

San Diego
Regional Water Quality
Control Board



Executive Officer's
Report

February 8, 2006

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SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

February 8, 2006

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Regional Board Meeting for April 12 Located at the City of Laguna Beach *(Michael McCann)*

The 2006 Schedule of Regional Board Meetings has been revised. The Regional Board meeting scheduled for April 12 will be conducted at the City of Laguna Beach, and the May 10 Regional Board meeting will be conducted at the San Diego Regional Board.

2. Campo Creek Basin Task Force *(Brian McDaniel)*

On January 6, 2006, the Regional Board staff (Ms. Melissa Valdovinos, Mr. Victor Vasquez and Mr. Brian McDaniel) attended the first meeting of the Campo Creek Source Basin Task Force. Mr. Michael Connolly of the Campo Band of Kumeyaay Indians convened the meeting. Attendees included representatives from U.S. EPA Region 9, the Regional Board, San Diego County Department of Environmental Health (County DEH), the Bureau of Indian Affairs (BIA), Indian Health Services (IHS), Campo EPA, the Muht-Hei tribal corporation, the Golden Acorn Casino, and the Campo Band of Kumeyaay Indians.

Mr. Connolly presented an overview of general hydrologic and environmental conditions associated with the Campo Reservation. He discussed the Golden Acorn Casino's plans for the reuse of tertiary-treated wastewater for irrigation purposes and use in toilets at the casino and a proposed hotel. Mr. Connolly also discussed the current and proposed industrial land uses, the current sand/gravel facility and a proposed landfill.

Mr. Eric Byous (U.S. EPA) described the regulatory structure with regard to water and wastewater operations at Indian reservations. Mr. Richard Gundry (BIA) discussed water rights for tribal lands. Mr. Mark McPherson (County DEH) described his agency's general role within its jurisdiction. Messrs. Victor Vasquez and Brian McDaniel described the Regional Board's general role of issuing and enforcing waste discharge requirements (WDRs) in the San Diego Region.

Mr. David Robbins (IHS) described the current wastewater treatment practices at the Golden Acorn Casino. Mr. Robbins indicated that the Campo EPA has adopted requirements that the Regional Board would require for a similar project. Mr. Vasquez added that in addition to California Code of Regulations (CCR) Title 22 requirements, the Regional Board would impose other requirements such as wet-weather storage, and restrictions on nitrogen and total dissolved solids for facilities that the Board would

regulate. Mr. Connolly indicated that the existing treatment facility treats an average of 21,000 gallons of wastewater a day. The treated wastewater is discharged as spray irrigation in nearby undeveloped land, fenced off from the public. The proposed hotel would also require a new treatment plant to account for increased wastewater.

Mr. McPherson spoke about potable water quality concerns in Live Oak Springs, primarily focusing on a specific case of noncompliance.

The meeting concluded with suggestions to continue scheduling similar meetings on a regular basis. Following the meeting, a tour of the wastewater treatment facility was given by Raymond Cruz, Golden Acorn facility manager, and Mr. Robbins.

PART B **SIGNIFICANT REGIONAL WATER QUALITY ISSUES**

1. Sanitary Sewer Overflows (SSO) *(Charles Cheng, Cade Johnson, Joann Lim, Melissa Valdovinos, Victor Vasquez) (Attachment B-1)*

From January 1 to January 31, 2006, there were 13 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office; ten of these spills reached surface waters or storm drains, none resulted in closure of recreational waters. Of the total number of overflows from public systems, five were 1,000 gallons or more. The combined total volume of reported sewage spilled from all publicly owned collection systems for the month of January 2006 was 20,272 gallons.

There were also 12 sewage overflows from private property reported in January 2006. Two of these spills reached surface waters or storm drains, but neither resulted in closure of recreational waters. None of the overflows from private property were 1,000 gallons or more.

The total rainfall amount for January 2006 recorded at San Diego's Lindbergh Field was 0.36 inch. For comparison, in December 2005, 0.25 inch of rainfall was recorded at Lindbergh Field, and 17 public SSOs were reported. Also for comparison, in January 2005, 4.49 inches of rainfall was recorded at Lindbergh Field, and 36 public SSOs were reported.

Attached is a table entitled "Sanitary Sewer Overflow Statistics," updated through January 31, 2006, which contains a summary of all sanitary sewer overflows (by FY) from each agency since FY 2001-2002.

It should be noted that the data for spill volume per volume conveyed (GAL/MG) could be easily misinterpreted. For a sewer agency that has a small system size, but experienced a spill of a few hundred gallons or more, the value may show high. Also, for a sewer agency that has a large system size, a high volume spill event may not result in a

high value for this statistic. Hence, these numbers by themselves are not sufficiently representative of the measures being taken by a sewer agency to prevent SSOs, nor can the numbers be compared directly between agencies. The data does represent a different way to review and analyze SSO volume data as it relates to system size.

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

One Notice of Violation (NOV) was issued in January for a significant overflow as follows:

South Coast Water District

The South Coast Water District (District) notified the Regional Board of an 81,600-gallon SSO from the District's wastewater collection system at #53 Monarch Bay Drive in Dana Point that occurred on December 5, 2005. The District reported that this overflow resulted from a force main failure. The District reported that the overflow entered storm drains, the mouth of Salt Creek, and the Pacific Ocean. In addition, wastewater was temporarily diverted to containment areas on the beach at Monarch Beach for several hours as part of the District's response to the SSO. A report from the County of Orange Health Care Agency indicated that this overflow resulted in the closure of ocean recreational waters adjacent to all of Monarch Beach and a portion of Salt Creek County Beach in Dana Point to prevent public contact with waters that may have been impacted by the overflow.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken – November 21, 2005 to January 31, 2006 (Bob Morris) (Attachment B-2)

Section 401 of the Clean Water Act requires that any person applying for a federal permit or license which may result in a discharge of pollutants into waters of the United States, must obtain a state water quality certification that the activity complies with all applicable water quality standards, limitations, and restrictions. The majority of project applications are submitted because the applicant is also applying for a Section 404 permit from the Army Corps of Engineers, for filling or armoring of creeks and streams. See attached table (B-2).

Public notification of pending 401 Water Quality Certification applications can be found on our web site at: <http://www.waterboards.ca.gov/sandiego/programs/401cert.html>.

3. Grants Update (David Gibson)

Status of State Bond Act and federal 319(h) Grant Program Projects

The Regional Board staff is currently managing 37 grant-funded contracts worth approximately \$53 million. Staff is continuing to closely manage these grants to ensure conformance to the grant agreement terms and conditions.

Proposition 40 and Proposition 50 Consolidated Grants Program

Approximately \$144 million is available in the six funds included in the Consolidated Grants program. All remaining funds (approximately \$10 million) in the Proposition 13 accounts will also be made available in the Consolidated Grants program.

The SWRCB adopted the Consolidated Grants Program Guidelines on January 4, 2006, but agreed to further consider Section VI.F of the Guidelines regarding the waiver of litigation rights to address concerns raised by stakeholders. The SWRCB will consider this subject at its February 1, 2006 meeting.

The Concept Proposal Solicitation Notice was released on January 5, 2006. Applicants must submit a complete electronic Concept Proposal application by **11:59 PM on Thursday, February 9, 2006** using the SWRCB on-line Financial Assistance Application Submittal Tool (FAAST) system. Late applications will NOT be accepted. Four applicant workshops were held in January in Sacramento, Riverside, San Luis Obispo, and Los Angeles. David Gibson and Deborah Woodward attended the Riverside workshop and met with several San Diego Region applicants to discuss their proposals.

Applicants that submit competitive Concept Proposals will be invited to submit Full Proposals in March 2006. All grants funded under Proposition 40 must be encumbered no later than December 2006 and all grant funded work completed by September 2008. Grants funded under Proposition 50 must be encumbered no later than June 2008 and all work completed by June 2010.

Proposition 50 Integrated Regional Water Management (IRWM) Grant Program

Selection Panel Reviews of the Step 1 Implementation Grant Proposals are continuing. The Call Back letters for Step 2 Implementation are now scheduled for release in February 2006. DWR and the SWRCB will hold a public meeting in Sacramento on February 22, 2006, at 10:00am to discuss the results of the Step 1 review effort.

Clean Beaches Initiative Grant Program

On January 4, 2006, the SWRCB amended the Competitive Location List (CLL) to add Paradise Cove in the Los Angeles Region. The SWRCB also authorized the Chief of the Division of Financial Assistance to add beaches that meet certain criteria to the CLL. The SWRCB is continuing to accept applications for Proposition 40 funding for projects on the CLL. There are approximately \$6.4 million Prop 40 funds remaining for CBI projects. The next Clean Beaches Task Force meeting is February 22, 2006 in Oakland.

4. Proposed Gregory Canyon Landfill (Carol Tamaki and John Odermatt)

This item is provided to update the Regional Board on recent events relating to the proposed Gregory Canyon Landfill.

Final Superior Court Ruling on existing Environmental Impact Report (EIR)

On December 21, 2005, Superior Court Judge Michael Anello issued final ruling (Minute Order after Law and Motion Hearing) identifying deficiencies in several parts of the existing Environmental Impact Report (EIR) prepared for the proposed project. The Regional Board staff is attempting to obtain a copy of the final ruling issued by the Superior Court. The documentation will be provided to the Regional Board legal counsel for further evaluation.

CEQA Process and Status of EIR

On January 23, 2006, the Regional Board staff met with representatives of Gregory Canyon Limited (GCL) and their legal counsel to discuss their tentative schedule for correcting the deficiencies in the existing EIR. The GCL representatives indicated they are working with the County of San Diego to complete the required revisions of the EIR, and they hope to complete revisions to the EIR, including the required public participation process, sometime in late April to May 2006.

Public Participation Requirements in CCR Title 27

The Regional Board staff has not yet identified the specific procedures the Board should follow to provide a fair opportunity for all parties, and interested persons, to fully participate in the Board's proceedings. This topic will be further discussed with the Board's legal counsel in the future. Title 27, California Code of Regulations, section 21730 requires that the Regional Board provide at least 45-days public notice before any Regional Board meeting to consider adoption of tentative waste discharge requirements for any Municipal Solid Waste (Class III) Landfill. In addition, the Regional Board is required to make copies of the agenda package (including the tentative Order) available to the public not less than 30-days before any meeting at which the Regional Board members would consider this issue.

