

**State Water Resources Control Board  
July 15, 2008 Board Meeting  
Item 14 - Executive Director's Report**

**OFFICE OF ENFORCEMENT**

**Status of Initiative to Eliminate MMP Enforcement Backlog:** Starting July 1, 2008, the State Water Board enforcement staff began issuing letters to dischargers notifying them of potential violations that would subject them to mandatory minimum penalties (MMP) for National Pollutant Discharge Elimination System (NPDES) violations. The State Water Board effort is part of a Water Board-statewide enforcement initiative to address MMP violations and substantially reduce the backlog of violations without enforcement action for violations which occurred between January 1, 2000 and December 31, 2007. The Regional Water Boards have been validating their data in the California Integrated Water Quality System (CIWQS) and, in some instances, began issuing letters or Administrative Civil Liability Complaints (ACLs) to the facilities in their respective regions prior to July 1. The goal is to have all letters sent on or before August 15, 2008. State and Regional Water Board staff will be issuing letters or ACLs on an ongoing basis as the violation data in CIWQS is validated.

The Water Boards' current data shows approximately 7,200 MMP violations for which no penalty have been assessed; these unaddressed violations now constitute a sizable enforcement backlog for the Water Boards. To address the MMP backlog will require approximately 477 separate actions because the 7,200 violations occurred at 477 separate permitted facilities. Assessment of the minimum penalty for each violation will result in penalty collections of \$21,600,000.

The goals of the MMP Backlog Initiative are:

1. To eliminate or substantially reduce the MMP enforcement backlog by December 31, 2008.
2. To validate the information in the Water Board's publicly available CIWQS data system regarding MMP violations to ensure that it accurately reflects MMP violations and the actions that have been taken by the Water Boards to address them.
3. To measure and report on the effectiveness of the MMP Backlog Initiative.

The State Board's Office of Enforcement will track progress towards resolving the covered MMP violations and prepare a comprehensive report on the Initiative by early 2009. Regular interim progress reports will be provided. This initiative has been communicated to the Legislature and briefings for interested legislators and staff have been offered.

### **Enforcement Policy Update**

An Executive Steering Committee comprised of State and Regional Board representatives was formed to evaluate proposed changes to the Enforcement Policy, consider new Policy direction, and reconsider some major stakeholder comments. They met twice per week through the month of June and are now awaiting Policy revisions per their direction. Their next meeting of this internal group is scheduled for July 29th. If the Committee does not propose further changes, the next draft should be completed in early August, and a stakeholder meeting will be scheduled later that month (following Board Member briefings).

### **Stakeholder Meeting on Baseline Enforcement Report Recommendations**

Internal and external stakeholders were invited to a meeting with OE staff to discuss the process that staff should take to address three recommendations (below) in the 2006 Baseline Enforcement Report. As you know, the State Water Board did not take action on these staff recommendations and directed staff to seek further stakeholder input before determining whether to bring any specific proposal to the State Water Board.

#### 1. Evaluate Opportunities for Citizen Enforcement of the Water Code

The Water Boards' data shows that a large percentage of detected violations do not have any enforcement action associated with them. If the Water Boards are unable to address all water quality violations because of a lack of enforcement resources, the Water Boards should evaluate whether citizens of the State of California should have the ability to bring actions to enforce the Water Code similar to citizen enforcement action provisions under the federal Clean Water Act.

#### 2. Evaluate Establishing Minimum Penalties for Water Code Violations

The Water Boards should evaluate imposing minimum penalties, similar to Health and Safety Code section 25299 and Water Code section 13350(e)(1), for the most serious water quality violations. Health and Safety Code section 25299 has been a significant factor in supporting enforcement cases and obtaining fines and penalties against non-complying owners and operators of UST systems. Adopting a minimum penalty regimen for other water quality violations would provide consistency in assessing monetary administrative and civil liabilities.

#### 3. Develop a Uniform Tracking and Reporting Mechanism for Illegal Discharges That Do Not Fall Within One of the Current Core Regulatory Programs

The Water Boards should work with stakeholders to develop a consistent mechanism for recording these violations and tracking the enforcement response to the violations. Based on a baseline of verifiable information, the Water Boards can better determine the extent of the problem and develop more appropriate regulatory and enforcement responses.

The entire report can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/baseline/enforcement\\_baseline\\_0607.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/baseline/enforcement_baseline_0607.pdf)

The stakeholder meeting is scheduled for July 14, 2008 from 1:00 to 4: 00 p.m.

## **DIVISION OF WATER QUALITY**

**Status of Water Quality Objectives for Cadmium:** Staff is developing a proposed amendment to the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) to establish water quality objectives for cadmium and related implementation methods, as described in the previous Executive Director's Report. The scoping meeting has been scheduled for October 6, 2008 at 10:00 a.m. in the Coastal Hearing Room.

**Sediment Quality Objectives (SQOs):** A 2001 court decision (San Francisco BayKeeper, Inc. v. State Water Resources Control Board, August 2001) ordered the State Water Board to adopt SQOs pursuant to the California Water Code §13393. To comply with this court order, the State Water Board was required to complete and publicly circulate its draft Phase II proposal for sediment quality objectives and related implementation policies by June 30, 2008. A staff draft was circulated on June 30, 2008. As noted in this document, because it is an "early point in the process most technical and policy related issues remain unresolved. As a result, the technical framework and means to implement the SQOs that are eventually proposed for the State Water Board's consideration may differ significantly from those discussed in this document." Staff plans to notice a September 2008 hearing on Phase I SQOs and to open a public comment period on the staff report.

**Once Through Cooling – CWA Section 316(b):** Section 316(b) of the Clean Water Act requires that controls be put in place for power plant intake structures that control the impingement and entrainment of aquatic species for those power plants that utilize once through cooling. In California, this would affect 21 coastal power plants that use once through cooling. Staff circulated a scoping document on the development of a Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling, and comments were due by May 20, 2008. Staff is in the process of reviewing these comments.

