

San Diego
Regional Water Quality
Control Board



Executive Officer's
Report

March 12, 2008

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SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

March 12, 2008

PART A

SAN DIEGO REGION STAFF ACTIVITIES (*Staff Contact*)

1. Storm Water Coordinating Meetings (*Jimmy Smith*)

Chad Loflen participated in a conference call with the Orange County Transportation Authority (OCTA) on February 14, 2008. This meeting was convened by OCTA's Environmental Cleanup Action Committee for Water Quality. At issue was how funds from the Measure M Transportation Improvement Plan should be spent. Discussion focused on how to solicit, approve and fund storm water quality improvement projects. Other attendees included representatives from the Santa Ana Regional Board, University of California at Irvine, the County of Orange and other local municipalities.

On February 21, 2008, representatives from the County of San Diego gave a presentation to numerous Regional Board staff regarding the Copermittee's progress on developing their Hydromodification Management Plan (HMP). Pursuant to Order No. R9-2007-0001 (MS4 Permit for San Diego County), the Copermittees are to develop and implement an HMP to manage increases in runoff discharge rates and durations from all Priority Development Projects, where such increased rates and durations are likely to cause increased erosion of channel beds and banks, generate sediment pollution, or create other impacts to beneficial uses and stream habitat due to increased erosive forces. The County of San Diego representatives included Sara Agahi (Department of Public Works), Nancy Gardiner (Brown and Caldwell), Andy Collison, (Phillip Williams and Associates), and Dan Cloak (Dan Cloak Environmental Consulting). The group presented the framework and major design elements included in the regional HMP. The HMP is due to the Regional Board on January 24, 2009, with interim criteria for flow rates and durations due to the Regional Board on March 24, 2008.

On February 28 Chad Loflen attended the Orange County Coastal Coalition meeting which included three presentations on storm water topics. The first was an overview of the storm water education program in Orange County. The presentation highlighted program successes and areas which needed improvement. The need to provide multi-language education material (i.e. in Vietnamese) was an area identified as needing improvement. For the second presentation, Richard Boon of the County of Orange provided an update on the reissuance of the MS4 permit for Southern Orange County. Mr. Boon informed the audience that the permit was not re-issued at the February Regional Board

Meeting and explained the County of Orange's ongoing issues with the current version of the MS4 permit. The last presentation, by Amanda Carr from the County of Orange, was an update on the Total Maximum Daily Loads (TMDL) for Indicator Bacteria, Project 1 – Beaches and Creeks in the San Diego Region. Her presentation focused on the potential requirements of the new TMDL and related compliance problems anticipated by the County of Orange. Other attendees included representatives from various Orange County governments such as the County of Orange and Laguna Beach, as well as environmental consultants from LSA Associates and Tetra Tech. Members of non governmental organizations such as the Sierra Club, Surfrider Foundation and Newport Bay Naturalists and Friends also attended the meeting.

2. California Water Environment Association Conference (*Dave Gibson and Christina Arias*)

Between February 25 to 27, 2008; Dave Gibson and Christina Arias of the Southern Watershed Protection Unit attended the 35th Annual Pretreatment, Pollution Prevention and Storm Water Conference held in Long Beach, CA. The conference was attended by waste water and storm water professionals from throughout California. The conference agenda included opening presentations from State Water Board Chair Tam Doduc, Linda Boornazian, Water Permits Division Director of US EPA (Washington D.C), Alexis Strauss, US EPA Region 9 Water Division Director, Maureen Gorsen, Director of the Department of Toxic Substances Control, Mary Ann Lutz, Vice Chair of the Los Angeles Regional Board, and Kirsten James of Heal the Bay and Joe Geever of Surfrider. Session presentations on storm water issues were given by Bruce Fujimoto of the State Water Board, Amy Miller, Jeremy Johnston, and Eugene Bromley of US EPA Region 9, and representatives of the Los Angeles and Santa Ana storm water units.

The EPA Storm Water Training session included a presentation by Christina Arias entitled "Highlights from the Recent MS4 Permit Renewal for San Diego County." The subject of the presentation was Order No. R9-2007-0001, the municipal permit for San Diego County, which was adopted by the Regional Board in January 2007. Ms. Arias' presentation provided the audience with the following information: a) a brief history of the municipal storm water program and described the currently poor condition of receiving waters in the San Diego Region, b) the evolution of the following major program elements: hydromodification, low impact development, program effectiveness assessment, focused monitoring efforts, and inclusion of Total Maximum Daily Limits, c) a discussion of the detailed specificity in permit requirements that are intended to minimize ambiguity regarding compliance and to establish criteria or performance measures which will be useful for Copermittees in designing their stormwater programs, and d) the expectation that Copermittees must focus on implementing "real things," (i.e. using an iterative approach with respect to BMPs), with the goal of reducing pollutants and improving receiving water quality.

PART B
SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) *(Eric Becker, Charles Cheng, Joann Cofrancesco, Michelle Mata, Melissa Valdovinos) (Attachment B-1)*

From January 1 to January 31, 2008, there were 20 public sanitary sewer overflows (SSOs) in the San Diego Region, including seven spills of 1,000 gallons or more, reported on-line pursuant to the requirements of State Board Order No. 2006-0003-DWQ (General Statewide Waste Discharge Requirements for Collection Agencies). Seven of the 20 SSOs reached surface waters, including storm drains. Two of these SSOs resulted in closure of recreational waters. The combined total volume of reported sewage spilled from all publicly owned collection systems for the month of January 2008 was 60,803 gallons.

From February 1 to February 29, 2008, there were 17 public SSOs in the San Diego Region, including five spills of 1,000 gallons or more, reported on-line pursuant to the requirements of State Board Order No. 2006-0003-DWQ. Five of the 17 SSOs reached surface waters. Two of these SSOs resulted in closure of recreational waters. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of February 2008 was 116,286 gallons.

In January 2008, there were 18 discharges of untreated sewage from private laterals reported on-line pursuant to the San Diego Regional Board Order No. R9-2007-0005, "Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region." One of these discharges was 1,000 gallons or more, and four of these discharges reached surface waters. None of the discharges resulted in closure of recreational waters. In February 2008, there were 18 private lateral sewage discharges reported on-line pursuant to the San Diego Regional Board Order No. R9-2007-0005. None of these discharges was 1,000 gallons or more, and 10 of these discharges reached surface waters. One of the discharges resulted in closure of recreational waters. The combined total volume of reported private lateral sewage discharges for the months of January and February 2008 was 4,614 gallons.

During January and February 2008, 5.13 and 1.95 inches of rainfall were recorded at San Diego's Lindbergh Field, respectively. For comparison, in January 2007, 31 SSOs and 15 private lateral sewage discharges were reported, and 0.56 inches of rainfall was recorded at Lindbergh Field. Further, in February 2007 there were 38 SSOs and 21 private lateral sewage discharges reported, and 1.12 inches of rainfall was recorded at Lindbergh Field.

Attached is a table titled "Sanitary Sewer Overflow Statistics", updated through February 29, 2008, which contains a summary of all SSOs by fiscal year (FY) from each agency since FY 2002-2003.

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

2. Enforcement Actions for February 2008 *(Mark Alpert)*

The following is a summary of all enforcement actions during the month of February 2007. During this period the Regional Board initiated 15 enforcement actions (1 Notice of Non Compliance, 10 Staff Enforcement Letters, 2 Notices of Violation with Investigative Orders, 1 Investigative Order, and 1 Cleanup and Abatement Order). Information on sewage spills is provided in a separate discussion topic entitled "Sewage Spills").

In addition to the summary information provided below, access to information on violations, enforcement actions, and mandatory minimum penalties on a real-time basis is available to the public from the State Water Resources Control Board's Internet webpage at: <http://www.waterboards.ca.gov/enforcement/index.html>

On January 28, 2008, Cleanup and Abatement Order (CAO) was issued to Jim Barbour, for the unauthorized discharge of sediment, rock, and fill material into a tributary of Poway Creek at 17215 Iron Mountain Road, Poway. The filling occurred without first submitting an application (either a Report of Waste Discharge or water quality certification). The City of Poway is also pursuing enforcement against the landowner for grading without a permit. The CAO requires cleanup by removal of the fill by March 29, 2007.

On February 15, 2008, an Investigative Order was issued to Cunocar Accounting Service to investigate a petroleum hydrocarbon release from an underground tank located at 425, 25th Street, San Diego. The leak was discovered in 1991. The first report is due to the Regional Board in July 2008.

On Feb 18, 2008, a Notice of Non-Compliance (NONC) was issued to Brenntag Pacific located at 1888 Nirvana Ave Chula Vista. This was the second and final notice of failure to enroll in the Statewide Industrial storm water permit. Failure to comply is subject to mandatory penalties of no less than \$5,000 per year (Water Code Section 13390.30 and .33)

On February 19, 2007, separate Notice of Violations and Investigative Orders were issued to Lennar Homes-Corona and the City of Santee regarding a construction site known as Sky Ranch in Santee. The NOV to Lennar cites violations of the construction storm water permit. A technical report describing actions taken to implement BMPs is due to the Regional Board on March 7, 2008. The NOV to the City of Santee cites violations of the municipal storm water permit for failing to provide adequate oversight of the project. A technical report describing actions taken by the City to provide adequate oversight and enforcement is due to the Regional Board on March 7, 2008

On January 28, 2008, Cleanup and Abatement Order (CAO) was issued to Jim Barbour, for the unpermitted discharge of sediment, rock, and fill material into a tributary of Poway Creek at 17215 Iron Mountain Road, Poway. The filling occurred without first submitting an application (either a Report of waste discharge or water quality certification). The City of Poway is also pursuing enforcement against the landowner for grading without a permit. The CAO requires cleanup of the fill to be removed by March 29, 2007.

On February 28 & 29, 2008, Notices of Violations (NOVs) were issued to the following companies for failure to pay annual fees for enrollment in the Industrial storm water permit. In the future, the Regional Board may consider removal from group monitoring program allowed under the permit, outright rescission of their enrollment in the permit, and/or imposition of civil liability.

FACILITY NAME	ADDRESS	Fiscal year	Amount
Bestway Auto	935-C Heritage Road, San Diego	FY 06-07, 07-08	\$1,660
European Natural Stone	10051 Prospect Ave, Santee	FY 06-07	\$830
Express Truck & Auto	1325 Otay Valley Road, San Diego	FY 06-07	\$830
Rancho Auto Wrecking	1050 Heritage Road, San Diego	FY 06-07, 07-08	\$1,660
SUV Auto Wrecking	805-1A Energy Way, Chula Vista	FY 06-07	\$830

On February 26, 2008, Staff Enforcement letters (SELs) were issued to the following for violations of effluent limitations contained in Waste Discharge Requirements/NPDES permits. These violations are reported to the Regional Board in monitoring reports submitted by the Dischargers. Effluent Violations of NPDES permits are subject to Mandatory Minimum Penalties (MMPs).

