

**State Water Resources Control Board  
May 18, 2010 Board Meeting  
Item 11 - Executive Director's Report**

**OFFICE OF ENFORCEMENT**

**Judicial Approval of Settlement of Water Quality Violations by the U.S. Maritime Administration for its Suisun Bay Reserve Fleet (Mothball Fleet):** Last month's report reported on the settlement of this matter with the U.S. Maritime Administration (MARAD) regarding the resolution of water quality violations caused by discharges from the Mothball Fleet in Suisun Bay. The settlement was approved by the court and entered on April 14, 2010.

**Lawsuit Filed Against Travel Centers of America for Leak Prevention Violations:** On May 5, 2010, the Attorney General's Office, on behalf of the State Water Resources Control Board, filed a complaint against Travel Centers of America LLC and their affiliates (TA) for leak prevention violations related to underground storage tank (UST) at TA's diesel and gasoline fueling facilities in Merced and Kern Counties. The action was filed in Alameda County Superior Court based on inspections by local and state regulators. The Attorney General seeks a permanent injunction, civil penalties, and other equitable relief.

The lawsuit involves six fueling facilities located in Merced and Kern Counties, which are owned or operated by the defendants. The fueling facilities operate under the "TravelCenters of America," and "Petro" brand names and provide diesel and gasoline fuel, truck repair and maintenance services, convenience stores, and restaurants. The lawsuit seeks civil penalties for numerous violations documented by local and state agencies. Applying the minimum civil penalty of \$500 per day for each violation, the penalties could result in the multi-millions of dollars.

This lawsuit comes on the heels of enforcement actions taken against TA by three District Attorney Offices for violations of UST laws. District Attorney Offices in Riverside and San Bernardino Counties filed complaints on July 10, 2008 and July 23, 2008, in their respective Counties. Tehama County's District Attorney Office reached a \$300,000 judgment against TA on April 3, 2009 for operation and maintenance violations which led to a 900 gallon release of diesel fuel into a tributary of the Sacramento River in Tehama County. The San Bernardino County's District Attorney Office reached a \$980,000 judgment against TA on December 17, 2009 for leak prevention violations.

This lawsuit is the latest in a series of enforcement actions that the State Water Resources Control Board's Office of Enforcement, represented by the California Attorney General's Office, has brought against violators of California's leak prevention laws.

**Briefings for Regional Water Boards on new Water Quality Enforcement Policy and the Supplemental Environmental Project Policy:** Briefings on these two new policies have been completed for all of the Regional Water Boards.

## DIVISION OF WATER QUALITY

**Construction General Permit (CGP) Rollout:** The Storm Water Multi–Application & Report Tracking System (SMARTS) system is now in production. Use of SMARTS is required to re-certify over 15,000 existing CGP dischargers and enroll all future CGP dischargers. Staff sent letters to the 15,000+ existing CGP dischargers instructing them to use SMARTS to submit their Permit Registration Documents (PRDs) prior to July 1, 2010, when the new CGP becomes effective. Staff has hosted and presented at over 15 workshops, statewide, on the new CGP requirements and SMARTS.

**Groundwater Ambient Monitoring and Assessment (GAMA) Program:** GAMA's Priority Basin Project has recently published its first fact sheet and assessment report for the Central Eastside Study Unit (Modesto/Merced Area). In addition, public meetings were held in April in Big Bear and are currently planned for June in Buellton.

The **GeoTracker GAMA** online groundwater information system was demonstrated during April to legislative staff as part of the State Water Board's Information Technology (IT) presentation and to the Cal/EPA Geologic Symposium. Plans are proceeding for the Water Quality Monitoring Council's Portal for "Is My Water Safe to Drink?" to display information from the GAMA Program and GeoTracker GAMA.

**Integrated Report Adoption (2010):** On April 19, the State Water Board issued a Notice of Opportunity for public comment on the proposed 2010 Integrated Report and the Staff Report, which includes the State Water Board staff recommendations for the Clean Water Act Section 303(d) list and Section 305(b) surface water quality assessment. The State Water Board's 2010 Integrated Report Map website is now available at [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml). The Notice also stated that the State Water Board expects to consider adoption of the Integrated Report at its June 15 Board Meeting. Comments on the proposed 2010 Integrated Report are due 12:00 noon on May 28, 2010.

**Listing Policy Update (Sediment Quality Objectives):** State Water Board staff are now reviewing the comments providing input on the scope and content of the environmental information that should be considered in amending the State Water Board's Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy). Comments are due by April 12, 2010. The proposed amendment will incorporate State Water Quality Control Policy for Sediment Quality Objectives for Enclosed Bays and Estuaries into the Listing Policy. State Water Board staff anticipate releasing the California Environmental Quality Act (CEQA) documentation and staff report in August 2010.

**Once Through Cooling:** The State Water Board approved an amended version of the Once-through Cooling Policy at its meeting on May 4, 2010. Staff is now preparing the administrative record for submittal to the Office of Administrative Law.

**Sanitary Sewer Overflow Reduction Program:** The Sanitary Sewer Overflow Reduction Program's online geographical information system was demonstrated during April to legislative staff as part of the State Water Board's Information Technology (IT) presentation. In addition, the annual compliance report is included as Appendix 1.

**Wetland and Riparian Area Protection Policy:** A scientific peer review request for the wetland definition was submitted to ORPP on April 23. An Interagency Coordinating Committee meeting, made up of federal and state agency executives with regulatory responsibilities for wetlands, will be held on May 20 at the Cal/EPA Building to review an outline of the policy content.

A second round of focused, invitation-only, stakeholder meetings is now scheduled for June 21 and June 30 in Sacramento. The meeting dates are split between six groups: environmental advocacy, business and industry, regulated state and local agencies, agriculture, timber and range interests, federal agencies and tribal governments, public health and safety agencies.

**Sediment Quality Objectives Phase 2 Development and Annual Report:** A 2001 Superior Court decision (*San Francisco BayKeeper, Inc. v. State Water Resources Control Board, October 2001*) ordered the State Water Board to adopt SQOs pursuant to California Water Code section 13393. Section 13393 requires the State Water Board to adopt SQOs for toxic pollutants that have been identified in toxic hot spots as part of the Bay Protection and Toxic Cleanup Program (BPTCP) and for other toxic pollutants of concern. In response to the court's decision, the State Water Board immediately initiated a phased process to develop SQOs, supporting tools, and an implementation policy. Phase I primarily involved developing objectives and an implementation plan for direct effects to benthic marine life communities and was completed when the State Water Board approved Resolution 2008-0070 adopting the Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1 Sediment Quality Objectives. Part 1 became effective upon approval by U.S. EPA on August 25, 2009.

Under Phase II, staff and the technical team are developing:

1. indicators to assess the risk to sediment dwelling organisms from direct effects within estuarine habitats, and
2. a framework and appropriate tools to assess the risk to humans exposed through the consumption of fish and shellfish containing contaminants that originated in bay and estuarine sediments.

Pursuant to a Superior Court order dated March 19, 2007, the State Water Board must adopt and submit to the Office of Administrative Law all Phase II SQOs and related implementation policies by December 30, 2010. Staff anticipates that the Phase II SQOs will include a proposed final objective for direct effects for all estuaries in the State, and a proposed final objective for indirect effects for all bays and estuaries.

An informational scoping document for Phase II SQOs was released on April 21, 2010 and a CEQA public scoping meeting has been set for May 19, 2010. The purpose of the scoping meeting is to seek input on the scope and content of the environmental information that should be included in the draft substitute environmental documentation prepared to support the Phase II Amendments to the Enclosed Bays and Estuaries Plan – Part 1 Sediment Quality Objectives. Staff will also provide an annual status report on the development of sediment quality objectives to the public at the May 19 scoping meeting.

**Statewide Policies/Significant General Permits:** Appendix 2 provides the current status of pending Statewide Policies and Significant General Permits.

**Irrigated Lands Regulatory Program Update Report:** The May 2010 report is attached as Appendix 3.

## DIVISION OF WATER RIGHTS

**North Coast Instream Flow Policy (AB 2121):** At its May 4, 2010 meeting, the State Water Board adopted the North Coast Instream Flow Policy (AB 2121). The State Water Board was originally scheduled to consider policy adoption on March 29, 2010. However, to provide the public additional time to review the policy revisions, the hearing date was rescheduled to April 27, 2010. Division staff provided the revised Policy and the draft response to comments to stakeholders and interested parties both by posting on the Division's web page and via electronic notice to the pertinent Lyris lists. At its April 27 Board hearing, the Board asked staff to reconsider their original recommendations regarding the alternative concepts. The Board then continued the hearing to May 4, 2010, in order to provide stakeholders and interested parties an opportunity to comment on the proposed alternative concepts. Staff made modifications to the proposed Policy, which met with stakeholder, and ultimately Board, approval.

**Informational Proceeding to Develop New Flow Criteria for the Delta Ecosystem:** The State Water Board has been conducting a public informational proceeding to receive scientific information in order to develop new flow criteria for the Sacramento-San Joaquin Delta ecosystem necessary to protect public trust resources. As part of the March 2010 Informational Proceeding, participants were asked to summarize in their closing comments what flow criteria are necessary to protect public trust resources in the Delta under current conditions. Closing comments were due by noon on April 14, 2010. State Water Board staff received 19 sets of closing comments from participants or groups of participants. Staff will develop a report, with assistance from the Department of Fish and Game, the Department of Water Resources, and other participants, based on the information received during the Informational Proceeding. A resolution to consider adoption of the report will be considered by the State Water Board at its August 3, 2010 meeting. Closing comments and additional information are posted on the State Water Board website at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/deltaflow/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/deltaflow/)

**Public Outreach – Training for Online Filing of Water Diversion and Use Reports:** On April 27 and 28, Division staff conducted remote location training classes for the public in Yreka, Redding, Willits and Santa Rosa, on how to use the new online water diversion and use reporting component of the Electronic Water Rights Information Management System (eWRIMS). The classes consisted of a Powerpoint presentation on: (1) the background of the reporting system and its benefits both for diverters and for State Water Board data management, and (2) a demonstration of how to file a Supplemental Statement of Diversion and Use online. The Division is planning a further training session in early summer 2010 in Riverside for online reporting of Groundwater Extraction Notices. Web versions of these training classes will also be posted to the Division website.

**Fee Stakeholders Meeting:** On May 17, 2010, State Water Board staff will hold a meeting of the water right fee stakeholders. The purpose of the meeting is to update the stakeholders on the current status of the Water Right Fund and to discuss the proposed fee schedule for Fiscal Year 2010-11. Staff will present alternative methods of fee allocation for stakeholder discussion.

**Order on Extension of Time under U.S. Bureau of Reclamation Permit, an Element of the Truckee River Operating Agreement (TROA):** At its June 15, 2010 Board meeting, the State Water Board will consider a proposed order on extension of time under Permit 11605 of U.S. Bureau of Reclamation at Stampede Reservoir on Little Truckee River in Sierra County. TROA was negotiated pursuant to the Truckee-Carson-Pyramid Lake Water Rights Settlement Act, to make operations at existing Truckee River reservoirs more effective and efficient, and to expand their use in order to provide multiple benefits. A number of water right actions are needed in order to implement TROA, including changes to a number of California water right permits and licenses, to allow the water storage, transfers, and exchanges provided for in the Negotiated Agreement. Among the necessary water right actions is a time extension on Reclamation's Stampede Reservoir permit.

**Water Transfers:** From January through April 2010, the State Water Board received nine petitions for temporary change, three of which have since been withdrawn (submitted by Delta Wetlands Properties, South Feather Water and Power Agency, and Reclamation District No. 1004). The Division of Water Rights issued a notice on April 30, 2010 for the temporary transfer of 10,000 acre-feet of water from South Sutter Water District to State Water Contractors. The Division expects to issue notices for the remaining active petitions by mid-May. An order will be issued in early May in response to the temporary transfer petition that was filed by the Department of Water Resources (DWR) on February 16, 2010. DWR's petition requests a change in place of use to deliver to Westlands Water District 10,000 acre-feet of State Water Project (SWP) water originally intended for Tulare Lake Basin Water Storage District and Empire West Side Irrigation District.

DWR has also petitioned for a long-term transfer involving parties and terms similar to the above-noted temporary transfer, with a transfer period of 2011–2027. The Division expects to issue the public notice for the petition for long-term transfer by mid-May.

Last year's consolidated place of use for the Central Valley Project and SWP was approved by State Water Board Order 2009-0033. No new transfers will be initiated pursuant to Order 2009-0033, and all but one have been completed. The one ongoing transfer and exchange between Arvin-Edison Water Storage District and the Metropolitan Water District of Southern California was started in October 2009 and may have some activity in April and May 2010. Division staff has reviewed the information submitted by the petitioners and determined that this information meets the reporting requirements contained in Order 2009-0033.