Scheduling an Agenda Item for consideration by the Regional Board

The Regional Board cannot take an action adopting waste discharge requirements for the proposed Gregory Canyon Landfill until the CEQA process is completed and the EIR is properly certified by the lead agency. In the interim, the Regional Board staff is continuing to move forward with the development of a tentative Order and supporting technical information regarding the proposed project. In view of the final court ruling regarding the inadequacy of the existing CEQA EIR and the uncertainties with when a certified EIR will be available, the Regional Board staff has indefinitely postponed scheduling a future agenda item for consideration of tentative Order for the proposed Gregory Canyon Landfill project.

The Regional Board continues to maintain a web site and an email list (currently 92 subscribers to our State Board LYRIS list) to keep the public informed about developments regarding the proposed Gregory Canyon Landfill project. The web page is available at

http://www.waterboards.ca.gov/sandiego/programs/units/ldu/Canyon%20Project/gregory_canyon_landfill.html).

5. California Integrated Water Quality System (CIWQS) (*Brian Kelley*)

Beginning July 1, 2005, the California Integrated Water Quality System (CIWQS) replaced the System for Water Information Management (SWIM) as the agency's new integrated data system to track regulatory information on permits, requirements, inspections, monitoring reports, violations and enforcement actions. CIWQS also includes an electronic Self Monitoring Report (eSMR) tool for dischargers to submit monitoring reports electronically via an internet web site. CIWQS is part of an overall effort by the agency to integrate several disparate legacy systems, compile water quality data, standardize permits, automate processes, and to make data more accessible to State and Regional Water Board staff, dischargers, the public, and the U.S. Environmental Protection Agency.

The electronic self-monitoring report (eSMR) portion of the system is being rolled out for implementation by the Regional Board and the regulated community one region at a time. The San Diego Region is scheduled to begin this process in June or July of this year. This process will initially engage State and Regional Board staff along with individual National Pollutant Discharge Elimination System (NPDES) permit holders through a series of hands-on training and testing. The goal is to have all individual NPDES dischargers submit self-monitoring reports electronically through a web-based interface, thereby eliminating the need for paper copies of reports. Digitized data is also in a format that can be reviewed and analyzed more readily.

While CIWQS has been a bit slow in reaching full implementation, the system promises to provide a valuable source of information for use by State and Regional Water Board staff, other regulatory agencies including USEPA, and ultimately by the public. For more information about CIWQS and its implementation, visit the CIWQS website at <http://www.swrcb.ca.gov/ciwqs/index.html>.

6. Proposed Basin Plan Amendment to Incorporate Reference System Approach Implementation Provisions for Bacteria Water Quality Objectives (*Linda Pardy*)

The San Diego Water Board is developing a Basin Plan amendment (Triennial Review Issue No. 7) to authorize the application of a 'reference system/ antidegradation approach' and a 'natural sources exclusion approach' for single sample maximum (SSM) bacteria water quality objectives (WQOs). The implementation provisions will not replace WQOs but rather establish provisions under which exceedances of WQOs would be allowed during storm flow conditions. These approaches recognize that there are natural sources of bacteria that may cause or contribute to exceedances of SSM WQOs during storm flow events. Both approaches are designed to ensure water quality at least as good as that of a reference site, and to permit no degradation of existing water quality where existing water quality is better than that of a reference site. A reference site is defined as a beach and/or upstream watershed that is minimally impacted by anthropogenic activities. The 'natural sources exclusion approach' will be designed to ensure that all anthropogenic sources of bacteria are controlled. The San Diego Water Board will answer questions and receive comments from the public on the potential environmental impacts associated with

implementation of the proposed amendment at a public workshop and California Environmental Quality Act scoping meeting on March 13, 2006. The notice for this workshop can be accessed from our website homepage (<http://www.swrcb.ca.gov/rwqcb9/>) under "Water News."

7. City of Escondido, Hale Avenue Resource Recovery Facility, Issuance of Administrative Civil Liability Complaint (*Rebecca Stewart*)

On December 30, 2005 Arthur Coe, Assistant Executive Officer, issued an Administrative Civil Liability (ACL) Complaint recommending a \$1,797,150 assessment of civil liability against the City of Escondido for violations related to wastewater stored, treated, and discharged through the City's sewage treatment facilities. The complaint includes both mandatory minimum penalties and discretionary liability as authorized by the California Water Code. This complaint supercedes an earlier complaint issued in November 2004, which recommended a mandatory minimum penalty of \$1.2 million for effluent limitation violations that occurred between May and August 2004. The previous complaint was withdrawn for several reasons, including delays impeding a public hearing within 90 days of issuance. Additional violations were added to the reissued Complaint in order to address all of the noncompliance incidents associated with the City of Escondido's facilities.

The City has requested a postponement of the public hearing previously scheduled for March 8, 2006 Board Meeting to the May 10, 2006 Board Meeting. Staff will keep the Regional Board informed of any new developments.

A copy of the ACL Complaint can be accessed on the Regional Board's website at www.waterboards.ca.gov/sandiego or by contacting Rebecca Stewart at (858) 467-2966 or Rstewart@waterboards.ca.gov.

8. Power Washing within the City of Chula Vista (*Ben Neill*)

On January 11, 2006, the Watershed Protection Southern Unit (WPSU) investigated alleged violations of the Municipal Permit, Order No. 2001-01, by the City of Chula Vista reported by Mr. Marvin Winters, a power washing contractor. Specifically, Mr. Winters provided the WPSU with photographs of a City work crew discharging power-washing water into the municipal separate storm sewer system.

The City reported to the WPSU that prior to being notified, the City had already reprimanded the individuals responsible for the discharge and was planning to conduct additional education efforts of power washing crews to teach proper procedures that will prevent future MS4 permit violations. The City also reported that it is requesting additional funding to purchase specialized equipment that captures and treats power-washing water and is developing standard operating procedures for power washing crews. The WPSU will review a written report that is scheduled to be submitted by the City on February 3, 2006. The report will provide the details of the violation and described the measures that the City will take to prevent illicit discharges of power wash water. A copy of the City's report will be provided to Mr. Winters.

9. Water Quality Problems at Lake San Marcos, San Diego County (*Eric Becker*)

As reported in the August 2005 Executive Officer Report, residents in the community of Lake San Marcos continue to be concerned about the deteriorating water quality conditions in the lake. One of their concerns has been with sediment discharges from a new development overlooking the lake. After an initial lack of adequate construction erosion control BMPs in early 2005, the developer of California Cove Varadero has been implementing an effective combination of sediment and erosion control BMPs to reduce the discharges of sediment as verified by Northern Watershed Protection Unit (NWPU) and County of San Diego staff during the 2005-06 rainy season. However, NWPU staff has noted erosion in the natural channel downstream of the development that has resulted in sediment discharges into the lake.

Requirements to prevent downstream erosion for new development are prescribed in the San Diego municipal storm water permit Order No. R9-2001-001. The Varadero project, however, was approved prior to the effective date of the requirements and as a consequence complies with the criteria established by the County of San Diego under its previous MS4 permit.

The NWPU staff is working with the County of San Diego and California Cove Varadero to address sediment discharges. The developer has upgraded the site's construction storm water BMPs, constructed a berm to divert flow from the recreational area, removed some of the sediment that discharged into Lake San Marcos, and reanalyzed post construction discharges rates from the development.

10. San Marcos Highlands Project Update (*Christopher Means*)(*Attachment B-10*)

On December 14, 2005, after considerable public comment, the San Diego Regional Board approved a Section 401 water quality certification for the San Marcos Highlands residential project. The proposed project consisted of 190 single-family homes on a 200-acre parcel bisected by the headwaters of Agua Hedionda Creek. Prior to the Regional Board action, the City of San Marcos Planning Commission had granted the developer, KB Home, a second one-year extension on the tentative subdivision map for the project to allow them to secure the necessary environmental permits. Members of the public appealed this decision to the City Council.

On January 24, 2005, however, the San Marcos City Council decided 3-2 to deny the extension of the tentative map for the project (see attachment B-10) and thus denies approval of the project. If KB Home should want to pursue the project further, they would need to restart the lengthy approval process (including the environmental assessment process). Any future proposed project that differed from the original project would require a new 401 certification from the Regional Board.

11. Escondido Creek Watershed –Reidy Creek (*Eric Becker*)

During the public forum on December 14, 2005, residents expressed concerns about the water quality impacts in the Escondido Creek watershed, in particular Reidy Canyon

Creek. Two of the concerns related to Paradise Nursery and the third to a nearby construction site. Both the construction site and nursery are located in northern Escondido near Reidy Canyon Creek. In response to these concerns, Northern Watershed Protection Unit (NWPU) staff inspected both sites to evaluate BMP implementation. Results from the inspections indicate that both sites are implementing adequate BMPs to reduce/eliminate the discharge of sediment and other pollutants, which NWPU staff provided the residents. One of the residents expressed her appreciation for addressing the two sites, but still has concern over water quality impacts from the excessive development in the area. NWPU staff discussed with the resident the various Regional Board regulatory programs that relate to new development.

12. Report on Investigation and Management of Hydromodification in California (*Michael McCann*) (*Attachment B-12*)

On October 2 and 3, 2005 a technical workshop was conducted to present an overview of the technical and managerial issues associated with hydromodification with a focus on the impacts to watercourses in California. The workshop, convened in Ontario, was attended by researchers, representatives of storm water agencies, and consultants interested in the adverse impacts on watercourses resulting from changes to land surfaces from development. John Robertus and Michael McCann participated at the workshop. The detailed proceedings of this timely workshop cover a number of critical topics: a) technical approaches to assessing hydromodification, b) priority technical needs and information gaps, c) regulatory and management strategies, and d) priority management needs. The conclusions and recommendations presented in the proceedings chart a clear direction for storm water agencies in California to address the adverse impacts of hydromodification.