FACILITY NAME	ADDRESS	PROG	No. and type of Violations	REG MEAS ID
South Orange County Water Authority Reclaimed Water Use In Orange Co	Various Addresses, Orange County	WDR	(1) Iron 12-month aver (1) max BOD (3) max manganese (2) min CT (1) max sulfate	337765

South Orange County Water Authority Groundwater Recovery Facility	33750 Stonehill, Dana Point	NPDES	(3) TSS (3) settleable solids (2) turbidity (1) toxicity	337782
Northrop Grumman Space Tech / Capistrano Test Site	33000 Avenida Pico, San Clemente	WDR	(9) daily max TDS (7) daily max settleable solids, (2) daily max TDS (1) pH (1) discharge to disposal field	338776
San Clemente Water Reclamation Plant	380 Avenida Pico Bldg N, San Clemente	WDR	(1) 7 day median total coliform	341587
Fallbrook Public Utilities District Treatment Plant	Fallbrook	WDR	(1) total coliform	337614

3. Grants Update (Dave Gibson)

The Regional Board is managing 22 projects worth approximately \$39.7 million in total project costs. Most of the projects previously behind schedule have returned to conformance with the existing Grant Agreements. Three projects, however, remain in difficulty and the grantees may not be paid the full amount of their grants when the projects are closed out in the next few months. The Regional Board Grant Managers will continue to provide close oversight of these grant funded projects and assist the grantees to ensure the success of their projects and conformance to the Grant Agreement terms and conditions. During recent years, several funded projects that have failed to conform to the Grant Agreement terms and conditions have been terminated by the State Water Resources Control Board (State Water Board) on the recommendation of the Regional Board Executive Officer.

Integrated Regional Water Management (IRWM) Grant Program

For Step 1 of Round Two, twenty eight applications were submitted of which eleven were determined to be incomplete or ineligible. Reviews of the applications to the State Water Board and Department of Water Resources (DWR) have been completed. On November 1, 2007, competitive applicants were notified that they may be invited to submit Full Proposals in Step 2.

Nine applicants were invited back to submit Step 2 proposals - four from Northern California and four from Southern California. The Northern California applicants are: County of Humboldt, Kings River Conservation District, Nevada Irrigation District, County of San Luis Obispo, and Tomales Bay Watershed

Council Foundation. The Southern California applicants are: Antelope Valley State Water Contractors Association, County of Orange, San Diego County Water Authority, and County of Santa Barbara. The Step 2 proposals were due on January 15, 2008; all nine applicants submitted Step 2 Proposals. The full proposals are being reviewed by staff from State Water Board, DWR, and Regional Boards.

There is approximately \$58 million available during this round of funding with a minimum of \$43 million guaranteed for Southern California. Technical reviews are currently underway, and it is estimated that preliminary funding recommendations will be released in late April 2008. Information on the IRWM Program is available on the State Water Board IRWM web site at <http://www.waterboards.ca.gov/funding/irwmgp/index.html>.

Proposition 84 Storm Water Grant Program

The Proposition 84 Storm Water Grant Program (SWGP) will provide \$82.35 million in matching grant funds available to local public agencies for projects that reduce and prevent pollution of rivers, lakes, and streams from discharges of storm water. Assembly Bill (AB) 739 (Statutes 2007, Chapter 610) provides additional statutory requirements regarding implementation of this program.

The State Water Board held scoping meetings for the Proposition 84 SWGP on March 3, 2008 (in San Luis Obispo) and on March 10, 2008 (in Los Angeles). Input received during the scoping meetings will be provided to the Storm Water Advisory Task Force (SWATF). Additional information on the Proposition 84 SWGP is available on-line at: <http://www.waterboards.ca.gov/funding/prop84.html>.

Proposition 84 Areas of Special Biological Significance (ASBS) Grant Program

Proposition 84 provides approximately \$33.2 million in matching grant funds to assist local public agencies to comply with the discharge prohibition into ASBSs contained in the California Ocean Plan. The draft Guideline to implement the Program was released for public review and comment on February 1, 2008. The State Water Board is reviewing the public comments on the guideline and plans to present the revised Guideline to the State Water Board for consideration on April 1, 2008. Following adoption of the Guideline, the State Water Board will release a solicitation notice for Concept Proposals. Applicant assistance workshops will be scheduled in April 2008, with exact dates and times to be announced.

Additional information on the ASBS grant program can be found at: <http://www.waterboards.ca.gov/funding/asbs.html>

2008 Nonpoint Source Conference

The 2008 Nonpoint Source Conference, "Integrated Watershed Management: Reducing Nonpoint Source Pollution", is scheduled to be held May 5 to 7, 2008 at the San Diego Marriott Hotel. Registration for the conference is now available at <http://canps.tetrattech-ffx.com/Details.aspx>

Concurrent half day field trips and a workshop will occur on the third day of the conference, May 7th. Limited space is available for the field trips and the workshop. The field trips include:

- After the Fires: Water Quality Management in San Diego and the Wild Animal Park, and
- Planning and Implementing an Integrated Regional Water Management Program.

The workshop is entitled: "Understanding and Addressing the Impacts of Hydro-modification in Watersheds." Conference rooms can be reserved by calling 1-800-228-9290 (toll-free) or 619-692-3800. More information on the NPS Conference can be found at:

<http://www.waterboards.ca.gov/nps/conference2008.html> or
<http://canps.tetrattech-ffx.com/Abstracts.aspx>

319(h) Nonpoint Source Implementation Grant Program

The application period has closed for the 319(h) Nonpoint Source Implementation Program [319(h) program] and the Proposition 50 Agricultural Water Quality Grant Program (AWQGP). The deadline for submittal of full proposals was January 31, 2008. A total of 21 full proposals were submitted for review. Those proposals were comprised of 14 full proposals for the 319(h) Nonpoint Source Implementation Program requesting a total of \$8,135,575 (approximately \$5.65 million available) and 7 full proposals for the Proposition 50 Agricultural Water Quality Grant Program requesting total of \$5,297,777 (approximately \$3 million available). The State Water Board has scheduled a full proposal review meeting for Tuesday March 25, 2008. The State Water Board may consider the 319(h) Program project list on April 15, 2008 and the AWQGP list on May 6, 2008.

4. Status of Compliance from North County Transit District Sprinter Rail Site
(Chiara Clemente)

As a result of continued noncompliance after the assessment of Civil Liability (ACL) in Order No. R9-2007-0219 on December 12, 2007; the Regional Board issued ACL Complaint No. R9-2008-0021, to the North County Transit District (District), on March 4, 2008. The latest complaint was issued to the District for additional violations of State Board Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity, from the District's Sprinter Rail construction site. The proposed amount of liability in ACL Complaint No. R9-2008-0021 is \$685,000. The hearing on the ACL is scheduled for the Regional Board's May 14, 2008 meeting. The complaint is

posted on the regional Board's web-page at
http://www.waterboards.ca.gov/sandiego/compliance%20unit/acl_complaints.html

On February 27, 2008, Ben Neill and Peter Peuron of the Central Watershed Unit conducted a compliance inspection along portions of the Sprinter Rail construction site. The observations made during the inspection identified improvements in implementation of construction storm water Best Management Practices (BMPs), since the prior inspection on January 25, 2008. Additionally, as project construction nears completion, there is a decrease in the project area and associated impacts. The District continues to submit reports pursuant to requirements in Cleanup and Abatement Order No. R9-2007-0226. In their February 29, 2008 status report, the District indicated that discharges from all high priority sites (i.e. stations, staging areas, and storage yards) have been minimized, contained, and/or eliminated. The District anticipates that the entire construction site, including the right-of-way, will have adequately installed and maintained BMPs by May 1, 2008. The wet weather season, as defined by the San Diego County MS4 permit, ends on April 30th of each year.

5. State Route-125 (Christina Arias)

At the December 12, 2007 Regional Board meeting, the Regional Board heard a status report on the implementation of post-construction Best Management Practices (BMPs) along the State Route 125 Toll Road project (SR-125 Toll Road). The Regional Board requested that Caltrans and Southbay Expressway (the dischargers) provide the status report in response to questions regarding the November 2007 Executive Officer's Report on the subject. At the conclusion of the status report on December 12, 2007, the Regional Board requested that staff and the dischargers provide a "lessons learned" report including recommendations for protecting water quality during and after road expansion projects. The "lessons learned" reports have been submitted to you under a separate cover. The purpose of this Executive Officer's Report is to provide a brief status update on the effects of the SR-125 on receiving water quality.

The Clean Water Act section 401 Water Quality Certification, issued by the Regional Board for this project on April 23, 2001 as amended, explicitly requires permanent structural BMPs be fully functional and remove 80% of metals and suspended solids in storm water runoff prior to the opening of the SR-125 Toll Road. This requirement was not met when the SR-125 Toll Road opened on November 19, 2007. In some roadway areas, an interim strategy is in place for storm water treatment while the vegetation in the permanent BMPs becomes established; in other areas, functionality is lacking.

On February 5, 2008, the dischargers provided the Regional Board with a Post-Construction BMP Monitoring Brief (available upon request). The purpose of this report was to assess the effectiveness of the interim BMP strategy, and includes water quality results from storms monitored during December 2007.

Measurements were taken upstream and downstream of 7 structural BMPs. Monitored constituents included oil and grease, total suspended solids, total

metals, nutrients, and pathogens. While some pollutant removal was achieved, the conditions in the Certification requiring 80 percent removal efficiencies were generally not met. Additionally, in several instances, the BMPs appeared to be *sources* of pollutants. On March 5, 2008, the dischargers provided the Regional Board with a second Monitoring Brief (available upon request) including monitoring results for the month of January 2008. Measurements were taken upstream and downstream of 10 structural BMPs. Again, the conditions in the Certification requiring 80 percent removal efficiencies were generally not met.

Further, on February 28, 2007, Caltrans informed the Regional Board that due to slope encroachment into a wetlands area during construction of the Sweetwater River bridge, impacts that were identified as temporary impacts in the 401 Certification application submitted for the SR-125 Toll Road have instead resulted in permanent impacts in the finished project. During a site visit on March 5, 2008, Regional Board staff informed Caltrans that because the wetlands loss was more severe than originally described, an alternative mitigation plan must be implemented to comply with the 401 Certification and the State's No Net Loss policy.

