

California Regional Water Quality Control Board
San Diego Region
David Gibson, Executive Officer



Executive Officer's Report
November 10, 2010

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Part A – San Diego Region Staff Activities

1. No items to report in Part A this month.

Part B – Significant Regional Water Quality Issues

1. Enforcement Actions for October 2010

Staff Contact: Jeremy Haas

During the month of October 2010, the San Diego Water Board initiated 49 enforcement actions including 4 Complaints for Administrative Civil Liability, 1 revised Cleanup and Abatement Order, 1 Investigative Order, 1 Notice of Violation (NOV) with a Water Code section 13267 reporting requirement, 19 Notices of Noncompliance, 1 NOV, and 22 Staff Enforcement Letters.

A summary of recent regional enforcement actions is provided below. Additional information on violations, enforcement actions, and mandatory minimum penalties is available to the public from the following on-line sources:

State Water Board Office of Enforcement webpage at:

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

California Integrated Water Quality System (CIWQS)

http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml

State Water Board GeoTracker database:

<https://geotracker.waterboards.ca.gov/>

Administrative Civil Liability (ACL) Complaints

Lite Stone Concrete, El Cajon

ACL Complaint No. R9-2010-0127 was issued to Lite Stone Concrete, LLC on October 8, 2010 for \$3,766 for violations of the general industrial storm water permit, Order No. 97-03-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 Waste Discharge Requirements (WDRs) for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities*. The Complaint proposes \$1,300 in mandatory penalties pursuant to Water Code section 13399.33 for failing to submit the fiscal year (FY) 2008-2009 annual report and discretionary penalties of \$2,466 for failing to pay the FY 2009-2010 annual fees. A hearing is tentatively scheduled for December 14, 2010.

San Diego Truck Body and Equipment, Inc., Lemon Grove

ACL Complaint No. R9-2010-0129 was issued to San Diego Truck Body and Equipment, Inc. on October 7, 2010 for \$4,916 for violations of the general industrial storm water permit, Order No. 97-03-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 Waste Discharge Requirements (WDRs) for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities*. The Complaint proposes \$2,450 in

mandatory penalties pursuant to Water Code section 13399.33 for failing to submit the FY 2007-2008 and 2008-2009 annual reports and discretionary penalties of \$2,466 for failing to pay the FY 2007-2008 annual fees. A hearing is tentatively scheduled for December 14, 2010.

Sea World, Inc. San Diego

ACL Complaint No. R9-2010-0138 was issued to Sea World, Inc. on October 7, 2010 for \$6,000 in mandatory minimum penalties for two violations of enterococcus and ammonia effluent limitations in Order No. R9-2005-0091, *NPDES Permit No. CA0107336*. Water Code section 13385 requires the San Diego Water Board impose a \$3,000 mandatory minimum penalty for each violation. A public hearing is tentatively scheduled for December 14, 2010.

Fallbrook Public Utility District

ACL Complaint No. R9-2010-0140 was issued to Fallbrook Public Utility District on October 6, 2010 for \$3,000 in mandatory minimum penalties for one violation of settleable solids effluent limitations in Order No. R9-2006-0002, *NPDES Permit No. CA0108031*. Water Code section 13385 requires the San Diego Water Board impose a \$3,000 mandatory minimum penalty for each violation. A public hearing is tentatively scheduled for December 14, 2010.

Cleanup and Abatement Order (CAO)

Former Hebdon Electronics Site, Escondido

Revised CAO No. R9-2010-0007 was issued to multiple parties on October 26, 2010 for cleanup activities at the former Hebdon Electronics Site in Escondido. The CAO was originally issued by the Assistant Executive Officer on February 1, 2010. Two of the named responsible parties subsequently requested a hearing. The Executive Officer conducted a paper hearing and revised the CAO to (1) remove Consolidated Electrical Distributors, Inc. and Northbrook Properties, Inc. as responsible parties; and (2) deny a request from American Salvage, Inc. to be named as a secondarily responsible party.

Investigative Order (IO)

Rancho Santa Fe Fire Department

IO No. R9-2010-0114 was issued to the Rancho Santa Fe Fire Department on October 28, 2010 to investigate the potential human health risks from the pollution and nuisance created by an unauthorized discharge of waste constituents from former underground storage tanks. A human health risk assessment report is due by February 27, 2011.

Notice of Violation with Water Code Section 13267 Technical Report

City of San Diego, Development Services Department and Engineering and Capital Projects Department

NOV No. R9-2010-0135 was issued on October 1, 2010 to the City of San Diego for violations of Order No. R9-2007-0001, the municipal storm water permit, which were identified during a series of site inspections between January and September 2010. The cited violations include failure to implement post-construction storm water management requirements and failure to

reduce pollutants in storm water to the maximum extent practicable. Pursuant to Water Code section 13267 the City of San Diego is required to submit a technical report by December 1, 2010 that describes remedies to the identified deficiencies and other information regarding implementation of post-construction storm water treatment requirements of Order No. R9-2007-0001.

Notices of Noncompliance with Storm Water Enforcement Act of 1998

Second Notice of Failure to Submit Annual Report for Industrial Storm Water NPDES Permit
Notices of Noncompliance were sent to 19 enrollees of the statewide General Industrial Storm Water Permit Order No. 97-03-DWQ (Order) who failed to submit the 2009-2010 Annual Report. The Annual Reports were due by July 1, 2010 as required by Section B.14 of the Order. In accordance with Water Code section 13399.31, the first Notices of Noncompliance were sent in August 2010 to 65 dischargers. On October 6 and 7, 2010 the second Notices of Noncompliance were sent to the following 19 dischargers. If the report is not submitted within 30 days of the second Notice, then the violation will be subject to a mandatory penalty of at least \$1,000 plus staff costs pursuant to Water Code section 13399.33.

Facility Name	City
Agriscap	Murrieta
Agriscap Inc	Murrieta
Allways Recycling	San Diego
C E Wilson Corp	Spring Valley
California Stone Works	Santee
Dee Metals	San Diego
Eagle Auto Dismantling	Lakeside
Elgar Inc	San Diego
Erik Vogt	San Diego
Futura Fiberglass	National City
GMG Stone Inc	El Cajon
Imperial Auto Wrecking	San Diego
Lite Stone Concrete	El Cajon
Mar Con Products Inc	San Marcos
Modern Stairways	Spring Valley
Murrieta DC	Murrieta
Recycle San Diego	San Diego
Remec	San Diego
Sciarrino, Pete, European Natural Stone Co	Santee

Notice of Violation (NOV)European Natural Stone Co., Santee

NOV No. R9-2010-0141 was issued on October 11, 2010 to Mr. Pete Sciarrino, owner of European Natural Stone Co. for violations of Order No. 97-03-DWQ, the statewide general industrial storm water permit. The NOV was issued following a site inspection on October 6, 2010 that documented a failure to implement best management practices at the site. The NOV requests a written response by October 26, 2010 that confirms the violations have been corrected.