**Records Unit Expansion:** The Division has planned a major remodel of its second floor Records Unit during the month of July. The unit's demand for records space has doubled in the past five years, and the need for security of hard copy records has also increased significantly. In response to these factors, the planned expansion will create over 1,000 square feet of additional space to provide for (1) a hard copy records viewing area for members of the public which is partitioned off from the records storage area, and (2) expanded records storage capacity and improved organization of water right records. Construction is expected to last the entire month of July. For the duration of construction, the Records Unit will be closed to the public for purposes of viewing hard copy water right records.

**Delegation Authority:** The State Water Board has delegated specific actions relating to the general operation of the water rights program to the Deputy Director for Water Rights. (See Resolution 2007-0057.) Each month, mid-month, the Division of Water Rights posts on its website a report on the actions it has completed in the previous month. The table below provides a summary of the activities of the Division during three quarters of FY 2009-2010.

Permitting, Licensing, Petitions, Transfers, Monitoring and Reporting, and proposed Enforcement activities are delegated or conditionally delegated to the Deputy Director for Water Rights. Water Quality Certification activities are delegated to the Executive Director. In general, a conditionally delegated activity is delegated unless the affected water right holder is entitled to a hearing on the action and a hearing is requested. The table below also provides the activity goals for FY 2009-2010. The FY 2009-2010 goals reflect an anticipated reduction in work products due to mandated furloughs.

### March 2010

	FY Goal	FY	Month
<b>Permitting</b>			
Applications Rejected	--	12	1
Applications Cancelled	--	11	0
Registrations Issued	--	20	1
Registrations Renewed	--	160	11
New Statements Processed	--	105	71
New Groundwater Recordations Processed	--	13	3
Permits Issued	12	8	1
Temporary Urgency Permits Issued	2	0	0
<b>Licensing</b>	footnote <sup>1</sup>		
Licenses Issued		10	2
Amended Licenses Issued		15	0
<b>Petitions</b>	30		
Time extension Orders Issued		2	0
Change Orders Issued		47	17
<b>Transfers Approved<sup>2</sup></b>			
Orders Issued on Temporary Urgency Change Petitions	--	2	0
Orders Issued on Temporary Change for Transfer Petitions	--	5	0
Orders Issued on Long Term Transfer Petitions	--	0	0
<b>Monitoring and Reporting</b>			
Annual Reports of Permittee and Licensee Processed	3145	687	288
Supplemental Statement of Diversion & Use Processed	--	872	0
Annual Groundwater Recordation Processed	--	49	0
Ownership Changes Processed	--	673	21
<b>Enforcement</b>	footnote <sup>3</sup>		
Permit and License Revocations Issued	--	43	1
Complaint Actions Closed	38	28	5
Cease and Desist Notices Issued		8	0
Final Cease and Desist Orders Issued	--	3	1
Administrative Civil Liability Complaints Issued	--	0	0
Final Administrative Civil Liabilities Issued		1	1
Administrative Civil Liability Orders Paid	footnote <sup>4</sup>	1	0
Settlement Agreement Orders Issued by Executive Director		2	2
<b>Water Quality Certifications</b>			
Certifications on FERC projects	4	1	0
Application Denials on FERC projects	--	1	0
Certifications on Non-FERC projects	4	3	0

<sup>1</sup> The goal is to issue licenses, amended licenses or prepare Orders of Revocation for 72 permits.

<sup>2</sup> Transfers may also be accomplished under change petitions filed pursuant to Water Code section 1700 *et seq.*

<sup>3</sup> The goal is to initiate 15 enforcement actions (Administrative Civil Liability Complaints and Notices of Cease and Desist Orders).

<sup>4</sup> The goal is that 100 percent of ACLs imposed be paid.

Application Denials on Non-FERC projects	--	0	0
Adjudicatory			
Water Right Decisions Issued by the Board	3	1	0
Division Decisions Issued	--	0	0
Water Right Orders Issued By the Board	5	2	0
Orders on Petitions for Reconsideration	--		
By the Executive Director		11	2
By the State Water Board		1	0
Administrative Records Completed	--	0	0

## DIVISION OF FINANCIAL ASSISTANCE

**City of Hermosa Beach Ribbon Cutting Ceremony:** State Water Board staff attended the City of Hermosa Beach's (City) groundbreaking ceremony for the Hermosa Strand Infiltration Trench Project (Project) on April 22, 2010. The City's Project is a pilot project to demonstrate the effectiveness of subsurface infiltration of low flows from storm drain outfalls at the beach as a means to maintain recreational beach water quality standards during dry weather. Planning and pre-construction phases were funded under the California Prop 50 Clean Beaches Initiative program. Construction of the project was funded with \$950,850 from the American Recovery and Reinvestment Act (ARRA).

**2010 California Financing Coordinating Committee (CFCC) Funding Fairs:** State Water Resources Control Board (State Water Board) staff participated in the last of five CFCC Funding Fairs held throughout California on **May 6** in Sacramento. The previous 2010 CFCC Funding Fairs were held in Coachella (February 2), Fillmore (February 4), Fresno (March 9), and Redding (April 14). The CFCC was formed in 1998 to facilitate and expedite the completion of infrastructure projects by helping interested parties identify and combine the resources of various state and federal agencies. The CFCC is comprised of seven (7) member agencies (six state, one federal), including the State Water Board. Information on the CFCC and its Funding Fairs can be found on the CFCC webpage at: [www.cfcc.ca.gov](http://www.cfcc.ca.gov).

### **Division Approvals:**

The Deputy Director of the Division approved the following Preliminary Loan/Grant Commitments from April 8, 2010 to May 5, 2010.

#### **Clean Water State Revolving Fund Loan**

Entity	Preliminary Loan Commitment	Project	Approved
City of Yucaipa	\$9,572,100	Regional Brineline Extension Project	5/4/2010

#### **Water Recycling Grant/Loan**

Entity	Preliminary Funding Commitment	Project	Approved
City of Pasadena	\$75,000	Pasadena Power & Water Recycled Water	4/21/2010

## **DIVISION OF ADMINISTRATIVE SERVICES**

Our Assembly Budget Committee hearing was held on April 28<sup>th</sup> and May 5<sup>th</sup>.

Three of our Budget Change Proposals (BCP) were denied. They included:

- Replacing \$1.4 million of general fund (GF) for the NPDES program with fees.
- Replacing \$1.8 million of GF for the Irrigated Land Regulatory Program with fees.
- Replacing \$3.2 million of GF for Water Rights programs with fees.

Seven of our seventeen BCPs were approved. Approved BCPs included:

- Replacing \$2 million of Integrated Waste Management land disposal fees with Waste Discharge Permit fees.
- Providing \$1 million in reimbursement authority to directly pay consultants for CEQA documents and charging applicants for the cost.
- Adding five positions to the Water Rights program to process FERC 401 certifications.
- Adding 8.9 positions to process Basin Plan updates to be funded with reimbursement from entities seeking the amendment.
- Adding one position to our collections unit to help collect past due permit fees.
- Re-appropriation of \$56 million in bond funds in order to extend the encumbrance period for the funded projects.
- Add one position to implement SB 310 that allows local agencies to develop their own Watershed Improvement Plan.

The Assembly also approved our Finance Letters for next fiscal year that included:

- Augmenting the Above Ground Fund appropriation by \$500 thousand to fund Certified Unified Program agencies to inspect above ground storage tanks.
- A technical correction to the Governor's Budget for the administrative line item in the Water Rights program budget.
- Provide \$2.7 million of GF to fund litigation costs with Pacific Lumber Company.

The Assembly held the rest of our budget proposals open.

- Establishing the Waste Water Certification Fund to certify operators of wastewater treatment plants.
- Adding two positions to implement AB 32 Climate Change Scoping Plan.
- Adding four positions to enforce Mandatory Minimum Penalty violations.
- Increase the Underground Tank appropriation by \$158 million to implement AB 1188 that temporarily increased the storage fee.
- Adding one position to help implement SBx7 7 to improve water conservation measures.
- Adding 3.5 positions for the Delta Watermaster Program.
- Adding 2.5 positions to the Water Rights program to help process new and supplemental statements of water diversion and use.

## **OFFICE OF RESEARCH, PLANNING AND PERFORMANCE**

**Upward Mobility Training:** The Water Board Training Academy provided a one-day upward mobility class on May 3 and May 4, 2010, titled “Continuing Education for Administrative Assistants.” This class was offered to bargaining unit 04 staff and was open to all California Environmental Protection Agency Boards, Departments and Offices. The responses have been overwhelmingly positive. A future follow-up class is in the planning stages.

## **BOARD MEMBER DIRECTIVES**

A list of Board Member directives (assignments made by Board Members) during Board meetings) is attached as Appendix 4.

**Appendix 1**  
**Statewide Sanitary Sewer Overflow**  
**Reduction Program**  
**Annual Compliance Update**



**EXECUTIVE DIRECTOR'S REPORT**  
**State Water Resources Control Board**

**May 2010**

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## 1. INTRODUCTION

This report provides an update on the Statewide Sanitary Sewer Overflow Reduction Program (SSO Reduction Program). It updates information contained in the [May 2008 Executive Director's Report](#) and the [May 2009 Executive Director's Report](#). The State Water Resources Control Board (State Water Board) requested the May 2010 Executive Director's Report and the update to address statewide compliance with the General Waste Discharge Requirements (WDRs) for Sanitary Sewer Systems ([Water Quality Order No. 2006-0003-DWQ, Sanitary Sewer System WDR](#)). This updated report contains detailed information on the SSO Reduction Program implementation efforts, compliance, and enforcement actions.

A sanitary sewer overflow (SSO) is any overflow, spill, release, discharge, or diversion of untreated or partially treated wastewater from a sanitary sewer system. A sanitary sewer system is any system of pipes, pump stations, sewer lines, or other conveyances used to collect and convey wastewater to a treatment facility. SSOs do not include overflows from privately-owned service laterals when these overflows are caused by blockages or other problems within the privately-owned lateral but do include overflows from privately-owned laterals when the cause is a problem within the publicly-owned portion of the sanitary sewer system. Overflows from privately owned service laterals are referred to as private lateral sewage discharges (PLSDs).

SSOs and PLSDs contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oil, and grease. SSOs and PLSDs pollute surface and ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters. SSOs and PLSDs also can result in closure of beaches and other recreational areas, inundate properties, and pollute rivers and streams.

The Sanitary Sewer System WDR was developed and implemented in 2006-2007 to address these issues. The objective of the Sanitary Sewer System WDR is to reduce the number of SSOs and the volume of sewage spilled across the state through the proper operation and maintenance of sanitary sewer systems. The basic requirements of the Sanitary Sewer System WDR are that any publicly-owned agency with more than one mile of sewer lines connected to a publicly-owned treatment facility must enroll for coverage under the Sanitary Sewer System WDR, develop and implement a sewer system management plan (SSMP), and report all SSOs or a no-spill certificate each month to a statewide SSO database.

Prior editions of this annual report contain detailed information on the history and requirements of the SSO Reduction Program.

In addition to the statewide requirements of the Sanitary Sewer System WDR, collection systems owned by public agencies in the San Francisco Bay and San Diego regions are subject to additional Regional Water Quality Control Board (Regional Water Board) requirements. Although it is the State Water Board's intent that the Sanitary Sewer System WDR be the primary mechanism for regulation of sanitary sewer systems statewide, per the Sanitary Sewer System WDR, Regional Water Boards may issue more stringent or prescriptive requirements for sanitary sewer systems.

The Regional Water Boards have implemented the following requirements for sanitary sewer systems that are above and beyond the requirements of the statewide Sanitary Sewer System WDR:

**San Francisco Bay Regional Water Board** ([San Francisco Bay Regional Water Board, Sanitary Sewer Overflow Reduction Program](#))

- 1) Requires spills to be reported to a San Francisco Bay Regional Water Board online reporting system in addition to the State Water Board's California Integrated Water Quality System (CIWQS) online reporting system as the mechanism to provide the Regional Water Board notification required per State Water Board Water Quality Order No. 2008-0002-EXEC, the Monitoring and Reporting Program for the statewide Sanitary Sewer System WDR.
- 2) Requires submittal of an annual report to the Regional Water Board detailing spills that occurred from the collection system during the year.
- 3) Requires collection system agencies to develop and implement an SSMP similar to the SSMPs required under the Sanitary Sewer System WDR but, with different development deadlines than the Sanitary Sewer System WDR.

**San Diego Regional Water Board** ([Order No. R9-2007-0005](#))

- 1) Prohibits all discharges of sewage from a sanitary sewer system at any point upstream of a sewage treatment plant.
- 2) Requires that sewage collection agencies notify the Regional Water Board of all PLSDs in their service area that they become aware of and that the PLSDs be reported to the State Water Board online SSO database.