Because non-compliance with the conditions of the 401 Certification continues as of the date of this report, the Regional Board is considering enforcement actions to bring this facility into compliance with the applicable 401 Water Quality Certification.

6. Aliso Creek SUPER Project (Stabilization, Utility Protection & Environmental Restoration) (*Jeremy Haas*)

At the February 13, 2008 Regional Board meeting, the Regional Board received testimony from public officials and non-governmental organizations regarding a planned project in the Aliso Creek watershed. The Aliso Creek Water Quality "SUPER" Project includes three related proposals by the County of Orange (County), South Orange County Wastewater Authority (SOCWA), Moulton Niguel Water District (MNWD), and South Coast Water District (SCWD). The projects are:

- The Aliso Creek Mainstem Ecosystem Restoration Project (Corps/County);
- The Aliso Creek Emergency Sewer Relocation Project (SOCWA/MNWD); and
- Water Harvesting on Aliso Creek (SCWD).

Municipal officials warned the Regional Board of negative consequences to the Water Harvesting project, if the tentative Orange County municipal storm water permit (tentative Order No. R9-2008-0001) was adopted. The harvesting project includes diversion of the low flows of Aliso Creek just upstream of the Pacific Coast Highway; treatment of the water to beneficial use standards; and the sale of that water to users in the watershed for irrigation. However, the initial phase would discharge the extracted and treated creek flows back to the creek, rather

than "harvesting" the water for irrigation. The tentative storm water permit would have established monitoring requirements for the discharges to Aliso Creek. As an alternative to discharging treated water back to Aliso Creek, SOCWA has applied to the Regional Board for revisions to Order R9-2006-0055 (WDRs for SOCWA to discharge to the Pacific Ocean via the Aliso Creek Ocean outfall). The intent of the revisions would be to accommodate diverted flows from Aliso Creek. Regional Board staff have requested additional information about the modified discharge.

Ms. Penny Elia of the Sierra Club expressed concerns about the environmental effects of the proposed Mainstem Ecosystem Restoration Project. That project would include constructing a series of low riprap drop structures for grade control and re-establishment of aquatic habitat connectivity; shaving of slide slopes to reduce vertical banks; invasive species removal and riparian re-vegetation with native plants. The Sierra Club expressed concerns about the installation and operation of proposed grade control structures. It is anticipated the ecosystem restoration project will require a Section 401 water quality certification from the Regional Board.

The SUPER project has received partial funding for the ecosystem restoration and sewer relocation projects from the State Water Resources Control Board through the Proposition 50 Integrated Regional Water Management Grant Program. The Regional Board staff will continue to update the Regional Board.

7. Biological Criteria and SWAMP Program Review *(Dave Gibson)*

On January 23 and 24, 2008, the US Environmental Protection Agency (US EPA) conducted a review of the use of bioassessment data in the Surface Water Ambient Monitoring Program (SWAMP) and the various regulatory programs implemented by the State and Regional Water Boards in California. The meetings were attended by senior managers of each of the State Water Board's Division of Water Quality surface water programs. Dave Gibson of the San Diego Regional Board and Tom Suk of the Lahontan Regional Board gave presentations on how the Regional Board's are using bioassessment monitoring in the storm water, other NPDES permits, 401 water quality certifications, non-point source pollution abatement and habitat restoration projects, grant projects, and TMDLs. Tiered Aquatic Life Uses (TALUs) and the development of regional or statewide biological criteria were specifically emphasized in the presentations and discussed during the meetings with State Water Board program managers.

A significant finding presented during the meetings concerned the analysis of data collected by the San Diego Regional Board, the California Department of Fish and Game, the Municipal Storm Water Permit Receiving Waters Monitoring Programs, and the San Diego Stream Team. Using the peer reviewed criteria published in the Southern California Index of Biotic Integrity in April 2005, the biological condition of 78% of the surveyed river and stream segments in the San Diego region are rated at "Poor" or "Very Poor." Of the stream and river

segments surveyed, the most seriously impacted are those that receive discharges of urban runoff. The observed pattern of biotic degradation associated with urban runoff has been termed "Urban Stream Syndrome" and has been shown to result from multiple chemical and physical changes and stressors. The results of these analyses strongly indicate that the WARM and COLD beneficial uses of these water bodies are not attained or supported in the affected watersheds. The official report on the SWAMP program and the agency use of biological data is being prepared by US EPA contractors and should be available by July 2008. The San Diego Regional Board presentation is posted on the Regional Board website at:

<http://www.waterboards.ca.gov/sandiego/programs/bioassessment.html>.

8. Water Quality Concerns from the Breaching of the Aliso Creek Beach Berm

(Chad Loffen)

Mr. Michael Beanan, during the public comment period of the February 13, 2008 public comment period of the Regional Board Meeting, complained about the breaching of a sand berm at the mouth of Aliso Creek in Orange County. Mr. Beanan alleged that surfers and body boarders remove the sand berm between the creek and the ocean, thus releasing water from Aliso Creek directly into the ocean while creating a standing wave for the surfers and body boarders to ride. Mr. Beanan contends that this release violates the Porter Cologne Water Quality Control Act. Mr. Beanan also expressed concern that this activity could potentially harm the public as a result of elevated human and environmental health risks associated with the release of accumulated urban runoff and its' likely elevated levels of pollution.

The County of Orange is conditionally certified to breach the berm at Aliso Creek under 401 Certification Program Project No. 05C-009. The certification covers semi-annual maintenance activities and routine (bi-weekly) maintenance breaching activities. The certification requires specific project conditions to be met prior to breaching the berm for maintenance work. The applicable conditions include monitoring for the Western Snowy Plover (a federally threatened species) as well as for increases in turbidity, sewage and bacteria. The certification also requires communication with County Health officials to determine that no sewage spills into Aliso Creek were reported prior to breaching the berm.

Based upon initial conversations with United States Corps of Engineers (USACOE), the alleged action by the surfers and body boarders will likely not require a 404 permit. Further investigation by the USACOE is needed before they can make a final determination. Therefore, there is currently no requirement for a 401 Water Quality Certification from the Regional Board. Activities by surfers and body boarders may be in violation of the Porter Cologne Water Quality Control Act because the actions may cause a condition of pollution or nuisance impacting the beneficial uses of the waters of the State. The Regional Board has concerns about water quality based upon the listing of Aliso Creek, under the Clean Water Act Section 303(d), as impaired for bacteria, phosphorous and toxicity. The introduction of impaired waters into the Pacific Ocean has the

potential to negatively impact the beneficial uses of the Pacific Ocean. Water quality data and information on the presence of the Western Snowy Plover, at the time of breaching, is necessary to determine the potential negative impact on the downstream beneficial uses of surface waters.

The discharge of impaired waters into the Pacific Ocean is a potential risk to human health and County Health officials will be contacted to suggest that they inform the public of the potential threat to human health caused by the breaching of the berm. The beach is under the jurisdiction of the County of Orange and the creek mouth is permanently posted as possibly unsafe for recreational contact.

9. Status of Bacteria in Urban Runoff at Poche Beach in San Clemente (*Chad Loffen*)

At the February 13, 2008 Board Meeting, Board Member Anderson inquired about the discharge of bacterial indicators to Poche Beach in San Clemente. The Prima Deshecha Outlet at Poche Beach was listed pursuant to Clean Water Act section 303(d), as being impaired for bacterial indicators in 1998. On December 12, 2007, the California Regional Water Quality Control Board, San Diego Region adopted an amendment to the Basin Plan incorporating Total Maximum Daily Loads for bacterial indicators at 19 locations, including the Prima Deshecha Outlet at Poche Beach.

On June 6, 2007 the Regional Board issued a 401 certification for the Poche Beach Urban Runoff Ultraviolet (UV) Treatment System. The UV System is projected to be operational for the summer of 2008. Chad Loffen and Jeremy Haas, of the Regional Board's Northern Watershed Unit, visited the site on January 30, 2008 and observed that construction of the facility was underway. It is expected that this facility will reduce bacterial discharge from the Prima Deshecha watershed thereby enhancing the protection of beneficial uses.

The County of Orange conducted an initial source study of the Prima Deshecha watershed in 2002 to identify and abate bacterial sources to Poche Beach. The final report (dated 2006) indicated that bacterial loads were coming from a source or sources located in the upper portion of the watershed. The current Orange County Municipal Storm water permit requires Copermittees to reduce pollutants, including bacteria, to the Maximum Extent Practicable (MEP). An upstream low flow dry weather diversion structure in the Prima Deshecha watershed, partially under the responsibility of the City of San Clemente, was not built to specifications, is not being maintained and is not being properly operated.

In 2008, the City of San Clemente plans to undertake a Phase 2 study on Prima Deshecha watershed to further identify the source(s) of bacteria and to iteratively apply best management practices appropriate to reduce pollutant loads to the MEP.

10. Status Update for Mission Valley Terminal (Kelly Dorsey) (Attachment B-10)

The Mission Valley Terminal (MVT) is a fuel storage facility and pipeline transfer station for all of the fuel (gasoline, diesel fuel, and jet fuel) that is supplied to San Diego and the surrounding areas. As a result of historical petroleum storage and distribution operations since the 1960's, soil and groundwater in the vicinity of the MVT have been impacted by accidental releases of petroleum liquids. While these leaks and spills originated on the Terminal property, the impacts to soil and ground water extend off the terminal property, including the area beneath the Qualcomm stadium and surrounding parking lots (a.k.a. the "site").

The Regional Water Quality Control Board, San Diego Region (Regional Board), issued a Cleanup and Abatement Order in 1992 and became the lead agency for the MVT cleanup. Cleanup and Abatement Order No. 92-01 (CAO) required the Discharger to remove liquid petroleum and install the remediation system that is currently removing dissolved, liquid, and vapor phase petroleum pollutants from the subsurface on and off of the MVT property.

On April 13, 2005, the Regional Board adopted Addendum No. 5 to the CAO. Addendum No. 5 includes compliance dates for cleanup and abatement of ground-water pollution in the off-property area of the site. The off-property cleanup dates are:

- As soon as practicable and no later than **December 31, 2010**, the Dischargers shall remove residual light non-aqueous phase petroleum liquid (liquid gasoline) from subsurface soil and ground water beyond MVT to the extent technically practicable.
- As soon as practicable and no later than **December 31, 2013**, the Dischargers shall reduce concentrations of dissolved phase petroleum hydrocarbon waste constituents in the off-property pollution area to attain background water quality conditions.

