

**State Water Resources Control Board  
February 21, 2012  
Item 6 -- Executive Director's Report**

**DIVISION OF FINANCIAL ASSISTANCE**

**Proposition 84 Storm Water Grant Program:** In November 2011, the Division of Financial Assistance (DFA) began accepting applications for the Storm Water Grant Program Planning and Monitoring Solicitation, and Round 1 Implementation Solicitation. DFA staff conducted six workshops across the State in December, which were well attended. Webcasts for both solicitations were also conducted in December. Both solicitations closed on January 31, 2012. The table below summarizes the results of the solicitations.

<b>SWGP</b>	<b>Number of Applications Submitted</b>	<b>Grant Funds Requested (approximate)</b>	<b>Total Project Cost (approximate)</b>	<b>Available Funds</b>
Implementation	90	\$126M	\$200M	\$42M
Planning and Monitoring	45	\$20M	\$25M	\$9M

DFA staff is currently reviewing applications for eligibility; technical reviews will begin in February. DFA, Regional Water Board, and Division of Water Quality staff will be participating in the technical reviews. Review period timelines will be coordinated with the Department of Water Resources for their upcoming Proposition 84 Integrated Regional Water Management (IRWM) and 1E solicitations. The “invite back” list for Round 1 Implementation Concept Proposals will be posted in April 2012. Full Proposals will be due this summer. Draft funding recommendations for Planning and Monitoring will be presented to the Board in early summer.

**Award for Proposition 50 Integrated Regional Water Management (IRWM) Implementation Grant Project:** The State Water Resources Control Board (State Water Board) is a member of the team that received the “Coastal America National Partnership Award” for involvement (funding partner) in the Middle Watsonville Slough Wetland Protection and Water Quality Partnership Team (Watsonville Slough). The Coastal America Awards Program recognizes outstanding collaborative projects and excellence in leadership for protecting, preserving and restoring the nation’s coastal resources.

Selection criteria require that successful projects include at least one federal agency partner as well as one non-federal entity, clearly demonstrate the “value added” of the partnership effort, reflect an innovative or unique way of accomplishing stated goals and objectives with positive environmental results, and contribute to the accomplishment of Coastal America’s objectives to restore and protect resources and to increase public awareness of the coastal and marine environment. The Watsonville Slough project is funded as part of the Northern Santa Cruz IRWM grant. The project was one of six projects chosen from across the nation. An awards ceremony was held at the U.S. Fish and Wildlife’s Annual Region 8 Conservation Partnerships meeting on February 8 in Watsonville.

**Cleanup and Abatement Account:** On December 20, 2011, the Division approved the Tahoe Meadows Remedial Investigation Project in the amount of \$97,431. On January 20, 2012, the Division approved the Crescent City Harbor Boats cleanup project in the amount of \$3,375 to remove fuel and oil from two stranded vessels in the Crescent City Harbor. Twenty-three disbursements were made between November 22, 2011, and February 8, 2012, totaling \$1,089,971.

**Site Cleanup Program:**

- A total of \$673,527 was collected during the month of November.
- A total of \$2,069,803 was collected during the month of December.
- A total of \$779,895 was collected during the month of January.

**Cleanup Fund/ Underground Storage Tanks:** The following are the dates the Cleanup Fund is currently paying out by priority:

- Priority A – Paying out all reimbursements to date
- Priority B – Reimbursement Requests received through 12/31/2011
- Priority C – Reimbursement Requests received through 12/31/2011
- Priority D – Reimbursement Requests received through 01/31/2012

**State Revolving Fund:** Between November 22, 2011, and February 8, 2012, the Deputy Director of the Division approved the following Preliminary Loan/Grant Commitments:

**City of Los Angeles Fourth Avenue and Slauson Avenue Sewer Rehabilitation Project:**

The existing 4th Avenue Slauson sewer line consists of a 75-inch reinforced concrete line that has excessive concrete corrosion, broken or lost tiles, and tiles with no grout. The proposed Project will insert a 66-inch diameter plastic pipe into the existing 75-inch reinforced concrete sewer. This Project is rehabilitating the 4th Avenue Slauson sewer to provide hydraulic relief and ensure adequate capacity for emergency or temporary diversion of flow away from the Central Outfall Sewer tunnel during upcoming maintenance.

*Total CWSRF Funding Commitment: \$3,000,000*

**Rosamond Community Services District Expanded Recycled Water Facilities Planning**

**Study:** Rosamond is located 80 miles northeast of Los Angeles in Antelope Valley at the boundary of Kern and Los Angeles Counties and serves a population of approximately 16,000 people. The District's Wastewater Treatment Facility treats 0.5 MGD of wastewater to tertiary levels and currently does not deliver recycled water. The Study is to examine alternative tertiary treatment needs and determine the feasibility of providing a distribution system for recycled water use. The potential sources of recycled water to be studied are the tertiary effluent from the District's WWTP, and tertiary effluent from the Lancaster Water Reclamation Plant, which is currently under construction. *Total WRFPP Funding Commitment: \$75,000*

**City of Pleasanton Recycled Water Feasibility Study:** In 2010, the City of Pleasanton generated 6,206 acre-feet of wastewater, of which 44 acre-feet subsequently received tertiary treatment and was used by the Dublin San Ramon Services District and the East Bay Municipal Utility District to service their recycled water customers. The remaining secondary treated water was discharged to the San Francisco Bay via the Livermore-Amador Valley Wastewater Management Agency pipeline. The proposed feasibility study scope of work was designed to evaluate the feasibility of implementing a new recycled water program in the City within a regional perspective. The City of Pleasanton is conducting the study with Livermore-Amador Valley Zone 7 Water Agency and soliciting input from various stakeholders in the region. *Total WRFPP Funding Commitment: \$75,000*

**Yucaipa Valley Water District Phase I Non-Potable Water Distribution System Expansion and Salinity Management Project:**

Yucaipa Valley Water District is located 70 miles east of Los Angeles and 25 miles northwest of Palm Springs and serves a population of over 50,000 drinking water users and over 10,000 municipal users. The proposed non-potable water pipeline will originate at the District's Henry N. Wocholz Regional Water Recycling Facility and terminate at a proposed two million gallon reservoir in the City of Calimesa in Riverside County. The Project also includes the Wocholz Improved Salinity Effluent Reverse Osmosis Project, which will be located in the Wocholz Regional Water Recycling Facility in the City of Yucaipa. The District owns and operates a non-potable water system to provide water throughout its service area. The non-potable system consists of pipelines, storage and a pumping station. In order to maintain an acceptable level of total dissolved solids, the non-potable water system is currently utilizing two predominant water sources: raw water from the State Water Project and local surface water from Mill Creek. Upon completion of the Project, the District will supply most of its non-potable water demand from the Wocholz Regional Water Recycling Facility using Title 22 recycled water. *Total CWSRF Funding Commitment: \$7,560,385*

**North Marin Water District Recycled Water Project Phase 2 North Service Area:**

The North Marin Water District's objectives for implementing the proposed Project are to offset potable water demands for landscape irrigation uses, reduce dependence on imported water supplies from the Russian River, and reduce wastewater discharges to the San Pablo Bay. The Project provides approximately 186 acre-feet per year of tertiary-treated recycled water to landscape irrigation users in the District's Novato north service area. The Project includes the construction of new recycled water treatment and pumping facilities at the wastewater treatment plant, storage improvements, as well as an expanded distribution system of recycled water pipelines funded by the District. *Total CWSRF Funding Commitment: \$4,364,335*

**Eastern Municipal Water District Enchanted Heights Sewer System Project:**

Enchanted Heights is a community of approximately 170 acres in western Riverside County, approximately 70 miles east of the City of Los Angeles. Enchanted Heights residents are currently utilizing septic systems that are approximately 40 years old. Poor soil conditions and high groundwater have led to numerous reported failures, especially during wet weather. Some residents have resorted to discharging raw sewage and grey water directly into the streets due to poor septic system operation. The failing septic system operations have also led to water quality degradation in the local groundwater. In addition, storm water runoff from the Enchanted Heights area drains through the San Jacinto River to Canyon Lake, which is listed as an impaired water body. The Project allows the existing 446 residents to decommission their septic systems and connect to the sewer system and the Perris Valley Regional Water Reclamation Facility. The Project is consistent with the State Water Board's NPS Program's Five-Year Implementation Plan, specifically management measure 3.4 in the Urban category, which relates to On-Site Disposal Systems. *Total CWSRF Funding Commitment: \$5,000,000*

**City of Vista Gravity Main Ductile Iron Pipe Rehabilitation Project:**

The City of Vista is located seven miles inland from the Pacific Ocean in northern San Diego County. The City owns and operates 215 miles of sewage collection pipelines, and 40 percent of the pipeline network is over 40 years old. The City's Gravity Main Project includes the rehabilitation of approximately 10,800 feet of existing 36-inch ductile iron pipe using cured-in-place pipe rehabilitation methods. *Total CWSRF Funding Commitment: \$5,542,770*