## **2. STATEWIDE SANITARY SEWER SYSTEM WDR IMPLEMENTATION**

Over the past three years, staff has primarily focused its resources in the following areas to achieve successful statewide implementation and compliance with the Sanitary Sewer System WDR requirements.

### **A. SSO Reduction Program Outreach**

Outreach continues to play a key role in both increasing enrollee participation in the SSO Reduction Program and reaching other interested stakeholders such as environmental groups and the general public.

Specific outreach has been varied to provide information about the Sanitary Sewer System WDR to as many different audiences as possible. Specific tasks include the following:

- 1) Giving external presentations for trade and non-profit associations such as the California Water Environment Association (CWEA), Southern California Alliance of POTWs (SCAP), Bay Area Clean Water Association (BCWA), Central Valley Clean Water Association (CVCWA), CalFOG, Southern California Chapter of the American Public Works Association (APWA), California Sanitation Risk Management Authority (CSRMA), and the California Rural Water Association (CRWA);
- 2) Providing CIWQS Help Line assistance;
- 3) Assisting in the development of the SSO Public Reports Website;
- 4) Developing and maintaining the SSO website;
- 5) Broadcasting list-serve email announcements.

## B. SSO Database and External Users Group

Staff developed the SSO database and enrollees are using it to report SSOs and PLSDs. The SSO database is part of the California Integrated Water Quality System (CIWQS). The SSO database allows online submittal of information by enrollees and makes this data available to the public through the use of the public reports. The SSO database was created in collaboration with an advisory group of enrollees with the goal of achieving accurate and consistent data collection. Staff continues to maintain and enhance the SSO database with available resources. Staff coordinates enhancements with an SSO external users group comprised of enrollees. In addition, staff is coordinating and participating in a CIWQS SSO module Data Review Committee comprised of State Water Board, Regional Water Board, and enrollees as part of the Sanitary Sewer System WDR Review and Update process. This committee is evaluating SSO spill data collected to date in CIWQS with the goal of developing collection system performance indicator(s) and refining the CIWQS spill report form and data content.

## C. Enrollee Training

State Water Board staff continues to use the Memorandum of Agreement (MOA) with the California Water Environment Association (CWEA) to offer Sanitary Sewer System WDR training to enrollees. This MOA is in effect until December 2010. CWEA created, in cooperation with staff, training courses for how to report a spill to the SSO database, how to develop an SSMP, and how to communicate with the media during and after spill events. CWEA has offered these classes statewide and will continue to do so under the terms of the MOA. The number of enrollees that have participated in the CWEA classes for electronic reporting, SSMP preparation, and media communication are illustrated on Figure 1 below.

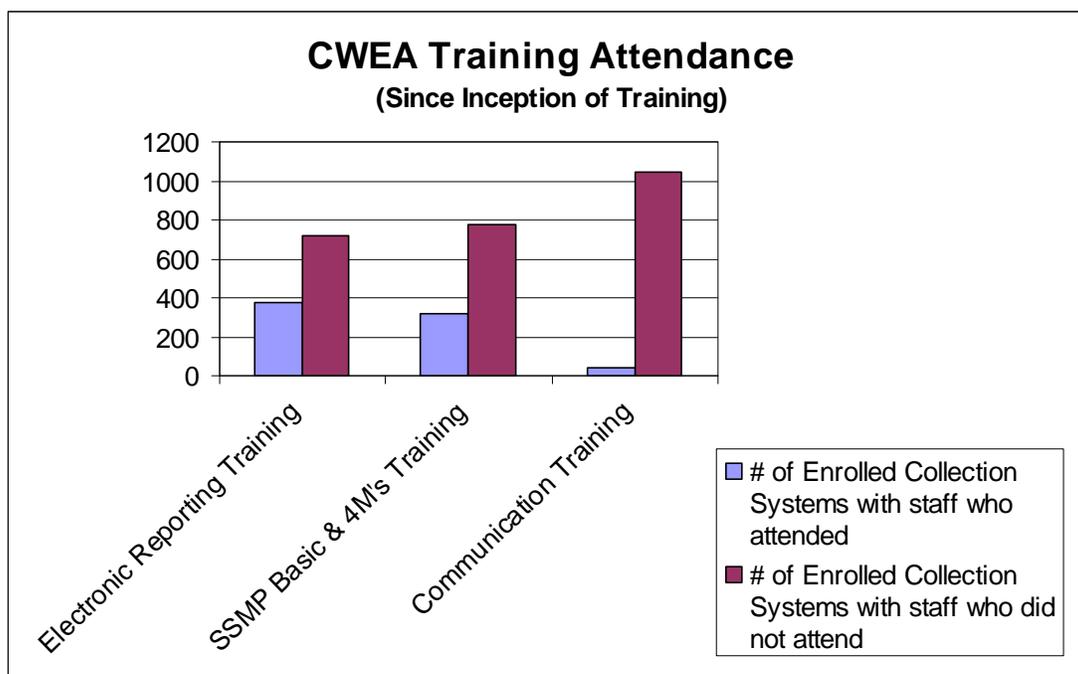


Figure 1 – CWEA Training Attendance

One of the challenges with enrollee training continues to be reaching small agencies that either cannot afford to pay for training or cannot attend the training because of limited staff size. A wastewater industry organization, California Rural Water Association (CRWA), is providing separate Sanitary Sewer System WDR training and outreach effort to address the needs of small sanitary sewer system agencies.

Staff continues to participate, in a consultative role, in the production of new SSO Reduction Program education materials and in the periodic review and update of existing educational materials via the established MOA with CWEA. This task includes participation in a regular monthly Training Task Force meeting and communication with education and marketing staff at CWEA.

#### **D. Regional Water Board SSO Reduction Program Training**

State Water Board staff, with technical assistance from outside consultants, has delivered customized training in the past in northern and southern California for Regional Water Board staff that covers the requirements of the statewide Sanitary Sewer System WDR and proper sanitary sewer system operation and maintenance. The class curriculum included information on how to conduct audits of sanitary sewer systems, the Sanitary Sewer System WDR requirements, evaluating SSMPs, and procedures for responding to and investigating SSOs. Additional advanced training classes on this subject matter are planned for development and will be presented to applicable Water Board staff in the future.

#### **E. SSO Incident Maps**

Staff released GIS spill incident maps to the public in May 2009 that depict SSO and PLSD incidents that have been reported to CIWQS by enrollees. This tool shows CIWQS certified spill data ([http://www.waterboards.ca.gov/water\\_issues/programs/sso/index.shtml#ssomaps](http://www.waterboards.ca.gov/water_issues/programs/sso/index.shtml#ssomaps)).on Google maps and was developed in-house. The spill maps include spills from sanitary sewer systems only and do not include spills from wastewater treatment plants at this time. The GIS maps serve to implement the requirements in CWC section 13193 which require the State Water Board to make reports available to the public, using GIS maps where possible. In addition, the GIS maps support the Water Board's Strategic Plan goal of communicating public information regarding the state's waters in an easily understood form. The mapping tool incorporates numerous recommendations from the External Users Group including the capability to search by spill date, spill size, enrolled agency, county, Regional Water Board, and spill street address. Future enhancements are planned and will be made as staff time permits.

Figure 2 below is a view the incident map for SSOs for certified spill incidents in CIWQS provided by enrollees over the past 4 months.

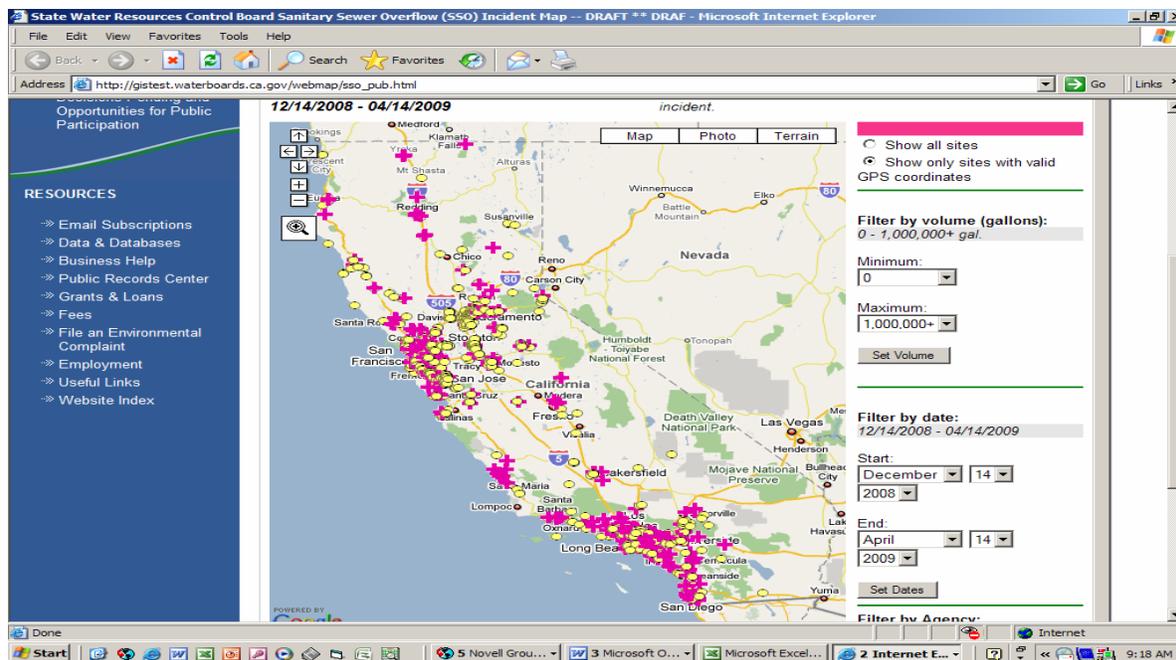


Figure 2 – SSO GIS Incident Map

## F. Enforcement of the Sanitary Sewer System WDR

Current compliance and enforcement tasks are focused on addressing violations of the Sanitary Sewer System WDR in the following areas:

- a. Evaluating compliance and implementing enforcement actions for failing to provide required reporting elements, and
- b. Evaluating the accuracy and completeness of required reporting elements.

The first area is being handled solely by State Water Board staff. The second area is to be handled jointly with State Water Board and Regional Water Board staff, working together where possible, by way of scheduled collection system field audits. Due to limited staff resources, a phased approach is being utilized in implementing the proposed enforcement tasks.

### Phase I

Staff is addressing collection system agencies that have not submitted applications for enrollment into the Sanitary Sewer System WDR or that are enrolled but have not submitted any reports first. During this phase, State Water Board staff are identifying enrollees not meeting the basic program participation requirements (e.g., enrollment, reporting, SSMP development). Staff is conducting enforcement actions to bring identified noncompliant enrollees into compliance.

Staff is currently preparing approximately 160 Notices of Violation (NOVs) that will be mailed to these agencies. These NOVs are scheduled to be sent in May 2010 and will require agencies that are not enrolled in the Sanitary Sewer System WDR to submit applications for enrollment. The NOVs will also require the agencies to submit all of the spill reports for their collection systems dating back to the effective date on which they were required to start reporting. In addition, the NOVs will require these agencies to submit their questionnaire, a schedule for

completion of their SSMP, and maintain future compliance with the Sanitary Sewer System WDR requirements.

### **Phase II**

In the second phase, staff plan to address enrollees having some violations of the Sanitary Sewer System WDR reporting or implementation requirements. Initially, these agencies will be provided a compliance reminder and directed to correct their reporting deficiencies. Enrollees who fail to respond to the compliance reminder would be sent NOVs directing them to correct their reporting deficiencies and maintain compliance with the Sanitary Sewer System WDR. Additional enforcement letters and actions would be initiated against agencies who failed to respond to the NOVs.

### **Phase III**

The third phase includes evaluation of all enrollees for completeness and accuracy of their SSMPs and spill reporting. Staff plan to use targeted and random collection system audits.

To ensure a fair and consistent approach to achieve statewide compliance, staff will use the Sanitary Sewer Reduction Program Compliance and Enforcement Plan. This plan identifies the specific enforcement actions to be undertaken over the next year to comprehensively address noncompliance with the Sanitary Sewer System WDR requirements.

## **G. Recent Enforcement Activities**

During Fiscal Year 2009-2010, CIWQS data show that 14 formal enforcement actions have been taken by Regional Water Boards for violations, in whole or in part, related to the statewide Sanitary Sewer System WDR. These actions resulted in approximately \$5,767,000 in assessed liabilities for SSOs throughout the state and consisted of four administrative civil liability (ACL) actions issued by the North Coast Water Board; five ACLs and one cease and desist order issued by the San Francisco Bay Water Board; one ACL issued by the Central Valley Water Board; one ACL issued by the Santa Ana Water Board; and two ACLs issued by the San Diego Water Board.

In addition, San Diego Water Board staff sent seven NOVs in February 2010 to medium and large collection systems in their region to address missed SSMP deadlines.