An additional factor driving the cleanup at MVT is the City of San Diego's plan to develop the local ground-water resources for municipal use. This plan has been the subject of a recent Voice of San Diego article (See attached article or go to <http://www.voiceofsandiego.org/articles/2008/02/25/environment/899kinder022508.txt>). It is the understanding of the Regional Board staff that the proposed municipal wells may be located within the footprint of the existing petroleum pollution plume. Should the City of San Diego install a drinking water production well in the area of the MVT groundwater pollution, Addendum No. 5 requires the Discharger to submit a Drinking Water Replacement Contingency Plan. This Contingency Plan will include the following minimum elements:

- A plan for installation of a ground-water monitoring well network to detect pollution that could impact the water supply wells.

- A description of active interim remediation methods that will be implemented in the event the monitoring network provide evidence that the off-property pollution could disrupt production of potable water supplies from the wells.
- A plan to provide uninterrupted replacement water service, which may include wellhead treatment, for the public water purveyor or private well owner.

Recently, the City of San Diego requested a meeting to discuss the progress of the cleanup at MVT and the adjacent Qualcomm Stadium property. We are in the process of scheduling that meeting and will keep the Regional Board informed of any new information that results from the meeting.

Lastly, on January 24, 2008, Regional Board staff met with the Dischargers to discuss the leak detection program at MVT. Currently, the Dischargers are conducting annual leak detection testing of their pipelines and tanks. This testing allows the Dischargers to repair leaks in a timely manner and protect the environment from future pollution. After 3 years of false positive leak test results for the pipelines using a leak tracer method, Kinder Morgan and Regional Board staff are discussing the use of a more reliable leak detection method for the site. We will update the Board once a new leak detection method has been agreed upon.

Please visit the State Water Resource Control Board's Geotracker website at <http://www.geotracker.waterboards.ca.gov/> (type "SL607392800" in the Global ID and choose "Search for All Sites") to obtain recent ground water and remediation status reports in PDF format.

11. Carlsbad Desalination Project Update: Poseidon Resources Corporation (*Eric Becker*) (*Attachment B-11*)

In a letter February 19, 2008, the Regional Board provided comments on both Poseidon's plans (dated from July to November 2007) to mitigate the impacts of impingement and entrainment (I&E) caused by the proposed Carlsbad Desalination Project (CDP). The Regional Board comments indicated that the plans have not yet fully addressed best technology measures to reduce I&E, all pertinent impacts from I&E, on-going impacts, and the need to further consider mitigation opportunities located within the Agua Hedionda Lagoon and/or the Agua Hedionda Creek watershed. The Regional Board comments have been provided to other agencies and interested parties, and posted on the Regional Board's web page. On March 3, 2008, the North County Times published an article about the Regional Board response to the proposed mitigation plans (see attachment B-11). Regional Board Northern Core and Central Watershed staff met with representatives from Poseidon on March 4, 2008 to discuss comments included in the letter.

A copy of the Regional Board letter, Poseidon's plans, and additional information on can be found on the Regional Board web page at:

<http://www.waterboards.ca.gov/sandiego/misc/desalination/desalination.html>

12. Proposed Gregory Canyon Landfill (*Carol Tamaki and Bob Morris*) (*Attachment B-12*)
This item is provided to update the Regional Board on recent events relating to the proposed Gregory Canyon Landfill.

On February 15 and 16, 2008, the North County Times and San Diego Union-Tribune (see attachment B-12), respectively, ran articles regarding the status of the proposed Gregory Canyon Landfill. Vista Superior Court Judge Robert Dahlquist upheld a decision that the revised environmental impact report (EIR) does not adequately address part of an agreement between Gregory Canyon Ltd. and the Olivenhain Municipal Water District, which has contracted to truck recycled water to the proposed landfill for 60 years. Before it can be finalized, the revised EIR needs to be completed and approved by the County of San Diego prior to consideration of tentative waste discharge requirements by this Regional Board.

It is uncertain at this time whether the revised EIR or an addendum will be prepared for public review and final approval by the County of San Diego.

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

1. 2008 Federal Clean Water Act Section 303d List and Integrated Report (*Craig Carlisle*)

The "Clean Water Act Section 303(d) List of Water Quality Limited Segments" (303d List) is updated every two years. The 303d List is part of the Integrated Report, which also includes an assessment of other surface water bodies in accordance with Clean Water Act section 305(b). The Regional Board staff is preparing the 2008 update to the Integrated Report for the San Diego Region. For more background information, please see the December 2007 Executive Officer report (http://www.waterboards.ca.gov/sandiego/eo_report/eoreport.html).

The State Water Board, along with a contractor, is developing a database to be used for the preparation of the 2008 Integrated Report. Draft fact sheets for each proposed water body listing or delisting will be prepared utilizing the database. We had anticipated that the database would be available in March 2008, after which the Regional Water Boards would enter information on their data evaluations into the database. However, the State Board recently announced a delay with finalizing the database and it will not be available to the Regions as previously scheduled. Therefore, the schedule for release of the draft fact sheets, previously thought to be approximately June 2008, will be delayed to an unspecified future date.

See <http://www.waterboards.ca.gov/sandiego/programs/303dlist.html> for more information.

2. Statewide Policy to Protect Wetlands and Riparian Areas (*Julie Chan*)

The State Water Board is developing a policy to protect wetlands and riparian areas, including intermittent and ephemeral drainages. The policy is needed because the current implementation of the 401 Water Quality Certification Program has not adequately protected functional wetlands, demonstrating that regulatory compliance does not necessarily equal resource protection. The purpose of the proposed Policy is to ensure no further net loss, and an ultimate long-term gain, in the quantity and quality of "functional" wetlands within the state.

The latest development from the State Water Board is a Draft Resolution requiring the development of the policy in three phases as described below.

Phase 1 – Establish a policy to protect wetlands from dredge and fill activities. State Water Board staff is to develop (a) a wetland definition that would rely on the U.S. Army Corps of Engineers' wetland definition to the extent feasible, but would also reliably define the diverse array of California wetlands, (b) a wetland regulatory mechanism that relies on sequential avoidance, minimization, and mitigation of impacts, and (c) an assessment method for collecting wetland data to monitor wetland protection progress.

Phase 2 – Expand the scope of the policy to protect wetlands from all other activities impacting water quality. State Water Board staff is to develop (a) new beneficial use definitions for wetlands, (b) water quality objectives, and (c) a program of implementation to achieve the objectives and protect wetland-related functions.

Phase 3 – Extend the policy's protection to riparian areas (including intermittent and ephemeral drainages). State Water Board staff is to develop (a) new beneficial use definitions for riparian areas, (b) water quality objectives, and (c) a program of implementation to achieve the objectives and protect riparian area-related functions.

Phase I will begin immediately upon adoption of the Draft Resolution with a target completion date of mid-2009. Work on Phases 2 and 3 will follow in subsequent years. State Water Board staff is to develop the policy collaboratively with the Regional Water Boards. The State Water Board will hold a public hearing on the Draft Resolution on March 18, 2008. Written comments on the Draft Resolution were due to the State Water Board on March 5, 2008. Further information is available from the State Water Board website at: <http://www.waterboards.ca.gov/cwa401.index.html#new>

3. State Watershed Program Forum (*Dave Gibson and Bruce Posthumus*)

The Resources Secretary has appointed an Advisory Committee to advise the Department of Conservation (the Department) on the development and conduct of a new State Watershed Program within the Department. The purpose of the Watershed Program is to advance sustainable watershed-based management of California's natural resources through community-based strategies. The new statewide watershed program is an extension of the previous CALFED Bay-Delta Watershed Program and includes a commitment to public involvement and Program transparency. As part of an extensive public outreach process to receive advice from local communities on the development of this new state program, a watershed forum was held at the City of San Diego Alvarado Filtration Plant on February 28, 2008. The Watershed Program Forum was attended by approximately 50 representatives of local and state agencies and non governmental organizations. Dave Gibson and Bruce Posthumus represented the Regional Board at this meeting and spoke to several points and answered questions regarding grants, CEQA, storm water, and SWAMP.

It is worth noting that watershed management planning is not a new phenomenon. Beginning in the mid 1990's, the State Water Board and Regional Boards pursued the Watershed Management Initiative that attempted to bring together various regulatory and non-regulatory programs into a watershed context. In the San Diego Region alone, since 1998 at least ten watershed management planning projects have received grant funds totaling approximately \$1 million dollars. It should also be noted that, unfortunately, most of these watershed groups formed with the available grant funds have ceased to exist and the plans they developed, often at the cost of hundreds of thousands of dollars, are not being implemented in most cases. To be effective, watershed management efforts have to move beyond the planning stage and must somehow effectively interact with the land use planning and project approval processes (CEQA), and storm water BMP implementation (NPDES permit compliance) of local jurisdictions to realize real accomplishments in watershed protection.

4. Amendment to the Statewide General Waste Discharge Requirements – Regulation of Sanitary Sewer Overflows (*Joann Cofrancesco*) (*Attachment C-4*)

On February 20, 2008, the Executive Director of the State Water Resources Control Board (SWRCB) signed Order No. WQ 2008-0002-EXEC, amending the statewide Monitoring and Reporting Program No. 2006-0003-DWQ for sewage spills from sewage collection systems (available on-line at <http://www.waterboards.ca.gov/sso/index.html>). The amendment requires dischargers provide notification of sewage discharges, that reach a drainage channel or surface water, to the State Office Emergency Services (OES), the appropriate county health agency, and the appropriate Regional Water Quality Control Board no later than two (2) hours after a sewage collection agency becomes aware of the discharge. The amendment also requires the discharger to provide the appropriate Regional Water Quality Control Board with certification

that the OES and appropriate county health agency have been notified. These requirements became effective on February 20, 2008 and are more stringent and prescriptive than the current reporting requirements in Regional Board Order No. R9-2007-0005, Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region (available on-line at http://www.waterboards.ca.gov/sandiego/orders/order_files/2007%20order%20files/R9-2007-0005.pdf). Previously, within the San Diego Region, sewage collection agencies were required to report sewage discharges that reach a drainage channel or surface water within 24 hours after becoming aware of the discharge. Furthermore, agencies were not required to certify that OES and the appropriate county health agency were notified. However, violations of the Regional Board Order occur if there is a release of raw sewage from the sewage collection system at any point located upstream of the sewage treatment plant, regardless of whether the discharge of raw sewage reaches a drainage channel or surface water. The Regional Board staff continues to evaluate possible methods for discharger compliance with the Order, and methods for notifying affected dischargers of the necessary changes in reporting procedures. Attachment C-4 contains a copy of Order No. WQ 2008-0002-EXEC.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