**Construction Storm Water Permitting:** A public hearing on the draft General Construction Storm Water Permit was conducted on June 4, 2008 in Sacramento. The comment deadline was noon, June 11, 2008. At the close of the comment period, about 770 entities had submitted comments. Of these, 576 were "form letters." Staff is reviewing the comments received.

**General Permit for Landscape Irrigation Uses of Recycled Water:** Assembly Bill 1481 (De La Torre, Chapter 535, Statutes of 2007) requires the State Water Board to

adopt a general permit for landscape irrigation uses of recycled water by July 31, 2009. The intent of the new law is to develop a uniform interpretation of state standards to ensure the safe, reliable use of recycled water for landscape irrigation uses, consistent with state and federal water quality law. The new law is also intended to expedite permitting for use of recycled water for landscape irrigation. On June 18, 2008, staff held a California Environmental Quality Act (CEQA) scoping meeting to seek public input regarding the scope and content of this general permit and an associated environmental document. Staff is now cataloging and reviewing the comments received (approximately 30). The comments are posted on the landscape irrigation program web page.

**Technical Assessment and Process for 303(d) Water Temperature Listing and Delisting Requirements in the North Coastal Landscape:** On June 26, 2008, State Water Board and North Coast Regional Water Board staff hosted a public workshop on the technical assessment and listing process used to meet the Clean Water Act section 303(d) requirements. This workshop focused on stream temperature impairments in the forested north coastal landscape. The purpose of the workshop was to gain a mutual understanding of the listing and delisting processes with regard to the North Coast Basin Plan. Staff discussed the water temperature objective and the use of available tools to evaluate water temperature data within the current listing process and policy. The workshop provided information on the Listing Policy and the technical assessment involved in the Clean Water Act section 303(d) listing requirements, and data collection and analysis. The workshop ended with panel discussions where staff responded to public questions about the Listing Policy and temperature listing in the North Coast Region.

**Irrigated Lands Regulatory Program (ILRP) Update Report:** The July 2008 report on the Central Valley Regional Water Boards is attached as Appendix 1.

## **DIVISION OF WATER RIGHTS**

**eWRIMS Enhancements:** On June 1, 2008, the Division of Water Rights and Division of Information Technology enhanced the Water Rights Information System (eWRIMS) by providing to online users the capability to immediately view a copy of any water right permit or license. This enhancement was previously requested by water right stakeholders.

**Assembly Bill 1404 Workshops:** On July 7 and 11, 2008, the State Water Board's Division of Water Rights will conduct technical workshops associated with the implementation of AB 1404 (Laird). AB 1404 requires the State Water Board, in collaboration with the Department of Water Resources, the Department of Public Health, and the California Bay-Delta Authority, to prepare and submit a report to the Legislature by January 1, 2009, evaluating the feasibility, estimated costs, and potential means of financing the development of a coordinated water measurement database. The database will provide the means to coordinate the collection, management, and use of agricultural and urban water measurement information currently provided separately to each agency.

**Emergency Conditions due to Drought, Governor Schwarzenegger's Proclamation, and Petitions for Transfer of Water and Temporary Urgency Changes:**

On June 12, 2008, the Governor declared emergency conditions due to drought in the counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern. In this proclamation of a state of emergency, he directs State Agencies to take specific actions to respond to the drought. The Department of Water Resources (DWR) is directed to prepare and file necessary water right urgency change petitions to facilitate surface water transfers and the use of joint point of diversion by the State Water Project and Central Valley Project. The State Water Board is directed to: 1) expedite the processing of water transfer requests; and 2) expedite the processing and consideration of water right urgency change petitions filed by the Department of Water Resources and other water agencies to facilitate water transfers to the San Joaquin Valley. (See <http://gov.ca.gov/proclamation/9898/> for the text of the proclamation.) State Water Board staff is expediting petitions for transfer of water and is developing additional procedures as necessary to comply with the Governor's proclamation.

The State Water Board currently has five pending requests for transfers (petitions for temporary change) and two Petitions for Temporary Urgency Change to facilitate water transfers. One of these Petitions for Temporary Urgency Change was filed jointly by DWR and the United States Bureau of Reclamation (USBR). The petition requests authorization by DWR and USBR to conduct joint operations at their pumping facilities in the southern Delta, as well as to conduct Yuba County Water Agency's long-term transfer, when certain southern Delta water quality objectives are not being met. On July 1, 2008 the State Water Board issued Order WR 2008-0029-EXEC, approving DWR/USBR's request subject to the following conditions 1) DWR and USBR will address water quality, water level, and other concerns of the South Delta Water Agency; 2) DWR and USBR will provide to the State Water Board information on the long-term water quality effects of their Delta pumping; and 3) DWR and USBR will meet all other requirements of their permits. Order WR 2008-0029-EXEC can be found at <http://www.waterrights.ca.gov/hearings/wro2008.html>. Petitions and notices for temporary transfers and Petitions for Temporary Urgency can be found at: <http://www.waterrights.ca.gov/application/tempurgnotices.htm>

**Draft Strategic Workplan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary:**

On July 16, the State Water Board will consider for adoption a Draft Strategic Workplan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. Staff from the State Water Board and Central Valley and San Francisco Bay Regional Water Boards have prepared the Draft Strategic Workplan that describes the suite of activities the Water Boards will pursue over the next five years to address the water supply and environmental crisis in the Delta. Workplan elements are responsive to direction from the Governor and Delta Vision, and touch on a wide range of flow and water quality actions to better protect the Delta and the public trust, while still protecting diverse public interests. The Draft Strategic Workplan was released for public comment on June 13, 2008. The Central Valley and San Francisco Bay Regional Water Boards

will also consider adopting the Strategic Workplan later this year. The draft workplan is available at:

[http://www.waterrights.ca.gov/baydelta/strategic\\_workplan.htm](http://www.waterrights.ca.gov/baydelta/strategic_workplan.htm)

**Proposed Revocation of Water Right Permits for the Auburn Dam Project:**

On July 21-22, the State Water Board will conduct a water right hearing to determine whether to adopt or modify a proposed Revocation Order issued by the Division of Water Rights that would revoke the permits authorizing diversions related to the Auburn Dam Project.