### **United States Environmental Protection Agency (U.S. EPA) Head of Office of Water**

**Nancy Stoner Tours Innovative Federal Stimulus Project:** On January 27, 2012, the Acting Assistant Administrator for Water at U.S. EPA (Washington, D.C.), Nancy Stoner toured the EcoCenter at Heron's Head Park Project (Project). The Project was made possible through stimulus funding provided by the American Recovery and Reinvestment Act (ARRA) through the California Water Resources Control Board's Clean Water State Revolving Fund (CWSRF) Program. The Project, which had received an Environmental Justice Award from U.S. EPA in 2010, was recognized by Nancy Stoner for its sustainable design, green technology, and efficient water, energy, and waste management. The approximately 1,500-square-foot facility is powered by solar energy and treats wastewater using biological treatment, ultraviolet light, and a constructed wetland for the polishing process. In addition, the center features a green roof and native landscaping, which conserve water and prevent runoff. Numerous agencies were in attendance at the media event, including U.S. EPA; State Water Board; San Francisco Bay Regional Water Quality Control Board; Port Authority of San Francisco; San Francisco Department of Public Health; Literacy for Environmental Justice; Community College of San Francisco; and the San Francisco Department of Environment.

## **DIVISION OF WATER QUALITY**

**Groundwater Ambient Monitoring and Assessment (GAMA):** Staff has called for a reconvene of the advisory committee on February 29, 2012, to discuss plans for the next ten-year cycle of the groundbreaking GAMA Priority Basin Project. Topics will include future funding and proposed revisions in the comprehensive sampling strategy.

- **Nitrate Pilot Projects in the Tulare Lake Basin and Salinas Valley** - SBX2 1 (Perata, et al, 2008) added Water Code Section 83002.5 which requires the State Water Board, and agencies (including Regional Boards), develop pilot projects in the Tulare Lake Basin and the Salinas Valley to study nitrate contamination, identify remedial solutions, and funding options to cleanup groundwater. It also directed staff to prepare a report to the Legislature. University of California, Davis (UCD) is under contract to produce the report. Staff is currently finalizing their review of this comprehensive, 1000 page report. State Board staff is working with management and UCD to coordinate a report release date, currently scheduled for March 2012.
- **Communities That Rely on Contaminated Groundwater** - AB 2222 (Caballero, 2008) added Section 10782 to the Water Code that requires that the State Board submit to the legislature a prescribed report that identifies communities that rely on contaminated groundwater as a primary source of drinking water. Staff has worked with CDPH and has received input, as required by law, from other state agencies. The final draft is under review. The law also required public comment period scheduled to begin in mid-February 2012.

**Composting Facilities Statewide Order:** Following two informal staff workshops in 2011, staff conducted four meetings with a workgroup earlier this year to discuss draft concepts for a statewide order that would waive waste discharge requirements from those in CCR Title 27 for composting facilities. The draft concepts include Water Quality Protection Measures such as barriers to reduce percolation of waste waters to groundwater that are tiered based on facility size, waste type, and proximity to groundwater that is used for drinking. The workgroup is invited to propose alternative Water Quality Protection Measures that affect those factors that drive movement of contaminants to groundwater and also reduce percolation of waste waters to groundwater.

The remaining workshops are tentatively scheduled for April and May 2012, for northern and southern California. A draft order is expected to be presented to the State Water Board in the Fall of 2012.

**Ocean Plan Amendment: Desalination / Brine Provisions:** State Water Board staff and the Southern California Coastal Research Project (SCCWRP) held a public stakeholder meeting on December 8-9, 2011, introducing a panel of experts convened to address scientific questions regarding the disposal of brine into the ocean. The panel composed of five scientists from different disciplines will be addressing the following questions : (1) how can the effects of these discharges be minimized through proper disposal strategies; (2) what models should be applied in order to predict how these plumes will behave; (3) can cumulative water quality effects associated with multiple plumes be evaluated with models; and (4) what are appropriate monitoring strategies for these discharges?

Another Expert Review Panel, for desalination intakes and seawater intake mitigation has also been meeting, and is planning a public stakeholder meeting on March 1, 2012 to release its final draft report. In addition, a second scoping meeting is planned for March 30, 2012, to supplement the original scoping meeting (held in 2007).

**On-site Wastewater Treatment System (OWTS):** State Water Board released the public draft Policy for Siting, Design, Operation and Management of Onsite Wastewater Treatment Systems (OWTS)—Septic Systems and the associated Supplemental Environmental Document on Friday, September 30, 2011 for a 45-day comment period. Staff conducted four workshops during the comment period to answer questions and take comments from the public. Dates and locations of the workshops are listed below:

Monday, October 24, 2011-----San Luis Obispo  
Friday, October 28, 2011-----Redding  
Wednesday, November 2, 2011---Santa Rosa  
Monday, November 7, 2011-----Riverside

The comment period closed on November 14. We received 658 comments on the draft policy. The OWTS Team is working on responses to comments and modifying the draft policy. Staff held an all-day meeting with key stakeholders on January 5, 2012 to discuss key issues raised in the comments.

The Policy Documents and the comment letters can be found at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/owts/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/owts/index.shtml).

**Storm Water Caltrans MS4 Permit:** The statewide NPDES permit for discharges by the California Department of Transportation of storm water from municipal separate storm sewer systems (MS4s) is being reissued. This permit is commonly referred to as the Caltrans Permit. The current Caltrans Permit (State Water Board Order No. 99-06-DWQ) was issued on July 15, 1999. The current permit regulates all storm water discharges from Caltrans-owned MS4s, maintenance facilities and construction activities. Revisions to the permit are expected to follow many of the approaches in the Construction Storm Water General Permit (State Water Board Order No. 2009-0009-DWQ). A draft Tentative Order was released for public review on January 7, 2011. Comments were due on March 14, 2011. A public hearing on the draft Tentative Order was held on July 19, 2011. A revised draft Tentative Order was released for public review and comment on August 18, 2011. A workshop on the revised draft was conducted on September 21, 2011. Staff met with Caltrans on a bi-weekly basis in October through December 2011 to identify and resolve concerns raised at the hearing and workshop,

and in written comments. Staff is currently meeting with State Board executive management on a weekly basis to finalize the revisions to the Tentative Order. Staff is also reviewing and preparing responses to comments received. Responses to comments received to date will be published when the second revised draft Tentative Order is released for public comment in early 2012.

**Storm Water Industrial General Permit:** The statewide General NPDES permit for discharges of storm water associated with industrial activities (commonly referred to as the Industrial General Permit) is targeted for reissuance. The current Industrial General Permit is State Water Board Order 97-03-DWQ. The revisions to the Industrial General Permit are expected to follow many of the approaches in the Storm Water Construction General Permit (State Water Board Order No. 2009-0009-DWQ), adopted in 2009. On January 28, 2011, staff issued a Public Notice to release the draft revised Industrial General Permit for review. Staff level workshops were held on February 14, 2011 in the Cal/EPA Building and on February 23, 2011 at the Irvine City Council Chambers. A third workshop was conducted via the web on March 15, 2011. A public hearing was conducted on March 29, 2011. The comments deadline was extended, and comments were due on April 29, 2011. Staff is in the process of evaluating over 250 individual comment letters received. Staff is meeting weekly with executive management to discuss issues that arose during the public comment period. Staff also conducted meetings with stakeholders to clarify issues.

**Storm Water Phase II MS4 Permit:** The statewide General NPDES permit for discharges of storm water from small municipal separate storm sewer systems (MS4s) (commonly referred to as the Phase II Permit) is targeted for reissuance. The current Phase II MS4 Permit is State Water Board Order No. 2003-0005-DWQ. It provides permit coverage for smaller municipalities, including non-traditional Small MS4s, which are governmental facilities such as military bases, public campuses, and prison and hospital complexes. Revisions to the Phase II permit are expected to follow many of the approaches in the Storm Water Construction General Permit (Order No. 2009-0009-DWQ). On June 7, 2011, staff released a draft revised Phase II MS4 Permit for public comment. Comments were due at 12:00 noon on Monday, August 8, 2011. We have received more than 50 letters requesting an extension of this comment deadline. In response to these requests for additional time, the Board extended the public comment period to September 8, 2011. A workshop was held on August 17, 2011. Staff is in the process of evaluating the comments received. Staff is meeting weekly with executive management to discuss and resolve issues. There have also been stakeholder meetings to discuss issues.