Attached is the executive summary of the proceedings developed from this workshop. The proceedings, "Managing Runoff to Protect Natural Streams: The Latest Developments on Investigation and Management of Hydromodification in California", can be accessed from the website of the Southern California Coastal Water Project (SCCWRP), www.sccwrp.org/whatsnew/new-techreports.html

13. San Diego Bay Shipyard Sediment Cleanup Project—First Amended Order of Proceedings (*John Robertus*) (*Attachment B-13*)

The second Pre-Hearing Conference in the process to issue a cleanup and abatement order for the cleanup of sediments in San Diego Bay was convened on December 6, 2005. The rulings from this second conference were issued to the Designated Parties on January 30, 2006. This first amended order, see attachment B-13, contains the all the rulings made thus far by the Presiding Officer, John Minan, on the procedures and schedule for the process to issue a cleanup and abatement order for the cleanup of sediments adjacent to leaseholds of National Steel and Shipbuilding (NASSCO) and BAE Systems San Diego (formerly Southwest Marine, Inc.)

PART C
STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. New Disposal Limitations on E-Waste at Municipal Landfills (*John Odermatt*)(Attachment C-1)

The following information is from the California Integrated Waste Management Boards web site at: <http://www.ciwmb.ca.gov/WPIE/FluoresLamps/>

Hazardous waste regulations designate a category of hazardous wastes called "Universal Waste." This category includes many items, fluorescent lamps, fluorescent tubes, batteries, cathode ray tubes, instruments that contain mercury, and others. Not all universal wastes are subject to the same regulations or disposal requirements. In general, universal waste may not be discarded in solid waste landfills.

Under California's Universal Waste Rule (see <http://www.dtsc.ca.gov/>), households and conditionally exempt small quantity generators may dispose fluorescent lamps and tubes, batteries (not lead/acid batteries of the type used in autos), mercury thermostats, and electronic devices to the trash through February 8, 2006. However, local trash companies or other agencies are allowed to ban these items from the trash any time before February 8, 2006. Large and small quantity handlers are required to ship their universal waste to another handler, a universal waste transfer station, a recycling facility, or a disposal facility. Under the California Universal Waste Rule, specified waste generators were permitted to send specified universal wastes to landfills, but **this disposal allowance has been phased out in 2006.**

On February 9, 2004, regulations took effect in California that classified all discarded fluorescent lamps and tubes as hazardous waste. This includes even low mercury lamps and tubes marketed as "TCLP passing" (TCLP: Toxicity Characteristic Leaching Potential, CCR Title 22) or "TTLC passing" (Total Threshold Limit Concentration: TTLC, CCR Title 22). Most businesses, institutions, and agencies are now prohibited from disposing of any type of fluorescent lamps and tubes in the nonhazardous solid waste stream. Hazardous waste fluorescent lamps and tubes can be managed under the simple requirements of the state's Universal Waste Rule, provided they are sent to an authorized recycling facility. Under a temporary disposal exemption, California households will continue to be allowed to discard their own fluorescent lamps and tubes as non-hazardous solid waste (ordinary trash) until **February 9, 2006.** A similar exemption allows non-residential generators who produce very limited amounts of hazardous waste to discard up to 30 of their own lamps and tubes in the non-hazardous solid waste until the same date. Dischargers are urged to contact the California Department of Toxic Substances Control (DTSC) for more information. Also see the DTSC Web page (at www.dtsc.ca.gov) on management of universal wastes.

All fluorescent lamps and tubes are considered hazardous waste in California when they are discarded because they contain mercury (Title 22, division 4.5, chapter 11, section 66261.50). The meaning of the term "fluorescent lamps" includes:

Fluorescent lamps and tubes:

Fluorescent tubes, including low mercury tubes.

Compact fluorescents, including low mercury lamps.

High Intensity Discharge (HID) Lamps:

Metal halide lamps, such as floodlights for large indoor and outdoor areas and gymnasiums.

Sodium lamps, such as those sometimes used as security lighting and outdoor floodlights.

Mercury vapor lamps, such as those sometimes used for street lighting.

After February 8, 2006, all fluorescent lamps and tubes in California must be recycled, or taken to a household hazardous waste disposal facility, a universal waste handler (e.g., storage facility or broker), or an authorized recycling facility. (Title 22, division 4.5, chapter 23, section 66273.8) (Very-small quantity commercial generators may also dispose in the trash up to 30 lamps/tubes per month between February 8, 2004 and February 9, 2006.). A recently published local newspaper (San Diego Union-Tribune) article on this issue is included in Attachment C-1.

More information on these requirements can be found on-line at:

<http://www.ciwmb.ca.gov/WPIE/FluoresLamps/> and www.dtsc.ca.gov.

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

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

February 8, 2006

APPENDED TO EXECUTIVE OFFICER REPORT

SIGNIFICANT NPDES PERMITS, WDRS, AND RB ACTIONS

DATE OF REPORT	NAME OF PERMIT/WDR/RB ACTION	Action Type	Initial Document Application Complete	Dish./RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
February 8, 2006	MARCH 8, 2006 RB MEETING San Diego Regional Board Office									
	DAKOTA RANCH DEVELOPMENT CO. 401 WATER QUALITY CERTIFICATION VIOLATION SANTEE	Hearing: Adm. Civil Liability	100%	NA	100%	20%	March 8, 2006	No	ACL COMPLAINT \$140,500	Melbourn
	CITY OF CARLSBAD CONSTRUCTION STORMWATER VIOLATIONS	Hearing: Adm. Civil Liability	100%	NA	100%	20%	March 8, 2006	No	ACL Complaint	Melbourn
	SOUTHERN CALIF. EDISON SAN ONOFRE POWER PLANT DEWATERING DISCHARGE	NPDES Permit Revision	100%	100%	100%	20%	March 8, 2006	Yes		Kelley
APRIL 12, 2006 RB MEETING City of Laguna Beach										
	REGIONWIDE BACTERIA TOTAL MAXIMUM DAILY LOAD	Adoption TMDL	NA	NA	90%	50%	April 12, 2006	No	TMDL Workplan FY 2005-06	Arias
	CITY OF SAN DIEGO SOUTH BAY WATER RECLAMATION FACILITY	NPDES Permit Reissuance	100%	100%	90%	0%	April 12, 2006	No	NPDES Workplan FY 2005-06	Valdovinos
	SOUTH ORANGE COUNTY WASTEWATER AUTHORITY--ALISO CREEK OCEAN OUTFALL	NPDES Permit Reissuance	100%	100%	90%	0%	April 12, 2006	No	NPDES Workplan FY 2005-06	Valdovinos
	SOUTH ORANGE COUNTY WASTEWATER AUTHORITY--SAN JUAN CRK. OCEAN OUTFALL	NPDES Permit Reissuance	100%	100%	90%	0%	April 12, 2006	No	NPDES Workplan FY 2005-06	Valdovinos
	FALLBROOK PUBLIC UTILITY DISTRICT OCEAN OUTFALL DISCHARGE	NPDES Permit Reissuance	100%	100%	90%	50%	April 12, 2006	No	NPDES Workplan FY 2004-05	Vasquez
	OCEANSIDE MARINE CTR. OCEANSIDE HARBOR	NPDES Permit Reissuance	100%	100%	90%	0%	April 12, 2006	No	NPDES Workplan FY 2005-06	Felix
	DRISCOLL MISSION BAY BOATYARD	NPDES Permit Reissuance	100%	100%	90%	0%	April 12, 2006	No	NPDES Workplan FY 2005-06	Felix
	DANA POINT BOATYARD DANA POINT HARBOR	NPDES Permit Reissuance	100%	100%	90%	0%	April 12, 2006	No	NPDES Workplan FY 2005-06	Felix
	BASIN PLAN UPDATE AND DIGITAL REFORMAT	Hearing: Basin Plan Amendment	NA	NA	50%	0%	April 12, 2006	No	Triennial Review Issue No. 1	Parly
	OAK TREE RANCH MOBILE HOME PARK FACILITY EXPANSION SAN DIEGO COUNTY	WDR Revision	100%	100%	90%	0%	April 12, 2006	Yes		Quach
MAY 10, 2006 RB MEETING San Diego Regional Board Office										
	CABRILLO LLC ENCINA POWER PLANT CARLSBAD	NPDES Permit Reissuance	100%	100%	75%	0%	May 10, 2006	No	NPDES Workplan FY 2004-05	Kelley

