

**California Regional Water Quality Control Board
San Diego Region**

David Gibson, Executive Officer



**Executive Officer's Report
May 11, 2011**

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Part A – San Diego Region Staff Activities

1. Agricultural Waiver Update

Staff Contact: Barry S Pulver, Jeremy Hass, Cynthia Gorham

Barry Pulver, Engineering Geologist has assumed the role as project manager for Conditional Waiver No. 4 – Discharges from Agricultural and Nursery Operations (Ag Waiver). The sudden departure of the former manager caused a brief, but significant delay in the San Diego Water Board's efforts to maintain the implementation of the Ag Waiver. Mr. Pulver's transfer to this position resumes the San Diego Water Board's proactive work on the Ag Waiver.

The Ag Waiver is one of eleven conditionally waived waste discharge categories in the San Diego Region. Conditional waivers allow dischargers to enroll under a waiver rather than filing a Report of Waste Discharge to obtain a permit (i.e., Waste Discharge Requirements). By enrolling in the waiver, dischargers certify that they are employing best management practices (BMPs) to reduce or eliminate discharges of agricultural waste which typically include fertilizers (nitrogen, phosphorus), pesticides, salts (total dissolved solids, chlorides), and sediment. Other major requirements of the Ag Waiver include:

- Enrollment in the waiver by January 1, 2011.
- Submittal of a plan to perform water quality monitoring by January 1, 2012.
- Submittal of a monitoring report by December 31, 2012.

The San Diego Water Board will resume meetings with representatives of the Monitoring Groups in early May 2011 to assist them with development of their monitoring plans.

In late June 2011, the San Diego Water Board will issue warning letters to approximately 4,000 property owners of irrigated agricultural parcels who did not submit a Notice of Intent (NOI) for the Ag Waiver, or did not enroll with an established Monitoring Group by the January 1, 2011 deadline. The purpose of the letter is to obtain information needed to determine whether or not these growers qualify as commercial growers as defined in the Ag Waiver, and to inform them of the requirement to enroll if they do qualify. These letters will also request that commercial growers notify the San Diego Water Board of the following: they are/ are not required to enroll, and that they intend on submitting an individual NOI, join an existing Monitoring Group, or create a new monitoring group. A plan is being developed to ensure that the San Diego Water Board has sufficient resources to issue the letters and provide a timely response to questions and concerns raised by property owners who receive these letters.

2. 2011 Water Board Enforcement Staff Training

Staff Contact: Jeremy Haas

On April 26-28, 2011, the State Water Board Office of Enforcement (OE) conducted training for approximately 130 Regional Water Board and State Water Board enforcement staff. Assistant Executive Officer James Smith and the Compliance Assurance Unit (Frank Melbourn, Rebecca Stewart, Christopher Means, and Jeremy Haas) attended from the San Diego Water Board. The OE Director, Reed Sato, and OE attorneys conducted the majority of the training, including topic sessions on Case Preparation, Fraud Detection, Privilege and Confidentiality, and the Enforcement Policy. The Office of Public Affairs provided training on press releases and inquiries. In addition, Frank Melbourn and Jeremy Haas served as presenters and panelists for discussions on penalty calculation methodology, use of Water Code section 13267, violation classification, and enforcement prioritization. The Compliance Assurance Unit will conduct a summary training for San Diego Water Board staff in May or June 2011.

Part B – Significant Regional Water Quality Issues

1. Regional Storm Water Permit

Staff Contacts: David Barker and Eric Becker

The Surface Water Basins Branch of the San Diego Water Board has initiated work to develop a new approach to managing and regulating municipal storm water discharges under a regional framework. This will be accomplished through the development of a single Region-wide Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Storm Water Permit (Regional Municipal Storm Water Permit). Under this approach a single Regional Municipal Storm Water Permit will be developed and issued to municipal Copermittees in San Diego, Southern Orange County and Southwestern Riverside County in a phased manner described below as the current Municipal Storm Water NPDES Permits expire. The structure of the new regional permit should be fully in place by 2012 and fully implemented throughout the San Diego Region in all three counties by 2015.

Urban Runoff Causes Impairment to Water Resources

Pursuant to the Clean Water Act sections 303(d) and 305(b), the San Diego Water Board assesses the state of health of surface waters approximately every two years. The most recent update of the State's Integrated Report was completed in 2010 and listed approximately 450 distinct pollutant/waterbody combinations within the San Diego Region as "impaired." Impairments were due to elevated levels of bacteria, sediment, nutrients, various metals, pesticides, and other stressors which are easily measurable. Although extensive, the list does not include impairments caused by degradation of aquatic habitats or disruption of biotic interactions that are likely caused by altered flow regimes.

Although the specific causes of many of the impairments for the San Diego Region are not yet fully characterized, it is known that most of the impairments are downstream of, or within, urbanized settings, and therefore directly affected by dry weather and wet weather urban runoff. The preponderance of impervious surfaces in these urban settings contributes to both the amount of storm water runoff that is discharged to water bodies, as well as the pollutants that are present in the urban runoff. It is also known that polluted urban runoff is a leading cause of impairment to the nearly 40 percent of surveyed U.S. water bodies which do not meet water quality standards. Urban land uses nationwide are typically only a small part (3 percent) of the local watershed land areas, and therefore their influence is disproportionately large when compared to other land uses such as open space or agriculture. The dimensions of the urban runoff problem clearly highlight the continuing need for comprehensive, creative, and effective storm water regulation.

Background on the Municipal Storm Water Permitting Program

Pursuant to the federal Clean Water Act and the California Water Code, the San Diego Water Board's Municipal Storm Water Permitting Program regulates storm water discharges from MS4s to waters of the United States in the San Diego Region. Under this program, which started in 1990, the San Diego Water Board has adopted NPDES storm water permits for MS4s owned or operated by San Diego County, Orange County and Riverside County municipal and county government entities (referred to as Copermittees). The Municipal Storm Water Permits were issued separately to the Copermittees grouped by the 3 political county boundaries within the San Diego Water Board's jurisdiction, and collectively regulate over 39 Copermittees. The Municipal Storm Water Permits are effective for fixed terms of five years and are updated and reissued as the permits expire. The current permits are in their fourth iteration. San Diego County's permit expires on January 24, 2012, Orange County's on December 16, 2014, and Riverside County's on November 10, 2015.

Need for Regional Permitting Approach

The regulation of the Copermittees in each County, under three separate Municipal Storm Water Permits, is labor-intensive and inefficient. First and foremost, this approach requires the San Diego Water Board to conduct three separate public proceedings every five years for permit reissuance. The reissuance of these permits requires a significant staff resource investment to properly consider the different biological, engineering, regulatory and economic issues that comprise a full and complete analysis of the permit requirements. The technical expertise required for this process includes the areas of aquatic chemistry, aquatic ecology, hydrology and hydraulics and requires a multi-disciplinary staff team to develop the draft permit over a period of a year or more. Additionally, the public proceedings for the San Diego Water Board to consider adoption of the three Municipal Storm Water Permits have had significant stakeholder involvement with a high degree of polarization over various issues including:

- The benchmarks needed to ensure that the storm water discharges do not cause or contribute to a water quality standards violation;
- The scope of the monitoring requirements needed for determining the potential of storm water discharges to contribute to a water quality standards violation and for determining the adequacy of storm water pollution prevention plans;
- Low impact development and hydromodification management strategies;
- The regulation and prohibition of various classes of non-storm water discharges; and
- Claims that the permit provisions are unfunded state mandates, requiring reimbursement by the State.

These and other issues of contention can vary somewhat across the three counties owing to differences in pollutant loading, land uses, population density, watershed characteristics, storm water management approach and funding constraints. The issues, however, are largely analogous over the limited 85 mile extent of the San Diego Region and involve storm water discharges with similar characteristics and water quality considerations.