Also, State Water Board staff sent 50 NOVs in Fiscal Year 2009-2010 to address non-payment of WDR fees.

## **H. Sanitary Sewer System WDR Review And Update**

The review and update of the Sanitary Sewer System WDR was initiated in September 2009. Progress to date on the review and update of the Sanitary Sewer System WDR is summarized below.

**Staff Public Meetings** – Staff held informal public meetings on September 15, 2009 in Orange County (82 participants) and on September 29, 2009 in the City of Oakland (101 participants). Comments received have been compiled for response in a comment database.

**Comment Letter Solicitation** – In follow-up to the staff workshops, comment letters were solicited. A total of 36 comment letters were received from the public and 3 comment letters were provided by Regional Water Boards (The San Francisco Bay, Central Coast, and

San Diego Water Boards responded.) Comments received have been compiled for response in a comment database.

**Workshop with Regional Water Board Staff** – A workshop with Regional Water Board staff from the North Coast, San Francisco Bay, Central Coast, Central Valley and San Diego Water Boards was conducted on January 19, 2010. Comments received have been compiled for response in a comment database.

**Data Review Committee** – As part of the staff workshops, formation of a Committee to Review CIWQS SSO data collected to date was offered to interested participants. The purpose of the Committee is: (1) to review the SSO data collection process and to make improvements to it that will enhance the value of collected spill data for all stakeholders; (2) to redesign the spill database and report forms to be an event based versus the current location based reporting system; and (3) to evaluate and develop indices of collection system performance to be used in California. A total of 129 stakeholders registered for the committee. Committee meetings are being held every two weeks and will continue through approximately July 2010.

**California Emergency Management Agency (Cal EMA) Coordination** - A meeting was held with Cal EMA staff on March 4, 2010 to discuss statewide spill notification procedures in relation to the Sanitary Sewer System WDR. State Water Board staff gained information on how the SSO notification procedures can be streamlined in the update of the Sanitary Sewer System WDR. Cal EMA staff agreed to let State Water Board staff comment on their internal spill notification procedures.

Cal EMA confirmed that they are notifying local health department staff and Regional Water Board staff when they receive spill notifications. The Sanitary Sewer System WDR also requires the enrollee to notify their local health department staff and Regional Water Board staff when a spill occurs. These notifications result in local health department staff and Regional Water Board staff receiving multiple notifications for a given spill event.

**Local Health Department Coordination** – Local Health Department staff are providing input on the Sanitary Sewer System WDR to State Water Board staff via a survey form that State Water Board staff distributed to the California Conference of Directors of Environmental Health, Land Use Committee. State Water Board staff is currently awaiting return of the surveys.

**Upcoming Activities** – Upcoming activities include drafting a response to comments document and presenting an Information Item to inform the State Water Board of the comments received and staff recommendations. This Information Item is currently scheduled for the State Water Board's meeting on August 3, 2010.

### **3. STATEWIDE SANITARY SEWER SYSTEM WDR COMPLIANCE SUMMARY**

The following section provides an update on enrollee compliance with requirements of the Sanitary Sewer System WDR including enrollment for coverage, monthly reporting, SSMP certification, and completion of the collection system questionnaire.

#### **A. Enrollment for Coverage**

The Sanitary Sewer System WDR requires any public entity that owns or operates a sanitary sewer system comprised of more than one mile of pipe or sewer lines that conveys wastewater

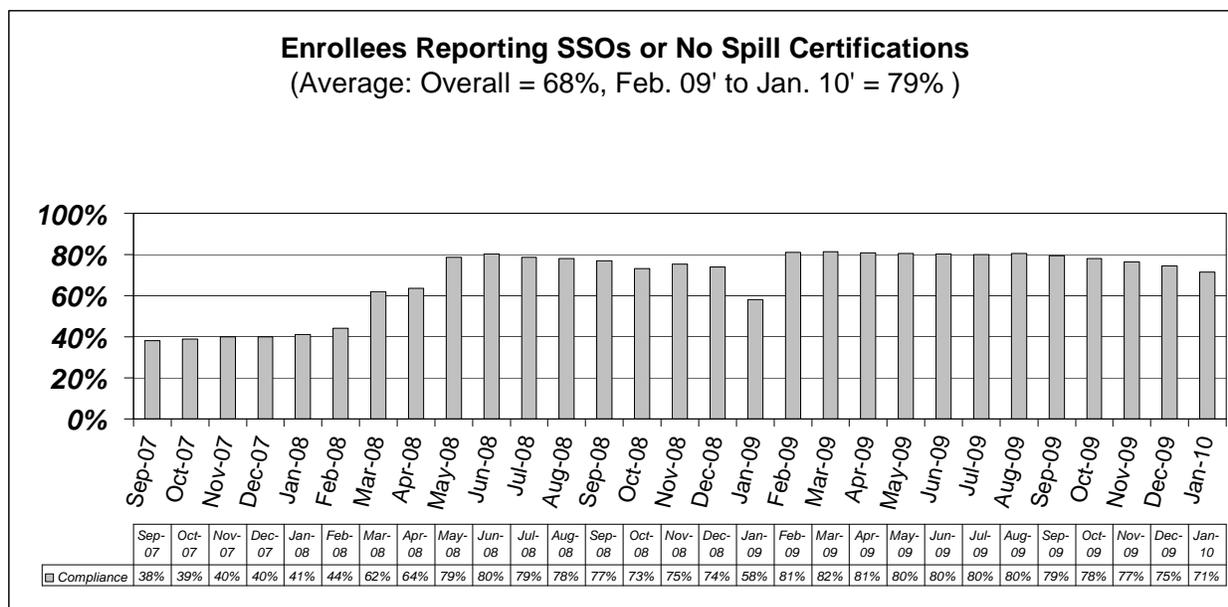
to a publicly owned treatment facility to apply for coverage under the Sanitary Sewer System WDR.

Since January 2008, the number of enrollees covered under the Sanitary Sewer System WDR has varied between 1090 and 1100 enrollees. Currently, 1091 agencies are enrolled for coverage under the Sanitary Sewer System WDR. The total number of enrollees varies due to new applications for coverage under the Sanitary Sewer System WDR and cancellations of enrollment. Reasons for cancellations of enrollment include: (1) agency does not meet the application criteria (i.e., greater than one mile of sewer pipe and/or public entity) and enrolled erroneously; (2) duplicate enrollment due to submittal of multiple applications; or (3) errors in CIWQS data entry.

Staff occasionally receives notifications from Regional Water Boards of sanitary sewer systems that were not notified of the requirements to apply for coverage under the Sanitary Sewer System WDR and that are therefore not enrolled. Staff is following up on these notifications with enforcement activities as described in section 2.F above.

### B. SSO Reporting

A monthly SSO reporting compliance rate can be established by determining how many individual enrollees submitted either an SSO report or no spill certification for a given calendar month. Monthly reporting compliance rates are shown in Figure 2 below for the months of September 2007 to January 2010 and equals 68% since program inception. The monthly reporting compliance rate during the past year averages 79%.



**Figure 3 – Enrollee Month-to-Month Compliance with Spill and No-Spill Reporting**

The current average monthly reporting compliance rate for the past year of 79% is less than the target level of 100%. Enforcement activities described in section 2.F above are being conducted to improve this compliance rate.

### **C. Sanitary Sewer Management Plan Development and Certification**

A reasonable amount of time is provided in the Sanitary Sewer System WDR for enrollees to develop their SSMPs with smaller communities having more time to complete their online CIWQS certification of required SSMP task elements than larger communities. Enrollees are required to certify that the final SSMPs are in compliance with the Sanitary Sewer System WDR within specified time frames. This certification is done electronically in the SSO database. Enrollees are required to obtain their governing board's approval at a public hearing for the plan for developing the SSMP and for the final SSMP certification. Enrollees do not send their SSMP to the State or Regional Water Boards for review or approval; however, they must make them available for review upon request.

The CIWQS online certification system for the SSMP provides State and Regional Water Board staff the ability to continuously monitor compliance of enrollees with SSMP development deadlines.

The current status of the SSMP certification requirements in the Sanitary Sewer System WDR is as follows:

- 39% of enrollees (425) have SSMP elements for which certification is not yet due. These will all be due on August 2, 2010.
- 53% of enrollees (510) have certified some, but not all of their SSMP elements.
- 13% of enrollees (147) have met all SSMP certification deadlines.
- 17% of enrollees (184) have not certified any of their SSMP elements and these elements are now past due.
- 38.6% of enrollees (421) have not met certification deadlines for one or more SSMP elements.

Enforcement activities described in section 2.F above are being conducted to improve the SSMP compliance rates.

### **D. Collection System Questionnaire**

The Sanitary Sewer System WDR requires enrollees to complete collection system questionnaires and update them every 12 months. The collection system questionnaire is a survey of an enrollee's organization and facilities. Enrollees are required to submit information on operating and capital expenditure budgets, miles of pipe, number of employees, and population served on the questionnaire. The purpose of this survey is to put the enrollee's SSMP and reported SSOs into context with organizational and facility characteristics. This is important because these characteristics have a significant impact on how an enrollee operates and maintains its sanitary sewer system. For example, population served represents the size of the rate paying base an enrollee has available from which to collect fees to operate and maintain the sanitary sewer system.

Currently, 83% of enrollees (906) have completed the collection system questionnaire and updated it annually, 4% (37) have completed the questionnaire but have failed to annually update it, and 13% (148) of enrollees have never completed the questionnaire. Enforcement

activities described in section 2.F above are being conducted to improve the Questionnaire compliance rates.

#### 4. SPILL DATA SUMMARY

##### A. Statewide Reported Spill Data

A summary of statewide SSO and PLSD discharge data reported by participating enrollees since reporting requirements became effective on January 2, 2007 is presented in Table 1 below. The Sanitary Sewer System WDR does not prohibit all SSOs, only those that reach surface water or that cause a nuisance. As defined in the California Water Code section 13050 (m) (2), to be considered a nuisance an SSO would have to affect an entire community or neighborhood.

State Water Board staff are actively conducting checks and taking necessary actions to ensure the accuracy of the approximately 16,000 reported spill data records. Steps taken to ensure quality assurance and control include analysis of reported spills to identify erroneous data. When erroneous data are identified, the enrollee responsible for the data entry error is contacted and requested to correct it.

	# of SSOs	Total Volume of SSOs(gal)	Total Volume Recovered (gal)	Volume Reached Surface Water (gal)	Percent Recovered	Percent Reached Surface Water	Total Miles Pressure Sewer	Total Miles Gravity Sewer	Total miles of Laterals Enrollee Responsible for	# of SSOs per 100 miles Sewer	Volume Reaching Surface Water per 100 miles Sewer
<b>SSOs</b>	15,718	55,340,238	13,783,909	45,381,460	25	82	17,619	177,033	17,673	7.4	21,374

	Number of PLSDs	Total Volume of PLSDs(gal)	Total Volume Recovered (gal)	Volume Reached Surface Water (gal)	Percent Recovered	Percent Reached Surface Water	Total Miles Private Laterals	# SSOs per 100 miles of Private Laterals	Volume Reaching Surface Water per 100 miles Private Laterals
<b>Private Laterals</b>	2,244	1,579,156	555,234	795,277	35	50	4,478,506	0.05	18

**Table 1 – Overall Statewide SSO and PLSD Reports (from 1/2/07 to 1/31/10)**

The data summaries presented below are from analyses of data that staff has checked and have a high degree of confidence in. Staff will examine additional metrics when ongoing data cleanup by enrollees is completed, efforts to increase reporting become effective, and additional data is collected.

Overall SSO Reduction Program performance from September 2, 2007, when all Water Board regions in the state were required to start reporting, to January 31, 2010 is illustrated in Figure 4 below. As illustrated on this figure, there was a significant reduction in the “spill volume” and “spill volume reaching surface water” from September 2, 2008 to September 1, 2009 compared to September 2, 2007 to September 1, 2008. Currently, for the partial year from

September 2, 2009 to January 31, 2010, both “spill volume” and “spill volume reaching surface water” are on track to exceed the volumes spilled from September 2, 2007 to September 1, 2008.

The exact cause(s) for the reversal of the downward trend in spill numbers and spill volume after September 2009 is being evaluated by staff. This trend reversal may be due to a number of issues including changes in staffing due to the economic recession, changes in precipitation rates, and more thorough reporting.