**Toxicity Policy Update:** The external peer review documents for U.S. EPA's draft Test of Significant Toxicity (TST) were posted on the draft Toxicity Policy web page. The responses to the external peer review comments on the draft TST report, however, are not being released by U.S. EPA Headquarters in Washington D.C. As a result, in an abundance of caution, staff will submit the draft Toxicity Policy and Staff Report for additional external peer review. Peer review is expected to occur during winter 2012. Due to the time for peer review, staff anticipates releasing the next draft to the public in April 2012

The final Test Drive Analysis of the TST was posted on the draft Toxicity Policy web page. This updated report includes an additional 3,201 chronic toxicity endpoints provided by the Surface Water Ambient Monitoring Program and California Environmental Data Exchange Network databases. The raw data obtained from each of the toxicity tests used in the Test Drive Analysis was added.

**Bacterial Objectives for Inland Surface Waters:** Staff has been working on a Bacteria Policy based on the U.S. EPA recommended criteria for Bacteria, originally issued in 1986. In December of 2011, the U.S. EPA released a new draft Recreational Water Quality Criteria document for bacteria. The proposed changes will require corresponding changes in the State's policy. The draft documents are found at <http://water.epa.gov/scitech/swguidance/standards/criteria/health/recreation/index.cfm>. Staff, in coordination with the Ocean Unit, reviewed and commented on the draft criteria revisions.

**Statewide Mercury Policy:** Regional and State Board staff have been jointly working on a program to establish statewide fish tissue methylmercury objectives and develop a mercury control program for reservoirs. Four CEQA scoping meetings on the reservoir mercury control program (the objectives were scoped previously) have been scheduled at different locations around the state in early March 2012.

**Statewide Trash Policy:** On October 12 and 13, 2011, staff conducted the third meeting of the Public Advisory Group (PAG) that will provide input on efforts to develop a Statewide Trash Policy. The meeting was conducted in San Pedro California and included a "field trip" to observe trash capture devices and a manufacturing facility that uses pre-production plastic pellets. The PAG consists of 10 individuals who have knowledge and expertise relative to trash and debris. A preliminary draft Staff Report/Substitute Environmental Document (SED) has been prepared by Tetra Tech and submitted to staff for review. After staff review, this SED will be presented to the PAG for review and comment. Following the PAG review the Draft SED will be released for public comment, initiating the formal public planning process for this project.

**Once-through Cooling:** Staff is working with power plant operators on evaluating implementation plans. Meetings have been held with Genon (November 14, 2011) and Dynegy (January 9, 2012). Staff has been meeting regularly with the Interagency Work Group on policy implementation and grid issues. The LA Department of Water and Power and Cal ISO each submitted their 2011 Grid Reliability Report in December 2011. Staff has submitted the administrative record for the July 2011 amendment to the Policy to OAL.

NPDES permitting is progressing. The work is being performed by a contractor with U.S. EPA funding, but managed by State Board staff. The first permit to be brought before the Board will be for the Pittsburg Power Plant in June 2012.

**NPDES Permit Backlog:** NPDES permits are effective for a fixed term not to exceed five years (40 CFR Part 122.46). They must be reissued prior to expiration to ensure that they reflect new requirements and discharges to surface waters do not adversely affect the quality of such waters. They may also be revoked or terminated. Typically, permit requirements remain in effect until the permit is reissued. Reissuing permits requires a significant amount of time and resources. It is considered a good indicator of overall program performance. According to the data extracted from the Water Boards' database and represented by the table below, as of mid-fiscal year 2011-12 approximately 27 percent of major permits and 28 percent of minor permits are currently expired.



### NPDES Individual Permit Status

NPDES Permit Classification	Region	Expired	Current	Percent Expired	Percent Current
Majors	1	5	9	35.7	64.3
Majors	2	9	40	18.4	81.6
Majors	3	6	16	27.3	72.7
Majors	4	18	29	38.3	61.7
Majors	5	5	51	8.9	91.1
Majors	6	0	2	0	100
Majors	7	0	8	0	100
Majors	8	10	8	5.6	44.4
Majors	9	12	10	54.5	45.5
Total Majors		65	173	27.3	72.7
Minors	1	15	15	50	50
Minors	2	1	29	3.3	96.7
Minors	3	3	14	17.6	82.4
Minors	4	18	50	26.5	73.5
Minors	5	25	82	23.4	76.6
Minors	6	5	5	50	50
Minors	7	1	15	6.3	93.7
Minors	8	3	7	30	70
Minors	9	16	4	80	20
Total Minors		87	221	28.3	71.7

**Low-Threat UST Closure Policy:** The Draft Low-Threat UST Closure Policy is currently undergoing peer review and was released for public comment in January 2012.

**Wetland and Riparian Area Protection Policy:** Staff are working on a draft EIR for the proposed Wetland Area Protection Policy (Policy) and Dredge and Fill Regulations (Regulations). This work includes finalizing the language for the draft Policy and Regulations, considering public comments received on the Initial Study/NOP DEIR (comment deadline closed May 20, 2011). Management review of the EIR is scheduled for early February 2012. OCC is currently reviewing the draft dredge and fill regulations proposed by the Policy Development Team. The peer reviews requested by the State Water Board staff for the Technical Advisory Team's (TAT's) wetland definition were received in September 2011, have been provided for review and consideration to the Policy Development Team. The TAT wetland definition is proposed in the Policy for use by the California Water Boards in all programs. With U.S.EPA grant funding, preliminary work has begun on Phase 2. This work is focused on categorizing wetland beneficial uses. The CRAM (California Rapid Assessment Method) peer review was posted on December 27, 2011 on the State Water Board Peer Review webpage.

**Statewide Conditional Waiver of Waste Discharge Requirements (Conditional Waiver) for certain Nonpoint Source Discharges from National Forest System (NFS) Lands in California:** In August 2009, the State Water Board adopted Resolution 2009-0064 directing its staff to work with the U.S. Forest Service (USFS) and the Regional Water Boards to establish a single statewide regulatory mechanism in lieu of the several Regional Water Board waivers that partially regulate activities on the NFS lands. On November 30, 2009, the State Water Board and USFS staff conducted a public workshop to solicit comments and establish a multi-interest



stakeholders' group which met several times. This process has resulted in the development of the Statewide Conditional Waiver and the very substantial strengthening of the USFS Water Quality Management Handbook. The public review and comment period for the Statewide Conditional Waiver and the mitigated negative declaration (MND), which describes and evaluates potential environmental impacts associated with the Statewide Conditional Waiver, ended on August 24, 2010. On September 20, 2011, the State Water Board held a public workshop to consider adoption of the Statewide Conditional Waiver and the MND. Many stakeholders presented oral comments at the workshop. Based on the written and oral comments State Water Board staff will propose revisions to the draft Statewide Conditional Waiver. The revised draft Conditional Waiver was posted on the State Water Board's website for public comments on November 4, 2011 with a comment deadline of November 21, 2011. The revised MND was posted on November 15, 2011 for public information only, but was not recirculated for public comment. Responses were provided to significant legal, environmental, and policy comments on both documents prior to the Board meeting. At the December 6, 2011, Board meeting, the State Water Board adopted the MND, but did not adopt the Statewide Conditional Waiver. Next steps and alternatives for regulation of non-point source discharges on NFS lands are currently being evaluated by Board staff.

**Constituents of Emerging Concern (CECs):** In partnership with the David and Lucile Packard Foundation, the Southern California Coastal Water Research Project convened a scientific advisory panel to provide recommendations on how best to limit the impact of CECs on coastal and marine ecosystems. The State Water Board advanced the effort by providing funding for the panel to provide guidance on appropriate monitoring and management strategies for CECs in freshwater ecosystems. The panel conducted its fifth meeting on January 9-10, 2012. A draft report for public comment is scheduled for release in February 2012.

**Sanitary Sewer System Waste Discharge Requirements (SSS WDRs):**

On January 24, 2012, staff conducted a workshop in accordance with notice of public workshop dated December 21, 2011. Public comment on the draft update of the SSS WDRs was received from over 12 individuals. Staff is now in the process of evaluating all of the written comment received and will proposed changes to the draft proposal as necessary and appropriate.

**Statewide Policies/Significant General Permits:** Appendix 1 provides the current status of pending Statewide Policies and Significant General Permits.

**Irrigated Lands Regulatory Program Update Report:** See attached Appendix 2.

## **DIVISION OF WATER RIGHTS**

**Frost Protection Regulation Status:** The Russian River Frost Protection Regulation adopted by the State Water Board in September 2011 became effective on December 29, 2011, after approval by the Office of Administrative Law (OAL) and filing with the Secretary of State. The State Water Board's resolution requires that by February 1, 2012, growers diverting water for frost protection must submit an initial Water Demand Management Program (WDMP) that identifies participants and a schedule for developing and implementing the program. After March 14, 2012, the regulation provides that any diversion of water for frost protection is unreasonable unless it is in accordance with a board approved WDMP.