The largely duplicative public proceedings to reissue the three Municipal Storm Water Permits have typically been long, controversial, and contentious, involving many hours of San Diego Water Board staff time to provide written responses to voluminous public comments on similar issues and to attend meetings, workshops, hearings and deliberations. This pervasive dynamic places a significant and unsustainable burden on the San Diego Water Board during a time of increasingly severe resource constraints. Additionally, this burden also significantly limits the San Diego Water Board's resources available to perform equally-important permitting duties associated with assessing compliance efforts of the Copermitees, such as report review, audits, inspections, and enforcement.

Other significant disadvantages of the current system of separate Municipal Storm Water Permits for the three counties are: 1) the Permits attack storm water regulation from a county political boundary perspective that discourages regional collaborative approaches; 2) the requirements of the three Permits are difficult to coordinate because they expire at different times, and 3) staff resources are primarily focused on the reissuance of the three Permits, while the present need is to advance the storm water program by evaluating water quality monitoring data and providing more vigilant regulatory oversight on Permit compliance.

In order to better achieve regulatory consistency as well as maximum efficiency and economy of resources, the San Diego Water Board has initiated work to develop a single Regional Municipal Storm Water Permit based on the boundaries of the San Diego Region instead of county political boundaries. Under this approach, the permit being developed will uniformly regulate all three

counties within the San Diego Region. The Regional Municipal Storm Water Permit will also provide opportunity for a comprehensive monitoring framework, incentive for a regional collaborative approach, and opportunities for regional cost efficiencies amongst the Copermittees. Upon adoption by the San Diego Water Board, this Regional Municipal Storm Water Permit will be issued to all 39 Copermittees in a phased manner according to the expiration dates of the current permits. The San Francisco Bay Regional Water Board recently took a similar approach and adopted a single Regional Municipal Storm Water Permit applicable to Copermittees within several different counties in October, 2009.

Activities to Date

The San Diego Water Board staff has met with several Copermittees and other stakeholders to gather information and receive input on current permit requirements where improvement is needed, and also to discuss the Regional Municipal Storm Water Permit concept. Initial feedback from these meetings has shown support for the Regional Municipal Storm Water Permit concept. Future Executive Officer Reports will be provided as development of the Regional Municipal Storm Water Permit progresses.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in March and April 2011 (*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 March and April 2011. Certification amendments are included in these reports, starting with June 2008. Starting in January 2011, the reports will also include projects that qualify for enrollment in State Water Board issued general certifications. This includes the State certification of Army Corps' Regional General Permit No. 63 (RGP 63) for repair and protection activities in emergency

situations. For a complete list of State-issued general orders, please refer to http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.shtml .

Due to the heavy rains experienced in December 2010 and thereafter, the San Diego Water Board continues to enroll emergency repair and protection projects in the State Certification for RGP 63. In cases where proposed impacts consisted of permanent fill, the San Diego Water Board staff requested retroactive mitigation for these impacts, as a condition of enrollment.

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/publicnotices/ . 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. Enforcement Actions for April 2011

Staff Contact: Jeremy Haas

During the month of April 2011, the San Diego Water Board initiated the following enforcement actions:

April 2011 Enforcement Actions	Number
Administrative Civil Liability Order	1
Cleanup and Abatement Order	1
Investigative Order	1
Notice of Noncompliance with Storm Water Enforcement Act of 1998	1
Notice of Violation with Section 13267 Required Report	1
Notices of Violation	2
Staff Enforcement Letters	3
<i>Total</i>	<i>10</i>

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) Order

Healthy Times, Inc. Poway

ACL Order No. R9-2011-0031 against Healthy Times, Inc. was adopted on April 13, 2011 for \$9,492 for violations of Order No. 97-03-DWQ, the Statewide General Industrial Storm Water Permit, *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 Order imposed liability for failing to submit two annual reports and failing to pay three annual fees. The reporting violations are subject to mandatory minimum penalties pursuant to Water Code section 13399.33.

Cleanup and Abatement Order (CAO)

TDY Industries, Inc., TDY Holdings, LLC, and Teledyne Aeronautical Company, San Diego

Addendum No. 4 to CAO No. R9-2004-0258 was adopted on April 13, 2011 to address cleanup and abatement of wastes discharged to land at the former Teledyne Ryan Aeronautical site adjacent to San Diego Bay. The addendum was adopted following a public hearing. The addendum requires the responsible parties to submit a Remedial Action Plan (RAP) by June 30, 2011 and to implement the RAP upon approval of the San Diego Water Board. A final Cleanup and Abatement Completion Report is due within 90 days of completion of all activities in the remediation schedule.

Investigative Order (IO)

City of El Cajon, Sanitary Sewage Collection System

IO No. R9-2011-0045 was issued to the City of El Cajon on April 18, 2011 to investigate the cause, effect, and response to the discharge of approximately 92,000 gallons of untreated sewage into the City's storm drain system and Forrester Creek during storm events in December 2010. The IO also directs the City to investigate the validity of a complaint received by the California Environmental Protection Agency regarding intentional discharges of sewage by City staff that was not reported to the San Diego Water Board. A technical report is due by May 31, 2011.

Notice of Noncompliance with Storm Water Enforcement Act of 1998Toyota Tshuro America, San Diego

A Notice of Noncompliance was sent on April 4, 2011 to Toyota Tshuro America for failure to enroll in the statewide General Industrial Storm Water Permit Order No. 97-03-DWQ. The Notice is the first to inform the discharger that, pursuant to Water Code section 13399.30(a)(2), failure to enroll will subject it to mandatory penalties. A second Notice will be sent after 30 days if the discharger fails to enroll. If a Notice of Intent to enroll is not submitted within 30 days of the second Notice, the violation will be subject to a mandatory penalty of not less than \$5,000 per year of noncompliance plus staff costs pursuant to Water Code section 13399.33.

Notice of Violation with Water Code Section 13267 Requirement for Technical ReportPardee Homes, Pacific Highlands Ranch Units 21-22, San Diego

NOV No. R9-2011-0044 was issued to Pardee Homes on April 14, 2011 for violations of Order No. 2009-009-DWQ, NPDES No. CAS000002, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* at the Pacific Highlands Ranch, Units 21 and 22, construction site in San Diego. Violations cited include failure to prevent sediment-laden discharges, failure to implement erosion and sediment control best management practices (BMPs), and failure to implement good site housekeeping. On March 21, 2011 San Diego Water Board inspectors observed lack of sediment and erosion controls led to discharges of sediment-laden water into Gonzalez Canyon, tributary to San Dieguito River and Lagoon. Pursuant to Water Code section 13267, Black Mountain Ranch, LLC is required to submit a technical report by May 16, 2011 that describes remedies to the identified deficiencies and other information regarding implementation of construction storm water BMP requirements of Order No. Order No. 2009-009-DWQ. In addition, Black Mountain Ranch, LLC is required to submit results from specific bioassessment, effluent, and receiving water monitoring activities by July 29, 2011 to determine the extent of the impacts and the effectiveness of BMPs used at the site.

Notices of Violation (NOV)Black Mountain Ranch, LLC, San Diego

NOV No. R9-2011-0042 was issued to Black Mountain Ranch, LLC on April 6, 2011 for one violation of Order No. 2009-0009-DWQ, the statewide general construction NPDES storm water permit. Black Mountain Ranch, LLC was cited for failing to implement requirements for Risk Level 2 dischargers. Black Mountain Ranch, LLC was previously required to implement Risk Level 2 requirements by the San Diego Water Board in response to violations cited in NOV No. R9-2011-0025.

Allied Waste Industries and Otay Landfill, Inc., Otay Landfill, Chula Vista

NOV No. R9-2011-0030 was issued to Allied Waste Industries and Otay Landfill, Inc. on April 13, 2011 for violating Order No. 90-09 by accepting shipments of hazardous waste at the Otay Landfill. The violations are based on samples collected by the Department of Toxic Substances Control on July 10, 2010.

Staff Enforcement Letters (SEL)Southern California Edison, San Onofre Nuclear Generating Station, Unit 2

An SEL was issued to Southern California Edison on April 12, 2011 for submitting a late report in May 2008 for NPDES Order No. R9-2005-0005.