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

March 12, 2008

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
March 12, 2008										
APRIL 9, 2008 RB MEETING	San Diego Regional Board Office									
	WORKSHOP: NPDES PERMIT--DISCHARGE FROM BAJAGUAS MINUTE 311 SANITATION PROJECT IN MEXICO TO THE U.S. SO. BAY OCEAN OUTFALL	Workshop: NPDES Permit	50%	80%	0%	0%	April 9, 2008	No		Valdovinos
	TOTAL MAX. DAILY LOAD BASIN PLAN AMENDMENT-- BACTERIA AT DANA PT., HARBOR'S BABY BEACH AND SAN DIEGO BAY SHELTER ISLAND SHORELINE PARK	Hearing: Basin Plan Amendment	NA	NA	100	0	April 9, 2008	No	TMDL Workplan FY 2007-08	Chiu
	PROPOSED STUDY OF COASTAL WATERS SEDIMENTS IN THE SAN DIEGO REGION	Resolution to Request Funding	NA	NA	0%	0%	April 9, 2008	Yes	Funding: \$500,000 from SWRCB's Cleanup/Abate. Acct.	Busse
MAY 14, 2008 RB MEETING	San Diego Regional Board Office									
	TOTAL MAX. DAILY LOAD BASIN PLAN AMEND. REFERENCE SYSTEM APPROACH/INSE	Hearing: Basin Plan Amendment	NA	NA	90%	0%	May 14, 2008	No	Stakeholder Advisory Group reviewing draft amendment	Chan
	NASSCO/GENERAL DYNAMICS CORP. SHIPYARD SAN DIEGO BAY	NPDES Permit Reissuance	100%	100%	0%	0%	May 14, 2008	No	NPDES Workplan FY 2007-08	Kelley
	CONTINENTAL MARITIME OF SAN DIEGO SHIPYARD SAN DIEGO BAY	NPDES Permit Reissuance	100%	100%	0%	0%	May 14, 2008	No	NPDES Workplan FY 2007-08	Kelley
	BAE SYSTEMS SAN DIEGO SHIP REPAIR SHIPYARD SAN DIEGO BAY	NPDES Permit Reissuance	100%	100%	0%	0%	May 14, 2008	No	NPDES Workplan FY 2007-08	Kelley
	US NAVY NAVAL BASE PT. LOMA SAN DIEGO BAY	NPDES Permit Reissuance	0%	100%	0%	0%	May 14, 2008	No	NPDES Workplan FY 2007-08	Kelley
	US NAVY NAVAL BASE SAN DIEGO SAN DIEGO BAY	NPDES Permit Reissuance	0%	100%	0%	0%	May 14, 2008	No	NPDES Workplan FY 2007-08	Kelley
	US NAVY NAVAL BASE CORONADO SAN DIEGO BAY	NPDES Permit Reissuance	0%	100%	0%	0%	May 14, 2008	No	NPDES Workplan FY 2007-08	Kelley
	CITY OF ESCONDIDO WASTEWATER DISCHARGE VIOLATIONS	Hearing: Admin Civil Liability	NA	NA	100%	0%	May 14, 2008	No	Admin. Civil Liability Complaint \$1,797,150	Stewart
JUNE 11, 2008 RB MEETING	San Diego Regional Board Office									
	CITY OF SAN DIEGO POINT LOMA OCEAN OUTFALL PACIFIC OCEAN	NPDES Permit Reissuance	90%	100%	0%	0%	June 11, 2008	No	NPDES Workplan FY 2007-08	Kelley

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
March 12, 2008	OCEAN DISCHARGER RECEIVING WATER MONITORING PROGRAM UPDATES	NPDES Permits Revisions	NA	50%	0%	0%	June 11, 2008	No		Kelley
	AUGUST 13, 2008 RB MEETING San Diego Regional Board Office									
	US NAVY GRAVING DOCK SAN DIEGO BAY	NPDES Permit Reissuance	0%	100%	0%	0%	August 13, 2008		NPDES Workplan FY 2008-09	
	USMC CAMP PENDLETON DISCHARGE TO OCEANSIDE OCEAN OUTFALL	NPDES Permit Reissuance	0%	100%	0%	0%	August 13, 2008		NPDES Workplan FY 2008-09	
	IDEC PHARMACEUTICALS--OCEANSIDE DISCH. TO OCEANSIDE OCEAN OUTFALL	NPDES Permit Reissuance	0%	100%	0%	0%	August 13, 2008		NPDES Workplan FY 2008-09	
	UNSCHEDULED ACTION ITEM									
	ORANGE COUNTY MUNICIPAL STORM WATER PERMIT	NPDES Permit Reissuance	100%	80%	80%	0%		No		Smith
	2008 FED. CLEAN WATER ACT SEC. 303(d) LIST OF WATER QUALITY SEGMENTS	Adoption: CWA 303(d) WQ List	NA	NA	10%	0%		No		Hammer
	PROPOSED GREGORY CANYON LANDFILL NORTH SAN DIEGO COUNTY	Hearing: New WDRs	100%	85%	85%	0%		No		Tamaki
	HUBBS RESEARCH FACILITY CARLSBAD AGUA HEDIONDA LAGOON	NPDES Permit Reissuance	100%	80%	90%	80%		No		Becker
	NPDES GENERAL PERMIT HYDROSTATIC TESTING AND POTABLE WATER DISCH.	NPDES Permit Reissuance	NA	0%	0%	0%		No	NPDES Workplan FY 2006-07	Kelley

SANITARY SEWER OVERFLOW STATISTICS (Updated through February 29, 2008)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE ⁶ Miles	NO. OF SEWAGE SPILLS [LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30]							SPILLS PER 100 MILES (LISTED BY FY)							SPILL VOLUME 2007-08 ^A GAL	NO. OF PRIVATE SPILLS ⁵ 07-08	VOLUME OF PRIVATE SPILLS ⁵ GAL
		02-03	03-04	04-05	05-06	06-07 ^A	07-08 ^A	02-03	03-04	04-05	05-06	06-07 ^A	07-08 ^A					
ORANGE COUNTY:																		
EL TORO WD	65.1	1	3	3	2	1	1	1.8	5.5	5.5	3.6	1.5	1.5	20	0	0	0	
EMERALD BAY SERVICE DISTRICT	6.5	0	0	1	0	0	0	0.0	0.0	16.7	0.0	0.0	15.4	10	0	0	0	
IRVINE RANCH WD	36.0	0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	
LAGUNA BEACH, CITY OF	99.5	27	8	12	6	7	1	28.4	8.4	12.6	6.3	7.0	1.0	50	3	28	0	
MOULTON NIGUEL WD	530.0	1	2	5	1	1	2	0.2	0.4	0.9	0.2	0.2	0.4	1,150	2	420	0	
SAN CLEMENTE, CITY OF	185.0	7	2	7	5	7	2	3.9	1.1	3.9	2.8	3.8	1.1	1,130	5	567	0	
SAN JUAN CAPISTRANO, CITY OF	548.3	0	1	6	0	2	0	0.0	1.0	6.0	0.0	0.4	0.0	0	0	0	0	
SANTA MARGARITA WD	702.0	4	5	7	4	4	5	0.7	0.9	1.3	0.7	0.6	0.7	527,234	0	0	0	
SOUTH COAST CWD	138.2	8	7	10	3	2	1	6.1	5.3	7.6	2.3	1.4	0.7	40	5	240	0	
TRABUCO CANYON WD	47.0	0	1	3	0	1	0	0.0	2.3	7.0	0.0	2.1	0.0	0	0	0	0	
RIVERSIDE COUNTY:																		
EASTERN MWD	1,811.0	3	7	1	3	8	2	0.7	1.7	0.2	0.7	0.4	0.1	50,002	3	505	0	
ELSINORE VALLEY MWD	79.6	0	1	1	1	0	0	0.0	1.3	1.3	1.3	0.0	0.0	0	0	0	0	
MURRIETA MWD	200.0	c	1	0	0	0	1	c	4.0	0.0	0.0	0.0	0.5	220	0	0	0	
RANCHO CA WD	81.0	0	1	1	1	2	1	0.0	1.4	1.4	1.4	2.5	1.2	15,100	0	0	0	
SAN DIEGO COUNTY:																		
22ND DISTRICT AGRICULTURAL ASSOCIATION ^F	2.7	N/A	N/A	N/A	N/A	0	0	N/A	N/A	N/A	N/A	0	0.0	0	0	0	0	
BUENA SANITARY DISTRICT	197.9	2	1	0	1	0	0	2.4	1.2	0.0	1.2	0.0	0.0	0	3	657	0	
CALIFORNIA DEPARTMENT OF CORRECTIONS ^E	N/A	N/A	N/A	N/A	N/A	0	0	N/A	N/A	N/A	N/A	0	0.0	0	0	0	0	
CALIFORNIA STATE UNIVERSITY, SAN MARCOS ^E	N/A	N/A	N/A	N/A	N/A	0	0	N/A	N/A	N/A	N/A	0	0.0	0	0	0	0	
CARLSBAD MWD	410.8	6	6	17	12	17	5	2.8	2.8	7.9	5.6	4.1	1.2	6,031	8	225	0	
CHULA VISTA, CITY OF	460.6	3	1	13	1	3	2	0.8	0.3	3.3	0.3	0.7	0.4	1,600	11	2,135	0	
CORONADO, CITY OF	46.9	2	5	13	11	0	2	3.8	9.4	24.5	20.8	0.0	4.3	25	0	0	0	
DEL MAR, CITY OF	30.8	7	1	5	6	0	3	23.4	3.3	16.7	20.1	0.0	9.7	244	1	10	0	
EL CAJON, CITY OF	195.0	3	0	3	0	3	5	1.5	0.0	1.5	0.0	1.5	2.6	230	7	165	0	
ENCINITAS, CITY OF	119.0	6	1	5	0	1	2	5.1	0.8	4.2	0.0	0.8	1.7	675	0	0	0	
ESCONDIDO, CITY OF	370.7	3	2	3	3	7	1	0.9	0.6	0.9	0.9	1.9	0.3	450	10	1,009	0	
FAIRBANKS RANCH COMM SERV DIST	15.5	0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	
FALLBROOK PUBLIC UTILITY DIST	76.6	22	9	12	8	2	2	30.6	12.5	16.7	11.1	2.6	2.6	825	6	4,955	0	
IMPERIAL BEACH, CITY OF	44.2	14	2	10	4	3	0	16.7	2.4	11.9	4.8	6.8	0.0	0	6	65	0	
LA MESA, CITY OF	155.0	3	4	2	0	0	0	1.9	2.6	1.3	0.0	0.0	0.0	0	1	90	0	
LEMON GROVE, CITY OF	62.5	4	4	3	0	0	2	5.8	5.8	4.3	0.0	0.0	3.2	130	0	0	0	
LEUCADIA CWD	207.0	6	1	6	4	1	1	3.2	0.5	3.2	2.2	0.5	0.5	300	3	50	0	
NATIONAL CITY, CITY OF	97.9	1	2	1	4	1	1	1.0	2.1	1.0	4.1	1.0	1.0	15,000	0	0	0	
OCEANSIDE, CITY OF WTR UTIL DEP	475.0	23	22	17	7	9	10	5.2	4.9	3.8	1.6	1.9	2.1	107,816	1	600	0	
OLIVENHAIN MWD	35.5	2	0	3	0	0	0	12.5	0.0	18.8	0.0	0.0	0.0	720	0	0	0	
OTAY MWD	81.6	3	1	0	1	1	2	3.5	1.2	0.0	1.2	1.2	2.5	60	0	0	0	
PADRE DAM MWD	246.0	3	3	1	1	1	0	2.0	2.0	0.7	0.7	0.4	0.0	0	1	300	0	
PAUMA VALLEY COMM SERVICE DIS	11.5	0	0	0	1	0	0	0.0	0.0	0.0	12.3	0.0	0.0	0	0	0	0	
POWAY, CITY OF	219.0	5	3	1	4	1	0	2.9	1.8	0.6	2.4	0.5	0.0	0	0	0	0	

