake and Brine Discharge To Pacific Ocean (<i>Michelle Mata</i>)	NPDES Permit New	90%	80%	50%	0%	No	Proposed use of existing Encina Power Station Intake structure

TENTATIVE SCHEDULE

SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCB

Scheduled Board Meeting Date	Action Agenda Item	Action Type	Initial Document Application Complete	Discharge & Receiving Water Quality Limits and Monitoring Plan Known	Draft Complete	Public Review & Comment	Consent Item	Comments
10/14/2009	Adoption Hearing - Tecolote Creek Bacti TMDL (<i>Amy Mecklenborg / Benjamin Tobler / Wayne Chiu</i>)	Hearing: TMDL Basin Plan Amendment	100%	100%	100%	0%	No	Combined with Bacti I, both set for June 15th public release for review and comments.
10/14/2009	Readoption Hearing - Revised Bacteria Impaired Waters TMDL Project I For Beaches And Creeks (<i>Wayne Chiu / Benjamin Tobler / Amy Mecklenborg</i>)	Hearing: TMDL Basin Plan Amendment	100%	100%	100%	0%	No	Revise TMDL for Bacti Indicators using Exceedance Days Approach. TMDL withdrawn by Regional Board in December 2008. Combined with Tecolote Bacti project; scheduled for public release June 15th.
10/14/2009	San Diego County Solid Waste Trust Fund (<i>John Odermatt</i>)	Information Item	NA	NA	NA	NA	No	Vicky Gallagher (SD County) will be invited to make a presentation to the Board and answer questions.
10/14/2009	Tijuana River Valley Recovery Team (<i>Mike McCann</i>)	Information Item	0%	NA	NA	NA	Yes	
10/14/2009	Regional Harbor Monitoring Program (<i>Bruce Posthumus</i>)	Information Item	0%	NA	NA	NA	Yes	
10/14/2009	San Dieguito Hydro Unit (Watershed)	Information Item	0%	NA	NA	NA	Yes	

**TENTATIVE SCHEDULE
SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCB**

Scheduled Board Meeting Date	Action Agenda Item	Action Type	Initial Document Application Complete	Discharge & Receiving Water Quality Limits and Monitoring Plan Known	Draft Complete	Public Review & Comment	Consent Item	Comments
November 10, 2009 Regional Board Meeting San Diego Regional Water Board Office								
11/10/2009	Water Recycling Workshop (<i>Bob Morris</i>)	Information Item	0%	NA	NA	NA	Yes	
11/10/2009	Clean Water Act 401 Certification Workshop (<i>Chiara Clemente</i>)	Information Item	0%	NA	NA	NA	Yes	
December 9, 2009 Regional Board Meeting San Diego Regional Water Board Office								
12/9/2009	Initial Hearing -2008 Basin Plan Triennial Reivew (<i>Deborah Woodward</i>)	Hearing: Basin Plan Triennial Review	NA	0%	0%	0%	No	
12/9/2009	Adoption Hearing - 2008 Fed. Clean Water Act Sec. 303(D) List of Water Quality Segments (<i>Alan Monji</i>)	Adoption: CWA 303(d) WQ List	0%	0%	0%	0%	No	

DATE OF REPORT July 6, 2009

**TENTATIVE SCHEDULE
SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCB**

Scheduled Board Meeting Date	Action Agenda Item	Action Type	Initial Document Application Complete	Discharge & Receiving Water Quality Limits and Monitoring Plan Known	Draft Complete	Public Review & Comment	Consent Item	Comments
12/9/2009	Update of Receiving Water Monitoring Programs--Mid to Small POTWs <i>(Bruce Posthumus)</i>	Information Item	0%	0%	0%	0%	Yes	
February 10, 2010 Regional Board Meeting San Diego Regional Water Board Office								
2/10/2010	Adoption -2008 Basin Plan Triennial Reivew <i>(Deborah Woodward)</i>	Adoption - Basin Plan Triennial Review	0%	0%	0%	0%	No	
2/10/2010	Initial Hearing -Riverside County MS4 Permit <i>(James Smith)</i>	NPDES Permit Reissuance	0%	0%	0%	0%	No	
2/10/2010	UCSD Scripps <i>(Brian Kelley)</i>	NPDES Permit Reissuance	0%	0%	0%	0%	No	Stormwater ASBS Issue
March 10, 2010 Regional Board Meeting San Diego Regional Water Board Office								