Southern California Edison, San Onofre Nuclear Generating Station, Unit 3

An SEL was issued to Southern California Edison on April 12, 2011 for one violation of the effluent limitation for settleable solids in NPDES Order No. R9-2005-0006 during April 2010 and for one late report violation in May 2008.

Eastern Municipal Water District, Temecula Valley Regional Water Reclamation Facility

An SEL was issued to the Eastern Municipal Water District on April 8, 2011 for four violations of Order No. 2000-165 that occurred during February 2011. Violations included one violation of the daily maximum discharge specification for manganese, one violation of the 7-day effluent median discharge specification for coliform, and two violations for exceeding the effluent coliform bacteria concentration limit of 23 MPN per 100 mL more than once in a 30-day period.

4. Status Report – Shipyard Sediment Site Cleanup and Abatement Order and Environmental Impact Report (*Attachment B-4*)

Staff Contact: Julie Chan

This status report discusses progress made in April on the Shipyard Sediment Site Cleanup Project. Highlights of the report include:

- The Cleanup Team completed reviewing the eight draft reports of the technical studies for the draft Environmental Impact Report (EIR) and sent comments to the EIR consultants by April 15th.
- The San Diego Unified Port District is providing technical studies and impact analysis for review and eventual inclusion of the Convair Lagoon confined disposal facility alternative in the screen check version of the Draft EIR.

- The due dates for submitting comments on the Tentative Cleanup and Abatement Order (TCAO) and Draft Technical Report (DTR), and for the Cleanup Team to produce responses to comments were established in an April 12th notice issued by the officer for pre-hearing procedures. The Notice is Attachment B-4 to this Executive Officer's Report.
- BAE Systems achieved cleanup levels for constituents of concern in the portion of its maintenance dredge footprint that overlapped the remedial footprint proposed in the TCAO. Best management practices used during the dredging were effective in preventing the dredging from adversely impacting ambient turbidity levels.

Environmental Impact Report

The Cleanup Team completed its review of the eight draft technical reports prepared by the EIR consultants. Comments on the eight draft reports were provided to the EIR consultants on or before April 15th according to the schedule in the January status report. The reports will be incorporated into the draft EIR, and provide the technical foundation for the draft EIR. The EIR consultants are on track to deliver the "screen check" version of the Draft EIR to the Cleanup Team on June 1.

The EIR consultants initiated contact and are continuing to coordinate with the Port District's consultant on the confined disposal facility alternative for disposal of dredged sediment from the Shipyard Site at Convair Lagoon. The Port District is providing technical studies and impact analysis for review and eventual inclusion of this alternative in the screen check version of the draft EIR.

Hearing Procedures

The officer for pre-hearing proceedings, Grant Destache, issued a notice of opportunity for the Designated Parties to submit comments on the TCAO and DTR. The notice is Attachment B-4 to this Executive Officers Report. The April 12th notice directs the Designated Parties to submit written comments on the TCAO/DTR by May 26, 2011. The Designated Parties may submit any reply comments by June 16, 2011, and the Cleanup Team must release responses to comments by August 16, 2011. According to the notice, all other persons wishing to participate may do so only as interested persons. Interested persons must submit non-evidentiary comments or policy statements, and any reply non-evidentiary comments or policy statements on the TCAO/DTR by May 26th and June 16th, respectively.

BAE Systems Maintenance Dredging Project

In March 2011, BAE System submitted a Final Dredge Report and Final Monitoring Report to demonstrate compliance with the requirements of 401 Water Quality Certification 10C-017 for maintenance dredging operations conducted in December and January. The Cleanup Team reviewed the reports and determined that BAE Systems implemented adequate best management practices and monitoring to ensure that turbidity increases were contained within the immediate dredge project area. Pre- and post-dredge turbidity sampling confirmed that the dredging operations did not impact ambient turbidity levels. BAE Systems also conducted post dredge confirmation sediment sampling in the portion of the maintenance dredge footprint that overlaps the remedial footprint. The sediment sampling results confirmed that maintenance dredging operations met constituent of concern cleanup levels proposed in the TCAO in the remedial footprint. Based on the information provided in the reports, BAE Systems is in compliance with the 401 Water Quality Certification 10C-017.

The Cleanup Team continues to process BAE Systems new application for 401 Certification for another maintenance dredging project. The Cleanup Team intends to present a Tentative 401 Certification to the Executive Officer in time for BAE Systems to initiate the dredging project in the fourth quarter of 2011 as planned.

5. Lake San Marcos Update

Staff Contact: Chiara Clemente

Since the last Executive Officer Report update, dated February 20, 2011, the San Diego Water Board gave careful consideration to issuing an investigative order to the Citizen's Development Corporation (CDC) to conduct diagnostic water quality monitoring in Lake San Marcos. The CDC is the water rights license holder and owner of the lake property. Issuance of an investigative order would ensure that the bankruptcy court, as well as creditors in the bankruptcy proceedings and any prospective purchasers of Lake San Marcos, are fully aware of the San Diego Water Board's authority to require CDC to investigate, monitor and report information on Lake San Marcos water quality conditions and the gravity of the problem. Issuing an investigative order solely to the CDC however, would divide the diagnostic work, and associated responsibility for completing the work, between the CDC and the remaining dischargers, thereby complicating the efforts to obtain the monitoring information under a voluntary participation agreement.

On April 7, 2011, the Executive Officer met with the dischargers and reaffirmed the San Diego Water Board's preference that the diagnostic monitoring effort be conducted under the voluntary approach proposed in the Participation Agreement (PA), but clarified that the Board would not sign such an agreement unless all parties involved, including the CDC, were working together as one. In the event that all of the parties cannot agree on a cooperative framework for conducting the diagnostic work, the Executive Officer is prepared to abandon the voluntary approach and draft an investigative order to all parties, for the San Diego Water Board's consideration. The

parties were given approximately one month to reach agreement. To date, the City of San Marcos, the Vallecitos Water District, San Marcos Unified School District, Caltrans, and the County of San Diego have either signed or agreed to sign the PA. The City of Escondido and the CDC are still negotiating the terms and conditions. The Executive Officer will continue to try to resolve key issues that are delaying the full implementation of diagnostic efforts, either through a voluntary approach or through enforcement.

6. California Integrated Water Quality System Audit Report

Staff Contact: Brian Kelley

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

The State Water Board, in conjunction with the San Jose State University Research Foundation, recently undertook a statewide CIWQS data entry verification audit project to assess the accuracy of data entry into the system. During the last week of February 2011, a contractor performed an audit of the San Diego Water Board CIWQS entry records. The audit consisted of an orientation meeting with the San Diego Water Board CIWQS Coordinator, Brian Kelley, followed by the auditor's review of randomly selected database records, and a final debriefing with preliminary findings of the audit. The final audit report was provided to the San Diego Water Board on April 6, 2011.

The audit report concluded that, based on a review of 53 CIWQS records entered by San Diego Water Board technical staff and student assistants, data entry was generally consistent with source data documentation and met the CIWQS standard business rule requirements with approximately 92 percent of the data correct. The report identified a number of specific issues with certain data fields where efforts should be concentrated to prevent future data entry errors. San Diego Water Board will address these issues and continue to implement and improve data entry policies and procedures to reduce the number of data entry errors. Information regarding CIWQS is available at the State Water Board's website http://www.waterboards.ca.gov/water_issues/programs/ciwqs/.

7. Electronic Submittal of Self-Monitoring Reports (eSMR)

Staff Contact: Kristin Schwall

All National Pollutant Discharge Elimination System (NPDES) Permits require dischargers to periodically evaluate compliance with the effluent limitations and other conditions established in their permits and provide the results to the Regional Water Boards in submittals referred to as self-monitoring reports. The self-monitoring reports contain the key information needed to assess treatment efficiency, characterize the effluent being discharged, and assess receiving water in the vicinity of the discharge. The self-monitoring reports establish an ongoing record of the discharger's compliance status and, where violations are detected, create a basis for any necessary enforcement actions. The reports have been submitted in paper copy form since the inception of the NPDES permit program in the early 1970's.