SIGNIFICANT NPDES PERMITS, WDRS, AND RB ACTIONS

DATE OF REPORT February 8, 2006	NAME OF PERMIT/WDR/RB ACTION	Action Type	Initial Document Application Complete	Dish./RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
	POSEIDON RESOURCES DESALINATION PROJECT CARLSBAD	New NPDES Permit	100%	80%	0%	0%	May 10, 2006	No	NPDES Workplan FY 2005-06	Cheng
	GROUNDWATER EXTRACTION GENERAL PERMIT FOR SAN DIEGO BAY	NPDES Permit Reissuance	NA	50%	0%	0%	May 10, 2006	No	NPDES Workplan FY 2004-05	Alpert
	CITY OF ESCONDIDO WASTEWATER FACILITY AND DISCHARGE TO OCEAN OUTFALL	Hearing: Admin. Civil Liability	100%	NA	100%	20%	May 10, 2006	No	ACL COMPLAINT \$1,797,150	Stewart
	FALLBROOK PUBLIC UTILITY DISTRICT FALLBROOK RECLAMATION PROJECT	WDRs Update Mast. Reclamation	NA	100%	80%	0%	May 10, 2006	Yes	Master Reclamation Req'ts	Vasquez
	JACK AND MARK STIEFEL DAIRY RIVERSIDE COUNTY	NPDES Permit Reissuance	80%	90%	90%	0%	May 10, 2006	No	NPDES Workplan FY 2004-05	Ghoram
	FRANK J. KONYN DAIRY SAN PASQUAL VALLEY	NPDES Permit Reissuance	80%	90%	0%	0%	May 10, 2006	No	NPDES Workplan FY 2005-06	Ghoram
	JUNE 14, 2006 RB MEETING San Diego Regional Board Office									
	SAN DIEGO COUNTY MUNICIPAL STORMWATER PERMIT	NPDES Permit Reissuance	100%	90%	50%	0%	June 14, 2006	No	NPDES Workplan FY 2005-06	Hammer
	OCEAN DISCHARGER RECEIVING WATER MONITORING PROGRAM UPDATES	NPDES Permits	NA	50%	0%	0%	June 14, 2006	No	NPDES Workplan FY 2004-05	Kelley
	USMC CAMP PENDLETON REPLACEMENT OF PLANT NO. 13 DISCHARGE TO OCEAN OUTFALL	NPDES Permit Revision	100%	100%	0%	0%	June 14, 2006	No	NPDES Workplan FY 2005-06	Kelley
	KAMPEN BROS. (fmr.DeJAGER/BOERSMA) DAIRY RIVERSIDE COUNTY	NPDES Permit Reissuance	0%	90%	0%	0%	June 14, 2006	No	NPDES Workplan FY 2005-06	Ghoram
	T.D. DAIRY (VAN TOL DAIRY) RAMONA	NPDES Permit Reissuance	0%	90%	0%	0%	June 14, 2006	No	NPDES Workplan FY 2005-06	Ghoram
	AUGUST 9, 2006 RB MEETING San Diego Regional Board Office									
	RANCHO MISSION VIEJO DEVELOPMENT SAN JUAN AND SAN MATEO BASINS ORANGE CO.	WDRs and 401 WQ Certification	20%	10%	0%	0%	August 9, 2006	No		Haas
	PENDING / UNSCHEDULED ACTIONS									
	PROPOSED GREGORY CANYON LANDFILL NORTH SAN DIEGO COUNTY	New WDRs	100%	20%	30%	10%			Public Workshop scheduled for May 19, 2005	Tamaki

SANITARY SEWER OVERFLOW STATISTICS (Updated through January 31, 2006)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE ^B		NO. OF SEWAGE SPILLS (LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30)					SPILLS PER 100 MILES (LISTED BY FY)					SPILL VOLUME 2005-06 ^A	
	Miles	MGD	01-02	02-03	03-04	04-05 ^A	05-06 ^A	01-02	02-03	03-04	04-05 ^A	05-06 ^A	GAL	GAL/MG ^C
ORANGE COUNTY:														
EL TORO WD	55	2.2	3	1	3	3	2	5.5	1.8	5.5	5.5	3.7	13,506	28.2
EMERALD BAY SERVICE DISTRICT	6	0.09	0	0	0	1	0	0.0	0.0	0.0	16.7	0.0	0	0.0
IRVINE RANCH WD	36	2.0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0.0
LAGUNA BEACH, CITY OF	95	2.4	10	27	8	11	4	10.5	28.4	8.4	12.6	4.2	650	1.3
MOULTON NIGUEL WD	530	13.0	2	1	2	5	1	0.4	0.2	0.4	0.9	0.2	400	0.1
SAN CLEMENTE, CITY OF	179	4.5	6	7	2	5	1	3.3	3.9	1.1	2.8	0.6	125	0.1
SAN JUAN CAPISTRANO, CITY OF	100	3.4	0	0	1	2	0	0.0	0.0	1.0	2.0	0.0	0	0.0
SANTA MARGARITA WD	546	10.7	12	4	5	6	2	2.2	0.7	0.9	1.1	0.4	1,125	0.5
SOUTH COAST CWD	132	4.0	5	8	7	4	2	3.8	6.1	5.3	3.0	1.5	80,120	94.1
TRABUCO CANYON WD	43	0.72	0	0	1	3	0	0.0	0.0	2.3	7.0	0.0	0	0.0
RIVERSIDE COUNTY:														
EASTERN MWD	421	9.5	1	3	7	0	0	0.2	0.7	1.7	0.0	0.0	0	0.0
ELSINORE VALLEY MWD	80	2.0	0	0	1	3	1	0.0	0.0	1.3	3.8	1.3	348	0.8
MURRIETA MWD	25	0.5	0	0	1	0	0	0	0	4.0	0.0	0.0	0	0.0
RANCHO CA WD	71	2.9	2	0	1	2	1	2.8	0.0	1.4	2.8	1.4	1,125	1.8
SAN DIEGO COUNTY:														
BUENA SANITARY DISTRICT	84	1.9	0	2	1	2	2	0.0	2.4	1.2	2.4	2.4	5,250	13.1
CARLSBAD MWD	214	7.2	15	6	6	12	5	7.0	2.8	2.8	4.7	2.3	204	0.1
CHULA VISTA, CITY OF	400	16.0	6	3	1	7	3	1.5	0.8	0.3	1.3	0.8	305	0.1
CORONADO, CITY OF	53	3.8	5	2	5	0	0	9.4	3.8	9.4	0.0	0.0	0	0.0
DEL MAR, CITY OF	30	1.1	2	7	1	0	1	6.7	23.4	3.3	0.0	3.3	3,500	14.4
EL CAJON, CITY OF	198	9.1	2	3	0	3	0	1.0	1.5	0.0	1.5	0.0	0	0.0
ENCINITAS, CITY OF	118	4.1	2	6	1	5	0	1.7	5.1	0.8	4.2	0.0	0	0.0
ESCONDIDO, CITY OF	350	10.8	14	3	2	4	3	4.0	0.9	0.6	1.1	0.9	4,768	2.0
FAIRBANKS RANCH COMM SERV DIST	15	0.21	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0.0
FALLBROOK PUBLIC UTILITY DIST	72	2.0	17	22	9	10	5	23.6	30.6	12.5	13.9	6.9	6,600	15.3
IMPERIAL BEACH, CITY OF	84	2.2	1	14	2	8	2	1.2	16.7	2.4	9.5	2.4	425	0.9
LA MESA, CITY OF	155	5.8	12	3	4	3	0	7.7	1.9	2.6	1.9	0.0	0	0.0
LEMON GROVE, CITY OF	69	2.4	9	4	4	3	0	13.0	5.8	5.8	4.3	0.0	0	0.0

SANITARY SEWER OVERFLOW STATISTICS (Updated through January 31, 2006)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE ^B		NO. OF SEWAGE SPILLS (LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30)					SPILLS PER 100 MILES (LISTED BY FY)					SPILL VOLUME 2005-06 ^A	
	Miles	MGD	01-02	02-03	03-04	04-05 ^A	05-06 ^A	01-02	02-03	03-04	04-05 ^A	05-06 ^A	GAL	GAL/MG ^C
SAN DIEGO COUNTY (continued):														
LEUCADIA CWD	185	4.2	5	6	1	6	1	2.7	3.2	0.5	2.7	0.5	1,380	1.5
NATIONAL CITY, CITY OF	97	5.1	0	1	2	1	3	0.0	1.0	2.1	1.0	3.1	3,100	2.8
OCEANSIDE, CITY OF, WTR UTIL DEP	446	13.0	17	23	22	13	6	3.8	5.2	4.9	3.1	1.3	2,935	1.1
OLIVENHAIN MWD	16	0.39	1	2	0	3	0	6.3	12.5	0.0	18.8	0.0	0	0.0
OTAY MWD	86	1.4	0	3	1	0	0	0.0	3.5	1.2	0.0	0.0	0	0.0
PADRE DAM MWD	150	5.1	4	3	3	1	1	2.7	2.0	2.0	0.7	0.7	1,200	1.1
PAUMA VALLEY COMM SERVICE DIS	8	0.07	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0.0
POWAY, CITY OF	170	4.0	1	5	3	0	2	0.6	2.9	1.8	0.0	1.2	2,300	2.7
RAINBOW MWD	54	0.74	2	2	6	2	0	3.7	3.7	11.1	3.7	0.0	0	0.0
RAMONA MWD	83	1.3	5	2	2	4	0	6.0	2.4	2.4	3.6	0.0	0	0.0
RANCHO SANTA FE COMM SERV DIST	52	0.44	1	1	0	2	0	1.9	1.9	0.0	3.9	0.0	0	0.0
SAN DIEGO CO, PUBLIC WORKS	380	11.0	4	11	2	2	2	1.1	2.9	0.5	0.5	0.5	33,000	14.0
SAN DIEGO, CITY OF, MWWD	2,894	170	226	193	115	122	47	7.8	6.7	4.0	3.3	1.6	59,907	1.6
SOLANA BEACH, CITY OF	52	1.2	2	1	6	1	0	3.8	1.9	11.5	0.0	0.0	0	0.0
USMC BASE, CAMP PENDLETON	194	3.1	18	23	14	12	9	9.3	11.9	7.2	5.2	4.6	47,170	71.9
US NAVY	123	4.0	24	12	11	13	8	19.5	9.8	9.0	10.6	6.5	19,320	22.5
VALLECITOS WD	202	6.1	4	5	4	6	3	2.0	2.5	2.0	2.5	1.5	612	0.5
VALLEY CENTER MWD	48	0.32	0	3	1	1	0	0.0	6.3	2.1	2.1	0.0	0	0.0
VISTA, CITY OF	198	6.5	4	4	7	9	1	2.0	2.0	3.5	4.6	0.5	650	0.5
WHISPERING PALMS COMM SERV DIS	17	0.26	1	1	0	0	0	5.8	5.8	0.0	0.0	0.0	0	0.0
REGION 9 TOTAL	9615	363	445	427	275	266	118						290,025	
AVERAGE ¹								4.6	4.4	2.9	2.8	1.2		6
STANDARD DEVIATION ²								5.0	7.0	3.4	4.4	1.7		18
MEDIAN ³								2.4	2.4	2.0	2.5	0.5		0

^A Includes available preliminary data for July 1, 2004 through January 31, 2006, and may not include all spills less than 1,000 gallons that did not enter surface waters or storm drains during this period.

^B As of June 2003.

^C Volume of spills for the period in gallons divided by the amount conveyed for the period in million gallons.

^D Included with Eastern Municipal Water District

¹ The average is the sum of all values divided by the number of values.

² In a normally distributed set of values, 68% of the values are within one standard deviation either above or below the average value.