TENTATIVE SCHEDULE

SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCB

Scheduled Board Meeting Date	Action Agenda Item	Action Type	Initial Document Application Complete	Discharge & Receiving Water Quality Limits and Monitoring Plan Known	Draft Complete	Public Review & Comment	Consent Item	Comments
3/10/2010	Mountain Water Ice (<i>Brian Kelley</i>)	NPDES Permit Reissuance	0%	0%	0%	0%	No	Discharge may be terminated
<p>April 14, 2010 Regional Board Meeting San Diego Regional Water Board Office</p>								
4/14/2010	Sea World - Mission Bay (<i>Brian Kelley</i>)	NPDES Permit Reissuance	0%	0%	0%	0%	No	
<p>May 12, 2010 Regional Board Meeting San Diego Regional Water Board Office</p>								
5/12/2010	Southern California Edison SONGS Unit No. 2 (<i>Brian Kelley</i>)	NPDES Permit Reissuance	0%	0%	0%	0%	No	
5/12/2010	Southern California Edison SONGS Unit No. 3 (<i>Brian Kelley</i>)	NPDES Permit Reissuance	0%	0%	0%	0%	No	

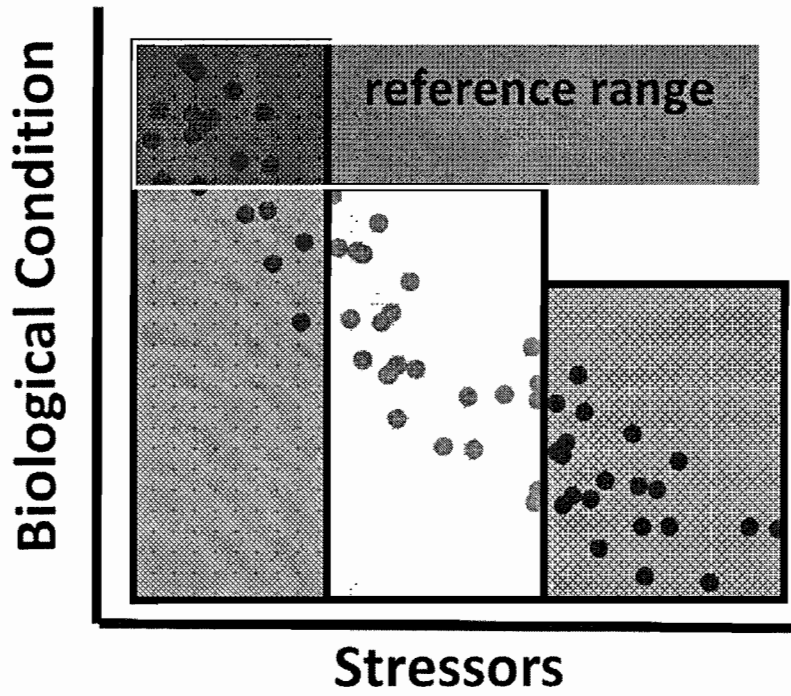
TENTATIVE SCHEDULE

SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCB

Scheduled Board Meeting Date	Action Agenda Item	Action Type	Initial Document Application Complete	Discharge & Receiving Water Quality Limits and Monitoring Plan Known	Draft Complete	Public Review & Comment	Consent Item	Comments
June 8, 2010 Regional Board Meeting San Diego Regional Water Board Office								
6/8/2010	San Elijo JPA Ocean Outfall (<i>Brian Kelley</i>)	NPDES Permit Reissuance	0%	0%	0%	0%	No	
6/8/2010	City of Escondido Ocean Outfall (<i>Brian Kelley</i>)	NPDES Permit Reissuance	0%	0%	0%	0%	No	
Unscheduled								
Unscheduled	Adoption - Orange County Municipal Storm Water Permit (<i>Ben Neill / James Smith</i>)	Adoption: NPDES Permit Reissuance	0%	0%	0%	0%	No	
Unscheduled	Anza Commercial Center (<i>Fisayo Osibodu</i>)	New WDRs	90%	50%	0%	0%	No	Commercial OWTS

SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCB

Scheduled Board Meeting Date	Action Agenda Item	Action Type	Initial Document Application Complete	Discharge & Receiving Water Quality Limits and Monitoring Plan Known	Draft Complete	Public Review & Comment	Consent Item	Comments
Unscheduled	USMC Las Pulgas Landfill (<i>Amy Grove</i>)	WDRs Revision	30%	50%	0%	0%	Yes	Construction of new phase. JTD was incomplete.
Unscheduled	Ocean Discharger Receiving Water Monitoring Program Updates (<i>Bruce Posthumus</i>)	NPDES Permit Revisions	NA	50%	0%	0%	No	
Unscheduled	NPDES Permit Rescissions-- Frank J. Konyon Dairy, Van Ommering Dairy, Tom Van Tol Dairy, (<i>Michelle Mata</i>)	NPDES Permit Rescission	0%	0%	100%	50%	No	
Unscheduled	Proposed Gregory Canyon Landfill - North San Diego County (<i>Carol Tamaki / Bob Morris</i>)	Hearing: New WDRs	100%	100%	100%	0%	No	Postponed indefinitely pending outcome of CEQA issue.
Unscheduled	Dynegy South Bay LLC, South Bay Power Plant Discharge to San Diego Bay (<i>Vicente Rodriguez</i>)	NPDES Permit Reissuance	100%	75%	20%	0%	No	Permit will be administratively extended.
Unscheduled	Escondido, City of, HARRF Discharge to Escondido Creek (<i>Brian Kelley</i>)	NPDES Permit Reissuance	0%	0%	0%	0%	No	



Attachment Tiered Aquatic Life Objectives (TALO).



Office of the Governor

ARNOLD SCHWARZENEGGER
THE PEOPLE'S GOVERNOR

PROCLAMATION

02/27/2009

State of Emergency - Water Shortage

PROCLAMATION

by the
Governor of the State of California

WHEREAS the State of California is now in its third consecutive year of drought; and

WHEREAS in each year of the current drought, annual rainfall and the water content in the Sierra snowpack have been significantly below the amounts needed to fill California's reservoir system; and

WHEREAS the rainfall and snowpack deficits in each year of the current drought have put California further and further behind in meeting its essential water needs; and

WHEREAS statewide, 2008 was the driest spring and summer on record, with rainfall 76 percent below average; and

WHEREAS the Sacramento and San Joaquin River systems, which provide much of the state's reservoir inflow, were classified as Critically Dry for the 2008 water year; and

WHEREAS in the second year of this continuous drought, on June 4, 2008, I issued an Executive Order proclaiming a statewide drought, and I ordered my administration to begin taking action to address the water shortage; and

WHEREAS because emergency conditions existed in the Central Valley in the second year of the drought, I issued an Emergency Proclamation on June 12, 2008, finding that conditions of extreme peril to the safety of persons and property existed in the counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern caused by severe drought conditions, and I ordered my administration to take emergency action to assist the Central Valley; and

WHEREAS the drought conditions and water delivery limitations identified in my prior Executive Order and Emergency Proclamation still exist, and have become worse in this third year of drought, creating emergency conditions not just in the Central Valley, but throughout the State of California, as the adverse environmental, economic, and social impacts of the drought cause widespread harm to people, businesses, property, communities, wildlife and recreation; and

WHEREAS despite the recent rain and snow, the three year cumulative water deficit is so large there is only a 15 percent chance that California will replenish its water supply this year; and

WHEREAS in the time since the state's last major drought in 1991, California added 9 million new residents, experienced a significant increase in the planting of permanent, high-value crops not subject to fallowing, and was subjected to new biological opinions that reduced the flexibility of water operations throughout the year; and

WHEREAS because there is no way to know when the drought will end, further urgent action is needed to address

the water shortage and protect the people and property in California; and

WHEREAS rainfall levels statewide for the 2008-2009 water year are 24 percent below average as of the February 1, 2009 measurement; and

WHEREAS the second snow pack survey of the 2009 winter season indicated that snow pack water content is 39 percent below normal; and

WHEREAS as of February 23, 2009, storage in the state's reservoir system is at a historic low, with Lake Oroville 70 percent below capacity, Shasta Lake 66 percent below capacity, Folsom Lake 72 percent below capacity, and San Luis Reservoir 64 percent below capacity; and

WHEREAS low water levels in the state's reservoir system have significantly reduced the ability to generate hydropower, including a 62 percent reduction in hydropower generation at Lake Oroville from October 1, 2008 to January 31, 2009; and

WHEREAS a biological opinion issued by the United States Fish and Wildlife Service on December 15, 2008, imposed a 30 percent restriction on water deliveries from the State Water Project and the Central Valley Project to protect Delta Smelt; and