The State Water Board has received over 190 WDMP submissions. One of these submissions, covering multiple frost diverters in Sonoma County, has been approved and is expected to add more participants before March 14. Most other submissions are being rejected because they do not meet the requirements of the State Water Board's resolution and the regulation. The most common deficiency is the failure to include a schedule for developing a stream stage monitoring program and conducting a risk assessment in consultation with the Department of Fish and Game and the National Marine Fisheries Service. While the scope of the information required to meet the February 1, 2012 deadline was limited, the staff responses are also raising concerns about the approach taken in most submissions that would establish numerous individual WDMPs. The goal of the regulation is for diverters to manage and coordinate their diversions to minimize the cumulative impacts on fishery resources and to prevent stranding mortality. In the long-term, individual WDMPs will unlikely be able to satisfy the intent of the regulation. State Water Board staff is recommending in the deficiency responses that diverters cooperate and coordinate their individual WDMPs with other growers. All WDMPs and State Water Board's responses are being posted at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/hearings/russian\\_river\\_frost/prctn\\_reg.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/russian_river_frost/prctn_reg.shtml).

In January, two lawsuits were filed contesting the regulation and adequacy of the supporting environmental document. In February, the Mendocino County Superior Court issued a stay order. A hearing for these cases is currently scheduled for March 23, 2012. Until resolution of the court case, enforcement of the regulation is stayed. In the interim, State Water Board staff will continue to respond to the Water Demand Management Programs on file.

**Long-Term Transfer and Instream Flow Dedication Petitions by Merced Irrigation District (MID) to Implement San Joaquin River Vernalis Adaptive Management Plan (VAMP)**

**Flows:** On December 16, 2011, MID filed long-term transfer and instream flow dedication petitions. MID proposes to release water from reservoir storage to assist the U.S. Bureau of Reclamation in meeting the 31-day pulse flow period in the San Joaquin River at Vernalis based on VAMP. The pulse flows are proposed as an interim measure between the expiration of the San Joaquin River Agreement (SJRA) and the State Water Board's adoption of new flow objectives for the San Joaquin River. MID filed the petitions in order to provide continued pulse flows in April and May of 2012 and 2013, similar to the pulse flows that would have been provided under the SJRA, with certain exceptions. The proposed changes include the continued place of use and purpose of use for these pulse flows.

Protests to the proposed transfer were filed by: (a) Stockton East Water District, (b) Oakdale, South San Joaquin, Modesto and Turlock Irrigation Districts, and (c) Douglas N. Brower. Comment letters were received from: (a) South Delta Water Agency, and (b) Natural Resources Defense Council and The Bay Institute. The Division is currently evaluating the petitions, protests, and comment letters, and will process the petitions accordingly.

**Meeting with California Hydropower Reform Coalition:** The Division of Water Rights Management and Water Quality Certification Program staffs met with members of the California Hydropower Reform Coalition (CHRC) on January 20, 2012, to introduce new staff of the Water Quality Certification Program to members of the CHRC. Staff also provided updates on the status of the water quality certification process for various Federal Energy Regulatory Commission (FERC) projects. Other topics discussed at the meeting include ongoing efforts to improve coordination between the State Water Board and FERC, and an overview of the CHRC's report entitled *Scientific Approaches for Evaluating Hydroelectric Project Effects*.

**Interagency Instream Flow Workgroup Meeting:** On January 19, 2012, the Division of Water Rights staff met with United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) staffs for the first 2012 quarterly meeting. The objective of these meetings is to coordinate on items related to instream flow. Topics covered at the meeting include: a presentation on Ecological Limits of Hydrologic Alteration (ELOHA) approach; an update on current and planned instream flow activities; and a discussion on coordination of future work.

**Study Plan Dispute Issued for New Don Pedro Hydroelectric Project:** Turlock Irrigation District and Modesto Irrigation District (Districts) are currently undergoing relicensing of their Federal Energy Regulatory Commission (FERC) Project No. 2299, New Don Pedro Hydroelectric Project (Project). Before FERC can issue a new license, the Districts must obtain a water quality certification from the State Water Board. On December 22, 2011, FERC issued its Study Plan Determination that addresses some, but not all, of the information needed to inform the State Water Board's ongoing water quality certification process.

On January 11, 2012, the State Water Board, National Marine Fisheries Service (NMFS) and United States Fish and Wildlife Service (USFWS), each issued a Notice of Study Dispute contending that the studies required by FERC are not adequate to inform the mandatory conditioning authority of each agency. The State Water Board may also request the needed information under its own authority. On January 24, 2012, the Districts filed a "Motion to Disqualify Agency Dispute Panel Member" with FERC. The Districts believe that the panelist identified by the agencies to participate in the next step of the Integrated Licensing Process to address the dispute has been involved with the relicensing process and therefore should be excluded. In response, FERC denied the panelist nomination by the agencies and an alternate candidate is now being pursued. The Study Plan Dispute letter issued by the State Water Board's Executive Director is available online at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_quality\\_cert/ceqa\\_projects.shtml#2299](http://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/ceqa_projects.shtml#2299)

**Notice of Preparation and Notice of Scoping Meeting for Comprehensive Review of the Bay-Delta Plan:** The State Water Board issued a Notice of Preparation (NOP) and Notice of Public Scoping meeting on January 24, 2012 for phase II of the Update to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). This comprehensive review will focus on considering potential changes to the Bay-Delta Plan to protect beneficial uses including those identified in the 2009 Staff Report for the Periodic Review of the 2006 Bay-Delta Plan (2009 Staff Report). The 2009 Staff Report recommended further review of the following issues: (1) Delta outflow objectives, (2) export/inflow objectives, (3) Delta Cross Channel Gate closure objectives, (4) Suisun Marsh objectives; (5) potential new reverse flow objectives for Old and Middle Rivers; (6) potential new floodplain habitat flow objectives; (7) potential changes to the monitoring and special studies program, and (8) other potential changes to the program of implementation. In addition to the issues identified in the 2009 Staff Report, the State Water Board will also consider other potential changes to the Bay-Delta Plan that were not specifically addressed in the report, including issues that are identified through the scoping process. The review and update of the Bay-Delta Plan objectives will both support and be structured to accommodate information developed through related ongoing planning processes such as the Delta Stewardship Council's Delta Plan and the Bay-Delta Conservation Plan (BDCP).

Comments on the NOP are due on April 25, 2012 and the scoping meeting is scheduled for May 16, 2012. The State Water Board is also planning to discuss the schedule for this project as it relates to the BDCP and other projects at its Board meeting on February 21, 2012.

The NOP is available at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/docs/pubnot042512.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/pubnot042512.pdf) . A fact sheet summarizing the State Water Board's efforts can be found at:  
[http://www.waterboards.ca.gov/publications\\_forms/publications/factsheets/docs/baydelta\\_sjr.pdf](http://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/baydelta_sjr.pdf)

## OFFICE OF DELTA WATERMASTER

**Informational Report by the Office of Delta Watermaster on Water Right Compliance and Enforcement in the Delta:** Senate Bill X7 1, the Sacramento-San Joaquin Delta Reform Act of 2009 established the position of Delta Watermaster. The Delta Watermaster has been granted "specified and delegated authority" from the State Water Board over water diversions in the Delta. The position also requires the Delta Watermaster to submit regular reports to the State Water Board and Delta Stewardship Council on water rights administration, water quality, conveyance operations, and related water rights issues.

On February 7, 2012, the Delta Watermaster presented an informational report on Water Right Compliance and Enforcement in the Delta. The report discusses the State Water Board's investigation of illegal water diversions, with an initial focus on Delta Islands. The report also mentions how recent investigations of diversions and water right compliance were expanded to include identifying individuals, statewide, who have failed to file required reports. The report cites specific court cases regarding illegal diversions of water and riparian/pre-1914 claims of water rights. The report evaluates how to best utilize the limited resources and staff of the State Water Board to in order to gain a clearer insight into Delta water rights. The report concludes with a suggestion that staff consider future compliance and enforcement investigations through special districts that provide water to individuals.

## OFFICE OF ENFORCEMENT

### **Region 5 CDO City of Colfax Wastewater Treatment Facility – R5-2011-0097:**

The Region 5 Board adopted a contested cease and desist order after a full day hearing on December 1, 2011. The Order establishes new requirements for the City to come into compliance with its NPDES Permit by 2014.

### **Region 5 ACLO City of Colfax Wastewater Treatment Facility – R5-2011-0096:**

The Region 5 Board adopted a contested ACLO after a full day hearing on December 1, 2011. The ACLO imposes an administrative civil liability of \$165,000 in MMPs, \$153,000 of which is allocated towards compliance projects.