**California American Water Cease and Desist Order:** On July 23-25 (and on August 7-8, as required), the State Water Board will conduct the second phase of a water right enforcement hearing to determine whether to adopt or modify a Cease and Desist Order issued by the Division of Water Rights for the alleged unauthorized diversion of water from the Carmel River in Monterey County.

**Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams (AB 2121):** On August 5 and 6, the State Water Board will conduct workshops in Ukiah and Santa Rosa, respectively, to discuss the AB 2121 Draft Policy.

## **OFFICE OF RESEARCH, PLANNING AND PERFORMANCE**

**Strategic Plan:** A final draft Strategic Plan Update: 2008-2012 was presented at the State Water Board's July 1, 2008 meeting. Several Board members indicated that they would work with staff over the next several weeks to address some outstanding concerns. Staff will present a revised draft plan for the State Water Board's consideration at the September 2, 2008 meeting. The draft plan and other support documents can be found at the Water Boards' website at:

[http://www.waterboards.ca.gov/water\\_issues/hot\\_topics/strategic\\_plan/2007update.shtml](http://www.waterboards.ca.gov/water_issues/hot_topics/strategic_plan/2007update.shtml)

**Climate Change: ARB AB 32 Scoping Plan:** The Air Resources Board released their draft AB 32 Scoping Plan on Thursday June 26, 2008. The draft scoping plan describes the proposed measures that will be taken to lower the state's greenhouse gas emissions to meet the 2020 limit. The measures in the draft Scoping Plan are proposed to be developed over the next three years and be in place by 2012. The ARB must approve a final Scoping Plan by January 2009. Water Board staff participated on five of the Climate Action Team subgroups that contributed to the development of the measures in the plan. The ARB is holding workshops on the measures over the summer and Water Board staff will provide assistance, as requested by the ARB, at the workshops for the measures that are water-related.

**Water Board Training Academy:** Numerous courses are being offered in the coming months covering many subjects. A series of classes are being offered covering technical writing and editing skill; due to high demand, these classes are already full

through July. Below are a few highlights of Training Academy courses. Visit the Academy's intranet site to learn more about these courses and other offerings.

<p>Recently completed</p>	<p><b>Introduction to ArcGIS</b>  This class shows how desktop GIS software (ArcGIS) can be used for displaying and analyzing groundwater and surface water monitoring data, grants, permits and water rights. This workshop offers an overview of GIS, and some hands-on practice and training. Specifically, students learn about terms and concepts, available systems, data sources, and design and policy decisions which must be addressed prior to implementation of a GIS project. Combining lectures by professionals and hands-on experience working with ArcView (version 9.1), this course provides a basic working knowledge of GIS and its terminology, as well as a concrete sense of the planning and design work involved in using GIS. This popular class is customized for Water Board staff. We offer it several times per year subject to the availability of the instructor.</p>
	<p><b>CEQA for Water Rights</b>  In this custom two-day course on preparing environmental analysis documents, the instructors provide Division of Water Rights staff with a complete overview of CEQA and how it applies to the responsibilities of the Division. The instructors start at the background and implementation of CEQA, and take Division staff through the analysis of environmental impacts and the implementation of appropriate mitigation measures. The class examines the necessary contents and standards of adequacy for CEQA documents; and covers the integration of CEQA with other environmental laws, such as the National Environmental Policy Act. In addition, the class discusses CEQA baseline determinations and recent court decisions as they relate to CEQA compliance.</p>
<p>Upcoming</p>	<p><b>Sanitary Sewer Collection Systems</b>  This three-day class will provide State and Regional Board staff with the knowledge, skills and abilities to inspect sanitary sewer collection system facilities, respond to sewage spills and learn more about the general Waste Discharge Requirements for Sanitary Sewer Collection Systems (#2006-0003-DWQ) and Sewer System Management Plans (SSMPs) required by the Order to reduce the number and volume of SSOs occurring throughout the state.  The first two days provide a technical overview of collection system design, operation and maintenance, and includes a one-half day field trip to observe Sacramento County's collection system field crews and office staff in action. The third day focuses on the regulatory aspects of the Statewide Sanitary Sewer Order and collection systems, including SSMP development, reporting requirements, compliance assurance and enforcement.</p>
	<p><b>Making the Transition to Supervision</b>  When an employee is first appointed to a supervisory position it requires a skill shift from getting the job done through their technical skills and</p>

	<p>expertise, to achieving results by leading, developing, and motivating others. This one-day workshop is designed to review the above principles with staff whose career goals include assuming a formal leadership role at the Water Boards. The content introduces the role of the supervisor, the variety of skills it takes to be successful, and the challenges and opportunities associated with a supervisory role. During the workshop participants assess their interest, readiness, and ability to do this kind of work, and develop an action plan on how to better prepare themselves to assume a formal leadership role.</p>
	<p><b>Advanced Wastewater Engineering</b>  Advanced Wastewater Engineering focuses on the most common compliance problems with wastewater treatment facilities and how those problems may be resolved by source control, modified wastewater facilities operation, and/or modified wastewater facilities design. The class will provide a technical basis for compliance and anti-degradation analyses within the framework of the permitting process. Attendees will receive a custom trouble-shooting guide that will help staff determine how a facility may be able to improve compliance, and provide a resource to help evaluate proposals and/or workplans for improving compliance.</p>
	<p><b>How to Prepare Waste Discharge Requirements</b>  This two-hour class presents the first chapter of a course intended to train State and Regional Water Board staff to prepare tentative waste discharge requirements (WDRs) orders for the Non-Chapter 15 regulatory program. The goal of this course is to improve the consistency, clarity, enforceability, and defensibility of WDRs orders prepared for the Non-Chapter 15 regulatory program.</p> <p>At the end of the training students understand the fundamentals necessary to prepare WDRs orders including:</p> <ul style="list-style-type: none"> <li>▪ The significance and limitations of statute, regulation, plan, policy, and guidance;</li> <li>▪ What makes a discharge a “Non-Chapter 15” discharge, and</li> </ul> <p>An overview of antidegradation directives relative to the Non-Chapter 15 regulatory program.</p>