The San Diego Water Board is in the process of implementing a new web-based system called eSMR (electronic Self Monitoring Reports) that will allow dischargers to electronically submit self-monitoring reports. Under this system, dischargers will log on to the State Water Board database (California Integrated Water Quality System (CIWQS)) and upload electronic monitoring reports for direct access by the San Diego Water Board. The eSMR system will significantly improve the San Diego Water Board's ability to access and use the information in the self-monitoring reports to respond to water quality events and trends. The eSMR process will also:

- Facilitate tracking of reports received,
- Reduce staff data entry requirements,
- Capture compliance and receiving water monitoring in a usable electronic format for further analysis, and
- Reduce the amount of paper managed by the San Diego Water Board.

Efforts during 2011 are currently focused on implementing eSMR for NPDES facilities classified as "majors" that have a discharge volume greater than one million gallons per day. There are 17 dischargers regulated under 24 NPDES permits in the San Diego Region classified as NPDES majors and these include all of the significant governmental and corporate entities regulated under NPDES permits. Eventually all individual NPDES permit holders will be submitting self-monitoring reports electronically using eSMR.

The eSMR is being implemented on a state-wide basis by all Regional Water Boards for major NPDES dischargers. The State Water Board conducted training for San Diego Water Board major NPDES dischargers on February 28, March 1, and March 2 of this year. The dischargers are expected to begin electronic submittal for the March 2011 reporting period. Until such time that the eSMR reporting is determined to be accurate and reliable, the dischargers will continue to submit both a paper copy and the electronic report. Additional general information about eSMR may be found on the State Water Board website at:

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

8. Gallup Poll: Water Quality is Top Issue

Staff Contact: Laurie Walsh

This year's Gallup Environmental Poll shows Americans care most about water quality. "All four environmental issues referring to "water" in this year's Gallup Environmental poll rank in the upper tier of environmental concerns." The two top environmental concerns are pollution of rivers, lakes and reservoirs; and contamination of soil and water from toxic waste (both receiving the highest percentage of the votes at 79 percent). Concern for polluted drinking water came in a close second (receiving 77 percent of the votes). Water quality issues ranked far above other environmental issues such as urban sprawl (57 percent of votes) and global warming (51 percent).

For more information and the full survey details go to:

<http://www.gallup.com/poll/146810/Water-Issues-Worry-Americans-Global-Warming-Least.aspx>

9. Waste Disposal Facility not in Compliance with California Law

Staff Contact: Julie Chan

The Department of Toxic Substances Control (DTSC) has determined that the Western Environmental Inc. facility located in Mecca, Riverside County, California does not have a valid hazardous waste permit to operate in the State of California. Based on that determination, the Underground Storage Tank (UST) Cleanup Fund (Fund) will no longer reimburse costs related to the disposal of soils and other petroleum cleanup wastes at the Western Environmental Inc. facility until such time that DTSC determines that the facility is in compliance with California law.

The facility is located in the Coachella Valley near Indio on tribal land owned by the Cabazon Band of Mission Indians. Although located in the Colorado River Region, the facility has accepted wastes from UST cleanup sites in the San Diego Region.

Fund claimants that send cleanup wastes to the Western Environmental Inc. facility for disposal risk not being reimbursed for this expense by the Fund. The Fund expects claimants and/or contractors to claimants to verify that disposal facilities for soil, water, and other wastes generated during the UST cleanups reimbursed by the Fund are properly permitted and in compliance with California laws as part of their due diligence process. Additional information on DTSC's determination for this facility can be found on its website at:

<http://www.dtsc.ca.gov/WEI.cfm>

10. City of San Juan Capistrano Groundwater Contamination Update

Staff Contact: Sean McClain

San Diego Water Board staff met with Chevron and the City of San Juan Capistrano, on April 21, 2011, to tour the newly-expanded groundwater recovery plant (GWRP). The GWRP expansion included eight large granular activated carbon vessels to remove the gasoline constituent methyl tertiary-butyl ether (MTBE) from groundwater pumped from the City's Dance Hall Well. MTBE is a suspected carcinogen and imparts an unpleasant taste and odor to groundwater at very low concentrations. The upgraded GWRP is a key element in Chevron's plan to remediate the MTBE plume extending from Chevron Service Station 9-3417.

In March 2008, the City elected to shut down two of its six municipal supply wells due to low concentrations of MTBE in groundwater produced from the wells. The MTBE plume in groundwater extends approximately 2,500 feet from a Chevron Service Station to the City's Dance Hall water supply well. The upgrade to the GWRP was able to proceed after Chevron and the City finalized a deal in March 2011 to pay for the cleanup.

For additional information, please visit <http://www.geotracker.waterboards.ca.gov> to obtain recent groundwater and remediation status reports (type "T0605902379" in the Global ID and choose "Search for All Sites").

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

1. Ocean Plan Amendment Meeting on Brine Disposal

Staff Contact: David Barker

The State Water Board discussed the status of work in progress on a future California Ocean Plan amendment addressing desalination facilities and brine disposal at a recent informational meeting in Sacramento on April 18, 2011. The main purpose of the meeting was information exchange following a State Water Board staff presentation. The meeting was a staff-level meeting, not one held by or before the State Water Board members. The meeting was attended by a diversity of individuals and organizations representing both active and proposed desalination facilities along the California coast and environmental interest groups. David Barker of your staff represented the San Diego Water Board at the meeting.

Desalination is the process by which dissolved minerals are removed from brackish or salt water to produce water suitable to meet drinking water supply and reliability needs. Desalination processes create waste by-products, including salt concentrates (brine), cleaning and conditioning reagents, and particulate matter, that must either be disposed of or reused. Brine, the largest component of the waste by-products, is the water containing the concentrated salts

and minerals removed from the source water during the desalination process. Brine can also be a waste by-product of the treatment of wastewater for recycling purposes.

Discharge to ocean waters is the most common method of brine disposal for coastal desalination facilities in California. Brine salt concentrations (salinity) has the potential to cause toxicity to marine organisms and multiport ocean outfall diffusers are commonly employed to accelerate the process of mixing and dilution of the brine with ocean waters to lessen the toxic effects. Blending and diluting brine salinity with treated wastewater or power plant cooling water prior to discharge is also employed to reduce toxic effects but is not an option at all site locations.

Currently, there are no Ocean Plan water quality objectives that apply specifically to brine waste discharges from surface or ground water desalination facilities. Brine waste varies in both salinity and in the ratios of particular trace elements depending on the source water and the desalination process used. Both unblended and blended brine waste discharges may have elevated salinity denser than the receiving ocean water and tend to settle on the ocean bottom. As a result, the brine waste plume can extend a considerable distance beyond the mixing zone and can have toxic effects on bottom-dwelling marine organisms. Alternatively unblended or blended brine waste discharge plumes may have salinity similar to or less than dense than the receiving ocean water and tend to rise above the ocean bottom. Depending on the source water composition, however, the discharge may contain trace elements in very different concentrations (higher or lower) than ocean water and could cause toxicity to marine life.

The future Ocean Plan amendment currently planned by the State Water Board will have three chief components: 1) a narrative objective for salinity, 2) limits on marine life impingement and entrainment from desalination intakes, and 3) an implementation policy. Specifically with regard to desalination intake effects, the current Ocean Plan does not authorize flow augmentation for dilution purposes, and clarification of this existing constraint to the use of in-plant waste flow dilution will be included in the amendment. The State Water Board also plans to consider the need for the Ocean Plan amendment to regulate facilities conducting brackish groundwater treatment (such as done by SOCWA in the San Diego Region), recycled wastewater treatment and other source water treatment as municipal water supply facilities rather than industrial facilities. This may include the development of technologically-based effluent limitations in Table A of the Ocean Plan specific to brine discharges. The Ocean Plan amendment is targeted for adoption by the State Water Board in 2012. A second scoping meeting and a State Water Board member level workshop are planned. Staff will be attending these meetings and will keep the San Diego Water Board informed as work on the Ocean Plan amendment progresses.