### **Cleanup and Abatement Orders Adopted with OE Assistance**

### **Region 2 CAO Kaneka Texas Corp., E-Poly Corp., Metro Poly, Inc., Unipoly, Inc. –**

**R2-2011-033:** Compelling four entities to cleanup and abate the effects of pre-production plastic pellets from Oyster Bay Regional Shoreline, Alameda, CA.

**Region 2 CAO Art's Cleaners – R2-2011-0034:** Compelling the discharger to cleanup and abate the effects of PCE and other solvents in groundwater in San Leandro, CA.

**Region 2 CAO Hamlin Cleaners – R2-2012-00xx:** Compelling the discharger to cleanup and abate the effects of PCE and other solvents in groundwater in Lafayette, CA.

**Region 4 CAO Mohawk Western Plastics, Inc. – R4-2011-0091** - Compelling the discharger to cleanup and abate the effects of plastic pellet pollutants in Marshall Creek, La Verne, CA.

**Administrative Civil Liability (ACL) Actions during November and December 2011:**

a. ACL Complaints Issued

<b>Region</b>	<b>Discharger/Facility</b>	<b>Violation(s) Addressed</b>	<b>ACL Complaint Amount</b>	<b>Date Issued</b>
<b>NOVEMBER</b>				
2	Guadalupe Rubbish Disposal Company, Inc. / Guadalupe Recycling and Disposal Facility	Unauthorized discharge of 86,220 gallons of storm water contaminated with landfill gas condensate to surface water	\$882,000	11/16/2011
5R	Shasta Gold Corporation, French Gulch (Nevada) Mining Corporation / Washington Mine	Effluent limitation violations; failure to use low detection methodology; failure to report	\$26,500 (MMP: \$15,000)	11/4/2011
5R	Bell-Carter Olive Company, Inc., and the City of Corning / Bell-Carter Industrial WWTP	Effluent limit violations	\$15,000 (MMP)	11/15/2011
5R	Union Pacific Railroad Company / Dunsmuir Railyard	Effluent limit violations (amendment of ACLC issued 7/14/2011)	\$33,000 (MMP)	11/15/2011
6V	Green Valley Foods Products, Inc., and Hector Huerta / Cheese Processing Facility, Class II Surface Impoundment	Failure to submit nine plans and reports relating to construction of surface impoundment	\$235,674	11/1/2011
<b>DECEMBER</b>				
3	California Department of Corrections and Rehabilitation/ California Men's Colony	Effluent limit violations	\$105,000 (MMP)	12/19/2011

b. ACL Orders Issued

Region	Discharger/Facility	Violation(s) Addressed	ACL Order Amount	Date Issued
<b>NOVEMBER</b>				
2	C&H Sugar, Inc. / C&H Sugar WWTF	Effluent limit violations	\$9,000 (MMP)	11/21/2011
2	Atlantic Richfield Company / 5755 Camden Avenue Facility	Effluent limit violations	\$18,000 (MMP)	11/21/2011
5S	Duarte and Marianna Azevedo / Azevedo Dairy	Failure to submit annual report and waste management plan	\$5,500	11/8/2011
7	City of Imperial / Water Pollution Control Plant	Effluent limit violations; failure to use certified lab for bacterial analyses; violation of CDO	\$34,983.75 (MMP: \$12,000; CP: \$12,000; SEP: \$11,491.87)	11/17/2011
7	Imperial Irrigation District / Grass Carp Hatchery	Effluent limit violations	\$21,000 (MMP; SEP: \$18,000)	11/17/2011
8	California Steel Industries, Inc.	Effluent limit violations	\$114,000 (MMP)	11/7/2011
8	The Boeing Company / Groundwater Cleanup – H.B. Bolsa	Effluent limit violation	\$3,000 (MMP)	11/30/2011
<b>DECEMBER</b>				
1	City of Ukiah / Wastewater Treatment Plant	Effluent limit violations, discharge of secondary and chlorinated effluent, sanitary sewer overflows, failure to report, and deficient self- monitoring reports	\$130,768 (MMP: \$9,000; ECA: \$60,134)	12/6/2011
2	County of Alameda PWA / Castro Valley Library Project	Failure to ensure construction projects within jurisdiction complied with storm water construction general permit	\$35,000	12/5/2011
2	TrashTalkFCM / Yerba Buena Gardens Balloon Release	Unauthorized discharge of hundreds of red latex balloons to surface waters	\$7,000	12/12/2011
4	Hermetic Seal Corporation	Effluent limit violations	\$6,000 (MMP)	12/2/2011
5R	City of Alturas / Wastewater Treatment Plant	Effluent limit violations	\$156,000 (MMP; all to CP)	12/12/2011
OE (4)	Douglas Emmett Mgmt., LLC / Warner Center Tower 3	Effluent limit and late reporting violations	\$27,000 (MMP)	12/7/2011
OE (4)	Douglas Emmett Mgmt., LLC / Warner Center Tower 6	Effluent limit and late reporting violations	\$156,000 (MMP)	12/7/2011

## OFFICE OF INFORMATION MANAGEMENT AND ANALYSIS

**Final U.S. EPA Approved 2010 Integrated Report Now Online:** On November 12, 2011, U.S. EPA released their final approval of the 2010 Integrated Report 303(d) list. All U.S. EPA changes made to the 303(d) list were incorporated into the State Water Board's California Water Quality Assessment Database (CalWQA) and by December 2011 OIMA staff was able to fully populate the Integrated Report website to reflect the final 2010 Integrated Report. The website now has the final 2010 Integrated Report Category Lists, detailed assessment factsheets, live links to the data references used in the assessment, and 303(d) list tables in excel format for download. Most importantly, the heavily used online Interactive Map is now displaying all the assessed water bodies and water bodies that are listed as impaired on the 2010 303(d) list as approved by U.S. EPA.

This online interactive map enables users to view assessed and impaired waters in a Region or county, or zoom to a specific water body. It also can do specialized displays of those waters assessed for a particular pollutant or pollutant category. For those persons seeking more technical information, every map display of a water body contains additional links to a detailed report outlining the lines of evidence that support the recommendation to list or not list a pollutant.

The report and mapping feature can be accessed at [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml).

**California Water Quality Monitoring Council (Monitoring Council) – 2011 Progress Report:** In January, the California Water Quality Monitoring Council submitted its 2011 progress report to the Secretaries of Cal/EPA and the Natural Resources Agency. The Monitoring Council is tasked by SB 1070 (Kehoe, 2006) and an interagency MOU with improving the efficiency and effectiveness of water quality and associated ecosystem monitoring and assessment through inter-agency/organizational coordination and delivering the resulting information to decision makers and the public via the internet. The Council's recommended *Comprehensive Monitoring Program Strategy for California* was delivered to the Agency Secretaries in December 2010. While the current budget situation has made implementation progress slow during the past year, three new workgroups were formed to address two themes, "Is our water safe to drink?" and "Are our estuaries healthy?" The Data Management Workgroup will address issues of data management and sharing between agencies, web development, and geospatial information systems that are common to all of the themes. Work on new *My Water Quality* portals ([www.CaWaterQuality.net](http://www.CaWaterQuality.net)) is also progressing and support for the Monitoring Council's strategy continues to grow.

However, substantial challenges remain. In its progress letter, the Monitoring Council requested that Secretaries Rodriguez and Laird get directly involved by:

- Formally encouraging their departments, boards, commissions, conservancies and offices to implement the Monitoring Council's strategy, to be actively engaged with the Monitoring Council and its workgroups, and to utilize the tools (assessment methods, quality assurance and data management procedures, and training) developed by these workgroups;
- Encouraging additional collaboration with organizations outside the two Agencies;
- Endorsing agency stewardship of a common base map of California's water resources; and
- Taking advantage of upcoming events, such as the 40<sup>th</sup> anniversary of the Clean Water Act, to raise awareness of the Monitoring Council and its *My Water Quality* portals.



More information about the Monitoring Council and its comprehensive strategy is on the web at [http://www.waterboards.ca.gov/mywaterquality/monitoring\\_council/](http://www.waterboards.ca.gov/mywaterquality/monitoring_council/).

**California Integrated Water Quality System (CIWQS) – Public Reports:** A recent release of CIWQS included additional information in the “Facility at-a-Glance” and the “Interactive Violations” public reports. Both reports now include information about corrective action as part of a violation record. It describes what the discharger is doing in response to a particular violation. This information was added to increase transparency and at the request of the Public Reports User Group and dischargers. CIWQS Public Reports can be accessed online at [http://www.waterboards.ca.gov/water\\_issues/programs/ciwqs/publicreports.shtml](http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml).