## **DIVISION OF FINANCIAL ASSISTANCE (DFA)**

### **Areas of Special Biological Significance (ASBS) Concept Proposal Task Force Meeting July 2, 2008:**

On July 2, 2008, the ASBS Task Force met with State and Regional Water Board staff, at the San Francisco Bay Conservation and Development Commission, to develop the full proposal call back list for the Proposition 84 ASBS Grant Program. The list will be finalized and posted on the State Water Board’s website in July 2008. Full proposals will be solicited beginning October 2008. The State Water Board will consider adoption of the funding list in March 2009.

**20X2020 Agency Team Meetings: May 23, 2008 & June 27, 2008:** Staff participated in two water conservation meetings resulting from the Governor's order to conserve 20 percent per capita water conservation by the year 2020 (20X2020 Agency Team (Agency Team) meetings). Barbara Evoy, DFA's Deputy Director, co-chairs the Agency Team with DWR. The Agency Team is made up of representatives from seven state and federal agencies. It meets approximately biweekly to develop a plan to achieve the 20 percent reduction per capita. Currently, the Agency Team is working on finalizing a consultant contract.

The consultant will assist the Agency Team in producing the plan. Staff developed a 20x2020 public website that will be posted on the State Water Board website under the Hot Topics page. The public website will be deployed by July 11, 2008. Staff also discussed the State Water Board's Draft Bay Delta Strategic Work Plan with Team members.

**Clean Water State Revolving Fund (CWSRF) Program Stakeholder Advisory Group (SAG) June 23, 2008:** Staff convened a meeting of the Clean Water State Revolving Fund (CWSRF) Program Stakeholder Advisory Group (SAG) on Monday, June 23, 2008, in the CalEPA Building. Staff updated the SAG on current activities within the Program and provided SAG members with additional training on the resources associated with the Program. The SAG continued its discussions from the last meeting on Program priorities highlighted in the recent management review conducted jointly by USEPA and its consultant Northbridge Environmental Management Consultants. Staff presented information on the current application process and interim results of efforts to revamp the application process.

**Meeting with the Sacramento Local Agency Formation Commission (LAFCo) – June 30, 2008:** State Water Board and California Department of Public Health staff met with the Sacramento LAFCo Executive Officer and Assistant Executive Officer to learn more about LAFCo's review process and the criteria for local water and wastewater agency formation. Attendees also discussed water and wastewater compliance issues related to small and/or disadvantaged communities and potential opportunities for improved inter-agency coordination in the review and approval of future water and wastewater proposals.

**San Diego Regional Water Quality Control Board Workshop for Persons and Agencies Interested in Activities to Restore the Wetlands and Abate Pollution in the Tijuana River Valley Watershed – June 25, 2008:** Staff attended this meeting to become more familiar with the activities of various federal, state and local government agencies and nonprofit organizations in the Tijuana River Valley, as they relate to the Clean Beaches Initiative Source ID study currently underway in the area.

**Division Approvals:** The Deputy Director of DFA approved the following Preliminary Loan/Grant Commitments from June 6, 2008 through July 2, 2008.

## State Revolving Fund Loan

Entity	Preliminary Loan Commitment	Project	Approved
City of Fontana	\$19,500,000	Phase I San Bernardino Avenue Trunk Sewer and Phase II San Bernardino Avenue Trunk Sewer Lift Station and Force Main Project	6/12/08
City of Patterson	\$1,238,067	Oxidation Ditch Upgrade Project	6/19/08

## Water Recycling Grant/Loan

Entity	Preliminary Funding Commitment	Project	Approved
City of Stockton	\$75,000	Joint Recycled Water Expanded Feasibility Study and Implementation Plan	6/6/08

## DIVISION OF ADMINISTRATIVE SERVICES

### 2008/2009 BUDGET

Thirteen of the Water Board's 2008-2009 Budget Change Proposals (BCPs) and two finance letters have been approved by the Legislature, as well as Senate language to require separate budget line items for each Regional Board. In regard to this line item budget requirement, currently we have two line items in our budget-the Water Quality line item and the Water Rights line item. This change will split the Water Quality line item into 10 district elements, one for each Board. The most significant impact will be the need to have written approval from the Secretary, the Department of Finance, and the Legislature before we can implement most budget revisions between the line items. The only BCP denied by the Conference Committee thus far is BCP #1 for additional water rights staff.

Three BCPs are still open in Conference Committee along with Budget Bill Language, Trailer Bill Language, and other policy issues that were raised during budget hearings. The conference issues still open include:

- Legislative Analyst Office recommendations on Supplementary Environmental Projects (SEPs), and a new broad-based fee for water quality management.

Assembly recommendations to work with the Department of Public Health on groundwater/drinking water quality.

- Senate language related to the San Diego Bay sediment clean up.
- Senate language to report on plans to reduce pollution loads in agricultural runoff.
- Senate language to improve State and Regional Water Board accountability.

The State Controller has provided a general outline of what bills his office can and cannot pay until the State budget is enacted. For example, the controller can continue to make the following payments:

- Debt service and other payments required by the State Constitution.
- Payroll for state employees covered by the Federal Fair Labor Standards Act.
- Vendor payments for services provided in the last fiscal year.

However, a number of constitutional and legal restrictions prevent the Controller from making other types of payments without an approved budget. For example, the Controller cannot pay:

- Vendors for services provided after July 1.
- Salaries and per diem of state elected officials and their appointed staff.
- Salaries and per diem of appointees and other exempt employees.