SANITARY SEWER OVERFLOW STATISTICS (Updated through February 29, 2008)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE ^B Miles	NO. OF SEWAGE SPILLS (LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30)						SPILLS PER 100 MILES (LISTED BY FY)						SPILL VOLUME 2007-08 ^A GAL	NO. OF PRIVATE SPILLS ^D 07-08	VOLUME OF PRIVATE SPILLS GAL
		02-03	03-04	04-05	05-06	06-07 ^A	07-08 ^A	02-03	03-04	04-05	05-06	06-07 ^A	07-08 ^A			
SAN DIEGO COUNTY (continued):																
RAINBOW MWD	56.0	2	6	2	1	1	3	3.7	11.1	3.7	1.8	1.8	5.4	2	610	
RAMONA MWD	134.0	2	2	4	2	1	1	2.4	2.4	4.8	2.4	0.7	0.7	2	43,020	
RANCHO SANTA FE COMM SERV DIST	78.0	1	0	2	0	0	0	1.9	0.0	3.9	0.0	0.0	0.0	0	0	
SAN DIEGO CO, PUBLIC WORKS	289.9	11	2	4	5	2	4	2.9	0.5	1.1	1.3	0.7	1.4	2	230	
SAN DIEGO, CITY OF, MWWD	5,004.0	193	115	95	71	85	53	6.7	4.0	3.3	2.5	1.7	1.1	51	8,621	
SAN DIEGO STATE UNIVERSITY ^F	9.0	N/A	N/A	N/A	N/A	0	0	N/A	N/A	N/A	N/A	0	0.0	0	0	
SOLANA BEACH, CITY OF	45.0	1	6	1	0	0	0	1.9	11.5	1.9	0.0	0.0	0.0	0	0	
UNIVERSITY OF CALIFORNIA, SAN DIEGO ^E	30.0	N/A	N/A	N/A	N/A	1	1	N/A	N/A	N/A	N/A	3.3333	3.3	0	0	
USMC BASE, CAMP PENDLETON	217.0	23	14	14	15	18	20	11.9	7.2	7.2	7.7	8.3	9.2	0	0	
US NAVY	122.8	12	11	0	10	14	2	9.8	9.0	0.0	8.1	11.4	1.6	0	0	
US MARINE CORPS RECRUIT DEPOT ^F	6.5	N/A	N/A	N/A	N/A	1	1	N/A	N/A	N/A	N/A	15.385	15.4	2	99	
VALLECITOS WD	260.0	5	4	9	4	1	1	2.5	2.0	4.5	2.0	0.5	0.4	4	0	
VALLEY CENTER MWD	70.0	3	1	0	0	1	0	6.3	2.1	0.0	0.0	1.4	0.0	0	0	
VISTA, CITY OF	416.8	4	7	15	5	4	4	2.0	3.5	7.6	2.5	1.0	1.0	3	145	
WHISPERING PALMS COMM SERV DIS	25.0	1	0	0	0	0	0	5.8	0.0	0.0	0.0	0.0	0.0	0	0	
REGION 9 TOTAL	14,855	427	275	266	201	214	145							140	64,746	
AVERAGE¹								4.4	2.9	2.8	2.1	1.4	1.0			
STANDARD DEVIATION²								7.0	3.4	4.4	2.5	3.0	3.4			
MEDIAN³								2.4	2.0	2.5	1.0	0.6	0.5			

^A Includes available preliminary data. May not include all spills less than 1,000 gallons that did not enter surface waters or storm drains during the period of September 1, 2004 through February 29, 2008. As of January 1, 2007 data reflects reports submitted on-line as required by State Board Order No. 2006-003-DWQ (General Statewide Waste Discharge Requirements for Collection Agencies).

^B Most of the Agencies' System Sizes are based on the online Collection System Questionnaires. The System Sizes for California State University San Marcos, US Navy, and California Department of Corrections are based on the 2003 questionnaire or are not available (N/A) because these agencies have not completed the online Collection System Questionnaires. The System Sizes for El Toro Water District and Irvine Ranch Water District are based on the 2003 questionnaire because the online Collection System Questionnaires for these agencies includes the sewage collection system in Region 8 and 9. The System Sizes includes laterals that the agencies are responsible for and may not have been included in past reports.

^C Included with Eastern Municipal Water District

^D Private spills are listed to indicate their locations. Public sewer agencies are not responsible for private property spills.

^E These agencies were not regulated prior to January 2007 and thus do not have any sewage spill history from July 2002 to December 2006.

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.

ENVIRONMENT

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The Long Road to Recovering Mission Valley's Water

By [ROB DAVIS](#) Voice Staff Writer

Monday, Feb. 25, 2008 | Nearly every drop of fuel consumed by San Diego's cars, trucks and passenger planes is first piped from Los Angeles to an industrial site that sits in Mission Valley north of Qualcomm Stadium. More than a dozen rust-streaked white tanks along Interstate 15 store the fuel, which then gets trucked to the region's gas stations.

The 10.5-acre depot, owned by Houston-based Kinder Morgan Energy Partners, has served as the region's fuel warehouse since 1962. And sometime in the ensuing years -- no one is exactly sure when -- fuel began seeping out from the tanks there. It crept nearly a mile south, beneath Qualcomm Stadium's parking lot and down into a groundwater aquifer the city hopes to tap for drinking water.

Much about the plume is unknown: Its exact volume, what caused it or when it started. But the sprawling streak of fuel is one of the region's largest pollution plumes and narrates a decades-long story that highlights the challenges of removing contaminants from the environment, the often-slow regulatory process that governs cleanups and arid San Diego's increased focus on finding every drop of water it can.

Ronald Reagan was still president when the leaking fuel was first discovered. The city estimates as much as 300,000 gallons of gasoline may have seeped beneath the surface. The pollution itself is not unusual. Thousands of gas stations across the country have leaked stored gasoline into the ground.

But the Mission Valley depot, which can hold 26 million gallons of fuel, was built atop an ancient streambed composed of gravel and sand -- porous soil that allowed the fuel to seep freely. And the gasoline stored there contained MTBE, methyl tertiary butyl ether, a chemical that was first added to gasoline in 1979 to help it burn cleaner.

Without the MTBE, bacteria in the soil would have contained the leak, says Dave Huntley, a geological sciences professor at San Diego State University. Toxic chemicals in gasoline such as benzene are typically devoured by bacteria.

"It's like a moving buffet," Huntley says. "And the bacteria are sitting at the edge of it. At the leading edge, they love it, they can keep up with it."

But they don't eat MTBE. And MTBE dissolves in water. So by the time the leak was discovered in

Recovering the 'Lost Resource'

- **The Issue:** Cleanup on the gas that has leaked into a groundwater aquifer in Mission Valley was supposed to have been completed in 1996, but has endured consistent delays.
- **What It Means:** The city of San Diego has sued the owner of the source of the leak, a nearby tank farm; the city wants to begin tapping the aquifer for drinking water.
- **The Bigger Picture:** With the future of its water supply murky, the city has intensified its search for every drop of water it can find.

1987, the groundwater around the plume had been contaminated.

Kinder Morgan, which bought the property in 1998, is responsible for cleaning up that toxic mix. The pollution should have been removed before Kinder Morgan made the purchase, but the cleanup was delayed as the previous owners -- Shell Oil, Mobil Oil, Powerline Oil and Santa Fe Pacific Pipeline Partners -- argued about who was responsible. The regional board, the county's water pollution cop, initially set a 1996 deadline for completion when it ordered the cleanup in 1992. That was pushed back to 1999, and again to 2010 (the deadline for soil to be clean) and 2013 (the deadline for groundwater to be clean).

That's much sooner than when Kinder Morgan once estimated it would finish cleanup: 2034.

Kinder Morgan won't say how much it has spent on cleanup, as vapor extraction wells -- giant straws that allow the gas to evaporate -- have been dug throughout the city-owned Qualcomm Stadium parking lot.

Company spokeswoman Emily Thompson says the cleanup is on time and has reduced the plume's size by 95 percent. John Serrano, a deputy city attorney, disputes that, saying the city believes as much as a third of the pollution, 100,000 gallons of gasoline, may remain.

The gasoline has dissolved in an aquifer that could supply water for 2,000 to 5,000 families a year. And the city wants to begin tapping that water supply by 2010 -- not 2013. It has sued Kinder Morgan, aiming to expedite the cleanup process.

The lawsuit demonstrates the importance being given to region's miniscule groundwater resources. San Diego County gets 2 percent of its water from the ground, importing about 90 percent. The City Council authorized spending as much as \$500,000 on an outside law firm, Los Angeles-based Tatro Tekosky Sadwick, to pursue litigation. The two sides are still arguing pretrial motions in U.S. District Court and expect to continue doing so through the summer.

Before World War II, the aquifer beneath Qualcomm Stadium provided much of the city's water, Serrano says. Ken Weinberg, director of water resources at the San Diego County Water Authority, describes the Mission Valley aquifer as "the lost resource."

After the war, importing water from the Colorado River became cheaper, Weinberg says, and the pumping stopped. But as the region's water sources face increasing pressures from drought, climate change and the Endangered Species Act, the equation is shifting back, he says, at the same time that the filtration technology that converts salty groundwater into drinking water has gotten less expensive.