## Appendix 1

# Statewide Policies/Significant General Permits

<b>Division of Water Quality</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
P	Anti-Degradation Policy / Implementation Triennial Review	Scoping meeting held on 11/17/08. Reviewing the 30+ comment letters received. Preparing recommendation for the Board. Work delayed by petitions.
A-12	Aquatic Pesticide General Permit – Weed Control, Aquatic Application	Expect to release formal draft in March 2012.
A-12	Aquifer Storage and Recovery Policy	Region 5 has developed a statewide general order for ASR. The draft order has been circulated to the MCC and stakeholder groups for comment. Region 5 staff is making changes to the proposal based upon the comments received. It is anticipated that the statewide general order will be brought before the State Water Board for consideration in May 2012.
A-12	Areas of Special Biological Significance (ASBS): Special Protections	Public Notice released on January 20, 2011. Public Hearing held on May 18, 2011. Written comment period closed on May 20, 2011. Staff presented the Special Protections for consideration of adoption by the Board on October 18, 2011. The Board at that time deferred making a decision and requested that staff bring it back in January of 2012. Staff has been working on clarifying edits to the Special Protections and is planning to bring it back to the Board for adoption in March 2012.
A-12	Bacterial Objectives for Inland Surface Waters	Staff preparing draft policy and staff report Public hearing targeted for 2012. U.S. EPA has released for comment draft revisions to the recommended bacterial indicators. Staff are reviewing the proposal and will prepare comments for US EPA consideration.

## Division of Water Quality

A	Biological Objectives Development	The technical team currently is responding to comments on the draft report on establishing statewide reference condition and is beginning to develop scoring tools for statewide application. The team also has scheduled the first of a series of three workshops to conduct pilot causal assessment studies. The Regulatory and Stakeholder Advisory Groups met in early January to review the Scientific Advisory Group's input on the technical work to date and to continue discussion of policy alternatives and implementation options.
A-12	Cadmium Objective and Implementation Policy	Final internal review of draft policy and staff report prior to upcoming release for public comment. New Staff was assigned to this project in January and is reviewing the project information.
A-12	Constituents of Emerging Concern (CEC) Monitoring – Recycled Water Policy	DWQ is revising Recycled Water Policy to implement CEC Task Force Report Recommendations. Staff are currently coordinating peer review for the Draft Revised Policy. DWQ is reviewing the first draft of the revised Recycled Water Policy.
P	Chlorine Residual Objectives and Implementation Policy	Scientific Peer review received. Report and policy will be revised as necessary to address peer review comments. Due to loss of key staff this project is currently on hold.
A-12	Composting Facilities Statewide Waiver	Continuing to meet with CalRecycle and Regional Boards on preparing draft statewide waiver. Targeting State Water Board consideration of statewide order for Fall 2012.

## Division of Water Quality

A-12	Grazing	<p>The Water Boards have formed a work team to develop this Project (titled Statewide Grazing Regulatory Action Project or Grazing RAP). The work team is under the lead of R6 with active participants from R1, R2, R3, R5 and DWQ. The work team has completed the workplan and schedule for this Project and presented both items to MCC for its consideration in November; MCC accepted the workplan and schedule. The work team continues to collaborate on the tasks of 1) defining the problem (Problem Statement); 2) determining the scope of the Project, and 3) summarizing Water Board actions to date to correct or prevent the grazing impacts in order to determine potential final products from the Project. The work team plans on completing drafts of these three tasks by the end of January 2012.</p>
A	General Order (WDR) for Wastewater Discharges to Land (Revision to Order 97-10)	"Master" General Order drafted. Land Disposal (WDR) Program Review Steering Committee Briefed.
A-12	General Vector Control Pesticide Permit Amendment	Staff is considering amending NPDES General Permit to Allow Vector Control District to use pesticides in 303d listed waterbodies.
A-12	Listing Policy Update (Sediment Quality Objectives and Procedural Changes)	CEQA Scoping Meeting held on March 29, 2010. Comment period closed April 12, 2010. There was a delay due to loss of key staff. Staff has prepared amendment language to address the Sediment Quality Objectives component but further work is contingent on prioritization.
P	Marina Permit	Permit is postponed while working with other agencies and Marina and Boating groups to develop interim approaches.
P	Mercury Offset Policy	Partial economic analysis received from contractor (SAIC). No further contract funding available to complete economic analysis.

## Division of Water Quality

A	Mercury TMDL (Reservoirs)	A draft “framework” was prepared by the participating Regional Boards, based on existing TMDL’s. The framework was presented to Management in October and CEQA Scoping is scheduled for March of 2012.
A-12	Methylmercury Objectives	Staff are working on draft staff report and coordinating with efforts to develop statewide mercury TMDL. Updating economic analysis. Board Workshop targeted for Fall 2012.
A	Natural Sources	A draft natural source issue paper has been submitted to the Basin Planning Roundtable for review and comment. Issues include recommendation for how to deal with designations where natural background exceeds the water quality objectives
A	Nutrient Numeric Endpoints Tools	CEQA Scoping meeting held October 27, 2012. Working with technical advisory groups to produce an implementation strategy document. U.S. EPA contracting to have Nutrient Numeric Endpoint protocol updated with results of case studies and lessons learned. Technical aspects to be peer reviewed Fall 2012.
A-12*	Ocean Plan Amendment: model monitoring provisions, vessel discharges and non-substantive changes.	Public Hearing conducted on November 1, 2011. Staff is responding to comments and making edits to the Substitute Environmental Documentation and the Amendment.
A-12	Ocean Plan Amendment: MPAs and SWQPAs	Draft amendment, draft SED, and public notice released January 12, 2012. Comment period ends March 15, 2012. Public hearing scheduled for March 21, 2012.

## Division of Water Quality

P	Ocean Plan Amendment: vessel provisions	Pending completion of other Ocean Plan Amendments. Public Hearing was conducted on November 1, 2011.
A	Off-Highway Vehicle (OHV) WDRs/Waiver	Developing concepts for WDRs/waiver for OHVs at State Parks.
A-12*	Onsite Waste Water Treatment Regulations/Waiver	State Water Board released the public draft Policy for Siting, Design, Operation and Management of Onsite Wastewater Treatment Systems (OWTS)—Septic Systems and the associated Supplemental Environmental Document on Friday, September 30, 2011 for a 45-day comment period. Staff conducted four workshops during the comment period to answer questions and take comments from the public. Workshops were held in San Luis Obispo, Redding, Santa Rosa, and Riverside. The public comment period closed on November 14, 2011. The comment period closed on November 14. We received 658 comments on the draft policy. The OWTS Team is working on responses to comments and modifying the draft policy. Staff held an all-day meeting with key stakeholders on January 5, 2012 to discuss key issues raised in the comments. The Policy Documents and the comment letters can be found at: <a href="http://www.waterboards.ca.gov/water_issues/programs/owts/index.shtml">http://www.waterboards.ca.gov/water_issues/programs/owts/index.shtml</a>
P	Potable Water General Order	Not assigned due to higher priorities
A	Rapid Diagnostic Tests for Bacterial Indicators in Coastal Waters	Results and lessons learned transmitted to U.S. EPA for consideration in national standards setting work for a new Rapid Method. Task Force preparing final results report. Task Force working with City of Los Angeles as next possible pilot testing location.

## Division of Water Quality

A-12	Sanitary Sewer System (SSS) WDR Update	Information item presented to Board on September 21, 2010. Draft revised SSS WDR was released on March 24, 2011. Public Hearing to be scheduled at a later date. The comment period closed on Friday, May 13, 2011. Staff are reviewing the comments received. A Board Workshop was held for January 24, 2012. Russell Norman
P	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase II	Fish and Wildlife Objectives adopted by the Board April 6, 2011 and approved by OAL in June 2011. Phase II Human Health objectives in progress but are contingent on prioritization. Training sessions for regional board implementation of SQOs being planned.
A-12*	Storm Water Caltrans Permit	Released on January 7, 2011. Reviewing comments, which were due on March 14, 2011. Public hearing scheduled for July 19, 2011. Revised draft circulated for public comment on August 19, 2011. Board workshop conducted September 21, 2011. Staff is meeting with executive management and Caltrans to discuss the permit.
A-12*	Storm Water Industrial General Permit	Released on January 28, 2011. Staff workshops held February 14 and 23, 2011. Additional on-line staff workshop scheduled for March 15, 2011. Public Hearing conducted on March 29, 2011. Reviewing comments, which were due on Friday, April 29, 2011. Staff is revising the permit in response to the comments received. Staff is meeting with executive management and stakeholders to discuss the permit.
A-12*	Storm Water MS4 Phase II Permit	Revising to incorporate similar provisions to Construction General Permit and to incorporate TMDLs. Administrative draft released on February 22, 2011, with comments due on March 18, 2011. Released on June 7, 2011. Comment deadline extended from August 8, 2011 to September 8, 2011. A workshop on the draft permit was conducted on August 17, 2011. Staff is now evaluating the comments received. Staff is meeting with executive management and stakeholders to discuss the permit.