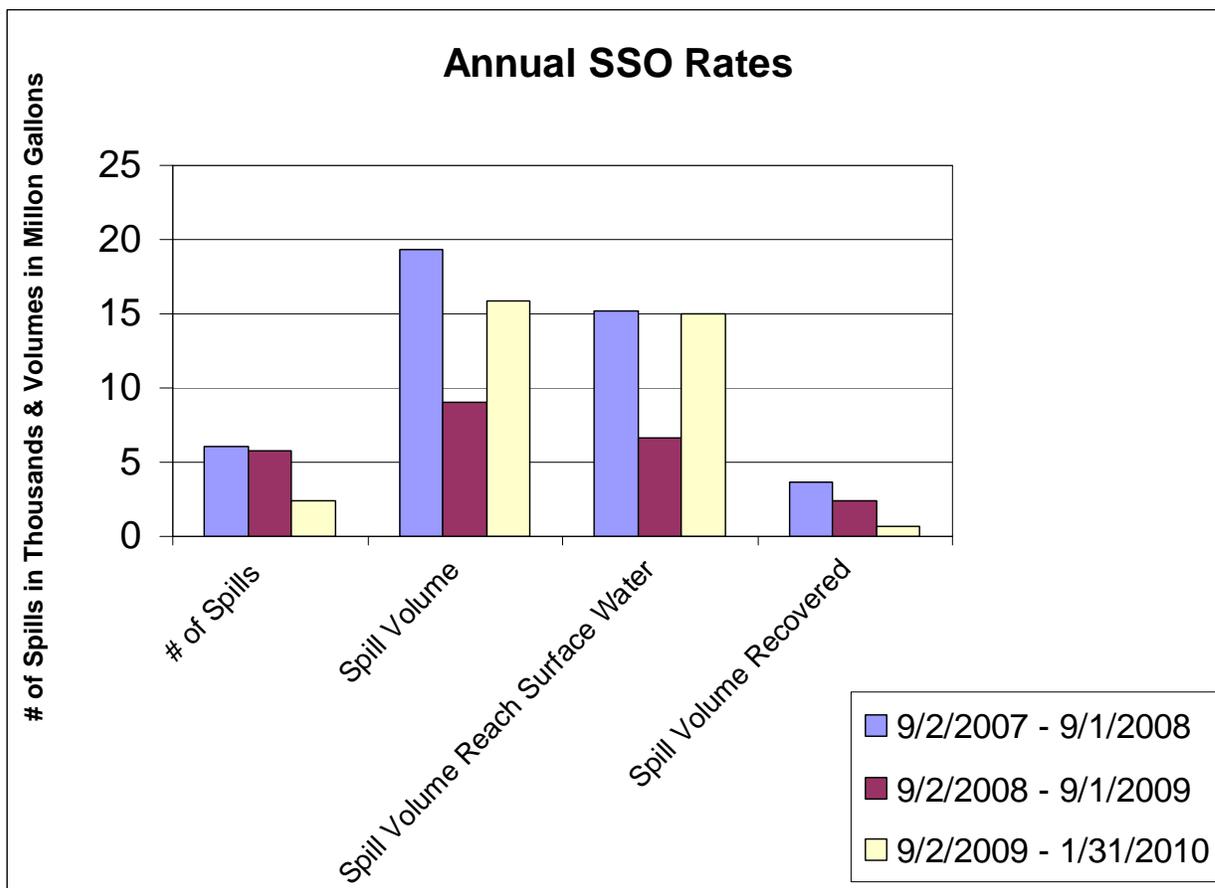


Figure 4 – 2007 to 2010 Annual SSO Trends

**B. SSO and Private Lateral Sewage Discharge Trends**

The percentage of reported sewage spills that reached surface water by spill size class is presented in Figure 5 below. Of 15,718 reported spills, 3,873 reached surface water. Of these, 3,082 or approximately 80% were less than 1,000 gallons.

The percentage of total sewage spill volume by spill size class that reached surface water is presented in Figure 6 below. Comparing Figures 4 & 5, 1% of spills account for 69% of the volume spilled to surface waters in the state since spill reporting was required. Also, 94% of the spills that occurred in the state since spill reporting required account for only 17% of the spill volume that reached surface waters.

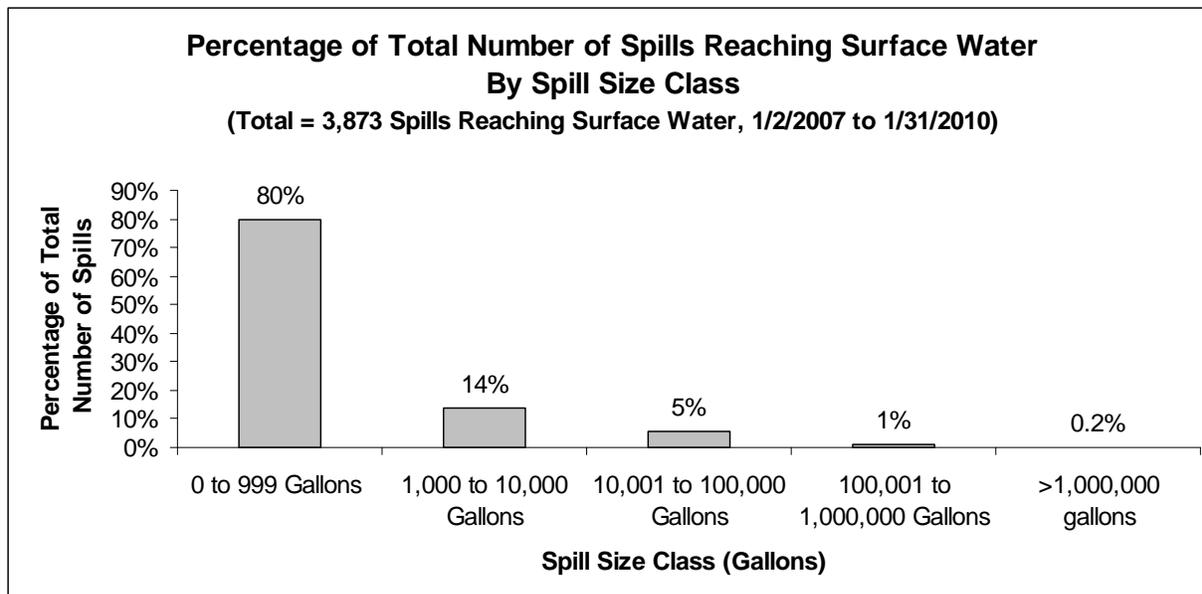


Figure 5 – Percentage of Total Number of Spills that Reached Surface Water by Size Class

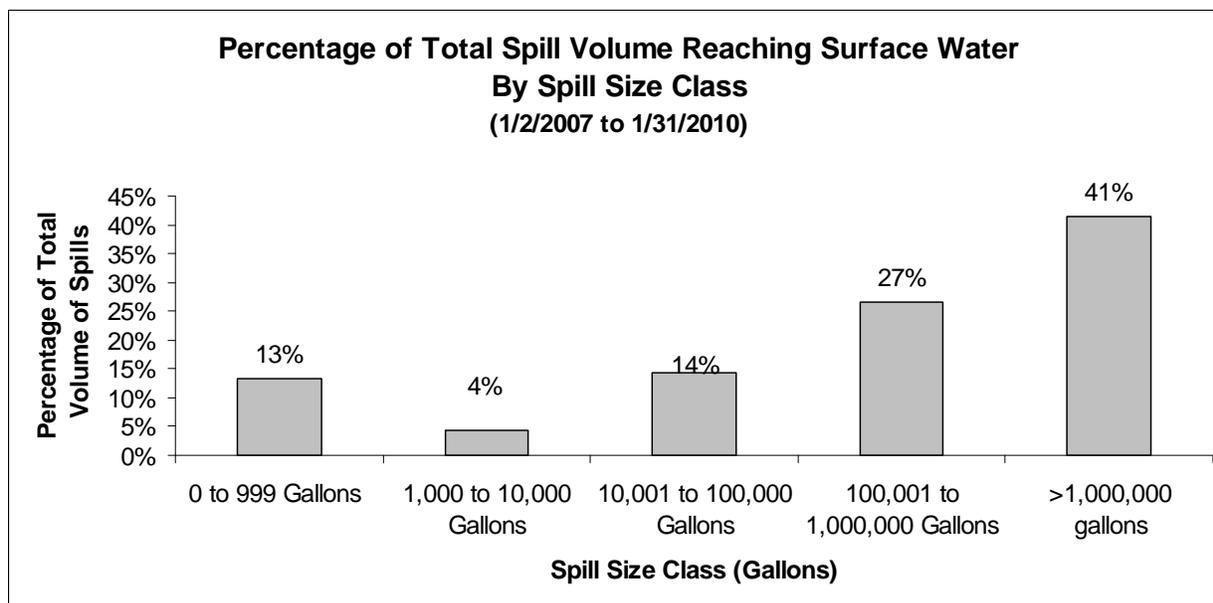


Figure 6 – Percentage of Total Volume of Spills that Reached Surface Water by Size Class

Examining the percentage of total number and volume of reported SSOs and PLSDs in the State by size class further illustrates the trends shown above for the SSOs and PLSDs reaching surface water. Ninety two percent of all SSOs and PLSDs in the State are less than 1,000 gallons, as illustrated in Figure 7 below.