WHEREAS State Water Project water allocations have now been reduced to 15 percent of requested deliveries, matching 1991 as the lowest water allocation year in State Water Project history, and Central Valley Project water allocations for agricultural users have now been reduced to zero; and

WHEREAS the lack of water has forced California farmers to abandon or leave unplanted more than 100,000 acres of agricultural land; and

WHEREAS California farmers provide nearly half of the fresh fruits, nuts and vegetables consumed by Americans, and the crop losses caused by the drought will increase food prices, which will further adversely impact families and economies throughout California and beyond our borders; and

WHEREAS agricultural revenue losses exceed \$300 million to date and could exceed \$2 billion in the coming season, with a total economic loss of nearly \$3 billion in 2009; and

WHEREAS it is expected that State Water Project and Central Valley Project water delivery reductions will cause more than 80,000 lost jobs; and

WHEREAS the income and job losses will adversely impact entire communities and diverse sectors of the economy supported by those jobs and income, including the housing market and commercial business; and

WHEREAS these conditions are causing a loss of livelihood for many thousands of people, an inability to provide for families, and increased harm to the communities that depend on them; and

WHEREAS this loss of income and jobs will increase the number of defaults, foreclosures and bankruptcies, and will cause a loss of businesses and property at a time when Californians are already struggling with a nationwide and worldwide economic downturn; and

WHEREAS the Central Valley town of Mendota, as one example, already reports an unemployment rate of more than 40 percent and lines of a thousand or more for food distribution; and

WHEREAS when jobs, property and businesses are lost, some families will move away from their communities, causing further harm to local economies, lower enrollments in local schools and reduced funding for schools; and

WHEREAS at least 18 local water agencies throughout the state have already implemented mandatory water conservation measures, and 57 agencies have implemented other water conservation programs or restrictions on water deliveries, with many agencies considering additional rationing and water supply reductions in 2009; and

WHEREAS the lack of water has forced local communities to draw water from their emergency water reserves, putting communities at risk of further catastrophe if emergency reserves are depleted or cut off; and

WHEREAS the state recently endured one of its worst wildfire seasons in history and the continuing drought conditions increase the risk of devastating fires and reduced water supplies for fire suppression; and

WHEREAS on February 26, 2009, the United States Department of Agriculture and the United States Department of Interior created a Federal Drought Action Team to assist California to minimize the social, economic, and environmental impacts of the current drought; and

WHEREAS the circumstances of the severe drought conditions, by reason of their magnitude, are beyond the control of the services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the California Government Code, I find that conditions of extreme peril to the safety of persons and property exist in California caused by the current and continuing severe drought conditions and water delivery restrictions.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, in accordance with the authority vested in me by the California Constitution and the California Emergency Services Act, and in particular California Government Code sections 8625 and 8571, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED that all agencies of the state government utilize and employ state personnel, equipment and facilities for the performance of any and all activities consistent with the direction of the California Emergency Management Agency (CalEMA) and the State Emergency Plan.

I FURTHER DIRECT THAT:

1. The California Department of Water Resources (DWR) shall, in partnership with other appropriate agencies, launch a statewide water conservation campaign calling for all Californians to immediately decrease their water use.
2. DWR shall implement the relevant mitigation measures identified in the Environmental Water Account Environmental Impact Report, Environmental Impact Statement, Supplement, and Addendums for the water transfers made through the 2009 Drought Water Bank. In addition, the California Air Resources Board shall, in cooperation with DWR and other agencies, expedite permitting and development of mitigation measures related to air quality impacts which may result from groundwater substitution transfers.
3. DWR and the State Water Resources Control Board (SWRCB) shall expedite the processing of water transfers and related efforts by water users and suppliers that cannot participate in the 2009 Drought Water Bank, provided the water users and suppliers can demonstrate that the transfer will not injure other legal users of water or cause unreasonable effects on fish and wildlife.
4. The SWRCB shall expedite the processing and consideration of the request by DWR for approval of the consolidation of the places of use and points of diversion for the State Water Project and federal Central Valley Project to allow flexibility among the projects and to facilitate water transfers and exchanges.
5. DWR shall implement short-term efforts to protect water quality or water supply, such as the installation of temporary barriers in the Delta or temporary water supply connections.
6. The SWRCB shall expedite the processing and consideration of requests by DWR to address water quality standards in the Delta to help preserve cold water pools in upstream reservoirs for salmon preservation and water supply.
7. To the extent allowed by applicable law, state agencies within my administration shall prioritize and streamline permitting and regulatory compliance actions for desalination, water conservation and recycling projects that provide drought relief.
8. The Department of General Services shall, in cooperation with other state agencies, immediately implement a water use reduction plan for all state agencies and facilities. The plan shall include immediate water conservation

actions and retrofit programs for state facilities. A moratorium shall be placed on all new landscaping projects at state facilities and on state highways and roads except for those that use water efficient irrigation, drought tolerant plants or non-irrigated erosion control.