## Division of Water Quality

	Suction Dredge General Permit	On hold, and working instead with Department of Fish and Game (DFG) to coordinate with their suction dredge regulation and permit revision. On February 28, 2011, DFG released the SEIR/draft regulation and permit revision package for public comment. State Water Board staff has now received scientific peer reviewers' comments on the water quality portions of the SEIR. State and Regional Water Board staff comments, along with the scientific peer reviews, were submitted to DFG by the comment deadline.
P	Timber Activities on National Forest System Lands	At the December 6, 2011 Board meeting, the State Water Board adopted the MND, for this project but did not adopt the Statewide Conditional Waiver. Next steps and alternatives for regulation of non-point source discharges on NFS lands are currently being evaluated by the Staff.
P	Timber Activities on Non-federal Lands	Work with California Board of Forestry, Department of Forestry and Fire Protection, and Regional Water Boards. Work delayed pending the outcome of a petition.
A-12	Toxicity Control Provisions for the SIP	Staff held a staff-level workshop on August 22, 2011. Staff is now working on revisions to the policy and staff report. U.S. EPA headquarters has declined a request to release the peer review response to comments. As a result, in an abundance of caution State Board staff is initiating independent peer review of the policy. Due to the time for peer review staff anticipate releasing the next public draft in April 2012, for an anticipated adoption hearing in Summer 2012.
A-12*	Trash Policy	CEQA Scoping Meetings held on October 7, 2010 in Rancho Cordova and October 14, 2010 in Chino. A Public Advisory Group (PAG) has been appointed to provide input to Water Board staff on the development of this policy. The PAG has met on July 26, 2011, August 30, 2011, and October 12-13, 2011. Work on the Policy and the Substitute Environmental Document is proceeding.
A-12	UST Low-Threat Case Closure Policy	Targeting State Water Board consideration for April 2012.

## Division of Water Quality

A-12	Wetland and Riparian Areas (Dredge and Fill) Policy – Phase I	Initial Study released for public comment on January 5, 2011. CEQA Scoping Meetings held on January 31, 2011 and February 8, 2011. Comment deadline closed on May 20, 2011. EIR contract support was finalized in August 2011 and work has begun. Management review of the EIR is scheduled for early February 2012. Phase I regulations are undergoing review by OCC and DWR. The scientific peer reviews for the wetland definition were received in September 2011. The CRAM (California Rapid Assessment Method) peer review was posted on December 27, 2011 on the State Water Board Peer Review webpage. Policy and DEIR are in process.
P	Wetlands and Riparian Areas Policy – Phase II	With U.S. EPA grant funding, preliminary work has begun on Phase 2. This work is focused on categorizing wetland beneficial uses.
P	Wetlands and Riparian Areas Policy – Phase III	Pending completion of Phase II.

**Note: \* indicates Board Priority**

**Status Code Key:**

White = Active effort (A)

Orange = Targeted for completion in 2012 (A-12)

Blue = Completed (C)

Grey = Suspended or No statewide effort at this time or Pending (P)

## Policies/General Permits Completed in 2011

C	Aquatic Pesticide General Permit – Aquatic Animal Invasive Species	Adopted by State Water Board on March 1, 2011.
C	Aquatic Pesticide General Permit – Vector Control, (Adulticide/Larvicide)	Adopted by State Water Board on March 1, 2011.
C	Ocean Plan Triennial Review	Adopted by State Water Board on March 15, 2011.
C	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase II	Adopted by State Water Board on April 6, 2011. Approved by the Office of Administrative Law on June 13, 2011. Staff will submit to U.S. EPA.
C	Spray Applications Permit (CDFA and USFS Eradication Programs)	Adopted by State Water Board on March 1, 2011.
C	Storm Water MS4 Effectiveness Assessment Document (AB 739, Ch. 610, Statutes of 2007)	On October 27, 2010, staff issued a revised Notice of Staff Workshops and Opportunity for Public Comment on draft document. Workshops scheduled for November 4 in Sacramento and November 9 in Rancho Cucamonga. Comments were due 12:00 noon on November 30, 2010. Information Item presented to the Board on April 19, 2011.

## Policies/General Permits Completed in 2010

C	Integrated Report Adoption (2010)	Board approved 303(d) list on August 4, 2010. Transmitted to U.S. EPA on October 13, 2010, and awaiting their approval.
C	Leaking Underground Fuel Tank (LUFT) Manual	The LUFT manual was drafted as a guidance document with state-of-the-art information on the cleanup of leaking UST sites. The LUFT manual is considered a draft/evergreen document that will be updated periodically in response to comments.
C*	Once-Through Cooling (316b) Policy	Approved by Office of Administrative Law (OAL) on September 27, 2010. Effective date October 1, 2010.
C*	Once-Through Cooling (316b) Policy Limited Revisions	Adoption Hearing held on December 14, 2010. No changes made to Policy.
C	South Bay Power Plant	Notice of Cancellation of Public Hearing issued on November 2, 2010 due to permit application withdrawal.
C	Storm Water Construction General Permit Limited Revisions	Adopted on November 16, 2010.
C	Once-Through Cooling (316b) Policy Amendment	Completed/adopted on July 19, 2011.

## Division of Water Rights

Status Code	Policy/Significant General Permit	Status
(A)	Draft WQCP update for San Joaquin River flows and southern Delta salinity objectives	Draft SED science chapter was released October 29, 2010. Workshop held on SED science chapter January 6 and 7, 2011. Additional scoping meeting held June 6, 2011. Final Draft Technical Appendices to be released for public review in February 2012. Draft SED to be released in April 2012. Draft plan amendment to be brought to the Board for consideration in October 2012.
(A)	Russian River Frost Protection Regulation	On September 21, 2011, the State Water Board held a hearing during its Board Meeting to hear comments on the proposed adoption of the Russian River Frost Protection Regulation and the Draft Environmental Impact Report prepared in support of that proposed regulation. After hearing comments and staff recommendations, the Board unanimously voted to adopted the proposed regulation with a minor edit and certify the draft EIR. The Board Resolution adopting the proposed regulation and certifying the draft EIR, also directs the Executive Director to prepare a Final Statement of Reasons with required responses to comments and submit the entire rulemaking documents to the Office of Administrative Law (OAL) for approval. Staff submitted the Final Rulemaking Documents and Administrative Records to OAL on November 15, 2011. OAL filed the regulation with Secretary of State on December 29, 2011. The regulation is now effective.
(C)	Delta outflow recommendations (SBX7 1)	The Board adopted the final report on August 3, 2010, and provided it to the Delta Stewardship Council on August 25, 2010.
(C)	Instream Flow Policy (AB 2121)	The Board adopted the Policy on May 4, 2010. The Division delivered the administrative record to OAL on August 11, 2010. OAL approved the administrative record in September 2010. The Division filed a Notice of Decision with the Secretary for Resources on September 28, 2010. The policy is now effective.

**Status Code Key:**

White = Active effort (A)

Yellow = Targeted for completion in 2010 (A-10)

Blue = Completed (C)

Grey = Suspended or No statewide effort at this time or Pending (P)

## APPENDIX 2

### IRRIGATED LANDS REGULATORY PROGRAM FEBRUARY 2012

This month's Irrigated Agricultural 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 December 1-2, 2011 Executive Officer's report. Current and past ILRP program monthly reports can be found on the State Water Board Irrigated Agricultural Lands Regulatory Program website:

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

For specific program information on the Central Valley Water Board ILRP, contact Mr. Joe Karkoski, Program Manager, at (916) 464-4668.

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

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#### CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD IRRIGATED LANDS REGULATORY PROGRAM (ILRP)

##### **Long-term Irrigated Lands Regulatory Program**

On 29 September 2011, Regional Board staff participated in a tour of a Sacramento Valley Water Quality Coalition (SVWQC) member's farm and participated in presentations from sub-watershed representatives on local groundwater efforts. Staff also attended the SVWQC quarterly meeting in Oroville where staff gave a presentation on groundwater quality issues and the long-term program.

On 30 September 2011, Regional Board staff conducted a Stakeholder Advisory Workgroup meeting. At this meeting, workgroup members and the general public provided comments on draft groundwater monitoring data needs for the irrigated lands program. The draft groundwater monitoring data needs were developed by the Groundwater Monitoring Advisory Workgroup. Stakeholder comments will be considered by Regional Board staff in the development of groundwater monitoring programs for ILRP WDRs.

On 24 October 2011, Regional Board staff met with members of the dairy industry in Modesto to discuss options for regulating irrigated lands owned by dairy operators in a manner consistent with the ILRP.