"This is a natural storage place," Serrano says. The aquifer "could hold a tremendous amount of water. It could make a big difference. It's a reserve and resource we want to have protected."

But some question the city's pursuit of groundwater from a source near a gasoline tank farm. Even if the pollution is cleaned up, the tanks that caused it will remain. And tanks and pipes are just as likely to leak today as they were 20 years ago, says John Robertus, executive officer at the regional water board.

"If the city is that focused on having pristine water in the aquifer -- yet the city is acknowledging the tank farm is going to stay there in perpetuity -- it doesn't make sense to me," Robertus said. "My concern is that it could be re-contaminated by a future spill from the same site. People are improving their management methods, but every year those facilities are another year older."

Huntley, the SDSU hydrologist, says he believes gasoline companies are more environmentally minded than they once were -- if only because it can be cheaper to prevent pollution than to clean it up.

The days have ended, Huntley says, when gas levels in storage tanks were measured by jamming a rod down into the tank like a massive dipstick to see where gasoline wetted the rod. That process punched holes in the bottoms of many gasoline tanks, he says.

Thompson, the Kinder Morgan spokeswoman, says routine inspections, which include pipeline pressure testing, ensure the tank farm runs safely. But she offers no guarantee about the site's long-term integrity. "You're asking me to predict the future, and who can do that?" she says.

Please contact Rob Davis directly with your thoughts, ideas, personal stories or tips. Or send a letter to the editor.

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

Tuesday, March 4, 2008

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Tuesday, March 4, 2008

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Questions pile up for Carlsbad desal plant

By: GIG CONAUGHTON - Staff Writer

Control board again raises environmental concerns

For the second time in three months, a government agency has raised environmental concerns about a plan to take seawater out of the ocean off Carlsbad and turn it into drought-proof drinking water.

And for the second time, the agency in question has already approved, albeit conditionally, the desalinization plant.

The San Diego Regional Water Quality Control Board, the region's water-pollution police force, is the latest agency to raise environmental concerns about the Carlsbad plant.

In a recent letter, the control board said it wanted more information about how the plant would minimize harm to fish and the environment --- 21 months after the board awarded the plant a discharge permit.

In November, the California Coastal Commission awarded the plant a permit, on the condition that its backers, Poseidon Resources Inc., answer more questions about the same subjects.

Environmental groups last week immediately said the control board's action proved environmental worries were valid, and that agencies were moving too quickly to conditionally approve the plant.

"It's absurd to us that any agency could pre-approve a project of this magnitude without having this information already tied down," said Marco Gonzalez, an environmental lawyer active in the Surfrider Foundation, which has sued to overturn the commission's permit approval.

Poseidon downplayed the ongoing questions.

Poseidon Vice President Peter MacLaggan said the company has legitimate plans to ease environmental harm, and that all questions would be answered in coming months.

"What I take away from all of this is we haven't done a very good job of explaining our story," MacLaggan said. "That's what has prompted the questions."

Big project

If the \$300 million, 50 million-gallon-per-day Carlsbad plant is built, it would be the largest seawater desalinization plant in the Western Hemisphere.

Poseidon said late last year that it hoped to start building this year and open by 2010.

Last week it said that that timeline had changed to building in 2009 and opening by 2011 but that the change had nothing to do with the continuing environmental questions.

Tom Luster, the coastal commission's seawater desalination expert, said there were as many as 20 other desalination projects in the works that could eventually seek their own permits.

Drama

The plant's fate, and the permitting process, are part of an important water-supply drama.

Desertlike Southern California has long relied upon imported water: from the Colorado River, and from Northern California's State Water Project.

But both of those supply systems are troubled.

The Colorado River has suffered eight years of drought. And Southern Californians are facing cuts to their Northern California supplies by up to 30 percent for the foreseeable future because of a federal court ruling to protect an endangered fish, the delta smelt.

Water officials around the state ---- and Poseidon ---- say that seawater desalination would be an important new supply and could never hurt the ocean because its immense volume of water would dilute harmful effects.

Environmental groups disagree and say such plants could destroy California's coast.

Gonzalez said last week that that means that permitting agencies should take every step to make sure they recognize all the possible environmental harm Poseidon's plant could cause and how to address those problems ---- to "get it right the first time."

Intake worries

Most of the plant's environmental questions revolve around how it will get the seawater it will turn into drinking water.

The proposed plant would be located at Carlsbad's Encina Power Station, and use the power station's "once-through-cooling" system.

Encina already sucks in millions of gallons of water from the sea, pumps it around its electricity-producing turbine engines to cool them, and then spits it back out to the ocean.

Poseidon planned to use 304 million gallons of that a day to force through high-tech filtering membranes.

Fifty million gallons a day would be turned into drinking water. The rest, including the extracted brine, would be sent back to sea.

However, NRG Energy, the company that operates Encina, has applied to move to an air-cooled process by 2010 because a recent court case and studies say ocean-cooling systems hurt ocean life, killing fish, vegetation, and microscopic life.

Poseidon has a deal to continue to use the existing sea intake and outfall system. But environmental groups have said that should not be allowed.

As he has in the past, MacLaggan said last week that the plant would only kill about 2 1/2 pounds of fish per day and some phytoplankton, fish larvae and other microscopic organisms. He said the company plans to offset that harm by creating 37 acres of new wetland habitat in a joint San Dieguito River Valley program.

Control board questions

But the control board said Feb. 19 that it didn't like the San Dieguito plan.

Control board officials said that even though they granted the Carlsbad plant a discharge permit in June 2006, Poseidon would violate that permit and risk fines if it built the plant and started operating it before satisfying the control board's questions.

Eric Becker, a control board engineer, said the agency wants Poseidon to create new wetlands or other environmental habitat in Carlsbad's Agua Hedionda Lagoon ---- which is where the Encina plant's cooling system is situated ---- not San Dieguito.

MacLaggan said there isn't anywhere in Agua Hedionda to do that.

Meanwhile, the control board's executive director, John Robertus, said Poseidon's 37-acre offset plan amounted to a one-time \$5 million purchase to offset unforeseen environmental harm over at least 30 years.

Robertus said that wasn't good enough. Southern California Edison's San Onofre Nuclear Generating Station, he said, has had to pay upward of \$100 million in recent years because of environmental harm it caused.

"I'd rather have mitigation that is ongoing and dynamic," Robertus said last week.

MacLaggan said the \$5 million cap was misleading.

"We would not put a financial cap on our commitment," he said. "We were not saying that's all we're willing to spend. What we said was the harm would be more than fully compensated at 37 acres."

Luster and the commission also have questions about the 37-acre plan.

In a letter sent to Poseidon last week, Luster said the commission needed more information about Poseidon's environmental studies.

The letter said the commission could not tell how Poseidon determined creating the 37 acres would offset the fish and larvae the plant would kill. Because of that, the letter said, the commission could not judge whether the 37 acre-plan was adequate.

MacLaggan said Poseidon hoped to answer all the questions from the control board, the commission and a third agency ---- the state Lands Commission ---- by midsummer and finalize all of its needed permits.

The state Lands Commission, like the Coastal Commission, wants more information about how Poseidon will offset the greenhouse gases the plant will emit.

"This is just all just part of the process, outlined by the regulators who need to methodically work through this," MacLaggan said.

Contact staff writer Gig Conaughton at (760) 739-6696 or gconaughton@nctimes.com.

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

Monday, February 25, 2008

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Monday, February 25, 2008

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Judge upholds Gregory Canyon decision

By: North County Times

FALLBROOK ---- A Vista Superior Court judge this week upheld a decision that a revised environmental study for a proposed landfill that was ordered in 2005 is insufficient in at least one area, said Everett Delano, an attorney for Gregory Canyon landfill opponents.

The proposed landfill would be built on several hundred acres about three miles east of Interstate 15 and south of Highway 76. DeLano said the main issues are opposition to trucking in a school and residential area and concerns about water quality.

Judge Robert Dahlquist ruled a segment of the environmental report doesn't adequately address part of an agreement between Gregory Canyon Ltd. and the Olivenhain Municipal Water District, which is contracted to truck recycled water to the dump for 60 years.

In the ruling, Dahlquist said the report's assertion that the district has enough water to accommodate the needs of the dump and its regular customers isn't backed up by data.

The developer could be allowed to address the issue in an addendum to the report, or the county could be forced to redo the report and allow the public time to respond to it.

The public review process can take months to be completed.

More Metro news

Ruling upheld on Gregory Canyon impact report

By **J. Harry Jones**
UNION-TRIBUNE STAFF WRITER

February 16, 2008

A final ruling in a lawsuit challenging the Gregory Canyon landfill has been issued, but what effect it will have on the development timetable is still in question.

Vista Superior Court Judge Robert Dahlquist upheld his tentative ruling of 10 days ago that said a new environmental impact report for the landfill is acceptable except for one area: an agreement between the developers and the Olivenhain Municipal Water District, which has contracted to truck recycled water to the dump for 60 years.

Only after the environmental report has been deemed complete can Gregory Canyon Ltd. obtain the necessary permits for the project, which has been planned for nearly two decades.

The landfill would be off state Route 76 about three miles east of Interstate 15.

Unanswered is whether the ruling means a revised report must be prepared and go through the usual review process – which could bring a delay of up to a year.

Nancy Chase, spokeswoman for Gregory Canyon Ltd., said she expected little delay. The developers still hope to have all the permits by the end of this year and begin construction in 2009, she said.

“This is a minor issue in a long 14-year list of major issues,” Chase said.

Attorney Everett DeLano, who has represented opponents of the landfill for years, said he thinks the county will require a lengthy review.

Either way, DeLano said, opponents have other legal avenues.

“There are several things we're still looking at,” he said. “This is going to go on for a long time.”

✉ J. Harry Jones: (760) 737-7579; jharry.jones@uniontrib.com

Find this article at:

<http://www.signonsandiego.com/news/metro/20080216-9999-1m16greg.html>

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER NO. WQ 2008-0002-EXEC

ADOPTING AMENDED MONITORING AND REPORTING REQUIREMENTS FOR
STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER
SYSTEMS

The State of California, Water Resources Control Board (State Water Board) finds:

1. The State Water Board is authorized to prescribe statewide general waste discharge requirements for categories of discharges that involve the same or similar operations and the same or similar types of waste pursuant to Water Code 13263, subdivision (i).
2. The State Water Board on May 2, 2006, adopted Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Order No. 2006-0003-DWQ, pursuant to that authority.
3. The State Water Board on May 2, 2006, adopted Monitoring and Reporting Requirements to implement the General Waste Discharge Requirements for Sanitary Sewer Systems.
4. State Water Board Order No. 2006-0003-DWQ, paragraph G.2., and the Monitoring and Reporting Requirements, both provide that the Executive Director may modify the terms of the Monitoring and Reporting Requirements at any time.
5. The time allowed in those Monitoring and Reporting Requirements for the filing of the initial report of an overflow is too long to adequately protect the public health and safety or the beneficial uses of the waters of the state when there is a sewage collection system spill. An additional notification requirement is necessary and appropriate to ensure the Office of Emergency Services, local public health officials, and the applicable regional water quality control board are apprised of a spill that reaches a drainage channel or surface water.
6. Further, the burden of providing a notification as soon as possible is de minimis and will allow response agencies to take action as soon as possible to protect public health and safety and beneficial uses of the waters of the state.