³ The median is the middle value in a set; half the values are above the median, and half are below the median.

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF NOVEMBER 21, 2005 THROUGH JANUARY 31, 2006**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATER BODY	IMPACT (Acres) ¹	MITIGATION	CERTIFICATION ACTION ²
11/21/05	Seascope Shores Condominiums (Mr. Thomas Ryan)	Seascope Shores Condominiums Seawall Project	Repair of a 218 ft. long segment of existing seacave/notch infill.	Pacific Ocean	Permanent impacts to 0.008 acre of shoreline of the Pacific Ocean	An in-lieu fee of \$85,111.60 has been paid by the applicants.	Technically-Conditioned & Waiver of Waste Discharge Requirements
11/22/05	DR Horton	Orchard Run	Construction of five residential neighborhoods on the 118 acre site in Valley Center	Moosa Creek	Temporary: Wetland 0.17 acre Permanent: Disturbed streambed 0.13 acre.	Wetland: creation of 1.0 acre of wetlands on-site and adjacent to Moosa Creek	Technically-Conditioned & Waiver of Waste Discharge Requirements
12/5/05	County of Orange Resources and Development Mgt. Dept.	O'Neill Regional Park Sewer Conversion Project	Construction of a new wastewater collection system.	Arroyo Trabuco	Temporary: Streambed-0.07 acre	Streambed: 0.07 acres. Restoration of temporary disturbance areas.	Technically-Conditioned & Waiver of Waste Discharge Requirements
12/7/05	Mr. Chris Hamilton	407 Pacific Ave. Notch Maintenance Infill Project	Maintenance of a 20 ft. long segment of existing seacave/notch infill.	Pacific Ocean	Permanent impacts to 0.002 acre of shoreline of the Pacific Ocean	An in-lieu fee of \$11,720.20 has been paid by the applicants.	Technically-conditioned & Waiver of Waste Discharge Requirements
12/7/05	Riverside County Flood Control and Water Conservation District	Wildomar Channel Stage 5	Proposed project consists of concrete lining 2,300 linear feet (0.43 acre) of Wildomar Channel	Wildomar Channel and Murrieta Creek, Wildomar HSA	A total of 0.43 acre of Wildomar Channel will be permanently impacted	Mitigation will be achieved at a 1:1 ratio, by widening a 1,900 foot-long segment of the existing earthen channel downstream of the proposed impact area.	Technically-Conditioned & Waiver of Waste Discharge Requirements
12/12/05	City of Vista	York Drive Sewer Project	Replacement of approximately 1.23 miles of 8-inch vitrified clay sewer pipe.	Un-named tributary to Buena Creek	Temporary impacts to 0.07 acres of non-wetland waters of the U.S.	1:1 ration by the restoration of all impacts to pre-existing topography and vegetative condition.	Technically-conditioned & Waiver of Water Discharge Requirements
12/15/05	KB HOME Mr. David Shepherd	San Marcos Highlands	Subdivision of approx. 80 acres into 191 single family lots.	Agua Hedionda Creek	Permanent impacts to 0.74 acres of jurisdictional non-wet-land waters of the U.S. temporary impacts to 0.06 acre of jurisdictional waters of the U.S.	Mitigation for permanent impacts will be achieved at a 3.3:1 ratio.	Technically-Conditioned & Waiver of Water Discharge Requirements.

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF NOVEMBER 21, 2005 THROUGH JANUARY 31, 2006**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATER BODY	IMPACT (Acres) ¹	MITIGATION	CERTIFICATION ACTION ²
12/16/05	Municipal Water District of Orange County	Dana Point Ocean Desalination	Installation of a test slant well at the mouth of San Juan Creek	Pacific Ocean and/or mouth of San Juan Creek	Temporary: Ocean (0.01 acre) Streambed (0.01 acre)	Restoration of temporary fill areas	Low Impact & Waiver of Waste Discharge Requirements
12/27/05	Golden City LTD	Golden City	Development of 64.4 acres that includes the construction of 247 single-family residences.	Warm Springs Creek	0.93 of an ephemeral tributary to Warm Springs Creek	Creation of approx. 0.56 acre of southern willow/mulefat scrub habitat.	Technically-Conditioned
12/27/05	Seraphina Development, LLC	Seraphina Development Project	Construction of a 71 - lot single-family residential tract on 28 acres.	Santa Gertrudis Creek, Murrieta HSA	0.79 acre of Santa Gertrudis Creek permanently & 0.43 acre will be impacted temporarily.	Restoration and Preservation of 2.2 acres of a tributary to Santa Gertrudis Creek within the Johnson Ranch reserve	Technically-Conditioned & Waiver of Water Discharge Requirements
1/12/06	Fallbrook Development, Inc. Paul Dooley, President	Dougherty Grove	Construction of 28 single-family residential lots on 13.5 acres.	Un-named tributaries to Santa Margarita River (HSA 902.13)	Temporary: Streambed/wetland: 0.1 acre Permanent: Streambed/wetland: 0.08 acre	Riparian: Enhancement of 6.8 acres on-site Wetland: 0.2 acres off-site mitigation in-lieu fee program	Technically-Conditioned
1/12/06	Lakeside River Park Conservancy	San Diego River Habitat	Morphologic restoration of a 127.6-acre reach of the San Diego River.	San Diego River and Los Coches Creek	Temporarily impact 1.46-acre of vegetated and 9.69-acres of un-vegetated (open water) waters of the U.S.	This restoration project is self-mitigating	Technically-Conditioned & Waiver of Waste Discharge
1/12/06	City of San Diego Metropolitan Wastewater Department	USIU-Miramar Trunk Sewer Repair Project	Replace 11,500 feet of existing sewer pipeline to accommodate new housing developments	Carroll Canyon Creek, Penasquitos HU, Miramar Hydrologic area	Temporarily Impact (fill) 0.01 acre of un-vegetated waters of the U.S.	Will be the 1:1 restoration of the impact.	Technically-Conditioned & Waiver of Waste Discharge
1/18/06	Mr. Glen Daigle Daigle Development, LLC	Tentative Tract 31009	Development of eight single family lots.	Murrieta Creek	Permanent impacts to 0.028 acre of a tributary to Murrieta Creek	Purchase of 0.10 acre of credit from the Santa Margarita Arundo Removal Program.	Technically-Conditioned & Waiver of Waste Discharge Requirements

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF NOVEMBER 21, 2005 THROUGH JANUARY 31, 2006**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATER BODY	IMPACT (Acres) ¹	MITIGATION	CERTIFICATION ACTION ²
1/26/06	Van Daele Development Corp	Tentative Tract 30155	Development of 218 single-family homes on 75.88 acres.	Murrieta HAS	Permanent impacts 0.61 acre of Stream Segment A (a tributary to Murrieta Creek) Also, 0.2 acre of isolated waters.	Creation of 1.37 acres of waters/ wetlands	Technically-Conditioned & Waiver of Waste Discharge Requirements

1. Wetland refers to vegetated waters of the U.S. and streambed refers to unvegetated waters of the U.S. (P) = permanent impacts. (T) = temporary impacts.
2. Low impact certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are issued when the project will adversely impact water quality and suitable mitigation measures are not proposed or possible. Time expired refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines. Withdrawn refers to projects that the applicant or Regional Board have withdrawn due to procedural problems that have not been corrected within one year.

Editions of the North County Times Serving San Diego and Riverside Counties

Wednesday, February 1, 2006

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Wednesday, February 1, 2006

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San Marcos council kills Highlands project

By: DAVID STERRETT - Staff Writer

SAN MARCOS ---- Plans for the controversial 190-home San Marcos Highlands project at the north end of Las Posas Road are dead, and the property owner said Wednesday he doesn't know what he's going to do next.

The City Council voted 3-2 during a marathon meeting Tuesday not to grant developer KB Home a year's extension on permits for the project.

Council members Jim Desmond, Pia Harris-Ebert and Mike Preston voted against the extension just before midnight, and about 40 residents stood to applaud.

More than 100 people had packed City Hall earlier in the evening, and about 20 residents who live near the proposed project spoke against the development because, they said, it would hurt the character of their neighborhood.

Officials with KB Home and property owner Farouk Kubba told the council that they had been working hard to secure the necessary environmental permits and just needed more time.

The council originally approved a tentative map for the Highlands project in 2002, and the council granted a year's extension to the developer in 2004.

Kubba has been trying to build on the property for two decades, and has been working with the latest plan since 1998. He said Wednesday it was a long drive home to Costa Mesa after the council's decision.

"It's really frustrating because seven years of hard work just went down the tube," Kubba said. "I have not decided what to do next, and I really got to spend some time thinking about it."

Kubba said he is not going to just retry the same plan, even though he said the project was only about three or four months away from securing all of the necessary environmental permits.

A city plan for the area still calls for more than 230 homes, but to proceed with a new project, a new map and environmental studies would have to be done.

"Maybe we should have worked with the residents more," Kubba said. "But we didn't know there was such resistance until a couple of weeks ago."

Kubba said that some residents always had concerns about the project harming Agua Hedionda Creek and a local wildlife corridor.

But recently many residents of the Santa Fe Hills community opposed the project because they felt it would lead to the extension of Las Posas Road to Buena Creek Road, Kubba said.

He said that no matter whether 190 homes or 50 homes are built on the property, Las Posas has to be extended to serve the development. But he reiterated he has no intention of connecting Las Posas with Buena Creek, and said that is an issue the city needs to work out with the residents.

City Manager Rick Gittings said the road extension is still on the city's circulation plan, and any project on Kubba's property would have to extend the road to serve the development.

Gittings said Kubba has the challenge of creating a project that satisfies the environmental agencies, community and the council.

Council members Desmond and Harris-Ebert said Tuesday they voted to deny the extension because the developer had plenty of time to secure the necessary permits.

Councilman Preston, who voted for the extension in 2004, said he didn't approve another extension because the developer failed to work with the community on creating an acceptable project.

Councilman Hal Martin and Mayor Corky Smith voted to grant the additional time.

The decision Tuesday was the first time the council had denied such an extension, said John Nabors, a local consultant working for Kubba.