## **OFFICE OF INFORMATION MANAGEMENT AND ANALYSIS**

**Inventory of State Water Board Monitoring Projects:** State Water Board Vice Chair Gary Wolff requested the Office of Information Management and Analysis prepare a summary inventory (attached as Appendix 2) of current monitoring efforts at the State Water Board and collaborative efforts with other entities. The inventory includes funding information, purpose of the monitoring program, products, and deadlines. OIMA will update the inventory on a quarterly basis.

## APPENDIX 1

### IRRIGATED LANDS REGULATORY PROGRAM UPDATE REPORT JULY 2008

This month's Irrigated Lands Regulatory Program (ILRP) monthly report will provide an update on activities of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) ILRP, as reported in the Central Valley Water Board's June 2008 Executive Officer's report. Future ILRP monthly reports will alternate between the Central Coast, Los Angeles, Colorado River Basin, San Diego, and the Central Valley Regional Water Quality Control Board programs. English and Spanish translations of current and past ILRP program monthly reports can be found on the State Water Boards Irrigated Agricultural Waiver Program website:

[http://www.waterboards.ca.gov/water\\_issues/programs/agriculture/](http://www.waterboards.ca.gov/water_issues/programs/agriculture/)

For specific program information, contact Mr. Joe Karkoski, program manager of the Central Valley Water Board ILRP, at 916- 464-4668.

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

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

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

(As reported in the Central Valley Water Board's June 2008 Executive Officer's report)

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

Regional Water Board staff has initiated follow-up meetings and is gathering additional information based on the long-term ILRP public workshops held in March and April 2008.

In April 2008 Regional Water Board and CA Department of Pesticide Regulation (DPR) staff met to discuss coordination of regulatory programs for irrigated lands. Regional Water Board staff is preparing a follow-up letter to DPR to describe the major topics for coordination.

In separate meetings in April 2008, staff met with representatives of irrigation districts currently under individual waivers; three sub-watershed groups in the higher elevation of Sacramento Valley; and wetland managers. In May 2008 Regional Water Board staff met with California Citrus Mutual to discuss the long-term program.

On April 28, 2008, the Regional Water Board received a letter from the South San Joaquin Valley Coalition requesting that discharges to the Tulare Lake Basin from

irrigated lands be regulated under a General Order, rather than the current conditional waiver. The letter included a copy of a Coalition proposed General Order of Waste Discharge Requirements for Discharges from Irrigated Lands. By letter, the Executive Officer indicated that the proposal would be considered as part of development of the long-term program. The deadline for comments on the scope of the ILRP is May 30, 2008. Regional Water Board staff will be preparing a response summary for written and verbal comments. Regional Water Board staff will continue to meet with stakeholders to help develop the program alternatives to be evaluated in the EIR. The Regional Water Board's contractor, Jones and Stokes Associates (JSA), is continuing to update the surface and ground water chapters of the Existing Conditions Report (ECR). In addition, JSA is updating the management practices section of the ECR. Information gaps that were identified during the public comment period on the ECR are being addressed.

## **Enforcement**

### **California Water Code section 13267 Orders and Notices of Violation**

On March 27, 2008, eleven section 13267 Orders were issued to potential irrigated agricultural parcel owners who are not current coalition group participants within portions of Contra Costa, Sacramento, San Joaquin and Solano Counties that are located within the legal boundaries of the Sacramento-San Joaquin Delta. The section 13267 Orders require landowners to provide information regarding their property and to indicate why they are not participating in the ILRP. To date, RB staff has received three applications to join a coalition group out of the eleven section 13267 Orders sent. These three applications represent 17 parcels and approximately 4,000 acres. On May 2, 2008, four Notice of Violations (NOVs) were issued to landowners who failed to respond to the March 27, 2008 issuance of section 13267 Orders. Those landowners have fifteen calendar days to respond. Staff intends to issue ACLs to landowners who fail to respond to the NOVs. On May 12, 2008, twenty-nine section 13267 Orders were issued to potential irrigated agricultural parcel owners who are not current coalition group participants within Fresno, Kings, Merced, San Joaquin, Shasta, and Tulare Counties. This mail-out represents 69 parcels and approximately 7,500 acres. The Executive Officer will continue to issue section 13267 Orders, approximately every 2-3 weeks to increase participation in the ILRLP.

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

On April 24, 2008, the Regional Water Board adopted amendments to the Coalition Group Waiver allowing all growers who wish to join a coalition group a limited opportunity to do so with the approval of the Executive Officer. As of May 12, 2008, 270 applications had been submitted to the Regional Water Board, encompassing over 70,000 acres of land. Fifty-one applicants had been approved prior to the changes to the Coalition Group waiver. The Executive Officer has approved an additional 184 applicants. Other applicants were either already members of Coalitions or withdrew their application.

### **Recommendations for Fee Modifications**

Staff has conducted an analysis of time spent overseeing dischargers under the Individual Waiver (including Irrigation Districts) and processing applications to join coalition groups. Recommendations for modifications to the current fee schedule were submitted to State Water Board staff for review. State Water Board staff is currently developing potential changes to the fee schedule.

### **Discharges and Complaints**

On April 21, 2008, staff received a report from the Office of Emergency Services regarding a fertilizer spill from a farm which released 400-1000 gallons into a Merced River irrigation supply canal. The incident was reported by J. Simplot Company, which was filling a tank at the time and involved an estimated 500-1000 gallons of liquid fertilizer. Staff has contacted the East San Joaquin Water Quality Coalition who has discussed the issue with the grower.