On 25 October 2011, the Executive Officer sent a memo to the State Water Board requesting approval of the recently adopted Basin Plan amendments to provide estimated cost and sources of financing for the ILRP. These amendments were adopted by the Central Valley Water Board at the 13 October 2011 meeting. The State Water Board will consider approval of these amendments at their regularly scheduled 10 January 2012 meeting.

On 26 October 2011, Regional Board staff met with the Department of Pesticide Regulation (DPR) to discuss coordination of pesticide monitoring. Topics of discussion included coordination of groundwater monitoring, developing prioritization lists for pesticide monitoring, and working to ensure that pesticide monitoring data collected for the ILRP can be reviewed by DPR.

East-side San Joaquin River Watershed WDR – Regional Board staff is currently developing draft WDRs. A working draft of the surface water monitoring requirements has been developed and staff is working on revising the draft monitoring requirements based on initial comments.

Sacramento River Watershed Rice WDR – On 22 September 2011 Regional Board staff met with the Rice Commission to discuss a groundwater prioritization strategy and straw proposals for gathering grower information. On 11 October 2011, Regional Board staff took a tour of a rice farm sponsored by the rice commission and discussed potential nitrate issues associated with rice with a UC Davis rice researcher. Staff has developed internal draft WDRs for Sacramento Valley Rice Operations. These WDRs are currently being reviewed internally.

Tulare Lake Basin WDR - On 20 October 2011, Regional Board staff met with the Southern San Joaquin Valley Water Quality Coalition to discuss development of WDRs under the Long Term Irrigated Lands Regulatory Program. Topics of the discussion included groundwater vulnerability within the Coalition boundaries, development of groundwater Management Plans, and identification of potential wells to be used for groundwater quality monitoring.

Westlands WDR - On 27 September 2011, Regional Board staff met with the Westlands Coalition to discuss development of WDRs under the Long Term ILRP. Topics of the discussion included Coalition boundary issues, proposed high groundwater vulnerability areas, and overall process and schedule.

Individual General WDR – Originally, Regional Board staff intended to bring the draft general WDRs applicable to individuals before the Central Valley Water Board prior to any of the third-party WDRs. This plan has been modified so that the initial set of two to three third-party WDRs will be completed prior to Board consideration of the general WDRs for individuals.

#### Compliance & Outreach – Postcards

In October 2011, ILRP staff mailed 59 postcards to non-participating landowners in Placer and Nevada Counties. ILRP staff screened these landowners' parcels using aerial photography to target agricultural operations with the potential to discharge waste to surface waters.

Also in October 2011, ILRP staff mailed an additional five postcards to landowners in Stanislaus County. These postcards were mailed to the new landowners of parcels that were dropped from the regional coalition because the original owner sold the property.

#### **Compliance & Outreach - Exemption Claim Inspections**

In September and October 2011, Regional Board staff completed seven inspections to verify landowner exemption claims to the ILRP. Landowners can respond to ILRP staff's postcards or 13267 Orders by claiming their land is not used for agriculture, not irrigated, or that it has no irrigation tail water or storm water runoff (no waste discharges to surface waters). These claims create a need for verification inspections. Staff verified that the lands associated with these inspections were exempt from regulatory coverage under the ILRP.



### **Approval to Join a Coalition**

In October 2011, the Executive Officer approved 35 irrigated lands owners or operators to join a coalition group. Nine of these applications are the result of ILRP postcard mailings, and three of the applications are the result of CWC §13267 Orders. These approvals add about 8,200 acres to the program.

### **Coalition Groups:**

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

On 26 October 2011, a stakeholders meeting for the Rice Pesticides Program was held at the Regional Board office. There were no exceedances of the performance goals for the 2011 season. Stakeholders agreed the 2011 implemented management practices were effective and should continue through the 2012 season.

#### **East San Joaquin Water Quality Coalition**

The East San Joaquin Water Quality Coalition and the Westside San Joaquin River Watershed Coalition are working jointly to meet the requirements of the San Joaquin River chlorpyrifos and diazinon Total Maximum Daily Load. On 7 October 2011, the coalitions provided a flow chart that describes actions the coalitions will take to address further exceedances. The flow chart and proposed process for responding to additional exceedances is under review.

On 17 October 2011, the East San Joaquin Water Quality Coalition submitted Performance Goals for Black Rascal Creek, Deadman Creek, and Hilmar Drain as part of its approved Management Plan implementation schedule. The Performance Goals are under staff review.

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

On 14 September 2011, a letter from the Executive Officer was sent to the Coalition in response to the Coalition's proposed 2011 Management Plan monitoring schedule. This proposed schedule was submitted in February 2011, and was the subject of discussions between the Coalition and Regional Board staff for a number of months afterwards. This letter outlined the issues involved and the actions to be taken by the coalition and by Regional Board staff to ensure that future Management Plan monitoring is consistent with ILRP program requirements.

Regional Board staff and coalition representatives held the quarterly Management Plan meeting on 20 September 2011. The meeting focused on the 2012 monitoring plan and Management Plan monitoring obligations, as well as a review of toxicity exceedances in 2011 and source evaluations for various Management Plan elements.

A letter was sent from the ILRP staff to the SVWQC on 30 September 2011 acknowledging and accepting the coalition's Annual Management Plan Progress Report.

On 6 October 2011, a letter was sent from the Executive Officer to the SVWQC reviewing the chlorpyrifos and diazinon TMDL annual report submitted January 12 2011. This letter noted that in the next several months, Regional Board staff will begin working with the coalition to develop a new Order for General WDRs with a plan that will ensure the necessary data are collected to determine compliance with the TMDLs.

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

On 24 October 2011, the San Joaquin County and Delta Water Quality Coalition submitted Performance Goals for Kellogg Creek, Mormon Slough at Jacktone Road, and Sand Creek at Highway 4 Bypass as part of its approved Management Plan implementation schedule. The Performance Goals are under review.

### **Southern San Joaquin Valley Water Quality Coalition (SSJVWQC)**

On 20 October 2011, Regional Board staff met with the Tule Sub-watershed to discuss required Management Plans and recent widespread toxicity to Fathead minnow. Regional Board staff clarified the requirements of the MRP Order regarding submittal of Management Plans and Exceedance Reports and requested the required documents be submitted.

### **Westlands Coalition**

On 27 September 2011, Regional Board staff met with the Westlands Coalition to discuss current Coalition issues including the submittal of required Management Plans and new formatting tools for Electronic Data Deliverable submittals. During the meeting, Regional Board staff requested the Westlands Coalition submit a schedule for Management Plan development and implementation. On 14 October 2011, a letter was issued to the Westlands Coalition formally explaining the data formatting tools.

On 14 October 2011, the Westlands Coalition submitted a schedule for Management Plan development and implementation. Regional Board staff is currently reviewing the schedule.

### **Westside Coalition**

On 30 September 2011, the Westside San Joaquin River Watershed Coalition submitted its Focused Plan III Management Plan for Poso Slough and Salt Slough. The Focused Plan addresses exceedances in these subwatersheds by identifying irrigated agriculture sources, identifying management practices to implement and a schedule. The Focused Plan is under review.

### **Other Projects:**

#### **Data Management**

Data reports received through 1 September 2011 that arrived in an electronic SWAMP comparable format are currently being prepared for loading into a California Environmental Data Exchange Network (CEDEN) comparable database provided by the Central Valley Regional Data Center (CV RDC). These reports and future data sets will be sent to the CV RDC to be uploaded into CEDEN for statewide assessment efforts. At this time, 38 reports have been successfully processed and loaded into the CEDEN comparable database. The next round of reports is due in December 2011.

In a joint effort, the CV RDC and ILRP staffs are in the process of performing the final reviews of previously loaded data sets to begin the transfer of those sets to CEDEN. It is estimated that 28 of the reports will be ready and transferred before the year's end.

Concurrent to processing and loading of submitted electronic data, data submission feedback packages have been developed to assist the coalitions with formatting and reviewing data prior to submission to meet the electronic data submittal requirements of the program. The feedback packages contain guidance documents, electronic versions of quality assurance project plans, review checklists and code look up lists. The Sacramento Valley Water Quality Coalition received a feedback package on 8 August 2011 for their 1 June 2011 quarterly data submittal.

The Westside San Joaquin Water Coalition received their feedback package on 19 August 2011 for their 30 June 2011 semi-annual monitoring report. The California Rice Commission received their feedback package for the 2009 and 2010 annual monitoring reports on 9 September 2011. The Westlands Storm water Coalition received their feedback package for their 1 March 2011 quarterly data report in September 2011.

**Prop 84 Grant Funding**

The first-round of successful applicants is being processed. Some of the projects may start before the end of the year with the remaining expected to start after the rainy season. The second-round of applicants should take place early in 2012.