"I wouldn't trust a couple of the city councilmen anymore because I don't think they understand the development process," Nabors said. "The ironic part is the neighborhood threw up all these roadblocks with the environmental agencies and actually slowed the project down.

"It's a bad sign they can simply oppose something until the developer runs out of time."

Sandra Farrell, who lives near the project and who has long opposed it, said Wednesday that the decision was "a relief."

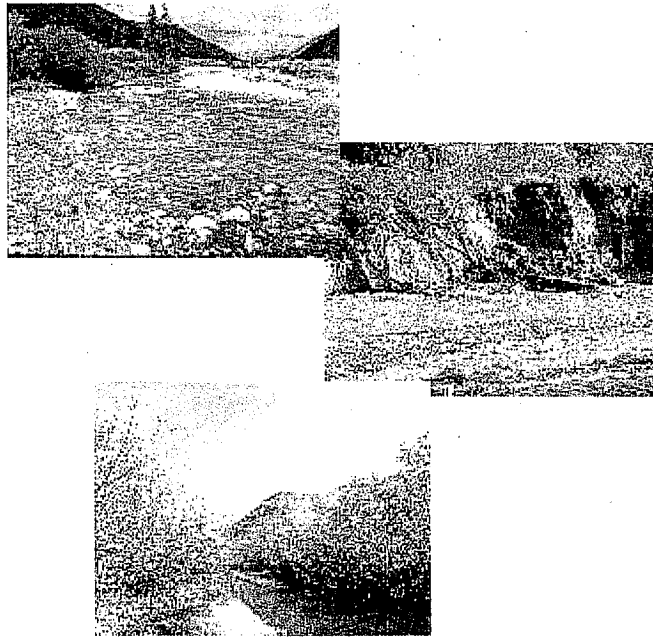
"We are obviously pleased they denied the map," Farrell said. "I feel sad for Mr. Kubba because he is a nice guy and I don't fault him. Hopefully, we can now find a solution that works for everyone."

Farrell said she wants city officials, county officials and the community to develop a new plan for the area.

"We need to find a project that works on the site, or the public needs to find a way to buy the property so it will be preserved," Farrell said. "It's not fair for Mr. Kubba to just donate his property."

Contact staff writer David Sterrett at (760) 761-4411 or dsterrett@nctimes.com.

Managing Runoff to Protect
Natural Streams:
The Latest Developments on
Investigation and Management
of Hydromodification in
California



Southern California Coastal Water Research Project

Technical Report 475
December 2005



SMC



Eric D. Stein

Susan Zaleski

Managing Runoff to Protect Natural Streams: The Latest Developments on Investigation and Management of Hydromodification in California

Proceedings of a Special Technical Workshop

Co-sponsored by:

- *California Stormwater Quality Association (CASQA)*
- *Stormwater Monitoring Coalition (SMC)*
- *University of Southern California Sea Grant (USC Sea Grant)*

Eric D. Stein

Southern California Coastal Water Research Project (SCCWRP)

Susan Zaleski

University of Southern California Sea Grant (USC Sea Grant)

December 30, 2005

Technical Report #475

SMC



EXECUTIVE SUMMARY

Stream channel downcutting, widening, and erosion due to increased surface runoff present the most profound and difficult to manage problems resulting from conversion of natural land surfaces to developed areas. Land use changes that reduce the capacity for infiltration and evapotranspiration of rainfall may result in an increase in the magnitude and frequency of erosive flows and changes in the proportion and timing of sediment delivery downstream. These effects, termed *hydromodification*, can adversely impact the physical structure, biologic condition, and water quality of streams.

This document summarizes the presentations and discussions from a workshop convened to provide an overview of key technical and managerial issues associated with hydromodification, with specific focus on California's climatic setting. The goal of this workshop was to identify key conclusions regarding the mechanisms and causes of hydromodification and to provide managers and decision makers with a list of recommended priorities for future work in terms of both technical and managerial products.

Recent studies indicate that California's intermittent and ephemeral streams are more susceptible to the effects of hydromodification than streams from other parts of the United States (US). Physical degradation of stream channels in the central and eastern US can initially be detected when watershed impervious cover approaches 10%, although biological effects (which may be more difficult to detect) may occur at lower levels. In contrast, initial response of streams in the semi-arid portions of California appears to occur between 3% and 5% impervious cover.

Managing the effects of hydromodification requires attention to changes in runoff volume, magnitude of flows, frequency of erosive events, duration of flows, timing of high flows, magnitude and duration of base flows, and patterns of flow variability. Slope, composition of bed and bank materials, underlying geology, watershed position, and connections between streams and adjacent floodplains are also key considerations in the management of hydromodification effects.

A contemporary toolbox for assessing the effects of hydromodification consists of three technical approaches: continuous simulation modeling, physical process modeling using geomorphic metrics, and risk-based modeling. Independently and in a range of combinations, these approaches are instrumental to understanding and predicting channel responses. In conjunction with these approaches, the following research areas are recommended for enhanced understanding and assessment of hydromodification:

- Establishment of appropriate reference conditions for various stream types
- Establishment of linkage between geomorphic changes and biologic effects
- Development and calibration of linked models that provide long-term simulation of hydrologic, and resultant physical changes in channel morphology

Furthermore, ongoing monitoring programs should be established for reference streams, streams subject to effects of hydromodification, and streams where various hydromodification management strategies have been employed.

Hydromodification is best addressed with a suite of strategies including site design, on-site controls, regional controls, in-stream controls, and restoration of degraded stream systems. To improve the effectiveness of hydromodification management, it is important to identify the most appropriate set of strategies based on the type of channel, setting, stage of channel adjustment, and amount of existing and expected impervious cover in drainage catchments. Management of hydromodification could be improved by integrating it into a multi-objective strategy that addresses hydrology, water quality, flood control, and stream ecology. In addition, streams should be surveyed and classified in order to identify areas with the greatest risk of impact from hydromodification. Output from dynamic modeling can be used to develop easy to use management guides, and standard monitoring protocols and performance criteria need to be developed. These management tools should be geared toward application by land-use planners and regulators at the municipal and state levels. Finally, a hydromodification workgroup should be formed to facilitate communication and exchange of ideas and information on technical and management strategies relevant to hydromodification.

California Regional Water Quality Control Board
San Diego Region

FIRST AMENDED
ORDER OF PROCEEDINGS
PRE-HEARING CONFERENCE FOR TENTATIVE CLEANUP AND ABATEMENT
ORDER NO. R9-2005-0126.

Date: January 30, 2006

To: Distribution List (designated parties and interested persons)

The 1st Pre-Hearing Conference was held on Monday, September 26, 2005 at the office of the Regional Water Quality Control Board, San Diego Region (Regional Board). The 2nd Pre-Hearing Conference was held on December 6, 2005 at the Regional Board. Regional Board Chairman John Minan, serving as the Presiding Officer, conducted both hearings on behalf of the Regional Board. The Pre-Hearing Conferences were properly noticed and open to and attended by the public. An audio tape recording of both conference proceedings was made.

Additional pre-hearing conferences may be convened.

The primary goal of the Pre-Hearing Conferences is to ensure that the future hearing(s) for the Tentative Cleanup and Abatement Order No. R9-2005-0126 (CAO) proceed in an orderly manner. At the two Pre-Hearing Conferences, there has been no discussion of the merits of any provisions of the Tentative CAO.

This Amended Order of Proceedings reflects the nature of the discussions and agreements that have occurred at the Pre-Hearing Conferences and contains certain procedural decisions by the Presiding Officer. Rulings by the Presiding Officer contained in Paragraphs 1 and 2 and 4 through 14 of this Order are final, subject only to discretionary review by the Regional Board.

Attendees at the 1st Pre-Hearing Conference for the recommended and prospective designated parties included the following representatives:

Jim Dragna – Bingham McCutchen LLP (BP West Coast Products)
David Mulliken – Latham and Watkins LLP (NASSCO)
Kelly Richardson – Latham and Watkins LLP (NASSCO)
Vincent Gonzales – Sempra Energy (SDG&E)
Chris McNevin – Pillsbury, Winthrop, Shaw & Pittman LLP (Chevron USA)
Tim Miller – City of San Diego
Chris Zirkle – City of San Diego
Marco Gonzales – Environmental Health Coalition & San Diego Bay-Keeper

David Merk – Port of San Diego
Jim Mathison – Daley & Heft LLP (San Diego)
Shaun Halvax – BAE Systems
Lloyd Schwartz – BAE Systems
David Silverstein – U.S. Navy
Tom Fetter – San Diego Port Tenants Association
Craig Anderson – Industrial Environmental Association
John Richards – Regional Board Cleanup Team

Attendees at the 2nd Pre-Hearing Conference for the Designated Parties included the following representatives:

David Silverstein – U.S. Navy
Lloyd Schwartz – BAE Systems
Shaun Halvax – BAE Systems
David Mulliken – Latham and Watkins LLP (NASSCO)
Kelly Richardson – Latham and Watkins LLP (NASSCO)
Lance McVey—NASSCO
Mike Chee—NASSCO
Tom Mulder—TN Assoc. (SDG&E)
Barbara Montgomery—SDG&E
Chris Zircle—City of San Diego
Tim Miller—City of San Diego
Mark Elliot-- Pillsbury, Winthrop, Shaw & Pittman LLP (Chevron USA)
Marco Gonzalez—EHC
Laura Hunter—EHC
Paul Brown—Port of San Diego
Jim Mathison—Daley and Heft LLP (Port of San Diego)
John Richards—Regional Board Cleanup Team

The topics addressed in the Pre-Hearing Conferences and the respective discussions, agreements, and decisions are as follows:

1. Executive Officer's Participation on the Advisory Team.

The Presiding Officer considered motions objecting to participation by John Robertus, the Regional Board Executive Officer, as a member of the Advisory Team for the Regional Board. (See memorandum from John Robertus dated June 30, 2005 that describes the separation of staff into an Advisory Team and a Cleanup Team for this proceeding.)