2. New Statewide Water Quality Control Policy for Septic Systems

Staff Contact: Julie Chan

The State Water Board is drafting a new water quality control policy to meet the legal mandate to develop statewide regulations or standards for septic systems. In 2000, the California Legislature passed Assembly Bill 885 (chapters as Water Code section 13290) that required the State Water Board to adopt regulations or standards for the permitting and operation of onsite wastewater treatment systems or "OWTS." The State Water Board's OWTS Policy will contain standards, and will be the equivalent of regulations. The OWTS Policy is being developed based on feedback received on prior proposed regulations, as well as feedback provided during the 2011 scoping period. Future public comment will also be used to develop the OWTS Policy.

The State Water Board's OWTS Policy Scoping Document is available for public review. According to the Scoping Document, more than 95 percent of OWTS owners that will be covered by the policy are expected to experience little or no change in the manner in which their systems are regulated. If an individual OWTS is currently in good operating condition, and it is not near a stream, river, or lake that the State has identified as polluted with bacteria and/or nitrogen-related compounds, the proposed policy would have little or no effect on that property owner. The OWTS Policy approach relies extensively on local county and city programs – as is currently the practice – to regulate OWTS.

The proposed policy will reflect the comments of property owners, those who depend on septic tanks, and others concerned about the impact that improperly operating septic tanks pose to public health and water quality. State Water Board has created a website with the most current information regarding development of the new proposed policy:

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

In addition, you can subscribe to the e-mail list by using the following link:

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

Navigate to Water Quality Topics and then subscribe to it by putting a "check" in the box labeled:

Onsite Wastewater Treatment Systems (OWTS)-Septic Systems

Public scoping meetings are planned to gather input from public agencies and interested persons on the scope and content of the substitute environmental documentation that will be prepared for the proposed OWTS Policy. The Southern California public scoping meeting is scheduled for Thursday, May 5, 2011 from 1 to 5 p.m. at the Riverside County Supervisor Chambers, County Administration Center, 4080 Lemon Street, Riverside, CA, 92501.

3. Federal Government Issues Draft Guidance on Determining Waters Protected by the Clean Water Act

Staff Contact: Julie Chan

The U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers have issued a draft revised joint guidance on what they believe constitutes "waters of the U.S." and the extent of waters protected under the Clean Water Act. Unlike the previous guidance (2008), this "non-binding" guidance document applies to the Clean Water Act in its entirety, including sections 303, 311, 401, 402, & 404. This guidance would replace previous guidance to reaffirm protection for critical waters. It also will provide clearer, more predictable guidelines for determining which water bodies are protected by the Clean Water Act. The draft guidance will be open for 60 days of public comment to allow all stakeholders to provide input and feedback before it is finalized. The USEPA and the Corps will follow up the final guidance with rulemaking to provide further opportunity for comment and to clarify Clean Water Act regulations. Any comments on the draft guidance will be consolidated and provided by the State Water Board.

The draft guidance can be found at:

<http://water.epa.gov/lawsregs/guidance/wetlands/CWAwaters.cfm>

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

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

May 11, 2011

APPENDED TO EXECUTIVE OFFICER'S REPORT

DATE OF REPORT
May 3, 2011

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
June 8, 2011 Regional Board Meeting San Diego Water Board Office				
Update on efforts by the Tijuana River Valley Recovery Team <i>(Gibson)</i>	Informational Item	NA	NA	NA
Information Item: Comision Estatal de Servicios Publicos de Tijuana (CESPT) will provide an update on sewage treatment operations south of the international border. <i>(Bob Morris and Bart Christensen)</i>	Informational Item	NA	NA	NA
Update to NPDES Permit for Padre Dam <i>(Morris)</i>	NPDES Permit Addendum	50%	0%	maybe
Fallbrook Public Utility District, Plant 1 <i>(Neill)</i>	NPDES Permit Reissuance	10%	10%	maybe
Consideration of Entering a Polanco Act Agreement with the City of Chula Vista and the Port of San Diego <i>(Anderson & Newman)</i>	Resolution	80%	0%	no
Hearing and Adoption Consideration -2008 Basin Plan Triennial Review <i>(Deborah Woodward)</i>	Hearing: Basin Plan Triennial Review	0%	0%	No
Total Maximum Daily Load for Sediment to Los Penasquitos Lagoon <i>(Henning)</i>	Hearing: Basin Plan Amendment	75%	10%	No
July, 2011 No Meeting Scheduled				
Aug 10, 2011 San Diego Water Board Office				
Underfunded Worst Cleanup Cases <i>(Anderson)</i>	Information Item	NA	NA	NA
City of Escondido, HARRF Brine Discharge to San Elijo Ocean Outfall <i>(Mata)</i>	NPDES Permit Reissuance	50%	0%	maybe
US Navy--Naval Base San Diego (including Graving Dock) - San Diego Bay <i>(Schwall)</i>	NPDES Permit Reissuance	80%	0%	No
NPDES Phase II MS4 Permit for the University of California at San Diego, California <i>(Clemente)</i>	New NPDES Permit			
NPDES Phase II MS4 Permit for the Del Mar Fairgrounds, San Diego Agriculture Commission <i>(Clemente)</i>	New NPDES Permit			
Jack Eitzen, Administrative Civil Liability, for violations of Order 99-08-DWQ <i>(Posthumus)</i>	Administrative Civil Liability	85%	85%	No
Jack Eitzen, Administrative Civil Liability, for violations of Basin Plan Prohibitions 1 and 14 and Order No. 99-08-DWQ <i>(Posthumus)</i>	Administrative Civil Liability	85%	85%	No
General Permit for Boatyards in the San Diego Region <i>(Morris)</i>	New NPDES Permit	10%	10%	No
Total Maximum Daily Load for the Mouths of Chollas, Paleta and Switzer Creeks <i>(Honma)</i>	Hearing: Basin Plan Amendment	50%	0%	No

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF March 1, 2011 THROUGH April 30, 2011**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
3/3/2011	U.S. Army Corps of Engineers	Oceanside Harbor Maintenance Dredging	The project consists of one-time maintenance dredging of the harbor entrance to maintain the navigational channels. The dredge volume is up to 260,000 cubic yards of material from the channel entrance and two Advanced Maintenance areas east and west of the channel entrance. Not more than 130,000 cubic yards will be disposed along the shoreline just south of the San Luis Rey River Mouth and not more than 130,000 cubic yards at the beach south of Tyson Street in Oceanside, CA.	Oceanside Harbor	(P) 26 acres, 1,600 linear feet, and 260,000 cubic yards of ocean.	No significant impacts to water are anticipated therefore no mitigation is required.	11C-012 Technically-conditioned Certification Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
3/3/2011	Caltrans, District 11	San Onofre Culvert and Slope Repair Project	Amendment to disallow any construction activity while water is flowing through the work area.	San Onofre Creek	No changes in impacts. (P) 0.001 acre of streambed. (T) 0.014 acre of streambed.	No changes in mitigation. Purchase of 0.022 acre of Marron Mitigation Site Credits in Bonsall, CA.	10C-010 Amendment to Technically-conditioned Certification
3/4/2011	City of San Diego	Rose Creek Bike Path and Pedestrian Bridge Project	Construction of the proposed bridge and east and west bikeway sections will connect the existing western bikeway terminus at Pacific Beach Drive with the eastern terminus along North Mission Bay Drive. The proposed bikeway segment will involve the installation of a 250-foot	Mission Bay in tidal waters at the mouth of Rose Creek	(T) 0.3 acre (60 linear feet) of streambed.	After the removal of construction trestles, the streambed will be restored to pre-project conditions.	11C-010 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 March 1, 2011 THROUGH April 30, 2011**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
			long and 16-foot wide cast in place pre-stressed cantilevered box girder bicycle/pedestrian bridge to span Rose creek as well as improvements to a 14 foot wide pedestrian and bicycle access way between the existing paved street ends and the bridge itself for a total project length of 1,770 feet, including the bridge.				
3/7/2011	City of San Diego, Storm Water Department	Alvarado Creek Channel	Emergency flood control activities conducted in December 2010, to remove trash, debris, vegetation, and accumulated sediment from 4.45 acres of waters of the U.S., along Alvarado Creek Channel, in the City of San Diego.	Alvarado Channel a tributary to San Diego River	(T) 0.9 acre (2,870 linear feet) of wetland	Refer to EO Report for general policy regarding emergency repairs.	Enrollment in RGP 63 Technically-conditioned Certification for Emergency Situations
3/7/2011	City of San Diego, Storm Water Department	Murphy Canyon, Map 58 Emergency Maintenance Project (Qualcomm)	Emergency flood control activities authorized in December 2010, to remove trash, debris, vegetation, and accumulated sediment from Murphy Canyon, near Qualcomm Stadium.	Murphy Canyon Channel	(T) 1.3 acres (1,874 linear feet) of wetland	Refer to EO Report for general policy regarding emergency repairs.	Enrollment in RGP 63 Technically-conditioned Certification for Emergency Situations
3/7/2011	City of San Diego, Storm Water Department	Sorrento Creeks Maps 9, 11, 12, 13	Emergency flood control activities conducted in December 2010, to remove trash, debris, vegetation, and accumulated sediment and restore the channel to the original design capacities.	Sorrento Creek	(T) 3.47 acres (2703 linear feet) of wetland	Refer to EO Report for general policy regarding emergency repairs.	Enrollment in RGP 63 Technically-conditioned Certification for Emergency Situations