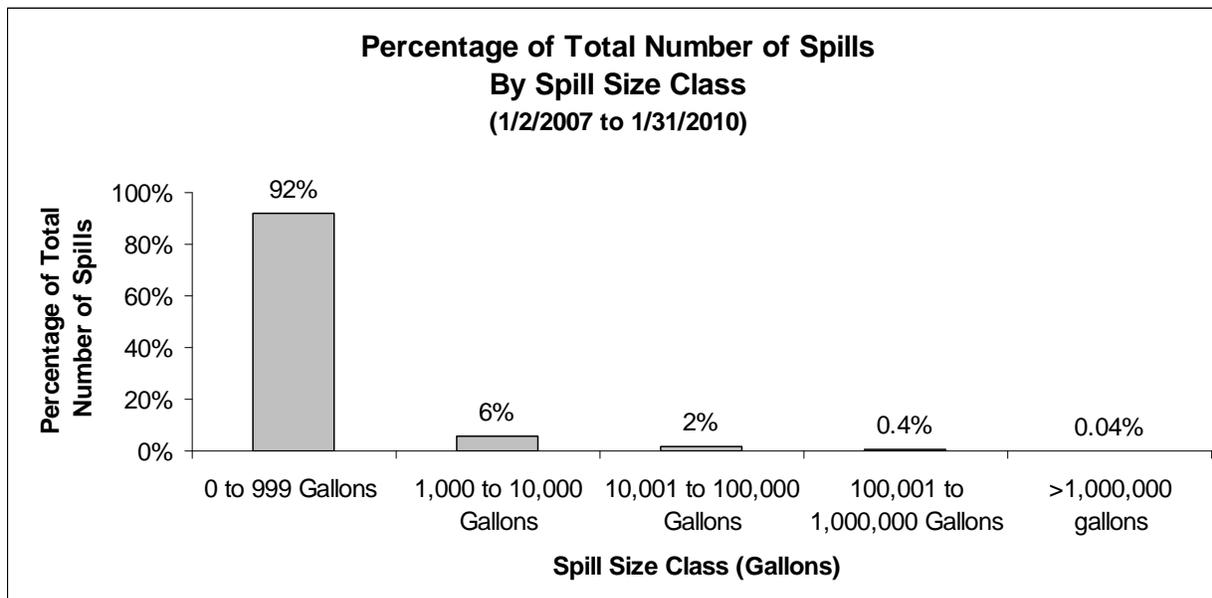


Figure 7 – Percentage of Total Number of Spills by Size Class

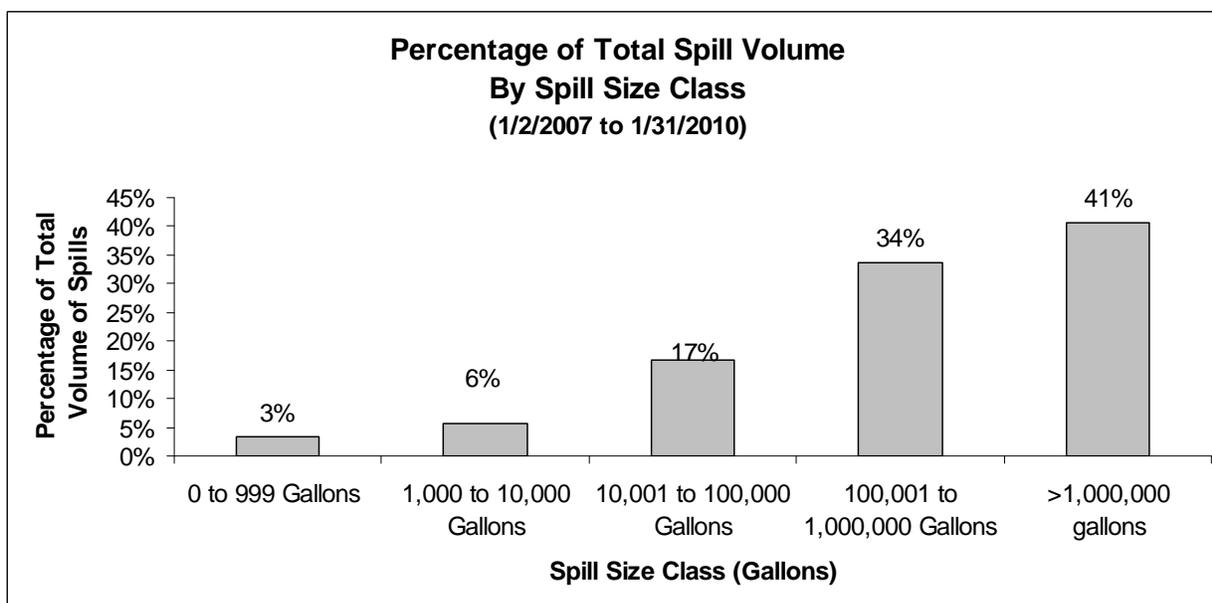


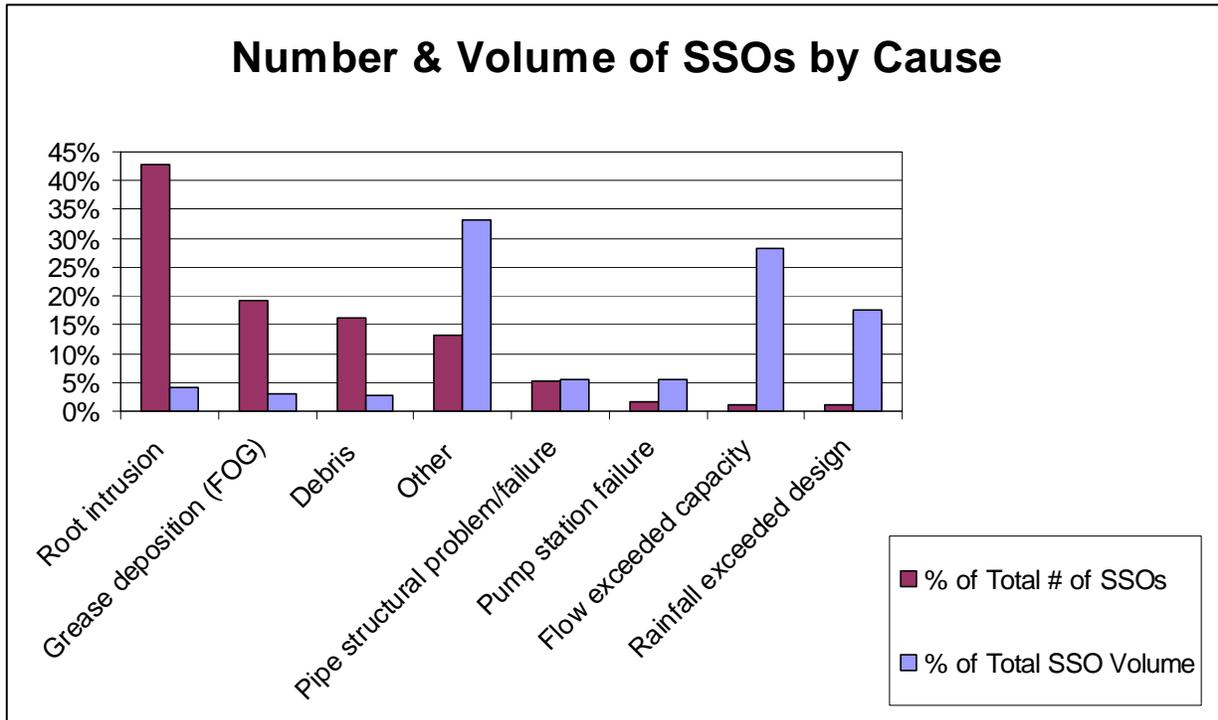
Figure 8 – Percentage of Total Volume of Spills by Size Class

Of the total percentage of reported volume of SSO and PLSD spills in the State, 75% of the total volume results from just 0.44% of the SSO and PLSD events as illustrated in Figures 7 & 8. Also, only 9% of the reported volume of SSOs and PLSDs in the State results from 98% of SSO and PLSD spill events.

### C. Spill Causes

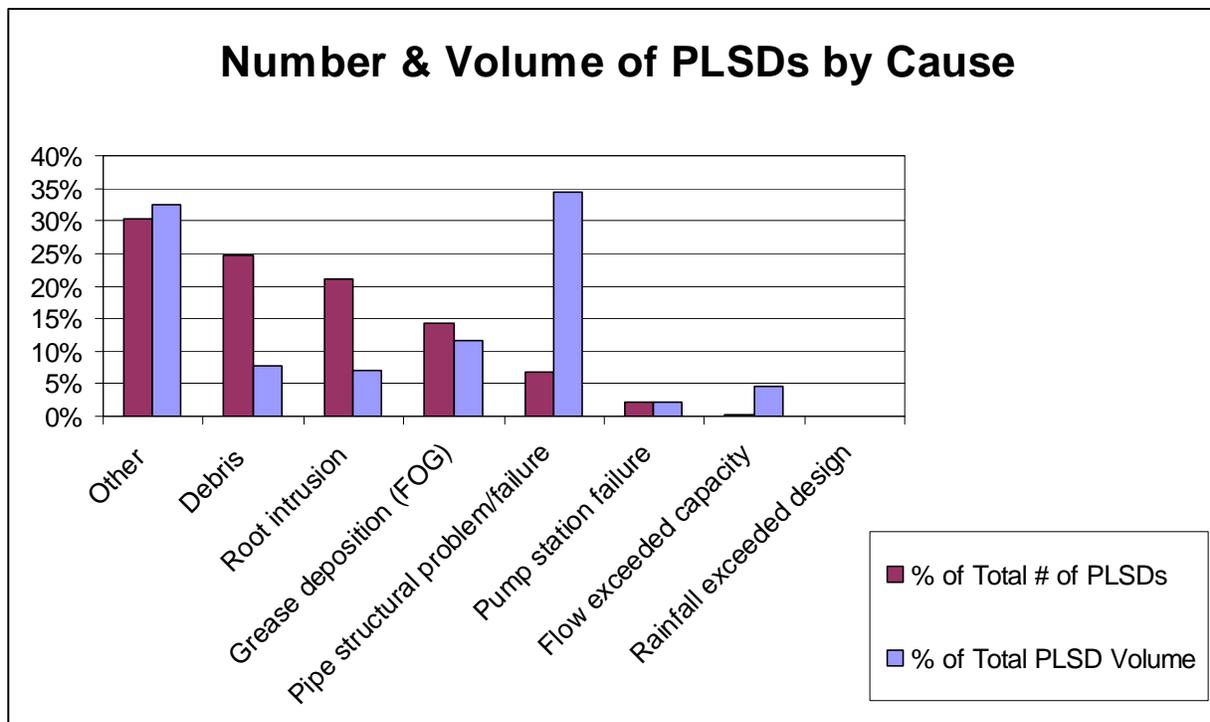
The percentage of total SSO and PLSD spills reported by spill causes is presented in Figures 9 and 10 below. The data indicates that common and manageable causes (root intrusion, grease

deposition, debris) are responsible for 78% of all SSO spills and 60% of all PLSD spills.



**Figure 9 – Percent of Reported SSOs and Percent of Total Volume Spilled by Cause**

- The “other” category noted in the charts includes the following causes for SSO and PLSD spills: unknown cause, multiple causes, vandalism, operator error, maintenance, improper installation, valve failure, failure from diversion during construction, siphon failure, inappropriate discharge, and non-collection system related.



**Figure 10 – Percent of Reported PLSDs and Percent of Total Volume Spilled by Cause**

#### **D. Sewage Spills by Pipe Characteristics**

**Pipe Diameter** – SSO and PLSD report data indicates that 1) many enrollees are not reporting the sewer diameter in their reports (67% for SSOs and 73% for PLSDs) and 2) that at least 30% of SSOs and at least 27% of PLSDs occur in pipe sizes of 1-8". It is expected that smaller diameter pipes would be affected to a higher degree by the common causes of SSOs and PLSDs noted above (i.e., root intrusion, grease deposition, and debris).

**Sewer Age** – SSO and PLSD report data indicates that 1) many enrollees are not reporting the sewer age in their reports (84% of SSOs and PLSDs reported) and 2) that at least 40% of the volume of SSOs and PLSDs occurs in pipes 11-45 years of age. In light of the common causes of SSOs and PLSDs noted above (i.e., root intrusion, grease deposition, and debris), it is expected that the rates and volumes of SSOs and PLSDs may not be closely correlated with pipe age versus if pipe failure were a leading cause.

**Pipe Material** – SSO and PLSD report data indicates that 1) many enrollees are not reporting the sewer age in their reports (73% of SSOs and PLSDs reported) and 2) that at least 21% of the reported SSOs and PLSDs occur in vitrified clay pipes (VCP). This result is likely due to the prevalence of VCP in sanitary sewer systems piping in the state. Increased thoroughness in reporting would help to clarify any relationship between pipe material and SSOs and PLSDs.

Completeness of reporting by enrollees can be addressed by requiring submission of pipe characteristics in the Sanitary Sewer System WDR. At this time, this information is submitted voluntarily to the online reporting system.

### E. Regional Spill Trends

The reported percentage of total state population served by collection systems in each region is presented in Figure 11. The data indicates that the San Francisco Bay, Los Angeles, Central Valley (Sacramento), Santa Ana and San Diego Water Board regions account for most of the population served by collection systems in the state.

The percentage of reported SSOs and PLSDs and spill volumes by Regional Water Board is also presented in Figure 11. The data indicates that: (1) the San Francisco Bay and Central Valley (Sacramento) Water Boards account for 64% of reported spills in the state (San Francisco Bay = 34%, and Central Valley (Sacramento) = 30%); and (2) that 91% of the reported spills occur in San Francisco Bay, Los Angeles, Central Valley, Santa Ana and San Diego Water Board regions. This result is consistent with the population served by sanitary sewer systems in these regions.

This data indicates that increased compliance efforts in the San Francisco Bay, Los Angeles, Central Valley (Sacramento) Water Board regions may yield the best results for reduction of the number of SSOs and the volume of sewage spilled.

Ongoing data quality control, cleanup, and collection efforts by staff are expected to improve the quality of spill data reported in the SSO online reporting system and allow additional trend analyses to be conducted with the data. These efforts will assist staff and enrollees in understanding the causes of sewage spills and in identifying collection system management and regulatory efforts yielding the greatest reductions in SSOs.

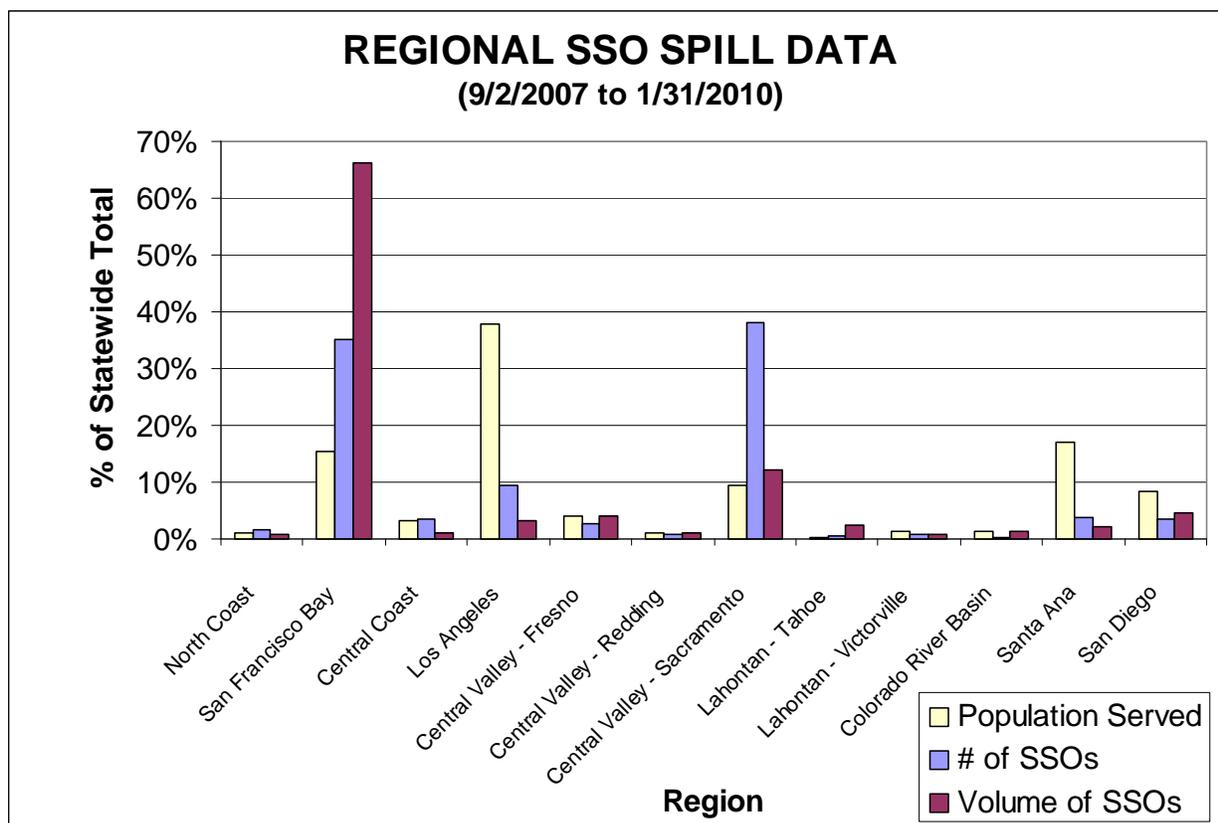


Figure 11 – Regional SSO Trends

## F. Summary of Reported Spill Data

SSO data collected to date indicates that 90% of the volume of sewage spilled in the State has occurred from only 52 out of 1,091 collection systems enrolled in the Sanitary Sewer Systems WDR. A summary of the top 20 collection systems responsible for the largest spill events (i.e., spills greater than 50,000 gallons) ranked from highest volume of sewage spilled to lowest volume of sewage spilled in the State since reporting was required is presented in Table 2 below. The change in ranking since the 2009 Annual Compliance Report is also noted. Where a “-” is noted in the 2009 rank, this indicates the collection system was not in the top twenty list in 2009.