Staff Enforcement Letters (SEL)Eastern Municipal Water District, Temecula Valley Regional Water Reclamation Facility

An SEL was issued to the Eastern Municipal Water District on October 5, 2010 for one violation of the coliform bacteria effluent discharge specification in Order No. 2000-165 that occurred in April 2010.

Chatham Brothers Barrel Yard Site, Escondido

An SEL was issued on October 20, 2010 to De Maximus / Chatham Site PRP Group following review of a 5 Year Remedy Review Report for the Chatham Brothers Barrel Yard Site. The SEL identifies violations of Basin Plan discharge prohibitions from an unauthorized discharge of contaminated groundwater to surface water in Felicita Creek at concentrations above water quality objectives.

County of San Diego, Rancho del Campo Water Pollution Control Facility

An SEL was issued to the County of San Diego on October 19, 2010 for two violations of the 12-month average discharge specification for nitrate in Order No. 87-108 that occurred for the 12-month periods of April 2009 – March 2010 and July 2009 – June 2010.

County of San Diego, San Pasqual Academy

An SEL was issued to the County of San Diego on October 20, 2010 for one sampling violation of Order No. R9-2009-0072 that occurred in January 2010.

County of San Diego, Julian Water Pollution Control Facility

An SEL was issued to the County of San Diego on October 27, 2010 for three violations of the 12-month average discharge specification for chloride of Order No. 83-09 that occurred between April and June 2010 and one violation for failure to submit an annual water supply analysis.

County of San Diego, Pine Valley Sanitation District

An SEL was issued to the County of San Diego on October 27, 2010 for one violation of the 12-month average discharger specification for total dissolved solids (TDS) in Order No. 94-161 that occurred in June 2010.

Kkottongnae Inc., Kkottongnae Retreat Camp, Temecula

An SEL was issued to Kkottongnae Inc., on October 19, 2010 for two violations of nitrate discharge specifications and two reporting requirements within Order No. 93-43 that occurred between January and June 2010.

Lilac Enterprises, Hideaway Lake Mobile Home Estates, Valley Center

An SEL was issued to Lilac Enterprises on October 14, 2010 for one violation of the boron daily maximum discharge specification in Order No. 93-27 that occurred in January 2010.

United States Marine Corps Base Camp Pendleton, Recycled Water

An SEL was issued to the U.S. Marine Corps on October 13, 2010 for two violations of the manganese daily maximum discharge specification within Order No. R9-2009-0021 and for two spills of tertiary disinfected recycled water that violated prohibitions of the Order.

United States Marine Corps Base Camp Pendleton, Sewer Treatment Plant No. 11

An SEL was issued to the U.S. Marine Corps on October 28, 2010 for three violations of the 30-day average and daily maximum discharge specifications for biochemical oxygen demand in Order No. 97-13 that occurred in May 2010.

Caltrans, Descanso Maintenance Station

An SEL was issued to Caltrans on October 18, 2010 for one reporting violation and one violation of the 12-month average discharge specification for total dissolved solids (TDS) of Order No. R9-2006-0063 that occurred between January and June 2010.

Sierra Rey, LLC, Ortega Oaks RV Park and Campground, Lake Elsinore

An SEL was issued to Sierra Rey, LLC, on October 13, 2010 for eight reporting violations of Order No. 2001-140 at the Ortega Oaks RV Park and Campground identified in the 2009 annual monitoring report. The cited reporting violations include failure to report (1) effluent sampling results for TDS, pH, phenols, and total nitrogen; (2) groundwater analyses for phenols, total nitrogen and formaldehyde; and (3) potable water use consumption.

Indian Oaks Trailer Ranch, Temecula

An SEL was issued to Indian Oaks Trailer Ranch on October 13, 2010 for twelve reporting violations of Order No. 88-24 identified in the 2008 and 2009 annual monitoring reports. The cited violations include failure to report (1) supply water analyses in 2009 for TDS, chloride, sulfate, and nitrate; (2) monthly water consumption and monthly visitor days in 2008 and 2009; and (3) information on disposal of solids from the septic tanks in 2008 and 2009.

City of San Diego, Recycled Water Spill

An SEL was issued to the City of San Diego on October 12, 2010 in response to a reported spill of 1,408,000 gallons of recycled water that occurred in September 2010 near Black Mountain Road and Carmel Valley Road. The spill was in violation of Water Code section 13264. The SEL requests the City to submit a follow-up report identifying causes and responses to the spill.

City of San Diego, North City Water Reclamation Plant

An SEL was issued to the City of San Diego on October 27, 2010 for one violation of the 12-month average discharge specification for manganese in Order No. 97-03 that occurred in August 2010.

Rancho Santa Fe Community Services District, Santa Fe Valley Water Reclamation Plant

An SEL was issued to the Rancho Santa Fe Community Services District on October 12, 2010 for one violation of the total coliform instantaneous maximum discharge specification of Order No. R9-2002-0013 that occurred in May 2010.

All Seasons RV Park and Campground, Escondido

An SEL was issued to All Seasons RV Park and Campground on October 11, 2010 for three violations of the chloride and boron discharge specifications in Order No. 94-05 that occurred between July 2009 and June 2010.

Baily Vineyard & Winery, Inc., Temecula

An SEL was issued to Baily Vineyard & Winery, Inc. on October 11, 2010 for eight reporting violations of Order No. 2001-159 resulting from a failure to take a grab sample from a percolation pond between January and June 2010 and report results for TDS, chloride, percent sodium, sulfate, nitrate, potassium, boron, and pH.

Fallbrook Public Utility District, Treatment Plant No. 1

An SEL was issued to the Fallbrook Public Utility District on October 5, 2010 for one reporting violation and two violations of discharge specifications for total coliform and turbidity in Order No. 91-39 that occurred between June and July 2010.

Oak Tree Ranch, Inc., Wastewater Treatment and Disposal Facility, Ramona

An SEL was issued to Oak Tree Ranch, Inc. on October 27, 2010 for three reporting violations of Order No. R9-2007-0046. One violation resulted from the failure to identify operator staff in the January – March 2010 quarterly report. Two violations resulted from failure to submit the April – June 2010 quarterly report and the January – June 2010 semiannual monitoring report that were due on July 30, 2010.

Ramona Unified School District, Hanson Elementary School

An SEL was issued to the Ramona Unified School District on October 28, 2010 for 15 violations of the daily limit for nitrate as NO₃ in groundwater in Order No. R9-2004-0409 that occurred between April and September 2009.