The Presiding Officer placed Mr. Robertus under oath, permitted the parties to examine Mr. Robertus about his involvement in the development of the tentative CAO, his views regarding the need for cleanup of contaminated sediments, and related matters. Mr. Robertus testified that he would be able to provide advice to the Board in an open, unbiased manner based solely on the record and testimony

to be presented. No substantial evidence was presented to warrant disqualifying action.

As a result of Mr. Robertus' testimony and his response to questions, the Presiding Officer has determined that Mr. Robertus has not been personally involved in the investigation, prosecution, or advocacy roles of the staff to any extent that would preclude his involvement as a neutral advisor to the Regional Board. The Presiding Officer has further determined that Mr. Robertus has not developed any biases that would prevent him from providing neutral advice to the Regional Board in this matter.

The Presiding Officer, therefore, has determined that Mr. Robertus may continue to participate on the Advisory Team. The Presiding Officer has determined that Mr. Robertus shall provide all technical, scientific, and policy advice to the Regional Board in public meetings or in correspondence copied to all of the parties.

2. Designation of Parties.

The Pre-Hearing Conference provided an opportunity for persons seeking designated party status to address the Presiding Officer. The Presiding Officer hereby waives the strict applicability of Government Code Section 11440.50. (See Government Code Section 11440.50(a) and Title 23, California Code of Regulations, Section 648(d).) The Presiding Officer is applying Title 23, California Code of Regulations, Section 648.1.

The Presiding Officer determined that the Regional Board Cleanup Team is a Designated Party.

The Presiding Officer also considered requests from five persons requesting Designated Party status. Persons requesting Designated Party status submitted written requests and were provided the opportunity to address the Presiding Officer. All Designated Parties were provided the opportunity to comment on each request by persons seeking Designated Party status.

The Presiding Officer has determined that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the Bay-Keeper, the Environmental Health Coalition, and the San Diego Port Tenants Association to be Designated Parties. These entities are representative advocacy groups with a history of involvement in similar types of issues. The interests of their members that may be affected by this proceeding are, to some extent, different from the interests of the other Designated Parties. Therefore, the benefits to be derived from their participation outweighs the burdens. The San Diego Bay-Keeper, the Environmental Health Coalition, and the San Diego Port Tenants Association are hereby granted Designated Party status.

The Industrial Environmental Association and the Port of San Diego Ship Repair Association are denied Designated Party status. These entities' interests are adequately represented by having some of their members participate as Designated Parties. Moreover, their participation as Designated Parties may impede the orderly and prompt conduct of the hearing. To the extent that the San Diego Port Tenants Association desires to continue to collaborate with these entities, they may, of course, continue to do so. Otherwise, the participation of the Industrial Environmental Association and the Port of San Diego Ship Repair Association is limited to that of interested persons. They may present non-evidentiary policy statements, but may not present evidentiary testimony.

The Advisory Team's proposal to designate the San Diego Bay Council as a Designated Party is hereby rejected. The request for this designation was withdrawn by the Coast Law Group on behalf of the San Diego Bay Council in their correspondence of September 20, 2005.

3. The Proposed Order of Proceeding

The Presiding Officer proposes the following schedule and process. The schedule and process may be revisited by the Presiding Officer in a subsequent Pre-hearing Conference after the Technical Report information in Phase II is distributed by the Cleanup Team or whenever the Presiding Officer deems appropriate. Any Designated Party may request an extension of the schedule or a revision to the process. All such requests shall include specific reasons why the existing schedule and process are insufficient and a specific explanation about how the Designated Party intends to take advantage of the requested additional time or revised process. Any extensions or revisions shall be in the sole discretion of the Presiding Officer.

The following narrative describes the various phases of the schedule and process to be followed. For the convenience of the reader, Appendix A to this Order provides a chronological outline of the phases.

Phase I: The 1st Pre-Hearing Conference was conducted on Sept. 26, 2005. The 2nd Pre-Hearing Conference was conducted on December 6, 2005.

Phase II: The Cleanup Team shall distribute to all Designated Parties a Technical Report that supports the proposed issuance of the Tentative CAO. In addition, the Cleanup Team shall identify, index, and make available to all Designated Parties all directly relevant technical information related to the Tentative CAO and Technical Report. The Cleanup Team is directed to investigate the feasibility of converting the technical information into a digitized, electronic format to facilitate the Designated Parties' review, and report back to the Advisory Team on its proposed course of action.

Phase III: The Designated Parties, excluding the Cleanup Team, shall have **90** days after the release and distribution of the Technical Report to conduct any necessary discovery and submit evidence and comments on the Technical Report. All such evidence and comments shall be appropriately distributed to all Designated Parties. Interested Persons are required to submit comments within 90 days. Also upon the start of the same **90** days of Phase III, the Designated Parties shall have 30 days to submit to the Advisory Team a nonbinding summary of the areas of disagreement regarding the Tentative CAO.

Phase IV: The Designated Parties shall then have **30** days following the close of the initial 90-day comment period to conduct any discovery, including cross-examination of witnesses, and submission of evidence and comments for the purposes of rebutting evidence and comments submitted under Phase III above. Only rebuttal evidence and related comments will be accepted.

Phase V: The Cleanup Team shall have **60** days to consider all of the evidence and comments submitted under Phases III and IV above, and submit a Response to Comments and any proposed revisions to the Technical Report and/or Tentative CAO. The Cleanup Team should not submit any new evidence in Phase V. In addition, the Cleanup Team shall also provide a summary of all continuing areas of disagreement.

Phase VI: There will be a minimum 45-day public notice and comment period prior to the hearing before the Regional Board. The Designated Parties may submit hearing briefs and Interested Persons may submit written non-evidentiary comments at the conclusion of this period. No further written materials will be accepted from Designated Parties, excluding the Cleanup Team, or from Interested Persons, except as described in Phases VII and VIII, below. The Cleanup Team may submit a response, which may not contain any new evidence, to these hearing briefs and comments.

Phase VII: The Regional Board will then conduct a hearing with the primary purpose to receive comments from the public and summaries of the previously-submitted evidence and comments by the Designated Parties. Cross-examination may be available to the Designated Parties at the discretion of the Presiding Officer. No new evidence will be admitted at the hearing, subject to the Presiding Officer's discretion. Also, the Presiding Officer will not allow the introduction of new or additional evidence following the close of the hearing.

Phase VIII: The Regional Board will subsequently conduct a non-evidentiary meeting to consider whether to adopt, modify, or reject the Cleanup Team's final Tentative CAO. Brief public comments will be allowed on the proposed changes, if any, to the revised Tentative CAO. No new or additional evidence will be

admitted at this meeting. However, the Regional Board may direct questions to any of the Designated Parties.

4. General Requirements for the Submittal of Documents

The Advisory Team shall be responsible for receiving and maintaining all documents and electronic submissions submitted by Designated Parties and Interested Persons that comprise the administrative record for this proceeding, and shall, to the extent feasible, post them on the San Diego Regional Board website (<http://www.waterboards.ca.gov/sandiego/>).

In order to facilitate the development of the administrative record, all documents submitted by the Designated Parties shall be provided to the Advisory Team in an electronically digitized, text searchable Adobe PDF file format and shall be accompanied by an electronic index entry that follows the format established in Appendix B to this Order. In addition, an authorized representative for the Designated Parties shall submit a signed paper copy certification that the electronic submittal is a true and accurate copy of the submitted signed original.

The Designated Parties shall also provide 12 hard copies of all submissions to the Advisory Team and shall simultaneously distribute electronic versions of all submissions to the complete list of Designated Parties.

The Cleanup Team shall, within two weeks after release of the Technical Report, provide a specific format for written comments to be used by all Designated Parties throughout the proceeding. The format shall consist of a sequential structure that is organized by subject matter to facilitate the review of submitted comments and the development of responses to comments. The Advisory Team shall approve the comments format to be used by all Designated Parties and will enter the format as Appendix C to this Order.

5. Identity of Additional Responsible Parties

The deadline for the Designated Parties to identify any additional potential responsible parties will be 30 days from the distribution of the Cleanup Team's Technical Report, in order to provide an adequate opportunity for any additional potential responsible parties to participate in this proceeding.

6. Removal of Additional Responsible Parties

In order to conserve the resources of the Regional Board and the remaining Designated Parties, there will not be a separate summary process for Designated Parties to request to be removed from further consideration as a potential responsible party under the Tentative CAO proposed by the Cleanup Team.

7. Consideration of creating a comprehensive list of contested issues of fact and law.

The Presiding Officer directed the Designated Parties to establish a list of contested material issues of fact and law. This shall occur in accordance with the provisions of Paragraph 3, Phase III above. If the parties are unable to reach agreement, no party will be precluded from raising additional issues.

8. The length and date of the hearing(s).

The Presiding Officer determined that the Designated Parties, the Regional Board, and the public will have a reasonable amount of time to review and comment on the Tentative CAO, the Technical Report and the comments submitted by all parties. Because of the limited time to speak and present information at the hearing and the above limitation on the submission of new evidence at the hearing, the parties should be prepared to focus primarily on advanced written submissions of testimony and evidence. The parties should similarly expect that the opportunity for live cross-examination during the hearing will be limited, and should therefore take advantage of the discovery process to conduct reasonable cross-examination of witnesses.

9. Location of the hearing.

The hearing may be conducted at the Regional Board, or at a facility in the vicinity of the cleanup site if reasonable arrangements can be made for a suitable site.

10. Participation by non-English speaking persons.

All parties should be aware that non-English speaking persons may be in attendance at the hearing and allowance for translation should be considered.

11. Logistics for the workshops, tours, and other methods for providing background information to the Board Members and the public.

The Presiding Officer does not anticipate any Board Member tours of the proposed cleanup site because of the difficulties inherent in creating a clear record, preventing ex parte communications, and providing for complete public access.

12. Designated Parties Contacts, Organizations, E-mail Address, and Regular Mail Address.

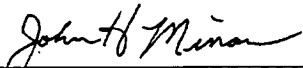
All designated parties shall submit in writing to the Advisory Team any revision to the contact information consisting of the organization representative, email address, and regular mail address.