On May 2, 2008, the City of Brentwood observed and reported a fish kill to the Regional Water Board and Department of Fish and Game (DFG). Staff immediately conducted a site visit to Marsh Creek and observed approximately 30 fish carcasses downstream of the City of Brentwood wastewater treatment plant and an adjacent city storm drain. The DFG collected fish carcasses for analysis. The wastewater treatment plant immediately collected samples according to its NPDES permit and for toxicity analysis. Chemistry and toxicity results are pending. The DFG and Contra Costa Agricultural Commissioner will be leading any follow up. This is the third reported fish kill at this site since late 2005.

On May 6, 2008, staff of the Redding Office received a complaint regarding lack of fish at Walker Creek in Glenn County. Details were forwarded to ILRP staff for follow-up and collaboration with the DFG.

### **Coalition Groups**

#### **California Rice Commission (CRC)**

CRC representatives and Regional Water Board staff held several discussions regarding appropriate monitoring design for the CRC Monitoring and Reporting Program Plan (MRP Plan) and Management Plans. A schedule is being developed by staff for the necessary Management Plan and Quality Assurance Program Plan deliverables.

#### **East San Joaquin Water Quality Coalition (ESJWQC)**

ESJWQC representatives submitted the semi-annual monitoring report (SAMR) on January 14, 2008. Staff is currently reviewing the SAMR and preparing a review summary. On April 2, 2008, staff received the ESJWQC draft Management Plan for exceedances in the coalition region. The Management Plan is currently under staff review and comments will be shared with ESJWQC at a meeting to be held on May 15, 2008. On April 8, 2008 and May 15, 2008, Regional Water Board staff and ESJWQC representatives met to discuss the MRP Plan content and format. The MRP Plan is due to the Regional Water Board by July 25, 2008, and ESJWQC

representatives agreed to also submit the revised Management Plan by this date. Monthly progress meetings are scheduled for April through June 2008 to develop the MRP Plan.

### **Sacramento Valley Water Quality Coalition (SVWQC)**

On 7, 12 and 21 April 2008, staff met with SVWQC representatives to coordinate and develop the MRP Plan and Management Plans. Staff and representatives discussed alternatives to the Monitoring Design and the progress that needs to occur to meet the July 25, 2008 deadline for submission of an approvable MRP Plan.

### **San Joaquin County and Delta Water Quality Coalition (SJCDWQC)**

On April 2, 2008, staff received the SJCDWQC draft Management Plan for exceedances in the Coalition region. The Management Plan is currently under staff review. On April 15, 2008 and May 7, 2008, staff and SJCDWQC representatives met to discuss the MRP Plan content and format. The MRP Plan is due to the Regional Water Board by July 25, 2008. Monthly progress meetings are scheduled for April through June 2008 to develop the MRP Plan.

### **Westside San Joaquin River Watershed Coalition (WSJRW)**

On May 5, 2008, WSJRW representatives provided a revised MRP Plan incorporating changes that were discussed during the March 12, 2008 meeting with Dr. Brock Bernstein, who has assisted in the development of the Regional Water Board Monitoring Design Guidance. Staff requested a small number of minor revisions. The revised MRP Plan is expected to be re-submitted by May 30, 2008. A revised QAPP is also being prepared, and will be submitted in July 2008. As part of their Management Plan, the Coalition is also preparing a focused water quality improvement plan for the watersheds of Ingram Creek and Hospital Creek. The purpose of the focused approach is to conduct more specified and aggressive management practice implementation efforts on prioritized watersheds. The revised plan should be ready for submittal to staff by May 30, 2008.

### **Goose Lake Coalition**

On March 23, 2008, the Coalition held its second quarterly Coalition Meeting and Grower Workshop. The workshop was presented by Dr. Ken Tate, Rangeland Watershed Specialist at UC Davis, on the topic Management Practices to Reduce E. coli in Irrigated Pasture Runoff. On March 27, 2008, staff received a letter from the Coalition requesting several modifications to their MRP Plan for the 2008 monitoring season. On April 9, 2008, the Executive Officer issued a letter to the Coalition approving the modifications. The Coalition submitted a draft Lassen Creek Management Plan on April 4, 2008 for Ceriodaphnia toxicity that occurred during the 2007 irrigation season. The Coalition is currently revising the plan based on comments provided by Regional Water Board staff on April 15, 2008.

### **Westlands Coalition**

On May 14, 2008, staff held a meeting with Westlands Coalition representatives to discuss the preparation of the Coalition's MRP Plan, as well as the transition of Regional Water Board staff oversight from the Sacramento office to the Fresno office.

### **Southern San Joaquin Valley Water Quality Coalition**

On April 9, 2008, staff attended a meeting at the Kings River Conservation District office to discuss a variety of issues including: MRP Plan preparation, coordination of Coalition and Sub-Watershed submittals, and discharges identified from irrigation systems into Coalition waterways. The meeting included a trip to the San Joaquin River to view irrigation district return flows. On April 21, 2008, staff sent a letter requesting a meeting with the Coalition to discuss progress in the preparation of the management plan for the Main Drain Canal in Kern County. A response has not yet been provided by the Coalition. On May 7, 2008, staff sent a letter to the Coalition requesting submittal of a management plan for the Tule River for exceedances to the warm freshwater habitat, water quality toxicity standard (toxicity to aquatic life – fathead minnow).

### **Individual Dischargers**

#### **BerryBlest Farm**

On April 23, 2008, staff prepared an enforcement letter to BerryBlest Farm for failing to submit a complete QAPP with the MRP Plan. Staff has reminded BerryBlest Farm of the QAPP requirement in various correspondence beginning in 2006, and as recently as December 2007.

#### **Modesto Irrigation District**

On April 25, 2008, Modesto ID submitted a revised MRP Plan and Quality Assurance Program Plan (QAPP). The QAPP included a method validation package for aminopyralid, which Modesto ID is planning to start using in the near future. Staff reviewed the method development for aminopyralid and its validation package (prepared by North Coast Laboratories, Ltd.) and verified that the requirements of the MRP Order and the Environmental Laboratory Accreditation Program (ELAP) are met. Response comments were submitted on May 12, 2008. Staff is currently reviewing and preparing a response for the remaining portion of the QAPP, MRP Plan, AMR, and Technical Report.