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF March 1, 2011 THROUGH April 30, 2011**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
3/7/2011	City of San Diego, Storm Water Department	Maps 91 and 93 Chollas Creek	Emergency flood control activities conducted in December 2010, to remove trash, debris, vegetation, and accumulated sediment and restore the channel to the original design capacities.	Chollas Creek	(P) 0.14 acre (311 linear feet) of wetland	Refer to EO Report for general policy regarding emergency repairs.	Enrollment in RGP 63 Technically-conditioned Certification for Emergency Situations
3/11/2011	San Diego Gas and Electric	Reconductor Project from Rose Canyon to Eastgate – Replacement of Poles	Amendment to the original certification to allow for removal of vegetation within the avian nesting season provided that a biologist will monitor the site during construction activity.	Rose Canyon Creek	No changes in impacts. (P) 0.000018 acre of streambed and 0.000092 acre of wetland. (T) 0.0031 acre of streambed and 0.0016 acre of wetland.	No changes in mitigation. All temporary impacts will be restored to pre-project impacts.	10C-080 Amendment to Technically-conditioned Certification
3/11/2011	City of Temecula	Main Street Bridge Replacement Project	The project includes the replacement of the City of Temecula's Main Street Bridge in and over Murrieta Creek with a steel span bridge. The project proposes to retrofit two existing catch basins with mechanical filtration units. The units will treat 0.25 acres of the 0.38 acres of new impervious surfaces associated with the bridge. However, an additional 3.07 acres of currently untreated impervious surfaces will also be treated by retrofitting the catch basins.	Murrieta Creek	(P) 0.28 acre (250 linear feet) of streambed and 0.18 acre (250 linear feet) of wetland. (T) 0.31 acre (175 linear feet) of streambed and 0.07 acre (125 linear feet) of wetland.	On-site: Removal of the existing bridge pilings and the re-establishment and enhancement of wetland and streambed (totaling 1.6 acres), including in all areas of buried rock placement.	10C-065 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 March 1, 2011 THROUGH April 30, 2011**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
3/17/2011	City of Escondido	Ash Street/SR-78 Bike Path Undercrossing	The project involves a 12-foot wide, 584-foot long concrete surface bike path ramp constructed in the southern channel bank of Escondido Creek to create a grade separating undercrossing of Ash Street/SR-78. The crossing under the bridge at Ash Street/SR-78 consists of a 12-foot wide, 6 feet-high, and 170-foot long modified reinforced concrete (RC) box culvert that will provide for the uninterrupted flow of storm water. Project construction is expected from August to December 2011.	Escondido Creek	(P) 0.19 acre (584 linear feet) of streambed.	Channel is concrete lined, therefore no mitigation was proposed.	10C-109 Time Expired
3/23/2011	Kinder Morgan Energy Partners	Line Section 122/126 Washout Repair at Sandy's Ranch	The project includes the repair and protection of two exposed petroleum pipelines that cross an ephemeral channel in Gonzalez Canyon 2 miles east of the City of Del Mar, in San Diego County. Pipe LS 122 will be cut and capped at the banks of the ephemeral channel. Pipe LS 126 will be covered with a grout filled geotextile mattress secured to the bed and banks of the channel.	Unnamed ephemeral wash that is tributary to an unnamed intermittent stream in Gonzalez Canyon that is tributary to San Dieguito Creek	(P) 0.009 acre (35 linear feet) of streambed. (T) 0.003 acre (10 linear feet) of streambed.	On-site: Temporary impacts will be restored to pre-project conditions. Off-site: Purchase of 0.12 acre of establishment credits from an established mitigation bank within a MHPA area, or through deposition of money in the City of San Diego's Habitat Acquisition Fund.	10C-077 Low Impact Certification Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF March 1, 2011 THROUGH April 30, 2011**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
3/24/2011	North County Transit District	Santa Margarita River Bridge Replacement and Second Track Project	Amendment No. 2 to the original certification to allow for the placement of 0.0184 acre (87 linear feet) of additional fill (1/2 to 1 ton riprap) to increase the size of an existing, temporary fill pad in the Santa Margarita River.	Santa Margarita River	(P) 0.025 acre (13 linear feet) of wetlands and 0.209 acre (271 linear feet) of streambed. (T) 0.112 acre (281 linear feet) of wetland and 0.448 acre (672 linear feet) of streambed.	No changes in mitigation. The proposed project would result in a net benefit to coastal salt marsh habitat by removing the existing railroad bridge approach trestle that currently spans coastal marsh habitat. The net change would be a permanent increase of 0.08 acre of coastal salt marsh habitat. All temporary impacts will be restored to pre-project conditions. 1.0 acre of Arundo removal credits will be purchased from Mission Resources Conservation District.	04C-123 Amendment 2 to Technically-conditioned Certification
3/27/2011	San Diego Gas and Electric (SDG&E)	Mission Control Perimeter Fence Swale Maintenance	The project proposes to repair six heavily eroded concrete-lined swales where portions of SDG&E's Mission Control Center perimeter fence crosses six potential jurisdictional areas along the western and northern boundary lines.	Unnamed tributaries to the San Diego River	(P) 0.023 acre of non-wetland waters of the U.S. (T) 0.010 acre of non-wetland waters of the U.S.	On-site: Restoration of 0.010 acre of temporary impacts to pre-project conditions. Off-site: Creation of 0.023 acre of non-wetland waters of the U.S. Enhancement of 0.066 acre of non-wetland waters of the U.S. by removal of	07C-040 Time Expired

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF March 1, 2011 THROUGH April 30, 2011**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
						nonnative perennials.	
3/29/2011	City of Murrieta	Guava Street Improvement Project	Amendment to the certification to require mitigation for impacts associated with on-going, as-needed maintenance of the box culvert.	Unnamed tributary to Murrieta Creek	No changes in impacts. (P) 0.26 acre (493 linear feet) of streambed.	No changes in mitigation. Off-site: Creation of a minimum of 0.86 acres (approximately 952 linear feet) of vegetated and unvegetated waters of the United States.	09C-003 Amendment to Technically-conditioned Certification
4/13/2011	H.G. Fenton Company	University Office and Medical Park	The project proposes to develop 1) a high technology business park that would encompass 26.8 acres; 2) Discovery Area Residences, a multi-family residential community with up to 750 residential units on 24.9 acres and 5 acres of public park; 3) San Marcos Creek Open Space of 16.2 acres; 4) Infrastructure improvements pursuant to the City of San Marcos University Business Park Specific Plan.	San Marcos Creek	Not applicable.	Not applicable.	10C-002 Withdrawn