Vallecitos Water District, Meadowlark Water Reclamation Plant

An SEL was issued to the Vallecitos Water District on October 26, 2010 for two violations of the minimum modal chlorine contact time operation specification in Order No. R9-2007-0018 that occurred in June 2010.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in September and October 2010 (Attachment B-2)

Staff Contact: Chiara Clemente

Section 401 of the Clean Water Act (CWA) requires that any person applying for a federal permit which may result in a discharge of pollutants into Waters of the United States obtain a water quality certification that the specific activity complies with all applicable state water quality standards, limitations, requirements, and restrictions. The most common federal permit that requires a 401 Certification is a CWA Section 404 permit, most often issued by the Army Corps of Engineers, for the placing of fill (sediment, rip rap, concrete, pipes, etc.) in Waters of the U.S. (i.e. Ocean, bays, lagoons, rivers and streams).

Upon receipt of a complete 401 Certification application, the San Diego Water Board may either certify the project or deny certification, with or without prejudice. In cases where there are impacts to Waters of the U.S., the San Diego Water Board may issue a conditional certification. The certification can be either in the form of a conditional certification document approved by the Executive Officer, or Waste Discharge Requirements (WDRs) adopted by the San Diego Water Board. In the case where a federal permit is not required because impacts have been determined to be only to Waters of the State, the San Diego Water Board may adopt WDRs. Table B-2 (attached) contains a list of actions taken during the months of September and October 2010. Certification amendments are included in these reports, starting with June 2008. Public notification of pending 401 Water Quality Certification applications can be found on the San Diego Water Board's web site at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/publicnotice8_4_08.pdf . Certifications issued since January 2008 can also be found on our web site at: http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/401projects.shtml .

3. Grants Update

Staff Contact: Laurie Walsh

Clean Water Act (CWA) 319(h) Nonpoint Source (NPS) 2011 Grant Program Guidelines

The California NPS Program is making approximately \$4.5 million of CWA Section 319 (h) grant funds available to support the restoration of waters impaired by NPS pollution. The State Water Resources Control Board (State Water Board), Division of Financial Assistance received 47 Concept Proposal (CP) Applications for the 2011 CWA 319(h) NPS Grant Program. Proposals will be selected through a competitive process and applications are now under review. Applicants whose CPs are selected will be notified in early November 2010 and will be required to submit full proposals. The grant amounts range between \$75,000-\$125,000 for planning/assessment projects and \$250,000-\$750,000 for implementation projects.

Integrated Regional Water Management Planning

The Integrated Regional Water Management Planning Act of 2002 (Act) amended the California Water Code (CWC), commencing with CWC Section 10530, to encourage local water management agencies in California to work cooperatively to manage local and imported water supplies to improve the quality, quantity and reliability of those supplies. To achieve this goal the Act encourages local water management agencies to prepare and adopt Integrated Regional Water Management (IRWM) Plans aimed at promoting integrated regional water management to ensure sustainable water uses, reliable water supplies, better water quality, environmental stewardship, efficient urban development, protection of agriculture, and a strong economy. A key element of the IRWM planning process is that local stakeholders in the IRWM planning region should develop specific objectives that reflect local conditions, priorities and opportunities for their own watershed; while addressing the water management strategies of the California Water Plan and the IRWM grant programs described below.

In November 2006, California voters passed Proposition 84, the Safe Drinking Water, Water Quality, and Supply, Flood Control, River and Coastal Protection Bond Act of 2006. Proposition 84 provides \$1 billion in grant funds for IRWM planning and implementation. At the same time, California voters also passed Proposition 1E, the Disaster Preparedness and Flood Prevention Bond Act of 2006, which provides, among other actions, \$300 million for storm water projects that reduce flood damage and are consistent with an IRWM plan. The Department of Water Resources (DWR) has recently released draft guidelines to begin the process of allocating Proposition 84 and 1E grant funds for IRWM planning and implementation efforts. Funding for Round 1 began in October 2010. Round 2 is expected to occur in 2011, with Round 3 to follow in 2013. Examples of projects that may be supported by these grants include water conservation programs, recycled water retrofits, infrastructure upgrades, pollution reduction activities, and habitat conservation and preservation. The Proposition 84 and 1E grant cycles will provide at least \$71 million to the San Diego Region over the next few years. This \$71 million will be split among three designated IRWM planning areas in the San Diego Region: San Diego, South Orange County, and Upper Santa Margarita.

Call for Projects

The San Diego IRWM Region is now accepting grant project proposals that contribute to their mission – “the protection, management, and development of reliable and sustainable water resources.” Stakeholders may submit water management projects using the San Diego IRWM online project database available at www.sdirwmp.org. The interactive database allows local project sponsors to log-in and add, revise, and submit their project information, as well as view all other submitted projects. Eligible projects must contribute to the IRWM Plan objectives and provide multiple water resource benefits. For more information, please contact [Rosalyn Stewart](mailto:Rosalyn.Stewart@rmcwater.com) (rstewart@rmcwater.com or 858-875-7400).

The South Orange County IRWM Group is now accepting projects. Stakeholders may submit water management projects using the online project information form (http://www.ocwatersheds.com/Documents/WMA_IRWM_ProjectForm.doc). For information visit http://www.ocwatersheds.com/wma_IRWM.aspx

The Upper Santa Margarita IRWM Group is now accepting projects. For information visit <https://www.ranchowater.com/irwmp.aspx> or contact Perry Louck at 951-296-6927.

Resources

Information resources on the IRWM grant program can be obtained at:

Department of Water Resources: <http://www.water.ca.gov/irwm/>

State Water Board: http://www.waterboards.ca.gov/water_issues/programs/grants_loans

California Water Plan and Updates: <http://www.waterplan.water.ca.gov/>

FloodSafe: <http://www.water.ca.gov/floodsafe/>

4. Status Report – Shipyard Sediment Site Cleanup and Abatement Order and Environmental Impact Report

Staff Contact: Julie Chan

This status report discusses progress made in October on the Shipyard Sediment Site cleaned up project. Now that a revised tentative Cleanup and Abatement Order (CAO) has been released to the public, the Cleanup Team's principal task is to produce a draft Environmental Impact Report (EIR) for the tentative CAO and release it for public review in March 2011. Although the Cleanup Team made progress on the EIR in October, the bulk of the team's workload involved producing the supplement to the administrative record to support the tentative CAO, and completing responses to discovery requests.

Environmental Impact Report

The EIR Working Group, comprised of the San Diego Water Board, NASSCO, BAE Systems, and the EIR Consultants (LSA Associates Inc. and Geosyntec), held meetings on October 7th and 14th. The Working Group continued to make progress on the project description, project objectives, and project alternatives.

The *Memorandum of Agreement for California Environmental Quality Act (CEQA) Compliance on San Diego Bay Shipyard Sediment Site* (MOA) was revised the first week of October as requested by NASSCO and LSA Associates Inc., and was signed by the San Diego Water Board, NASSCO, BAE Systems, and the EIR Consultants. The EIR Consultants and the Dischargers are finalizing a fixed price contract for the EIR which has briefly delayed the preparation of the EIR. If the contract is signed by mid-November as planned, the Cleanup Team does not expect the delay to change the tentative certification/adoption date of the EIR and tentative CAO scheduled for September 2011.