13. Service to Regional Board Advisory Team:

Michael P. McCann, Supervising Engineer
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, California 93123
Mmccann@waterboards.ca.gov

14. Pre-Hearing Conferences.

The Presiding Officer may schedule additional pre-hearing conferences as needed.



JOHN H. MINAN

Presiding Officer of the Pre-Hearing Conference and
Chairman, SDRWQCB

Attachments:

- Appendix A
- Appendix B
- Appendix C

Phase I Pre- Hearing Conference	Phase II Release of Tentative CAO & Technical Report	Phase III 90-Day Public Comment (formatted sequential structure based upon the tentative CAO & Technical Report) Discovery Submission of Evidence List of Unresolved Issues	Phase IV 30-Day Public Comment on the 90- Day Public Comments Additional Discovery Submission of Rebuttal Evidence	Phase V 60-Day Cleanup Team Response to "All Public Comments" No new evidence submitted. Revisions to CAO and/or Technical Report Final List of Unresolved Issues	Phase VI 45-Day Preparation & Noticing of CAO Hearing	Phase VII Hearing on CAO & Proposed Responsible Parties (Record closed at conclusion of hearing.)	Phase VIII Regional Board Meeting Deliberate & Vote on CAO
26 Sep 2005		90	120	180	225	227	257
Cumulative Days	0						

Appendix A
Outline of Schedule and Process
Jan. 30, 2006

APPENDIX B
January 30, 2006

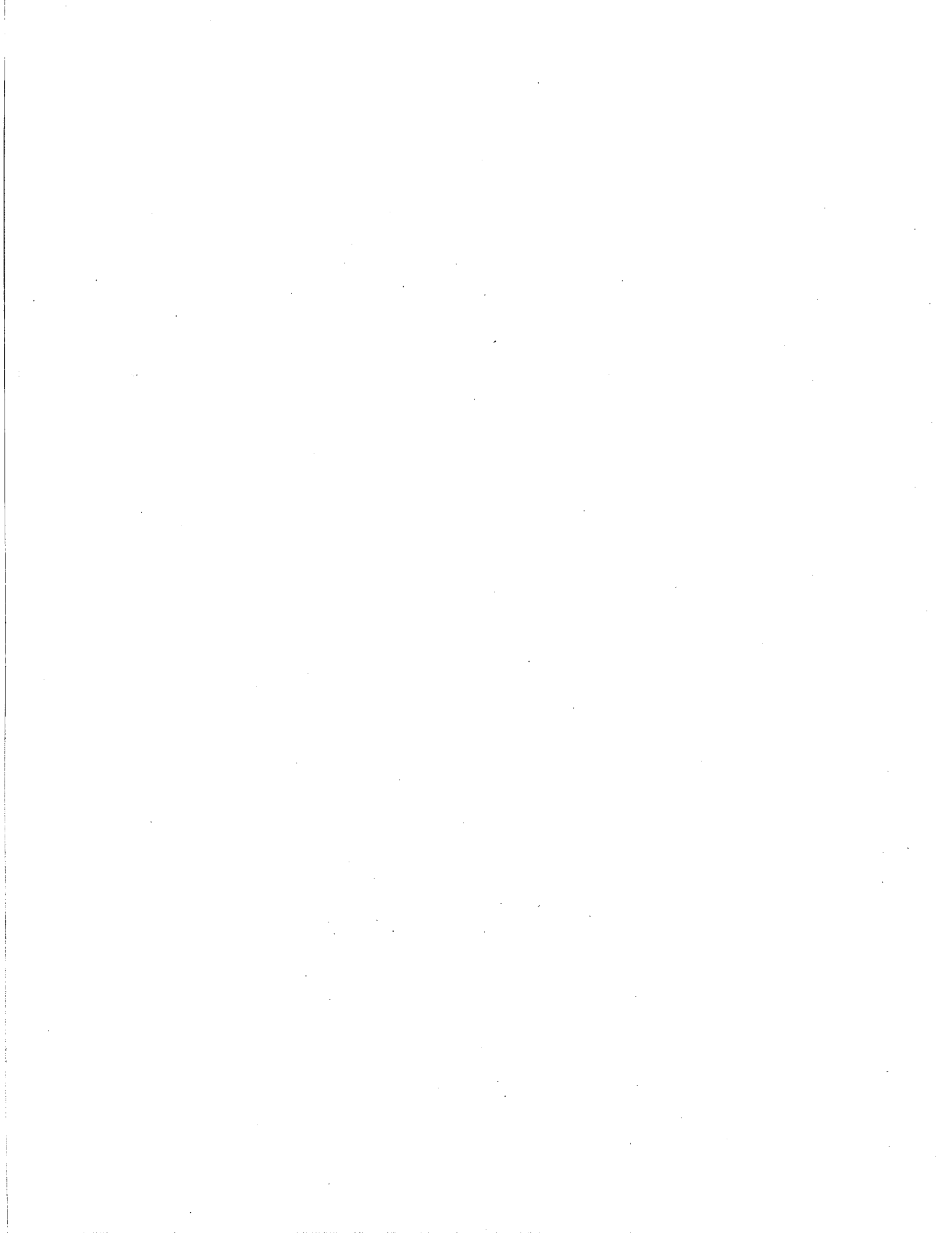
Date of Document	Type of Document	Title/Description of Document	Submitted By	Submitted To	Total Number of Pages	Titles of Attachments

APPENDIX C

COMMENTS FORMAT

January 30, 2006

(To be provided by the Advisory Team following the release of the Technical Report)



New rules bar 'e-waste' from state landfills

By Jonathan Sidener
UNION-TRIBUNE STAFF WRITER

January 22, 2006

Don't throw away that dead battery, old cell phone or broken digital camera. As of Feb. 9, it will be illegal to send household electronic waste – e-waste – to California landfills.

Batteries and consumer electronics, along with fluorescent bulbs and thermostats, contain low levels of hazardous metals such as lead, mercury, cadmium and chromium, which can contaminate soil and water. Those products and others classified by the state Department of Toxic Substance Control as "universal waste" will have to go to a recycler or household hazardous waste collection center.

Similar regulations have banned TV sets and computer monitors from the state's landfills since 2001. The e-waste and other items have been classified as universal waste since 2002, but homes and small businesses were granted an extension through Feb. 8 of this year.

The term universal waste is used because these items are found in a multitude of locations, essentially every home and business, not from a single place such as a factory.

Despite the sweeping changes in the way Californians must dispose of such products, residents have received little, if any, notification about the new rules from either the state or San Diego County, which will oversee universal waste collection locally.

Officials don't expect people's waste-disposal habits to change overnight. And they say they are counting on voluntary compliance – not enforcement – to keep toxic metals out of landfills.

"We're not going to hire a bunch of garbage police to rummage through people's trash and see whether Joe and Sally California threw away three batteries," said Ron Baker, a spokesman for the state agency.

"In general, the people of California care about the environment," Baker said. "If we tell them why we're doing this, that we don't want these contaminants re-entering the environment, and if we tell them where to dispose of the items, I think we'll see a major change within three to six months."

Baker said a study of pollution in San Francisco Bay suggested that the leading source of toxic metals was universal waste.

There is no definitive list of products that qualify as universal waste.

But San Diego County environmental officials say the category appears to cover anything that contains a circuit board – from electric watches and alarm clocks to electronic toys, VCRs, even novelty greeting cards that play a tune when opened. Circuit boards contain lead solder and copper, which can leach into the environment when the boards decay over time.

Electronics, filled with potentially toxic metals, are a staple of modern life, from talking dolls and singing fish to video game systems, boom boxes, portable CD players and remote controls for nearly everything, not to mention all of the gadgets the remotes control. And all of these devices contain circuit boards, batteries or both.

The Department of Toxic Substance Control has tested circuit boards from several products – laptop computers, LCD monitors and plasma TVs – and all exceeded limits for lead and copper.

Despite the results, Baker said his agency hasn't concluded that all electronics should be classified as universal waste. He said that the agency is testing products and that those that exceed levels for hazardous metals will be added to its list.

So far, these products have been deemed universal waste and must be recycled or taken to a household hazardous waste collection center beginning next month:

- Common batteries such as button batteries, AA, AAA, C and D cells, but not car batteries, which are already regulated
- Electronics such as TVs, computer monitors, computers, printers, VCRs, cell phones, telephones, radios and microwave ovens
- Novelties such as greeting cards that play music when opened and most sneakers with flashing lights in their soles

Products on the list that contain mercury include:

- Fluorescent light tubes and bulbs, and several other types of bulbs such as high-intensity discharge, metal halide, sodium and neon
- Thermostats
- Electrical switches, relays, clothes irons, silent light switches
- Mercury thermometers
- Mercury gauges, which are often found in barometers, manometers and blood-pressure monitors

In addition, aerosol cans that are not empty are considered universal waste.

As the Department of Toxic Substance Control adds to its list of items considered universal waste, others are proceeding with a broader definition.

"It's my interpretation that all electronics are universal waste," said Mark Murray, executive director of Californians Against Waste. "Every single device DTSC has tested has been found to be a hazard."

Murray said it was surprising that officials have not publicized the new requirements. He said officials and groups such as his have been focusing on computer monitors and TVs, which made up nearly half of the estimated 515,000 tons of e-waste sent to California landfills in 2004.

Since universal waste accounts for the other half of e-waste, the change in household-waste regulations next month probably deserved a higher profile, he said.

San Diego County environmental health specialist Karilyn Merlos agreed with Murray's interpretation that all consumer electronics are universal waste. Merlos said the regulations put the burden of determining whether an item is universal waste on consumers. To make things less confusing, all electronics should be recycled or taken to a municipal collection center, she said.

Merlos said that although her department has not publicized the new rules, it has worked to make consumers aware of the issue. She said the county and its cities have been encouraging residents to properly dispose of all the universal waste items at local household hazardous waste collection sites.

"We've been promoting the recycling of all these items as part of our general household hazardous waste collection," Merlos said. "We're already doing universal waste collection."

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Find this article at:

<http://www.signonsandiego.com/news/state/20060122-9999-1n22ewaste.html>

Check the box to include the list of links referenced in the article.