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF March 1, 2011 THROUGH April 30, 2011**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
4/15/2011	County of Orange, Public Works	Trabuco Creek Road Improvement Project	The project involves the unpaved portion of Trabuco Creek Road from Trabuco Canyon Road to the United States Forest Service boundary. The project includes the construction of a concrete Arizona-style crossing over an unnamed tributary to Trabuco Creek, as well as the re-grading of the entire roadway and subsequent installation of decomposed granite over an aggregate base. The aggregate base and decomposed granite will also replace existing dirt dip crossings at three places, which are causing active erosion into Trabuco Creek.	Unnamed tributary to Trabuco Creek	(P) 0.0041 acre (10 linear feet) of non-wetland waters of the United States.	Removal of existing crossings and restoration of creek grades. The project will also purchase 0.08 Acres of restoration credit through Starr Ranch.	11C-003 Low Impact Certification Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
4/22/2011	City of San Diego	San Diego Storm Water System Maintenance Program	The city is proposing to routinely maintain channels within San Diego through periodic removal of trash, debris, vegetation, and accumulated sediments.	Water bodies throughout the City of San Diego	Not applicable.	Not applicable.	09C-074 Withdrawn
4/22/2011	City of San Diego	Storm Water Maintenance, Murphy Canyon, Map 58	The city is proposing to routinely maintain Murphy Channel through periodic removal of trash, debris, vegetation, and accumulated sediments.	Murphy Canyon Channel	Not applicable.	Not applicable.	10C-081 Withdrawn

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF March 1, 2011 THROUGH April 30, 2011**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres)¹	MITIGATION (Acres)¹	CERTIFICATION ACTION²
4/22/2011	City of San Diego	Storm Water Maintenance, Sorrento Channel Maps 7, 9, 10, 11, 12	The city is proposing to routinely maintain Sorrento Channel through periodic removal of trash, debris, vegetation, and accumulated sediment.	Sorrento Creek	Not applicable.	Not applicable.	10C-084 Withdrawn
4/22/2011	City of San Diego	Storm Water Maintenance, Alvarado Channel Maps 59, 60, 63, 64	The city is proposing to routinely maintain Alvarado Channel through periodic removal of trash, debris, vegetation, and accumulated sediments.	Alvarado Channel a tributary to the San Diego River	Not applicable.	Not applicable.	10C-085 Withdrawn
4/22/2011	City of San Diego	Storm Water Maintenance, Chollas Channel Maps 91 and 93	The city is proposing to routinely maintain Chollas Channel through periodic removal of trash, debris, vegetation, and accumulated sediments.	Chollas Creek	Not applicable.	Not applicable.	10C-086 Withdrawn
4/22/2011	City of San Diego	Storm Water Maintenance, Nestor Channel Maps 132 and 133	The city is proposing to routinely maintain Sorrento channel through periodic removal of trash, debris, vegetation, and accumulated sediments.	Nestor Creek	Not applicable.	Not applicable.	10C-087 Withdrawn

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF March 1, 2011 THROUGH April 30, 2011**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
4/25/2011	City of San Marcos	Grand Avenue/Las Posas Reach Flood Protection Project	The project includes the installation of a new two-lane, 57-foot long by 38-foot wide (2,166 square feet) by 15-foot-high bridge spanning Las Posas Creek to provide access to future redevelopment on the south side of the creek and improved energy dissipaters for six culvert outlets.	Las Posas Creek	(P) 0.021 acre (192 linear feet) of wetland waters of the United States and 0.06 acre (319 linear feet) of water of the State.	Restoration and Establishment of 0.09 acre of freshwater marsh/herbaceous wetland habitat, 0.41 acre of Southern Willow Scrub/Herbaceous Wetlands Mosaic, and 0.12 acre of open water.	10C-029 Technically-conditioned Certification Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

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

Number of Projects Received Between March 1, 2011 and March 31, 2011: 16

Number of Amendment Requests Received Between March 1, 2011 and March 31, 2011: 4

Number of Projects Received Between April 1, 2011 and April 30, 2011: 6

Number of Amendment Requests Received Between April 1, 2011 and April 30, 2011: 1

Number of Projects Received Between March 1, 2011 and April 30, 2011: 22

Number of Certifications Issued Between March 1, 2011 and April 30, 2011: 6

Number of Projects Enrolled in State Certified General Orders Between March 1, 2011 and April 30, 2011: 4

Number of Amendments Issued Between March 1, 2011 and April 30, 2011: 4

Number of Projects Withdrawn Between March 1, 2011 and April 30, 2011: 7

Number of Projects Time Expired Between March 1, 2011 and April 30, 2011: 2

Number of Projects Denied Between March 1, 2011 and April 30, 2011: 0

Number of Projects Received Between January 1, 2010 and April 30, 2011: 36

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF March 1, 2011 THROUGH April 30, 2011**

Number of Certifications Issued Between January 1, 2010 and April 30, 2011: 11

Number of Projects Enrolled in State Certified General Orders Between January 1, 2010 and April 30, 2011: 17

Number of Amendments Issued Between January 1, 2010 and April 30, 2011: 5

Number of Projects Withdrawn Between January 1, 2010 and April 30, 2011: 15

Number of Projects Time Expired Between January 1, 2010 and April 30, 2011: 5

Number of Projects Denied Between January 1, 2010 and April 30, 2011: 0



California Regional Water Quality Control Board

San Diego Region



Linda S. Adams
Acting Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Edmund G. Brown Jr.
Governor

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Attachment B-4

NOTICE OF OPPORTUNITY FOR DESIGNATED PARTIES TO SUBMIT COMMENTS, EVIDENCE AND LEGAL ARGUMENT AND FOR INTERESTED PERSONS TO SUBMIT NON-EVIDENTIARY COMMENTS

SAN DIEGO BAY SHIPYARD SEDIMENT SITE TENTATIVE CLEANUP AND ABATEMENT ORDER NO. R9-2011-0001 AND DRAFT TECHNICAL REPORT

NOTE: This notice affects the rights and obligations of any person, whether Designated Party or Interested Person, who has an interest in the above matter. Please read it carefully and forward it to any other persons who have an interest in this proceeding. Additional information related to this proceeding is available at the following website: www.waterboards.ca.gov/sandiego.

NOTICE IS HEREBY GIVEN THAT the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) will accept comments, evidence and legal argument concerning Tentative Cleanup and Abatement Order No. R9-2011-0001 (TCAO) and its associated Draft Technical Report (DTR) for the San Diego Bay Shipyard Sediment Site, San Diego County. The TCAO/DTR were prepared by the San Diego Water Board Cleanup Team (Cleanup Team).

The TCAO alleges that elevated levels of pollutants above San Diego Bay background conditions exist in the San Diego Bay bottom marine sediments along the eastern shore of central San Diego Bay extending approximately from the Sampson Street Extension to the northwest and Chollas Creek to the southeast, and from the shoreline out to the San Diego Bay main shipping channel to the west (Shipyard Sediment Site). The TCAO identifies National Steel and Shipbuilding Company (NASSCO), BAE Systems San Diego Ship Repair Facility (BAE Systems), the City of San Diego, Star & Crescent Boat Company, Campbell Industries, San Diego Gas & Electric Company, the United States Navy and the San Diego Unified Port District as responsible for having caused or permitted the discharge of waste to the Shipyard Sediment Site resulting in the accumulation of waste in the marine sediment. The TCAO further alleges that the contaminated marine sediment has caused conditions of pollution or nuisance in the San Diego Bay, adversely affecting aquatic life, aquatic-dependent wildlife, and human health beneficial uses of San Diego Bay. If adopted, the TCAO would direct the

California Environmental Protection Agency

responsible parties to terminate all illicit discharges and implement all necessary corrective actions to remediate contaminated marine sediment.