NASSCO reported to the EIR Working Group that it is in the process of preparing a draft Remedial Action Plan (RAP) for the Shipyard Sediment Site. Pending NASSCO's internal review of the RAP, it may be available to the EIR Working Group as early as this week. A San Diego Water Board team has been assembled to draft the tentative dredging WDRs and is waiting for the RAP in order to proceed.

BAE Systems Maintenance Dredging Project

In a related project, BAE Systems applied for a Clean Water Act Section 401 Certification for maintenance dredging of one of its dry docks. BAE would like to begin dredging by mid-December. About one third of the maintenance dredging footprint overlaps the sediment cleanup remedial footprint. In light of the overlap area, the San Diego Water Board is considering the need for additional 401 certification conditions to address the potential spread of contaminants, the possible exposure of PCB contaminants currently at depth, and monitoring needs.

Revised Tentative Clean Up and Abatement Order and Draft Technical Report

The Cleanup Team has almost completed supplementing the electronic administrative record for the tentative CAO with documents and records obtained by the San Diego Water Board since 2008. The supplement to the record will be made available to the designated parties on November 5, 2010 along with an underline/strikeout version of the Draft Technical Report as

ordered by Grant Destache, the new presiding officer for prehearing proceedings, in his Order dated October 27, 2010.

A link to the revised tentative CAO and Draft Technical Report can be found on the San Diego Water Board website at

http://www.waterboards.ca.gov/sandiego/water_issues/programs/shipyards_sediment/2005_0126_cut2.shtml

Discovery and Depositions

The Cleanup Team completed the first round of responses to interrogatories, requests for admissions, and requests to produce documents. These discovery requests were provided to the parties by the October 4, 2010 deadline. Because of the number of documents involved, one of the designated party's requests to produce documents is ongoing. The roughly 200 file folders of documents were assembled in the office Library and made available to the designated parties beginning on October 11th. The designated parties should finish the file review this week.

In his October 27 Order, Mr. Destache reopened the discovery period and established a new schedule for completing discovery. The Order requires all discovery be completed on or before March 11, 2011. The order also limits the scope of the discovery to the revisions made to the tentative CAO and Draft Technical Report from the December 2009 versions. The Cleanup Team still faces a significant workload to complete the required discovery and stay on schedule to produce the draft EIR for public review by March 2011.

5. The Emergency, Abandoned, Recalcitrant (EAR) Account Fiscal Year (FY) 2010-2011 Annual Site List

Staff Contact: Sue Pease

The Former Santa Ysabel Chevron Gas Station has been included on the Petroleum Underground Storage Tank 2010-2011 FY EAR Account Annual Site List (ASL) pursuant to State Water Board Resolution 2010-0029. This is the second year the Former Santa Ysabel Chevron Gas Station has been included in the ASL. This allows continuation of the groundwater cleanup to remove gasoline constituents from several private drinking water wells in a small rural community that does not have a public water supply system.

Each year Regional Water Boards nominate underground storage tank sites for inclusion into the ASL to receive EAR account funding to pay for the cleanup of sites that cannot be cleaned up by the responsible party. The sites can be an emergency cleanup, an abandoned site, or have a recalcitrant responsible party. The Former Santa Ysabel Chevron Gas Station is an emergency cleanup with a recalcitrant responsible party. Four private wells have detection of methyl tertiary butyl ether (MTBE), an oxygenate added to gasoline in the 1990's. The MTBE is removed by charcoal treatment, providing groundwater that is free of petroleum pollution.

The State Water Board adopted the Petroleum Underground Storage Tank 2010-2011 FY EAR Account ASL on July 6, 2010. The Former Santa Ysabel Chevron Gas Station is one of fifty-five sites that were approved to receive EAR Account funding, and the only site in Region 9. On May 12, 2010, the San Diego Water Board passed Resolution No. R9-2010-0063, which adopted

the Petroleum UST Cleanup Fund EAR Priority Site Nomination List for the San Diego Region. The Former Santa Ysabel Chevron Gas Station was the only site nominated for inclusion on the State Water Board EAR Account ASL.

6. South Bay Power Plant Status

Staff Contact: Brian Kelley

By letter dated October 15, 2010, California Independent System Operator Corporation (CAISO) informed Dynegy, Inc., operator of the South Bay Power Plant that the Reliability Must Run (RMR) status of power generating Units 1 and 2 at South Bay Power Plant will terminate on December 31, 2010. In making the decision to remove the RMR status for Units 1 and 2, CAISO cited new information about projected power demand in the San Diego area, showing that local power requirements are lower than the California Energy Commission (CEC) had previously projected in its 2009 forecasts. The CAISO confirmed this projection, on September 27, 2010, when the San Diego area experienced a record peak electrical energy demand of 4,684 megawatts. CAISO staff analyzed the weather conditions behind the September 27 peak load event in light of the lower CEC forecast. This analysis reinforced CAISO's confidence in the accuracy of the CEC's recent, lower power demand projections for the San Diego area and the decision to rescind the RMR status of the South Bay Power Plant units.

The removal of RMR status for power generating Units 1 and 2 was that last remaining hurdle to free the plant for complete shut down after December 31, 2010. Within a few days subsequent to CAISO's letter, Dynegy officially withdrew its application for renewal of the National Pollutant Discharge Elimination System (NPDES) Permit and requested that the State Water Resources Control Board NPDES permit reissuance hearing currently scheduled for November 17, 2010 be canceled.

In accordance with the current NPDES Permit, San Diego Water Board Order No. R9-2004-0154, waste discharges from the South Bay Power Plant Units 1 and 2 will terminate no later than December 31, 2010. The San Diego Water Board will continue to work with Dynegy and the Port of San Diego regarding the decommissioning and demolition of the South Bay Power Plant in accordance with Dynegy's lease agreement with the Port of San Diego.