Region	Collection System	# of Events	2010 Rank*	2009 Rank
2	Richmond City CS	21	1	4
9	Carlsbad MWD CS	1	2	1
2	San Mateo CS	19	3	2
5S	Angels Camp CS	2	4	-
2	Town Of Hillsborough CS	6	5	3
2	San Bruno City CS	6	6	5
6A	Susanville CSD CS	1	7	6
9	San Diego City CS	4	8	16
9	Rainbow Municipal Water Dist CS	1	9	8
9	City Of Laguna Beach CS	2	10	9
5S	Sacramento Area Sewer District CS	1	11	-
2	Mt. View SD CS	1	12	11
5F	City Of Visalia CS	1	13	12
5S	Dry Creek, Zone 173 CS	1	14	13
2	Sonoma Valley County S.D. CS	5	15	14
5F	City Of Bakersfield CS	1	16	15
9	City Of Vista CS	1	17	17
7	Coachella Valley Water District CS	2	18	18
2	Novato And Ignacio CS	3	19	19
9	Santa Rosa WRF-Recycled Wtr CS	2	20	20

\* Rank 1 = highest volume spilled, Rank 20 = lowest volume spilled

**Table 2 – Top Twenty Enrolled Collection Systems Ranked by Volume of Sewage Spilled**

## 5. CONCLUSIONS

Continuing outreach and education along with issuance of enforcement actions for Sanitary Sewer System WDR enrollment and reporting violations are being conducted to correct current enrollment and reporting deficiencies and achieve full participation of all applicable collection system agencies in the SSO Reduction Program. Current activities being conducted for the Sanitary Sewer System WDR review and update are expected to result in improved enforceability and clarification of elements of the Sanitary Sewer System WDR that will aid in its implementation by staff and stakeholders.

Ongoing enhancements to the CIWQS SSO Module that are being developed by staff and stakeholders are expected to improve the quality of spill data collected and aid in analyses of

spill trends and causes. These activities, along with current efforts to establish good indices of collection system performance, are expected to provide additional insight to direct staff actions that will reduce the number of SSOs and volume of sewage spilled in the state in the most efficient manner given available resources.

Once full SSO Reduction Program participation is achieved, increased resources will be needed to fully address accuracy and completeness of spill reporting by enrollees. These resources will be required either at the State or Regional Water Board level to conduct collection system audits. Currently, the limited staff resources provided for the SSO Reduction Program do not allow for extensive auditing activities.

## Appendix 2

# Statewide Policies/Significant General Permits

<b>Division of Water Quality</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
A*	Anti-Degradation Policy / Implementation Triennial Review	Scoping meeting held on 11/17/08. Reviewing the 30+ comment letters received. Preparing recommendation for the Board. Work delayed by petitions.
A-11*	Aquatic Pesticide General Permit – Vector Control, (Adulticide/Larvicide)	The Adulticide and Larvicide requirements are being combined into one vector control permit. Expect to release formal draft September 2010. Board Workshop November 2010. Board meeting/adoption hearing targeted for January 2011.
A-10	Aquatic Pesticide General Permit – Weed Control, Aquatic Application	Expect to release formal draft in November 2010, Board Workshop in November 2010, and meeting/adoption hearing in December 2010.
P	Aquatic General Permit – Aquatic Invasive Species	Pending completion of other Aquatic General Permits.
P	Aquifer Storage and Recovery Policy	Delayed due to other priorities.
A-10	Areas of Special Biological Significance (ASBS): Special Protections	The Notice of Preparation and Initial Study for the special protections for discharges of storm water posted on the State Board's website on February 9, 2010. Comments period closed March 15, 2010 and received and posted 27 comment letters. Reviewing comments and targeting Public Hearing in fall, 2010.
A-10	Bacterial Objectives for Inland Surface Waters	Scoping meetings held 10/6/08 & 10/22/08; comment period closed 11/5/08. Staff preparing draft policy and staff report. Economic study delayed due to contract funding issues. Adoption Hearing targeted for October 2010.

## Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A	Bio-indicator Development	Stakeholder Advisory Group formed on March 10, 2010. Next forming Regulatory and Scientific Advisory Groups in June 2010 and beginning technical studies.
A-10	Cadmium Objective and Implementation Policy	Scoping meeting held 10/6/08; comment period closed 10/23/08. Final internal review of draft policy and staff report prior to upcoming release for public comment. Targeting Public Hearing in September, 2010.
A-10	Constituents of Emerging Concern (CEC) Monitoring – Recycled Water Policy	Draft recommendations released April 15, 2010. Board Information Item presented on for April 20, 2010. Final Panel report expect June 15 and targeting Public Hearing in November, 2010.
A-10	Chlorine Residual Objectives and Implementation Policy	Delayed by loss of key staff. Scientific Peer review received. Report and policy will be revised as necessary to address peer review comments. Targeting Public Hearing December, 2010.
A	Composting Facilities Statewide Waiver	Continuing to meet with CalRecycle and Regional Boards on preparing draft statewide waiver.
P	Grazing	No Statewide effort at this time, Regions are issuing watershed based waivers. Grazing on national forest system lands will be considered under Statewide Water Quality Management Plan and waiver.
A-10	Integrated Report Adoption (2010)	Releasing draft report and beginning public comment period on April 14, 2010. Board consideration targeted for June 15, 2010.
A-10	Leaking Underground Fuel Tank (LUFT) Manual	Draft manual update in preparation.
A-10	Listing Policy Update (Sediment Quality Objectives)	CEQA Scoping Meeting held on March 29, 2010. Comments due by noon on April 12, 2010. Targeting Public Hearing / Board consideration in September 2010.
A	Marina Permit	Permit is postponed while working with other agencies and Marina and Boating groups to develop interim approaches.

## Division of Water Quality

Status Code	Policy/Significant General Permit	Status
P	Mercury Offset Policy	Partial economic analysis received from contractor (SAIC). No further contract funding available to complete economic analysis.
P	Methylmercury Objectives	Delayed by loss of key staff. Preparing economic analysis (SAIC).
A	Nutrient Numeric Endpoints Tools	Freshwater: to be peer reviewed. Contract with SCCWRP to develop estuary nutrient framework and numeric endpoints underway. Technical, stakeholder, and regulatory (Water Boards and U.S. EPA) advisory groups have been formed.
A-10*	Ocean Plan Amendment: monitoring & desal provisions	Will begin initial preparation at the completion of Once-Through Cooling 316(b) Policy.
P	Ocean Plan Amendment: vessel provisions	Pending completion of other Ocean Plan Amendments.
A	Ocean Plan Triennial Review	Public workshop targeted for Summer of 2010.
P	Off-Highway Vehicle (OHV) WDRs/Waiver	Pending staff availability.
C*	Once-Through Cooling (316b) Policy	Board adopted policy on May 4, 2010. Preparing administrative record for submittal to Office of Administrative Law.
A-11*	Onsite Waste Water Treatment Regulations/Waiver	Drafting new approach. Planning further public hearings on a new draft proposal in late Spring - early Summer 2010.
A	Rapid Diagnostic Tests for Bacterial Indicators in Coastal Waters	SCCWRP has established a sub-committee to evaluate methods readiness for usage. Sub-committee reported back in March 2010 to full commission with a recommendation to use rapid testing on several select beaches during the Summer of 2010. Full commission supported and so testing pilot will commence.
A-10	Sanitary Sewer System (SSS) WDR Update	Board Information Item planned for August, 2010. Targeting Public Hearing / Board consideration in December, 2010.
A	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase II	Phase II staff draft released. Scientific Steering Committee convened in July 2009. CEQA Scoping Meeting scheduled for May 19, 2010.
P	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase III	Pending completion of Phase II and availability of funding

## Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A-11*	Spray Applications Permit (CDFA Eradication Programs)	Expect to release formal draft in September 2010, Board workshop in November 2010, and Board meeting/adoption hearing in December 2010.
A-10*	Storm Water CalTrans Permit	Incorporating TMDLs. Targeting workshops for July 2010. Targeting Adoption Hearing November 2010.
A*	Storm Water Industrial Permit	Evaluating status of draft permit and developing schedule of next steps. Public workshops targeted for October, 2010.
A-10	Storm Water MS4 Effectiveness Guidance (AB 739, 2009, Laird)	Worked with Storm Water Task Force to develop guidance. Targeting Public Workshops for June, 2010.
A-11*	Storm Water MS4 Phase II Permit	Targeting Public Workshops targeted for late Summer, 2010. Targeting Board Adoption Hearing January 2011.
P	Suction Dredge General Permit	On hold, and working instead with Dept of Fish and Game to coordinate with their suction dredge permitting program.
A-10*	Timber Activities on National Forest System Lands	Resolution to proceed adopted on August 4, 2009. Public workshop held on November 30, 2009. Staff work group formed to draft Water Quality Management Plan (WQMP) amendments. Stakeholder group formed and has held several meetings. The goal is to complete the draft WQMP by September 2010. Compliance with the WQMP will be the basis for a waiver.
P	Timber Activities on Non-federal Lands	Work with California Board of Forestry, Department of Forestry and Fire Protection, and Regional Water Boards. Work delayed pending the outcome of a petition.
A-10*	Toxicity Control Provisions for the SIP	Anticipate release of draft policy for informal comment in Spring, 2010. Targeting Public Hearing in September 2010.
A-10*	Trash Policy	Targeting Public Hearing / Board consideration in December, 2010.
A-10	UST Regulatory Program Task Force	Final task force recommendations submitted to the Board in January 2010. DWQ staff will update the Board at the May 18 Board meeting in conjunction with DFA staff report on the UST Cleanup Fund.

## Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A-11	Wetlands and Riparian Areas (Dredge and Fill) Policy – Phase I	Scientific peer reviews being conducted for the California Rapid Assessment Methodology (CRAM) for wetland condition determination as well as the Technical Advisory Team's (TAT's) wetland definition. Targeting Public Hearing in December, 2010.
P	Wetlands and Riparian Areas Policy – Phase II	Pending completion of Phase I.
P	Wetlands and Riparian Areas Policy – Phase III	Pending completion of Phase II.

**Note: \* indicates Board Priority**

**Status Code Key:**

White = Active effort (A)

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

Green = Targeted for completion in 2011 (A-11)

Blue = Completed (C)

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

## Policies/General Permits Completed in 2009

Status Code	Policy/Significant General Permit	Status
C	Biodiesel Regulations	Board approved regulations on November 17. OAL has approved, and the effective date of the regulations was March 4, 2010.
C	Landscape Irrigation / Incidental Runoff Permit	Permit adopted by Board on 7/7/09. Preparing memo to Regional Boards regarding implementation.
C	Recycled Water Policy	Complete. Approved by OAL on 5/14/09. Sent memo to Regional Boards regarding implementation.

<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
C	Ocean Plan Amendment: non-substantive	Board adopted on 9/15/09. Approved by OAL on 3/10/10.
C	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase I	Phase I completed, adopted by State Board, approved by OAL on January 5, 2009. Approved by USEPA on August 25, 2009.
C	Storm Water Construction Permit	Board adopted permit at its 9/2/09 Board Meeting.
C	Storm Water Linear Permit	Linear permit included in Construction Storm Water permit. Board adopted permit at its 9/2/09 Board Meeting.
C	Vessel General Permit – Revised Certification	Revised 401 Certification in February 2009 to reflect USEPA's final permit and make clarifying edits.