IT IS HEREBY ORDERED THAT:

Pursuant to the authority delegated by Resolution No. 2002-0104 and Order No. 2006-0003-DWQ, the Monitoring and Reporting Requirements for Statewide General Waste Discharge Requirements for Sanitary Sewer Systems No. 2006-0003-DWQ is hereby amended as shown in Attachment A, with new text indicated by double-underline.

Dated: February 20, 2008



Dorothy Rice
Executive Director

ATTACHMENT A

STATE WATER RESOURCES CONTROL BOARD MONITORING AND REPORTING PROGRAM NO. 2006-0003-DWQ (AS REVISED BY ORDER NO. WQ 2008-0002-EXEC)

STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

This Monitoring and Reporting Program (MRP) establishes monitoring, record keeping, reporting and public notification requirements for Order No. 2006-2003-DWQ, "Statewide General Waste Discharge Requirements for Sanitary Sewer Systems." Revisions to this MRP may be made at any time by the Executive Director, and may include a reduction or increase in the monitoring and reporting.

NOTIFICATION

Although State and Regional Water Board staff do not have duties as first responders, this Monitoring and Reporting Program is an appropriate mechanism to ensure that the agencies that do have first responder duties are notified in a timely manner in order to protect public health and beneficial uses.

1. For any discharges of sewage that results in a discharge to a drainage channel or a surface water, the Discharger shall, as soon as possible, but not later than two (2) hours after becoming aware of the discharge, notify the State Office of Emergency Services, the local health officer or directors of environmental health with jurisdiction over affected water bodies, and the appropriate Regional Water Quality Control Board.
2. As soon as possible, but no later than twenty-four (24) hours after becoming aware of a discharge to a drainage channel or a surface water, the Discharger shall submit to the appropriate Regional Water Quality Control Board a certification that the State Office of Emergency Services and the local health officer or directors of environmental health with jurisdiction over the affected water bodies have been notified of the discharge.

A. SANITARY SEWER OVERFLOW REPORTING

SSO Categories

1. Category 1 - All discharges of sewage resulting from a failure in the Enrollee's sanitary sewer system that:
 - A. Equal or exceed 1000 gallons, or
 - B. Result in a discharge to a drainage channel and/or surface water; or
 - C. Discharge to a storm drainpipe that was not fully captured and returned to the sanitary sewer system.

2. **Category 2** – All other discharges of sewage resulting from a failure in the Enrollee's sanitary sewer system.
3. **Private Lateral Sewage Discharges** – Sewage discharges that are caused by blockages or other problems within a privately owned lateral.

SSO Reporting Timeframes

4. **Category 1 SSOs** – Except as provided above, all SSOs that meet the above criteria for Category 1 SSOs must be reported as soon as: (1) the Enrollee has knowledge of the discharge, (2) reporting is possible, and (3) reporting can be provided without substantially impeding cleanup or other emergency measures. Initial reporting of Category 1 SSOs must be reported to the Online SSO System as soon as possible but no later than 3 business days after the Enrollee is made aware of the SSO. Minimum information that must be contained in the 3-day report must include all information identified in section 9 below, except for item 9.K. A final certified report must be completed through the Online SSO System, within 15 calendar days of the conclusion of SSO response and remediation. Additional information may be added to the certified report, in the form of an attachment, at any time.

The above reporting requirements are in addition to do not preclude other emergency notification requirements and timeframes mandated by other regulatory agencies (local County Health Officers, local Director of Environmental Health, Regional Water Boards, or Office of Emergency Services (OES)) or State law.

5. **Category 2 SSOs** – All SSOs that meet the above criteria for Category 2 SSOs must be reported to the Online SSO Database within 30 days after the end of the calendar month in which the SSO occurs (e.g. all SSOs occurring in the month of January must be entered into the database by March 1st).
6. **Private Lateral Sewage Discharges** – All sewage discharges that meet the above criteria for Private Lateral sewage discharges may be reported to the Online SSO Database based upon the Enrollee's discretion. If a Private Lateral sewage discharge is recorded in the SSO Database, the Enrollee must identify the sewage discharge as occurring and caused by a private lateral, and a responsible party (other than the Enrollee) should be identified, if known.
7. If there are no SSOs during the calendar month, the Enrollee will provide, within 30 days after the end of each calendar month, a statement through the Online SSO Database certifying that there were no SSOs for the designated month.
8. In the event that the SSO Online Database is not available, the enrollee must fax all required information to the appropriate Regional Water Board office in

accordance with the time schedules identified above. In such event, the Enrollee must also enter all required information into the Online SSO Database as soon as practical.

Mandatory Information to be Included in SSO Online Reporting

All Enrollees must obtain SSO Database accounts and receive a "Username" and "Password" by registering through the California Integrated Water Quality System (CIWQS). These accounts will allow controlled and secure entry into the SSO Database. Additionally, within thirty (30) days of receiving an account and prior to recording SSOs into the SSO Database, all Enrollees must complete the "Collection System Questionnaire", which collects pertinent information regarding an Enrollee's collection system. The "Collection System Questionnaire" must be updated at least every 12 months.

At a minimum, the following mandatory information must be included prior to finalizing and certifying an SSO report for each category of SSO:

9. Category 2 SSOs:

- A. Location of SSO by entering GPS coordinates;
- B. Applicable Regional Water Board, i.e. identify the region in which the SSO occurred;
- C. County where SSO occurred;
- D. Whether or not the SSO entered a drainage channel and/or surface water;
- E. Whether or not the SSO was discharged to a storm drain pipe that was not fully captured and returned to the sanitary sewer system;
- F. Estimated SSO volume in gallons;
- G. SSO source (manhole, cleanout, etc.);
- H. SSO cause (mainline blockage, roots, etc.);
- I. Time of SSO notification or discovery;
- J. Estimated operator arrival time;
- K. SSO destination;
- L. Estimated SSO end time; and
- M. SSO Certification. Upon SSO Certification, the SSO Database will issue a Final SSO Identification (ID) Number.

10. Private Lateral Sewage Discharges:

- A. All information listed above (if applicable and known), as well as;
- B. Identification of sewage discharge as a private lateral sewage discharge; and
- C. Responsible party contact information (if known).

11. Category 1 SSOs:

- A. All information listed for Category 2 SSOs, as well as;
- B. Estimated SSO volume that reached surface water, drainage channel, or not recovered from a storm drain;
- C. Estimated SSO amount recovered;
- D. Response and corrective action taken;
- E. If samples were taken, identify which regulatory agencies received sample results (if applicable). If no samples were taken, NA must be selected.
- F. Parameters that samples were analyzed for (if applicable);
- G. Identification of whether or not health warnings were posted;
- H. Beaches impacted (if applicable). If no beach was impacted, NA must be selected;
- I. Whether or not there is an ongoing investigation;
- J. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
- K. OES control number (if applicable);
- L. Date OES was called (if applicable);
- M. Time OES was called (if applicable);
- N. Identification of whether or not County Health Officers were called;
- O. Date County Health Officer was called (if applicable); and
- P. Time County Health Officer was called (if applicable).

Reporting to Other Regulatory Agencies

These reporting requirements do not preclude an Enrollee from reporting SSOs to other regulatory agencies pursuant California state law. These reporting requirements do not replace other Regional Water Board telephone reporting requirements for SSOs.

1. The Enrollee shall report SSOs to OES, in accordance with California Water Code Section 13271.

Office of Emergency Services
Phone (800) 852-7550

2. The Enrollee shall report SSOs to County Health officials in accordance with California Health and Safety Code Section 5410 et seq.
3. The SSO database will automatically generate an e-mail notification with customized information about the SSO upon initial reporting of the SSO and final certification for all Category 1 SSOs. E-mails will be sent to the appropriate County Health Officer and/or Environmental Health Department if the county desires this information, and the appropriate Regional Water Board.

B. Record Keeping

1. Individual SSO records shall be maintained by the Enrollee for a minimum of five years from the date of the SSO. This period may be extended when requested by a Regional Water Board Executive Officer.
2. Omitted.
3. All records shall be made available for review upon State or Regional Water Board staff's request.
4. All monitoring instruments and devices that are used by the Enrollee to fulfill the prescribed monitoring and reporting program shall be properly maintained and calibrated as necessary to ensure their continued accuracy;
5. The Enrollee shall retain records of all SSOs, such as, but not limited to and when applicable:
 - a. Record of Certified report, as submitted to the online SSO database;
 - b. All original recordings for continuous monitoring instrumentation;
 - c. Service call records and complaint logs of calls received by the Enrollee;
 - d. SSO calls;
 - e. SSO records;
 - f. Steps that have been and will be taken to prevent the SSO from recurring and a schedule to implement those steps.
 - g. Work orders, work completed, and any other maintenance records from the previous 5 years which are associated with responses and investigations of system problems related to SSOs;
 - h. A list and description of complaints from customers or others from the previous 5 years; and
 - i. Documentation of performance and implementation measures for the previous 5 years.
6. If water quality samples are required by an environmental or health regulatory agency or State law, or if voluntary monitoring is conducted by the Enrollee or its agent(s), as a result of any SSO, records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical technique or method used; and,
 - f. The results of such analyses.

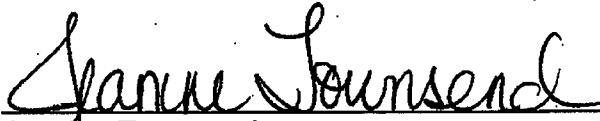
C. Certification

1. All final reports must be certified by an authorized person as required by Provision J of the Order.
2. Registration of authorized individuals, who may certify reports, will be in accordance with the CIWQS' protocols for reporting.

Monitoring and Reporting Program No. 2006-0003 will become effective on the date of adoption by the State Water Board. The notification requirements added by Order No. WQ 2008-0002-EXEC will become effective upon issuance by the Executive Director.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of an order amended by the Executive Director of the State Water Board.



Jeanne Townsend
Clerk to the Board