7. Drought and Water Conservation Update

Staff Contact: Robert Pierce

California is in a multi-year drought despite the year's improvements to the statewide water supply. As of September 30th, the end of Water Year 2010, statewide hydrologic conditions were slightly above average. While key state reservoirs were at 102 percent of average storage for the date, they are only at 59 percent of capacity as the Department of Water Resources maintains that "dry" conditions persist in the state. The long-range forecast is for slightly above average rainfall in the winter followed by slightly below average rainfall in the spring and summer. Current and historical data are compared below:

Percent of Average Precipitation/Storage

	Oct 1, 2006- Sep 30, 2007	Oct 1, 2007- Sep 30, 2008	Oct 1, 2008- Sep 30, 2009	Oct 1, 2009- Sep 30, 2010
Statewide Precipitation	65%	78%	82%	105%
San Diego Area Precipitation	39%	73%	83%	114%
Key State Reservoirs' Storage	78%	57%	69%	102%

Pumping restrictions in the Sacramento-San Joaquin Bay Delta have reduced the water available to southern California. Governmental, water, and environmental agencies are working to create a plan to manage the Delta to meet domestic, agricultural, and environmental demands. Drier than normal conditions in the Colorado River Basin this year further reduced the supply available to southern California. The ongoing drought in the Colorado River Basin has caused water levels in Lake Mead to drop 133 feet, to the lowest level since the reservoir filled 73 years ago. (<http://www.azcentral.com/arizonarepublic/news/articles/2010/11/01/20101101lake-mead-water-level-down.html>). The Department of Water Resources expects these low water supply conditions to last for several years, making water conservation and developing new sources integral parts of meeting demand. For more information on California's drought and water conservation, see <http://www.water.ca.gov/drought/>.

The San Diego County Water Authority (which includes the City of San Diego) reports that total water use in its service area continues to show year over year reductions each month. Many San Diego County water agencies continue to impose level 2 water restrictions, such as mandatory limits on watering days and times, while several agencies recently removed all water use restrictions. For more information on the member agency drought ordinances and restrictions, see http://www.sdcwa.org/manage/droughtordinance_agencies.phtml.

8. Basin Plan Triennial Review

Staff Contact: Deborah Woodward

On November 1, 2010, the San Diego Water Board announced the members of the newly-formed Triennial Review Advisory Committee (TRAC). The TRAC is comprised of 37 stakeholder representatives from local, state, and federal agencies, and tribal and non-governmental organizations. The TRAC was formed to enhance stakeholder participation in the Basin Plan triennial review. Membership was determined through San Diego Water Board invitation and self-nomination of interested individuals. The list of TRAC members is available at: http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/tri_review.shtml.

Starting in early December, the TRAC will convene several times over a period of about ten weeks to help develop a "short list" of basin planning issues that are of highest priority to work on over the next three years. The public will have an opportunity to comment on a draft short list of priority issues and, in spring 2011, the San Diego Water Board will conduct a formal public hearing and consider adoption of a tentative resolution containing a short list of priority issues.

Updates and notices about the Basin Plan triennial review are sent to those who subscribe to the "Basin Plan Issues" electronic mailing list at:

http://www.waterboards.ca.gov/resources/email_subscriptions/reg9_subscribe.shtml.

9. East Basin of Harbor Island Sediment Quality Objective Sampling

Staff Contact: Barry S. Pulver

The first sediment sampling in Region 9 conducted in accordance with the recently adopted *Water Quality Control Plan for Bays and Estuaries, Part 1 Sediment Quality Objectives* (Bays and Estuaries Plan) will take place in the East Basin of Harbor Island in San Diego Bay. Prior to adoption of the Bays and Estuaries Plan, numerous sediment samples had been collected and analyzed for sediment chemistry by the San Diego Unified Port District, Lockheed Martin Corporation, and General Dynamics (collectively referred to as the potentially responsible parties or PRPs). The purpose of that sampling was to assess the extent of the discharge of metals and polychlorinated biphenyls (PCBs) in sediment in the East Basin. The PRPs, however, voluntarily chose to conduct additional sampling activities following the implementation procedures prescribed in the Bays and Estuaries Plan and in the "Sediment Quality Assessment Draft Technical Support Manual" prepared by the Southern California Coastal Water Research Project. San Diego Water Board staff time to review the workplan for the proposed sediment sampling was greatly reduced because the PRPs followed the implementation procedures and support manual.

The East Basin is located adjacent to Harbor Island. The eastern two thirds of the East Basin is used as a marina. Samples collected from the sediment in the western portion of the east basin adjacent to the former Tow Basin Facility contain concentrations of PCBs ranging from 0.04 to 1.485 milligrams per kilogram. PCBs from various building materials were likely discharged into the East Basin via several storm drains. The buildings have been removed thus eliminating future discharges of PCBs from the former Tow Basin Facility into the East Basin.

The Bays and Estuaries Plan focuses on chemical contaminants in bays and estuaries and contains two narrative sediment quality objectives: one for the protection of aquatic life due to the direct effects of exposure to sediment contaminants; and one for the protection of human health from indirect effects through the consumption of seafood. To implement the Direct Effects or Benthic Community SQO, the Bays and Estuaries Plan specifies a series of required analyses and a data interpretation framework based on the integration of three multiple lines of evidence (MLOE): 1) sediment chemistry; 2) sediment toxicity; and 3) benthic community assessment. The sampling requirements, laboratory testing, and data analysis to develop the MLOE are quite extensive. Laboratory test results should be available in approximately two

months. A summary report is expected in spring 2011. The Indirect Effects or Human Health SQO is implemented through human health risk assessments.

10. Lake San Marcos Update

Staff Contact: David Gibson

Background

As previously reported, Lake San Marcos and San Marcos Creek are listed as impaired on the 2008 303(d) list of impaired water body segments. Lake San Marcos is listed as impaired due to ammonia as nitrogen, phosphorous, and nutrients. San Marcos Creek is listed as impaired due to phosphorous, DDE, toxicity, sediment toxicity, and selenium. The Lake has been subject to periodic algal blooms, confirmed presence of cyanobacteria toxins, and occasional fish kills, likely due to the confirmed presence of excessive nutrients in the water. Residents living near the Lake have reported nuisance algae and odor conditions to the San Diego Water Board for many years. Furthermore, there are many and varied potential contributors, making it difficult to identify sources and abate these pollutants.

Lake San Marcos was created by the construction of the dam in 1953 across a gorge formed by San Marcos Creek. The impoundment was originally used for agricultural irrigation, but the area was later developed, and the water rights appropriation was transferred to the Citizen's Development Corporation (CDC) for the current irrigation of its lakeside golf course. The Lake is still subject to agricultural discharges from surrounding groves, but the majority of the Lake watershed now consists of commercial and residential land uses.

In April 2009, the San Diego Water Board invited all known interested parties to meet and discuss a collaborative effort to identify and abate nutrient sources to the Lake. Participating stakeholders included the CDC, the Cities of San Marcos and Escondido, the County of San Diego, and the Vallecitos Water District, which is responsible for the sewage collection system in the Lake watershed. Additional participants included the Lake San Marcos Community Association, the Lake San Marcos Remediation Group, and Coast Law Group. Since that time, there have been multiple meetings, and participation has extended to include Caltrans and some of the Phase II Municipal Separate Storm Sewer System (MS4) designees.