The TCAO and DTR were released on September 15, 2010. A copy of the TCAO and DTR and related information can be found on the San Diego Water Board website at http://www.waterboards.ca.gov/sandiego/water_issues/programs/shipyards_sediment/2005_0126cut2.shtml. Since the initial version of the TCAO/DTR was released in 2005 as Tentative Order No. R9-2005-0126, it has been revised several times. On April 4, 2008, the Cleanup Team released an Indexed Electronic Administrative Record (the Shipyard Administrative Record) for the proceeding. The Cleanup Team updated the record electronically on November 5, 2010. Pursuant to the extended discovery schedule in this matter, the discovery period for Designated Parties concluded on March 11, 2011.

The Designated Parties to this proceeding include the entities identified in the TCAO as responsible parties as follows: NASSCO, BAE Systems, the City of San Diego, Star & Crescent Boat Company, Campbell Industries, San Diego Gas & Electric Company, the United States Navy and the San Diego Unified Port District. In addition, the San Diego Water Board has identified BP, Chevron, a subsidiary of ChevronTexaco, San Diego Coastkeeper, Environmental Health Coalition, the San Diego Port Tenants Association, and the San Diego Water Board Cleanup Team as Designated Parties. The San Diego Coastkeeper and Environmental Health Coalition frequently have been referred to collectively as the "Environmental Parties." All other persons wishing to participate may do so only as interested persons.

With this Notice, the San Diego Water Board is establishing the schedule for Designated Parties and Interested Persons to submit comments, evidence and legal argument concerning the TCAO/DTR. As the Environmental Parties pointed out in their April 6, 2011, communication, the need for hearing briefs later in the process appears duplicative with submittal of legal argument pursuant to this schedule. While the San Diego Water Board may, at a later date, consider allowing optional hearing briefs that will summarize the Designated Parties' positions prior to hearing, the Designated Parties are on notice that they should submit all legal argument in accordance with the enclosed schedule in order for legal arguments on the TCAO/DTR to be timely.

A subsequent notice will be issued to allow for public comment on the Draft Environmental Impact Report being prepared by the Cleanup Team and anticipated to be released on June 17, 2011. A notice of public hearing for the evidentiary hearing tentatively scheduled for November 9-10, 2011 also will be issued at a later date. The Second Amended Order of Proceedings, issued on May 2, 2008, will be amended in the near future to incorporate this schedule, the remaining procedural schedule, and to provide more detail about the hearing format for this matter.

Therefore, the following deadlines for comments are hereby established:

1. On or before **5 p.m. on May 26, 2011**: Designated Parties except for the Cleanup Team shall submit written comments on the TCAO/DTR including and not limited to technical issues, evidence, and legal argument.¹ Interested Persons shall submit any written non-evidentiary comments on the TCAO/ DTR.
2. On or before **5 p.m. on June 16, 2011**: Designated Parties except for the Cleanup Team shall submit any reply comments on technical issues, rebuttal evidence, and rebuttal legal argument. Interested Persons shall submit any written non-evidentiary reply comments on the TCAO/DTR.
3. On or before **5 p.m. on August 16, 2011**, the Cleanup Team shall submit response to comments on technical issues, evidence, and legal argument. No new evidence is permitted.

Written comments must comply with the format in Appendix A.

Designated Parties must distribute their written submittals electronically to the San Diego Water Board and all Designated Parties.

IF YOU HAVE ANY QUESTIONS

Questions concerning this Notice may be addressed to Frank Melbourn by email at fmelbourn@waterboards.ca.gov or telephone number 858-467-2973.



Grant Destache, Chair and Presiding Officer for Prehearing Proceedings

Dated: 4/12/2011

¹ The proposed schedule allowed Designated Parties other than the Cleanup Team 31 days and 14 days to submit initial and reply comments, evidence and legal argument, respectively. The Environmental Parties, NASSCO and those joining NASSCO's comments also requested more times for initial and reply submittals. The San Diego Water Board notes that the TCAO and DTR in their most current form have been publicly available for almost seven months and the parties have had an extensive opportunity to conduct discovery on prior versions as well as the September 15, 2010 TCAO/DTR. Therefore, while the San Diego Water Board will allow more than the originally proposed time for initial and reply submittals, it is not necessary to extend the time for as long as some Designated Parties request. It is appropriate to retain an approximately 60 day response to comment timeframe for the Cleanup Team as the Cleanup Team must wait for submittals to begin its responses and rebuttal.

APPENDIX A
COMMENT FORMAT
SHIPYARD SEDIMENT SITE

INSTRUCTIONS: Designated Parties to the Cleanup and Abatement Order (CAO) Proceeding, excluding the San Diego Water Board Cleanup Team, and Interested Persons shall submit all comments as follows:

Designated Parties may submit comments on technical issues, legal argument, and evidence on the Tentative CAO (TCAO) and Draft Technical Report (DTR) to the San Diego Water Board with copies to all other Designated Parties.

Interested persons may submit non-evidentiary policy statements or comments on the TCAO and DTR to the San Diego Water Board.

Designated Parties to the proceeding shall provide the following information on the cover page of their submittal:

Designated Party Name:	_____
Represented by Representative Company/Agency:	_____
Representative Street Address:	_____
City, State, Zip Code:	_____
Phone Number:	_____
Email Address:	_____

For Designated Parties, each separate comment,¹ legal argument, or piece of evidence in the submittal must be preceded by the appropriate Information Table 1, 2, or 3 (shown below) with the required information filled in. Consolidating comments that refer to the same document type (ie, TCAO, DTR, or SAR²) is not acceptable. While one page can contain multiple comments, each comment must be preceded by its own separate information table. Comments which do not conform to this format may be stricken by the presiding Hearing Officer and excluded from the administrative record.

¹ A "comment" is defined as any reasonably segregable issue, concern, or argument.

² The term "Shipyard Administrative Record" refers to a) the indexed administrative record in electronic format provided by the San Diego Water Board to the Designated Parties and b) other documents designated by the San Diego Water Board for inclusion in the administrative record and available on the San Diego Water Board website.

Information Table 1.

Tentative CAO No. R9-2011 - 0001	
Date of Submittal	
TCAO Finding or Directive Number	
TCAO Page, Paragraph, and Sentence Number	
Concise Summary of Issue	
Indicate if Issue is Comment, Legal Argument, or Evidence	

Information Table 2.

Draft Technical Report for Tentative CAO No. R9-2011-0001	
Date of Submittal	
DTR Section Number	
DTR Page, Paragraph, and Sentence Number	
Concise Summary of Issue	
Indicate if Issue is Comment, Legal Argument, or Evidence	

Information Table 3.

Shipyards Administrative Record	
Document Name	
Document Date	
SAR Number ³	
Page, Paragraph, and Sentence Number	
Concise Summary of Issue	
Indicate if Issue is Comment, Legal Argument, or Evidence	

³ An individual Shipyards Administrative Record (SAR) Number is assigned to every document in the electronic Shipyards Administrative Record.

For Interested Persons, each non-evidentiary policy statement or comment must be preceded by Information Table 4 with the required information filled in. Consolidating non-evidentiary policy statements or comments that refer to the same document type (i.e. the TCAO, DTR, or SAR⁴) is not acceptable. While one page can contain multiple statements or comments, each separate policy statement or comment must be preceded by its own separate information table. Policy statements or comments which do not conform to this format may be stricken by the presiding Hearing Officer and excluded from the administrative record.

Information Table 4.

Non-Evidentiary Policy Statements or Comments Submitted by Interested Persons	
Indicate if Policy Statement or Comment is on TCAO, DTR, or SAR	
Name of "Person" and Organization Document is From	
Document Date	
Document Type	Public Comment
Page, Paragraph, and Sentence Number	
Concise Summary of Issue	

⁴ The term "Shipyard Administrative Record" refers to a) the indexed administrative record in electronic format provided by the San Diego Water Board to the Designated Parties and b) other documents designated by the San Diego Water Board for inclusion in the administrative record and available on the San Diego Water Board website.