9. As a condition to receiving state drought financial assistance or water transfers provided in response to this emergency, urban water suppliers in the state shall be required to implement a water shortage contingency analysis, as required by California Water Code section 10632. DWR shall offer workshops and technical assistance to any agency that has not yet prepared or implemented the water shortage contingency analysis required by California law.

10. DWR shall offer technical assistance to agricultural water suppliers and agricultural water users, including information on managing water supplies to minimize economic impacts, implementing efficient water management practices, and using technology such as the California Irrigation Management Information System (CIMIS) to get the greatest benefit from available water supplies.

11. The Department of Public Health shall evaluate the adequacy of emergency interconnections among the state's public water systems, and provide technical assistance and continued financial assistance from existing resources to improve or add interconnections.

12. DWR shall continue to monitor the state's groundwater conditions, and shall collect groundwater-level data and other relevant information from water agencies, counties, and cities. It is requested that water agencies, counties and cities cooperate with DWR by providing the information needed to comply with this Proclamation.

13. DWR and the Department of Food and Agriculture shall recommend, within 30 days from the date of this Proclamation, measures to reduce the economic impacts of the drought, including but not limited to, water transfers, through-Delta emergency transfers, water conservation measures, efficient irrigation practices, and improvements to CIMIS.

14. The Department of Boating and Waterways shall recommend, within 30 days from the date of this Proclamation, and in cooperation with the Department of Parks and Recreation, measures to reduce the impacts of the drought conditions to water-based recreation, including but not limited to, the relocation or extension of boat ramps and assistance to marina owners.

15. The Labor and Workforce Development Agency shall recommend, within 30 days from the date of this Proclamation, measures to address the impact of the drought conditions on California's labor market, including but not limited to, identifying impacted areas, providing one-stop service, assisting employers and workers facing layoffs, and providing job training and financial assistance.

16. DWR and the Department of Food and Agriculture shall be the lead agencies in working with the Federal Drought Action Team to coordinate federal and state drought response activities.

17. The emergency exemptions in Public Resources Code sections 21080(b)(3), 21080(b)(4) and 21172, and in California Code of Regulations, title 14, section 15269(c), shall apply to all actions or efforts consistent with this Proclamation that are taken to mitigate or respond to this emergency. In addition, Water Code section 13247 is suspended to allow expedited responses to this emergency that are consistent with this Proclamation. The Secretary for the California Environmental Protection Agency and the Secretary for the California Natural Resources Agency shall determine which efforts fall within these exemptions and suspension, ensuring that these exemptions and suspension serve the purposes of this Proclamation while protecting the public and the environment. The Secretaries shall maintain on their web sites a list of the actions taken in reliance on these exemptions and suspension.

18. By March 30, 2009, DWR shall provide me with an updated report on the state's drought conditions and water availability. If the emergency conditions have not been sufficiently mitigated, I will consider issuing additional orders, which may include orders pertaining to the following:

- (a) institution of mandatory water rationing and mandatory reductions in water use;
- (b) reoperation of major reservoirs in the state to minimize impacts of the drought;
- (c) additional regulatory relief or permit streamlining as allowed under the Emergency Services Act; and

(d) other actions necessary to prevent, remedy or mitigate the effects of the extreme drought conditions.

I FURTHER REQUEST THAT:

19. All urban water users immediately increase their water conservation activities in an effort to reduce their individual water use by 20 percent.

20. All agricultural water suppliers and agricultural water users continue to implement, and seek additional opportunities to immediately implement, appropriate efficient water management practices in order to minimize economic impacts to agriculture and make the best use of available water supplies.

21. Federal and local agencies also implement water use reduction plans for facilities within their control, including immediate water conservation efforts.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.



IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 27th day of February, 2009.

ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:
DEBRA BOWEN
Secretary of State