Throughout 2010, the San Diego Water Board has been focused on supporting and leading diagnostic work to identify sources of nutrients in the watershed and to understand in-lake processes. Options identified for improving water quality in San Marcos Creek and Lake San Marcos include source control, lake management techniques, and restoration. In July 2010, the San Diego Water Board approved a request for \$969,576 from the Clean Up and Abatement Account for the Lake San Marcos Nutrient Diagnostic and Cleanup Planning Study. The State Water Board Division of Financial Assistance, however, raised several issues with regard to the request. In addition, in August 2010, the Lake Owner and Water Rights Licensee, CDC, filed for Chapter 11 Bankruptcy, limiting its ability to participate in a collaborative stakeholder approach and the San Diego Water Board's regulatory options with CDC.

In light of those issues and an opportunity to request funds from the Proposition 84 Integrated Regional Water Management Program, I requested that State Water Board delay action on the San Diego Water Board request for the Study funds to give the San Diego Water Board and the stakeholders time to revise the stakeholder strategy for addressing the water quality impairment of the Creek and Lake. A revised and more targeted request for funding from the Clean up and Abatement Account will be made.

Work completed thus far has occurred within a consensual and collaborative framework and was not the result of a Board directed enforcement order. A more comprehensive strategy, however, is now called for to meaningfully address this condition of impairment.

Status and Regulatory Options

I am currently considering several courses of action to address water quality impairments of San Marcos Creek and Lake San Marcos.

Participation Agreement

To date, the City of San Marcos and other parties contributed significant resources to a preliminary assessment of the nutrient impairments of the creek and lake and to developing a Participation Agreement that stipulates the process, roles, and cost-sharing mechanism for future work. Participating in the Agreement by signing an Addendum with special provisions for the Regional Board is one of the options I am considering and may be the subject of an Agenda Item at a future San Diego Water Board Meeting. Not all of the stakeholders, however, agree that the Participation Agreement is the correct approach or instrument for working collaboratively to address the nutrient impairment of the Creek and Lake. It nonetheless remains my preferred approach given the substantial interest by several of the stakeholders, the extensive investment in this approach to date in lieu of expensive adversarial or top down approaches, and the potential to apply this approach to other watersheds in the San Diego Region.

The Participation Agreement and the technical approach of the Study offer an opportunity to develop a strategy that could be replicated in other watersheds. The approach may prove more effective than addressing these and similar water quality impairments in other watersheds in the Carlsbad Hydrologic Unit in particular, and the region as a whole, in a piecemeal manner. The Participation Agreement approach could be an important component of the watershed approach of a regional MS4 NPDES Permit for addressing exceedences of water quality objectives and Clean Water Act section 303(d) Listed Impaired Water Bodies. Accordingly, I will endeavor to solicit additional support for the Participation Agreement and may consider a combination of participation approaches if key stakeholders (i.e. County of San Diego and City of Escondido) remain disinclined to sign the Agreement. Nonetheless, efforts to identify and abate sources of the impairments and improve conditions must proceed apace even if some stakeholders choose not to participate in the Agreement. Accordingly and for additional reasons, I am considering other options for addressing water quality in the upper San Marcos Creek watershed.

CDC Bankruptcy and Water Rights

As mentioned above, CDC, the owner of the Lake and the holder of the Water Rights License filed for bankruptcy under Chapter 11. Under Chapter 11 Bankruptcy, CDC is severely constrained and precluded from participating in a collaborative stakeholder approach to

addressing water quality in Lake San Marcos. It is my intent to request assistance from the State Attorney General to bring a motion forward to the Court to allow the San Diego Water Board to exercise its regulatory authority with regard to CDC and Lake San Marcos. If the Court approves the motion, it is my intent to issue an enforcement Order to CDC regarding its operation of the Lake, the Executive Golf Course, and its other activities that may affect water quality in the lake. The Order would require CDC to conduct specific water quality monitoring and reporting for Lake San Marcos, and to identify and implement clean up or other management options for the eutrophic condition of the reservoir. In addition, I am requesting assistance from the State Water Board Division of Water Rights to re-open CDC's Water Rights License to impound and use water from San Marcos Creek and Lake in order to identify water quality protection, restoration, and reservoir management measures that may be required from CDC and future license holders to address the eutrophic condition of the Lake.

Addressing Homeowner and Agriculture Nutrient Sources to Lake San Marcos

There are approximately 2,600 property owners immediately surrounding Lake San Marcos within the jurisdiction of the County of San Diego. The majority of these properties are private residences, but some properties include commercial or agricultural land uses. I intend to work with the County of San Diego, as the lead agency in this part of the unincorporated County, to identify and abate sources of nutrients from these properties that cause or contribute to the condition of impairment in Lake San Marcos rather than attempt to address these issues with all 2,600 property owners individually. This approach follows that used for the Rainbow Creek Nutrients TMDL adopted by the San Diego Water Board in 2005.

TMDL

I am directing staff to request funding beginning in FY 11-12 for TMDL monitoring, assessment, modeling, stakeholder coordination, and preparation of a Technical TMDL for nutrients in the upper San Marcos Creek watershed with a target completion date of June 2013. Alternatively, as discussed below, a region-wide or multiple watershed TMDL approach for nutrient impairment in the watersheds may be pursued.

Investigative Orders

The condition of impairment in San Marcos Creek and Lake San Marcos are also present in neighboring watersheds in the Carlsbad Hydrologic Unit and other watersheds in the Region. Moreover, the San Diego Water Board is preparing nutrient TMDLs for several lagoons in the Carlsbad Hydrologic Unit using data acquired via an Investigative Order issued to the MS4 Copermittees in 2005. Although a targeted approach in the upper San Marcos Creek watershed centered on Lake San Marcos as a template for future efforts is my preferred option, requiring monitoring, assessment, and modeling of nutrients for the entire Carlsbad Hydrologic Unit and other watersheds through Investigative Orders issued under Porter Cologne sections 13225 or 13267 and developing several watershed scale nutrient TMDLs, or a region-wide TMDL, are also useful options to address the many water bodies listed as impaired on the 303(d) list. This approach would support and carry up the watersheds the efforts to address water quality impairment of coastal waters and ensure that the required TMDLs are timely, are not developed piecemeal, and allow economies of scale to be realized.

Clean Up and Abatement Account Request

It is my intent to work with the stakeholders to revise the Study and request funds again from the Clean Up and Abatement Account for a more narrowly focused diagnostic assessment of the sources of nutrients. The revised request will be coordinated with monitoring, assessment and clean up required of CDC as indicated above, diagnostic work currently underway (and that may be required in enforcement orders), and the planned development of a TMDL by the San Diego Water Board. I intent to re-submit a focused Clean Up and Abatement Account request in early 2011.

Conclusion

I will be implementing these and other steps in the next few months to address the condition of impairment in the upper San Marcos Creek Watershed in particular and the Carlsbad Hydrologic Unit in general. Instruments like the draft Participation Agreement developed by the City of San Marcos can be a useful approach that should be tried in this instance given the specific hydrologic, legal, and jurisdictional issues present in this watershed. Following on the TMDL's and other work being done on the coast to address water quality impairment, the San Diego Water Board will carry efforts like this one up the watersheds during the next two years. This will be an important component of a region-wide MS4 NPDES Permit and is a critical step to restoring and maintaining the chemical, physical, and biological integrity of the waters as mandated by the Clean Water Act.