#### **Oakdale Irrigation District**

On February 29, 2008, staff received the Oakdale ID 2007-2008 AMR. Staff is currently preparing a response.

#### **South San Joaquin Irrigation District**

On April 30, 2008, staff completed review of the 2007 AMR and prepared a comment summary that is undergoing internal review.

## **Grant Management**

### **Goose Lake Coalition**

An amendment to the Goose Lake Coalition's grant agreement is being prepared. The amendment request will include a time extension, due date changes, and budget adjustments.

### **San Joaquin County Resource Conservation District (SJCRCD)**

On April 21, 2008, staff received the SJCRCD's grant invoice, progress report, amended QAPP, and Project Assessment and Evaluation Plan for the grant titled "Measuring the Effectiveness of Agricultural Management Practices". The invoice and reports are under staff review.

## **Other ILRP Activities**

### **MOU with Butte and Glenn County Agricultural Commissioners**

The 2008 First Quarter Report for the MOU Pilot Program has been posted on the ILRP website. This report contains a summary of the work performed from January 1, 2008 to March 31, 2008. Work for the MOU Pilot Program continues under a new contract. On April 8, 2008, staff attended a meeting in Oroville with the Butte and Glenn County Agricultural Commissioners' offices to review the status and progress of work performed under the MOU.

### **UC Davis Monitoring**

Researchers at UC Davis are now preparing the draft summary report for all sampling conducted under this contract. The summary will be submitted by UC Davis to staff for review in June 2008 and will subsequently be finalized and posted on the ILRP website.

## Appendix 2

### SWRCB Monitoring Projects Inventory July 2008

PROGRAM/ Description	FUNDING TOTAL		DEADLINES	WATER	WATER	FLOW	Comments Products
			Funding/Program	QUALITY	RIGHTS		
<b>SURFACE WATER ABIEN MONITORING PROGRAM</b>							
	Waste discharge permit fees	\$3.4 million	Annual	X			This is the annual monitoring allocation for regions based on already set percent allocation for each region.
	State Funds, one-time,	\$4 million augment	Ends fiscal year 08-09	X			This funding is fiscal year 05-06This was a one time allocation to develop Surface Water Ambient Monitoring Program Quality Assurance Program Plan and Surface Water Ambient Monitoring Program database

## Appendix 2

### SWRCB Monitoring Projects Inventory July 2008

PROGRAM/ Description	FUNDING TOTAL		DEADLINES Funding/Program	WATER QUALITY	WATER RIGHTS	FLOW	Comments Products
	Federal 106	\$4.5 million	Annual	X			This funding covers all state wide monitoring including Perennial Streams Assessment , Bioaccumulation, Integrator (long term status and trends) as well as Surface Water Ambient Monitoring Program Database and Quality Assurance/Quality Control
	Federal 106 "Monitoring Initiative"	\$169,000	Annual	X			Perennial Streams Assessment (ongoing with this being the first year of sampling)
	Federal 106 "National Surveys"	\$176,000	Annual	X			Lake Assessment (ongoing with this being the first year of sampling)

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### SWRCB Monitoring Projects Inventory July 2008

PROGRAM/ Description	FUNDING TOTAL		DEADLINES Funding/Program	WATER QUALITY	WATER RIGHTS	FLOW	Comments Products
<b>GAMA</b>							Basin Ground Water Reports-Data Summaries, Assessment Reports., Public Fact Sheets, Trend Analysis
	Proposition 50	\$50 million	2010	X			Need replacement funds for next 10 year cycle
	Waste discharge permit fees	\$2 million per year	Annual	X			
<b>OCEAN STANDARDS</b>							
Sediment Quality Objectives	Clean-up and Abatement Account	\$ 500,000	Delta sampling component completed with Dept W.R. but analysis and assessment on-going until 10/08	X			Southern California Coastal Water Research Project final report and sediment quality objectives tools/thresholds development

## Appendix 2

### SWRCB Monitoring Projects Inventory July 2008

PROGRAM/ Description	FUNDING TOTAL		DEADLINES Funding/Program	WATER QUALITY	WATER RIGHTS	FLOW	Comments Products
Mussel Watch	No contract funds – NOAA does analysis, SWRCB collect samples	Staff time for planning and sampling ½ PY FY 08-09	Biennial	X			National Oceanic Atmospheric Administration Report on biennial results  Website data report on CA coastal site trends
Areas of Significant Biological Significance	Part of the Clean Water Act Surface Water Ambient Monitoring Program \$	\$200,000 fiscal year 2008-09	Another \$200 K for 2008-10	X			Southern California Coastal Water Research Project Annual Report
Blue Green Algae, <i>three Klamath River reservoirs/ note that at least two other CA reservoirs on Klamath watershed are not covered in this contract, nor are Oregon's Klamath reservoirs.</i>	Clean-up and Abatement Account	\$60,000 (plus 25,000 in previous years = 85k total) Contractor – Karuk tribe	Ends 08-09	X			Karuk Annual Report

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### SWRCB Monitoring Projects Inventory

July 2008

PROGRAM/ Description	FUNDING TOTAL		DEADLINES Funding/Program	WATER QUALITY	WATER RIGHTS	FLOW	Comments Products
Blue Green Algae <i>A portion of this contract (up to 100 samples/yr) is available for analysis for microcystins from sites in CA that have/are experiencing known/suspected blooms to local environmental health agencies and/or regional boards.</i>	Clean-up and Abatement Account	\$385,000 Contractor, State Department of Public Health	Ends 2010-11	X			Department of Public Health Annual Report
Blue Green Algae <i>Support of State Water Resources Control Board/Department of Public Health statewide investigation of reported occurrences/ not a "statewide monitoring program" due to funding limitations, coordination issues.</i>	Clean-up and Abatement Account	\$50,000 Contractor UC Santa Cruz	Ends 2010-11	X			UC Santa Cruz Annual Report