Part C – Statewide Issues of Importance to the San Diego Region

1. No items to report in Part C this month.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

Significant NPDES Permits,
WDRs, and Actions of the
San Diego Water Board

November 10, 2010

APPENDED TO EXECUTIVE OFFICER'S REPORT

DATE OF REPORT
November 2, 2010

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

Action Agenda Item	Action Type	Draft Complete	Public Review & Comment	Consent Item
December 14, 2010 Regional Board Meeting San Diego Water Board Office				
Resolution of Appreciation for former Board Chair David King <i>(Dave Gibson)</i>	Tentative Resolution	NA	NA	Yes
Informational Item on the Cleanup of the A8 Anchorage using CAA funds <i>(Eric Becker)</i>	Information Item	NA	NA	NA
City of Oceanside Ocean Outfall <i>(J. Cofrancesco)</i>	NPDES Permit Reissuance	85%	0%	No
Negative Declaration for Waiver for Alternative On-site Wastewater Treatment Systems in Riverside County (Fisayo Osibodu)	Neg. Dec. Adoption	100%	0%	No
Waiver for Alternative On-site Wastewater Treatment Systems in Riverside County <i>(Fisayo Osibodu)</i>	New Waiver Issuance	100%	0%	No
Former Teledyne Ryan Facility <i>(Tom Alo)</i>	CAO Addendum	90%	0%	No
Poseidon Mitigation Site Approval <i>(Eric Becker & Chiara Clemente)</i>	Tentative Resolution	0%	0%	No
Fallbrook Public Utility District, Mandatory Minimum Penalty, for violations of Order No. R9-2006-0002 <i>(Frank Melbourne)</i>	Administrative Civil Liability	75%	15%	yes
Russo Tile and Marble, Inc., Mandatory Administrative Civil Liability, for violations of Order No. 97-03-DWQ. <i>(Ryan Anson)</i>	Administrative Civil Liability	75%	20%	no
San Diego Truck Body and Equipment, Inc., Administrative Civil Liability, for violations of Order No. 97-03-DWQ. <i>(Ryan Anson)</i>	Administrative Civil Liability	75%	20%	no
Sea World, Mandatory Minimum Penalty, for violations of Order No. R9-2005-0091 <i>(Rebecca Stewart)</i>	Administrative Civil Liability	100%	85%	yes
Lite Stone Concrete, Inc., Administrative Civil Liability, for violations of Order No. 97-03-DWQ. <i>(Ryan Anson)</i>	Administrative Civil Liability	75%	20%	no
January 2011 No Meeting Scheduled				
February 9, 2011 Regional Board Meeting San Diego Water Board Office				
US Navy--Naval Base San Diego (including Graving Dock) - San Diego Bay <i>(Kristin Schwall)</i>	NPDES Permit Reissuance	80%	0%	maybe
Proposed Gregory Canyon Landfill - Fill Permit <i>(Chiara Clemente)</i>	401 Certification and WDRs	50%	0%	No
Proposed Gregory Canyon Landfill - Landfill Permit <i>(Carol Tamaki & Bob Morris)</i>	Hearing: New WDRs	100%	95%	No
Use of Expedited Payment Letters by the Regional Board <i>(Haas & Hagan)</i>	Informational Item	NA	NA	NA
Waste Discharge Requirements for Wineries in the San Diego Region <i>(Grove)</i>	Informational Item	NA	NA	NA

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF SEPTEMBER 1, 2010 THROUGH OCTOBER 31, 2010**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
9/1/2010	North County Transit Districts	San Elijo Bridge (240.4)	The North County Transit District (NCTD) proposes surveying activities to assess impacts on the trestle bridge timber pilings. Also, NCTD proposes wrapping and bracing each pile to repair and prevent further damage to the pilings. These activities will also improve public safety.	San Elijo Lagoon San Elijo HSA (904.61)	No significant impacts.	No significant impacts to water are anticipated therefore no mitigation is required.	10C-074 State Pre-certified Nationwide Permit #6
9/2/2010	Three G Development	San Clemente TTM 16480	The Project will construct 9 residential home lots, as well as widen the existing paved sections of Via Soccoro and Camino San Clemente Road in San Clemente, Orange County. The development will occur on a vacant lot at the intersection of Via Soccoro and Camino San Clemente Road. The Project requires the modification and expansion of an existing on-site culvert and headwall to accommodate the required road widening.	An unnamed coastal stream tributary to an existing site on the Marblehead Development San Clemente HA (901.30)	(P) 0.003 acre (28 linear feet) wetland	On-site: Creation of 0.06 acre (526 linear feet) of wetland waters of the U.S. and 0.14 acres (526 linear feet) of transitional wetland/riparian waters of the U.S.	09C-083 Technically-conditioned Certification Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
9/3/2010	County of San Diego	Calavo Drive Drainage Improvement Project	The proposed project is to improve the drainage facility along Calavo Drive between Rancho Road and Luisa Drive in the Mount Helix area in San Diego County, by replacement of the existing 60	Jamacha HSA (909.21)	(P) 0.002 acre wetland and 0.006 acre non-wetland waters.	Off-site: Restoration of 0.016 acre at the County of San Diego's Sweetwater Mitigation Area	10C-024 Order for Low Impact Certification Enrollment in SWRCB GWDR Order No.

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF SEPTEMBER 1, 2010 THROUGH OCTOBER 31, 2010**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
			inch corrugated metal pipe with a 10-foot by 7-foot reinforced concrete box culvert and associated head and wing walls, concrete aprons, cutoff walls, and energy dissipaters at the inlet and outlet.		(T) 0.002 acre wetland and 0.007 acre non-wetland waters.	On-site: Revegetation of project site for temporary impacts at a 1:1 ratio.	2003-017 DWQ
9/8/2010	City of San Diego	Routine Maintenance of Storm Water Facilities, Maps 6 and 6a, Sorrento Valley	The proposed project is the periodic removal of sediment, hydrophytic vegetation, trash, and debris from two concrete-lined storm water channels in Sorrento Valley. These man-made channels drain the industrial business areas along Sorrento Valley Road, side streets, and a section of Interstate 5.	Unnamed constructed channels tributary to Sorrento Creek and Los Penasquitos Lagoon Miramar HA (906.10)	(T) 0.06 acre (624 linear feet) of wetland	On-site: The loss of pollution assimilation functions will be mitigated by the retrofitting of three, existing storm drain inlets with Curb Inlet Filters along a 1,300-foot long section of Sorrento Valley Road.	10C-052 Order for Low Impact Certification Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
9/22/2010	City of San Diego	Tijuana River Valley Emergency Channel Maintenance	Amendment to the original certification to extend maintenance activities until April 15, 2010, increase impacts, and increase mitigation ratio and requirements.	Tijuana River San Ysidro HSA (911.11)	Amended Total Impacts: (P) 3.54 acres comprised of 0.08 acre (200 linear feet) of vegetated waters of the U.S., and 3.46 acres (8,100 linear feet) of unvegetated waters of the U.S.	Amended Mitigation: Must be achieved at a 2:1 ratio with the removal of exotic invasive species within the 3.54 acres project and on 3.54 acres adjacent to the project footprint.	09C-077 Amendment to Technically Conditioned Certification

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF SEPTEMBER 1, 2010 THROUGH OCTOBER 31, 2010**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
					Dredge volume: 15,000 cubic yards of sediment will be removed from the channel annually.		
9/22/2010	Carlsbad Unified School District	Carlsbad High School at College Boulevard and Cannon Project	The Carlsbad Unified School District proposes the High School at College Boulevard and Cannon Road, which consists of the construction and operation of a new high school with approximately 140,000 square feet, including classroom buildings that contain a library, administration offices, and food services facilities, a fine arts center, a gymnasium, a press box, San Diego Gas & Electric building, parking lot, and sports fields.	Tributaries to Calavara Creek which are tributary to Agua Hedionda Creek and Agua Hedionda Lagoon. Los Monos HSA (904.31)	(P) 0.07 acre (39 linear feet) streambed within an unnamed tributary to Calavera creek; 0.10 (89 linear feet) mulefat within an unnamed tributary to Calavera Creek; and 0.02 acre (489 linear feet) ephemeral streambed within an unnamed tributary to Calavera Creek. 257 cubic yards of fill will be placed in waters of the U.S.	Off-site: Mitigation at a 1:1 ratio has been achieved by the purchase of 0.19 acre Wetland Creation/Restoration credits from the North County Habitat Bank.	09C-068 Technically-conditioned Certification Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF SEPTEMBER 1, 2010 THROUGH OCTOBER 31, 2010**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
9/23/2010	San Diego Gas and Electric (SDG&E)	ETS 20045 - Calavera Enhancement Project - TL 13802 Replacement of Two-pole Structure 311579	The deteriorating wood poles of two-pole structure Z311579 will be replaced and new pole top hardware, cross arm, conductor and insulators will then be installed.	Agua Hedionda Creek	No significant impacts.	No significant impacts to water are anticipated therefore no mitigation is required.	10C-060 Certified by Default
10/5/2010	Santa Margarita Water District	Plano Foremain Protection and Emergency Berm Restoration	The project will install protective rock materials between and downstream of two adjacent pipeline crossings within Tijeras Creek, as well as restore a downstream site that was bermed due to a sewage spill into Tijeras Creek. The berm restoration will also involve upstream bio-engineering bank stabilization.	Tijeras Creek Middle Trabuco HSA (901.23)	(P) 0.039 acre (75 linear feet) of streambed. (T) 0.24 acre (195 linear feet) of streambed.	On-site: Restoration of 0.06 acres of vegetated waters of the U.S. via bio-engineering at the emergency berm site. Enhancement of 0.398 acre downstream of the berm site. Restoration of temporary impacts associated with the berm construction to pre-project conditions.	10C-069 Technically-conditioned Certification Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
10/14/2010	City of San Diego, Storm Water Department	Storm Water Facility Map 134	The City of San Diego is proposing to maintain a concrete lined streambed of an unnamed tributary to the Otay River through periodic removal of trash, debris, hydrophytic vegetation, and accumulated sediments for the purpose of flood control protection.	Unnamed tributary to the Otay River	(T) 0.12 acre (603 linear feet) of recurring wetland impacts.	On-site: The loss of pollution assimilation functions will be mitigated by retrofitting an existing storm drain with a curb inlet filter along Palm Avenue located just east of Thermal Avenue which receives storm water runoff from the surrounding	10C-059 Technically-conditioned Certification Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF SEPTEMBER 1, 2010 THROUGH OCTOBER 31, 2010**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
						neighborhood.	
10/15/2010	Marine Corps Base Camp Pendleton	P-614 SOTG Battle Course 41 Area at MCB Camp Pendleton	The project would construct a tactical automated reaction range/urban sniper range and related facilities. It includes control room/observation tower, sniper house with multiple fire positions, moving infantry and stationary target emplacements, and other related facilities.	Unnamed tributaries to Aliso Canyon Creek	(P) 0.66 acre of non-wetland waters of the U.S.	Off-site: Restoration of 1.32 acres of wetlands.	09C-065 Certified by Default
10/27/2010	BAE Systems San Diego Ship Repair	Pier 3 Fender Pile Backing Project	Amendment to the certification to install 18 (instead of 16) fender piles at 9 (instead of 8) locations on Pier 3 to support 9 (instead of 8) steel backing plates and fender cushions on Pier 3 at the BAE Systems ship repair facility in San Diego Bay, San Diego, CA.	San Diego Bay	No significant increase in impacts.	No changes in mitigation.	08C-097 Amendment to Low Impact Certification

1. Wetland refers to vegetated waters of the U.S. and streambed refers to unvegetated waters of the U.S. (P) = permanent impacts. (T) = temporary impacts.
2. Low impact certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS FOR THE PERIOD OF SEPTEMBER 1, 2010 THROUGH OCTOBER 31, 2010

issued when the project will adversely impact water quality and suitable mitigation measures are not proposed or possible. Certified by default refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines. Withdrawn refers to projects that the applicant or Regional Board have withdrawn due to procedural problems that have not been corrected within one year.

Number of Projects Received Between September 1, 2010 and September 30, 2010: 11

Number of Amendment Requests Received Between September 1, 2010 and September 30, 2010: 1

Number of Projects Received Between October 1, 2010 and October 31, 2010: 7

Number of Amendment Requests Received Between October 1, 2010 and October 31, 2010: 0

Number of Projects Received Between September 1, 2010 and October 31, 2010: 18

Number of Certifications Issued Between September 1, 2010 and October 31, 2010: 7

Number of Amendments Issued Between September 1, 2010 and October 31, 2010: 2

Number of Projects Withdrawn Between September 1, 2010 and October 31, 2010: 0

Number of Projects Certified by Default Between September 1, 2010 and October 31, 2010: 2

Number of Projects Denied Between September 1, 2010 and October 31, 2010: 0

Number of Projects Received Between January 1, 2009 and October 31, 2010: 78

Number of Certifications Issued Between January 1, 2009 and October 31, 2010: 31

Number of Projects Withdrawn Between January 1, 2009 and October 31, 2010: 0

Number of Projects Certified by Default Between January 1, 2009 and October 31, 2010: 6

Number of Projects Denied Between January 1, 2009 and October 31, 2010: 2