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### SWRCB Monitoring Projects Inventory July 2008

PROGRAM/ Description	FUNDING TOTAL		DEADLINES Funding/Program	WATER QUALITY	WATER RIGHTS	FLOW	Comments Products
Blue Green Algae <i>Support of State Water Resources Control Board/Department of Public Health statewide investigation of reported occurrence/ not a "statewide monitoring program" due to funding limitations, coordination issues.</i>	Clean-up and Abatement Account	\$50,000 Contractor, Department of Fish and Game	Ends 2010-11	X			Department of Fish and Game Annual Report
Clean Beaches	No contract funds – State Department of Public Health funds County Health Departments and Southern California Coastal Water Research Project for	For uploading to web and reporting to EPA, SWRCB component approx. ½ PY split between DWQ and DIT	Ongoing each year	X			Website report of Clean Beaches/County data

## Appendix 2

### SWRCB Monitoring Projects Inventory

July 2008

PROGRAM/ Description	FUNDING TOTAL		DEADLINES Funding/Program	WATER QUALITY	WATER RIGHTS	FLOW	Comments Products
	data management						
<b>DIV. OF WATER RIGHTS</b>							
Feasibility Study Report-Database on Water Quality with Department of Public Health/Department of Water Resources (AB 1404)	Underground Storage Tank Cleanup Fund	\$195,560	January 1, 2009			X	Feasibility Study Report- due 1/1/2009 to Legislature. Data Gathering & Needs Assessment in June; Project & Risk Management Plans scheduled for July.
<b>Delta Strategic Workplan</b>				X	X	X	
Drinking Water Policy - Constituents not addressed: Pathogens  Organic Carbon Bromide	State Water Board Proposition 50 grant to support policy		2010	X	X	X	Drinking water policy

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### SWRCB Monitoring Projects Inventory July 2008

PROGRAM/ Description	FUNDING TOTAL		DEADLINES Funding/Program	WATER QUALITY	WATER RIGHTS	FLOW	Comments Products
Once-Through Cooling • Review impingement and entrainment studies and thermal studies • Evaluate actions needed to prevent impacts to Fish & Wildlife	Federal Clean Water Act funds may be used to complete this effort		Subject to Regional Water Board Timelines  Ongoing	X			Once-through cooling policy, nation pollutant discharge elimination system permits
Sediment Quality Objectives data needed for development of sediment quality objectives tools and thresholds suitable for tidal freshwater habitats	\$500K needed to complete Phase II \$5M needed to complete Phase III		2010	X			Develop and adopt revisions to the sediment quality objectives in the Enclosed Bays and Estuaries Plan
Invasive Species Monitoring and controlling invasive species	Grants overseen by Water Board staff		Ongoing	X			Include invasive species concerns in Water Boards' regulatory and grant programs

## Appendix 2

### SWRCB Monitoring Projects Inventory July 2008

PROGRAM/ Description	FUNDING TOTAL	DEADLINES Funding/Program	WATER QUALITY	WATER RIGHTS	FLOW	Comments Products
Total Maximum Daily Loads: San Joaquin River Salt & Boron Lower San Joaquin River & tributaries” Dissolved Oxygen	<ul style="list-style-type: none"> <li>Contract Funds allocated to Region 5</li> </ul>	Region 5 - \$300,000 need for additional work	Annual based on FY 08-09 allocation	X		Annual Workplans developed/various products
Organophosphorous Pesticides Pathogens Mercury	<ul style="list-style-type: none"> <li>Region 2</li> </ul>	\$300K				Annual Workplans developed/various products
North San Francisco Bay Selenium, polychlorinated biphenyls	<ul style="list-style-type: none"> <li>Western States Petroleum Assoc. for technical studies/ advisory committee for selenium Total Maximum Daily Loads</li> </ul>	\$1M				
Blue –Green Algae: Development of	<ul style="list-style-type: none"> <li>Cleanup and</li> </ul>		Fall 2008-June	X		Final report on Blue –Green Algae risk

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### SWRCB Monitoring Projects Inventory

July 2008

PROGRAM/ Description	FUNDING TOTAL		DEADLINES Funding/Program	WATER QUALITY	WATER RIGHTS	FLOW	Comments Products
Statewide Blue – Green Algae Monitoring Program	Abatement • Office of Environmental Health Hazard Assessment • Department of Public Health		2010				assessment, Blue – Green Algae guide
Delta Island Discharges: Water quality and flow monitoring to determine <u>constituents of concern</u> : Ammonia/ nutrients Toxicity Pesticides Mercury Metals	Contract Funds Needed	\$500,000 per year	2 years	X			Obtain baseline info/Develop plan for future monitoring
Ambient Ammonia: • Delta Smelt Survival • Algal Primary Production	<u>UC Davis Contract</u> • Aquatic Toxicity	• \$70,000	2009	X			Final report on results for Pelagic Organism Decline workgroup

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### SWRCB Monitoring Projects Inventory

July 2008

PROGRAM/ Description	FUNDING TOTAL		DEADLINES Funding/Program	WATER QUALITY	WATER RIGHTS	FLOW	Comments Products
	Testing Lab Romberg Tiburon Center						
Selenium Screening Study Evaluate threat that selenium may pose and develop Total Maximum Daily Load	Moss Landing Marine Laboratory contract	\$30,000	June 2009	X			Anticipated Workplan
Comprehensive Monitoring Program • Gathering, compiling, assessing, and reporting available data collected under Water Boards programs  • Implement Long-Term Monitoring Program	Short-term: • UC Davis Contract • Aquatic Science Center  Long-term: unidentified	• \$150K • \$200K  Long-term: unidentified	• Fall 2008 • December 2009	X	X	X	Options report for short-term and long-term Regional Monitoring Program

(1) Varies according to number of sites within the state and how the state participates.