### **Policies/General Permits Completed in 2008**

<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
C	Blue-Green Algae Guidance	Revisions completed in September 2008 and posted on website.
C	Compliance Schedule Policy	Board approved on 4/15/08, effective on 12/17/08.
C	Vessel General Permit – Certification	Issued 401 certification with state conditions on 12/17/08. Completed.

<b>Division of Water Rights</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
(A-10)	Draft WQCP update for San Joaquin River flows and southern Delta flow objectives	Draft SED chapter and notice of public workshop will be released by Summer 2010. Draft plan amendment to be brought to the Board in November 2010
(A-10)	Delta outflow recommendations (SBX7 1)	Hearing held March 2010, draft report and resolution for Board consideration will be circulated in early July, and Board consideration on August 3, 2010.
C	Instream Flow Policy (AB 2121)	Draft scheduled for completion by December 15, 2010. To be considered by the Board in February 2010.

**Status Code Key:**

White = Active effort (A)

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

Blue = Completed (C)

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

<b>Office of Enforcement</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit*</b>	<b>Status</b>
C	Policy on Supplemental Environmental Projects	Approved by Board and OAL.
C	Revised Water Quality Enforcement Policy	Approved by Board on November 17, 2009

**Status Code Key:**

White = Active effort (A)

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

Blue = Completed (C)

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

<b>Division of Financial Assistance</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
A	Clean Water State Revolving Fund Regulations	Under development. Process has slowed considerably to accommodate getting the ARRA stimulus funds out to projects. Currently project 2010/2011
C	Orphan Site Cleanup Fund (OSCF) Proposed Rulemaking Package	Office of Administrative Law approved the OSCF regulations on September 15, 2009.
A	Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Regulations	Regulations are drafted, but being held waiting fiscal considerations. Anticipate being released for public review in Spring 2010.

**Status Code Key:**

Targeted for completion in 2010

Completed Items

Suspended / No statewide effort at this time

## Appendix 3

# IRRIGATED LANDS REGULATORY PROGRAM MONTHLY REPORT May, 2010

This month's Irrigated Lands Regulatory Program (ILRP) report will provide an update on the activities of the Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Regional Water Quality Control Board programs.

Future monthly reports will alternate between the status of the ILRP at the Central Valley Water Board for one month, and the status of other Regional Water Boards for the alternate months. Current and past ILRP monthly reports can be found on the State Water Board ILRP website:

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

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

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### CENTRAL COAST REGION AGRICULTURAL REGULATORY PROGRAM Update – April 2010 Staff Report

On February 1, 2010, Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff released preliminary draft staff recommendations for an order conditionally waiving individual Waste Discharge Requirements (WDRs) for discharges from irrigated lands (Agricultural Order). The next workshop is scheduled for May 12, 2010. The purpose of the May 12, 2010 Board Workshop is to have staff summarize its preliminary draft staff recommendations, provide an opportunity for public comments on these recommendations, and to provide an opportunity for the public to present proposed alternatives for regulating agricultural discharges. This staff report presents background information and the context for renewing the Agricultural Order, a general overview of the preliminary draft staff recommendations, a preliminary summary of key public comment areas, and a preliminary review of alternatives submitted by interested persons. In preparation for the workshop, staff emphasizes the following key points:

**Context for Renewing Agricultural Order:** The Central Coast Water Board has the statutory responsibility to protect water quality and beneficial uses such as drinking water and aquatic life habitat. Any waiver of waste discharge requirements adopted by the Water Board must be consistent with Basin Plan, be in the public interest, and must include monitoring. The renewed Agricultural Order is based on the existing order and the information collected in implementing that order.

**Water Quality Conditions:** Agricultural discharges are a major cause of water pollution in the Central Coast Region. Despite efforts to implement the existing Agricultural Order, agricultural discharges (primarily contaminated irrigation runoff and percolation to groundwater) continue to load additional pollutants to already severely impaired surface water bodies and groundwater basins. The pollution affects municipalities who must treat drinking water sources and rural communities who may be exposed to contaminated water and who may be unable to afford treatment, and results in rivers and creeks that are not swimmable, fishable, or healthy for fish and other aquatic life.

**Water Board Action:** In response to the scale and severity of pollution in agricultural areas, staff are proposing new or revised conditions in a waiver to assure consistency with the Basin Plan, to provide adequate protection of water quality and beneficial uses, to reduce pollution, and to measure progress towards water quality improvement.

**Public Outreach Efforts:** The Central Coast Water Board continues to make a significant effort to conduct outreach to stakeholders and provide opportunities for the regulated community and public to provide input about the preliminary draft Agricultural Order. A wide range of stakeholders and diverse interests have provided the Central Coast Water Board with significant constructive ideas with respect to renewal of the Agricultural Order.

**Public Outreach Outcomes:** Staff is already considering specific changes to the preliminary draft Agricultural Order in response to public comments, such as:

- a. removing conditions related to rainwater and containerized plants;
- b. clarifying the intent to address surface irrigation runoff in the short term with immediate conditions vs. tiledrains in the long term;
- c. removing “tributaries” as a consideration for prioritizing farming operations in close proximity to impaired waterbodies for more stringent or immediate conditions;
- d. revising the table of high-risk pesticides;
- e. revising aquatic habitat conditions;
- f. revising the level of prescription in conditions vs. required outcomes;
- g. using something other than the Farm Plan as a compliance document;
- h. including evaluations or milestones for pollutant loading in exchange, or in addition to, pollutant concentrations;
- i. evaluating additional ways to define tiers of dischargers and associated conditions based on relative risk to water quality;
- j. evaluating additional options for monitoring and reporting;

**Next Steps:** Staff will continue to review comments and alternatives, conduct outreach, consider public feedback, and work towards producing a revised version of the preliminary draft Agricultural Order. Current efforts are engaging diverse stakeholder representation, providing effective opportunities for public input, and producing more constructive feedback on the Agricultural Order than ever before. Staff’s intent is to continue on with the current efforts and build upon the meaningful dialogue achieved thus far to update the Agricultural Order. Following the May 12, 2010 Board Workshop, staff will complete its review of comments and alternatives received, continue to conduct outreach and provide opportunities for additional public input, and consider such

feedback in the development of the next draft version of the Agricultural Order. Specifically, staff recommends another Board workshop in July 2010 to allow for additional public/Board discussion in the northern part of the region. The existing Agricultural Order (Order R3- 2009-0050) expires on July 10, 2010, and staff plans to recommend an additional time extension of the existing Agricultural Order to the Board at the July 2010 Board Meeting. In September 2010, staff will present the Board with a revised schedule for continuing development of the new Agricultural Order.

**LOS ANGELES REGION CONDITIONAL WAIVER FOR IRRIGATED LANDS  
Irrigated Agriculture Program Update staff report dated April 2010**

- Staff continued follow-up work on 4 ACLs issued on February 18, 2010.
  - All ACL recipients have enrolled in the Los Angeles Region Conditional Waiver for Irrigated Lands.
  - All ACL recipients waived the 90.day hearing requirement and will engage in settlement negotiations with staff. Staff is currently working with legal counsel to initiate settlement negotiations and complete these cases.
- Staff continued follow-up work on 5 ACLs issued on May 5, 2009.
  - Formal settlement agreements were signed for two ACL complaints. Staff expects the final order for these settlements to be signed in April 2010.
  - One ACL complaint was presented at a Regional Board panel hearing on March 15, 2010. The Regional Board panel upheld the complaint; however, the penalty was reduced due to economic considerations. The panel will make their recommendation to the full Board at the May 6, 2010 regular Board meeting.
- Staff continues to work with the Ventura County Agricultural Irrigated Lands Group (VCAILG) on the implementation of their Water Quality Management Plan (WQMP).
  - BMP survey results from 2<sup>nd</sup> tier priority growers are collected and being tabulated.
  - BMP implementation is underway in 1<sup>st</sup> and 2<sup>nd</sup> tier priority drainages.
  - Grower education and outreach efforts are ongoing.
- Staff continues to manage a Clean Water Act section 319(h) grant for grower education and outreach in the Calleguas Creek and Santa Clara River Watersheds. Staff is working with the grantee to ensure that the grant effectively implements the Los Angeles Region Conditional Waiver for Irrigated Lands, and specifically implements BMPs according to VCAILG's WQMP.

- Staff participated in an information sharing / strategy meeting with staff from Southern California Edison (SCE). The objectives for this meeting included the following:
  - Present requirements of SCE right of way lease agreements to Regional Board staff. Right of way areas are utilized as growing grounds by nursery growers in Los Angeles County.
  - Present the Los Angeles Region ILRP requirements to SCE staff.
  - Identify areas for cooperation with the goal of increasing ILRP enrollment in Los Angeles County.

**For additional information** on the Los Angeles Region Conditional Waiver for Irrigated Lands, please contact Rebecca Veiga Nascimento at (213) 576-6784 [rveiga@waterboards.ca.gov](mailto:rveiga@waterboards.ca.gov) or Jenny Newman at (213) 576-6691 [jnewman@waterboards.ca.gov](mailto:jnewman@waterboards.ca.gov)

## **COLORADO RIVER BASIN CONDITIONAL PROHIBITION FOR AGRICULTURAL DISCHARGES**

### **Irrigated Agriculture Program Update**

Staff conducted the fourth TAC meeting for the Coachella Valley Ag Prohibition on March 17th, at the Coachella Valley Water District (CVWD) headquarters. Discussion was facilitated by Gita Kapahi (SWRCB). The TAC will recommend Best Management Practices, and sampling locations and parameters for the Coachella Valley Stormwater Channel and drains, prior to the next meeting - tentatively scheduled for late May/early June.

The Palo Verde staff report for the Ag Prohibition is undergoing final revisions to incorporate recommendations from the Palo Verde Irrigation District. The staff report will be circulated to the public when this process is completed.

The Imperial County Farm Bureau (ICFB) and Imperial Irrigation District (IID) continue their work on implementing Sediment TMDLs for the Alamo and New River and tributary agricultural drains. ICFB's latest 319h grant application was not selected for funding for the second consecutive year. Their current funding expires in September 2010, so they are working with RWQCB, SWRCB, and USEPA staff for alternative funding to continue their Voluntary TMDL Implementation Program in future years. IID continues to wait for its Agricultural Water Quality Grant Program (AWQGP) funding of \$900,000 to be awarded from a 2008 Prop 84 competition. The grant agreement will be negotiated when the suspension on new bond projects is lifted.

The TMDL Unit is preparing for a public hearing on June 17, 2010 on the Coachella Valley Storm Water Channel Bacterial Indicators TMDL revisions to the Basin Plan amendment. The proposed revisions would exempt agricultural stakeholders and CVWD from Phase 1 implementation actions.

**SANTA ANA REGION  
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR  
AGRICULTURAL  
DISCHARGES (CWAD PROGRAM)**

**An update to the SWRCB-ILRP Coordinator  
April 2010**

Regional Board is also scheduled to conduct its second evening time public information meeting on its upcoming CWAD program. This meeting is scheduled on Thursday, April 28, 2010, from 7:00-8:30 p.m. in Eastern Municipal Water District Board room, located in the City of Perris. Regional Board staff will discuss the proposed CWAD program, and solicit suggestions about how best to put the CWAD program in place. Possible topics of discussions will include:

- CWAD program status;
- Are all farming operations going to be covered, or are there exemptions from the program?
- Criteria to establish minimum acreage enrollment requirement for the program.
- Have “third party representatives” been formed? Will there be a cost to be represented?
- How the Regional Board identified operators who will be required to be in the CWAD program?
- What’s the schedule for putting the CWAD program in place?

***For more information, please contact:***

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**SAN DIEGO WATER BOARD IRRIGATED LANDS REGULATORY PROGRAM  
(CONDITIONAL AG WAIVER)**

**Irrigated Agricultural Lands Regulatory Program April 2010 staff report.**

During the months of March and April, staff continued to develop basic monitoring criteria that will be required in monitoring plans, once the waiver enrollment period ends. Monitoring groups and individual dischargers are required to submit monitoring plans between January 1, 2011 (the enrollment deadline date) and December 31, 2011. We are continuing to work with the Riverside County Farm Bureau in their efforts to form a group for growers in southern Riverside County. Also, we continue to meet with other current and prospective monitoring groups, including the Fallbrook Public Utilities District, to discuss waiver requirements and assist them in understanding what their future obligations will be. During the last two months, Regional Board staff also provided comments on a self-assessment checklist which was prepared by the San Diego County Farm Bureau (working with UC Davis). The checklist will be used by growers to annually assess the adequacy of their Best Management Practices (a requirement of the waiver). Staff attended the SWRCB and DPR Regulation 101 course and MAA meeting on April 20-21, 2010.

For additional information on the San Diego Conditional Waiver for Irrigated Lands, please contact Peter Peuron at (858) 637-7137 [ppeuron@waterboards.ca.gov](mailto:ppeuron@waterboards.ca.gov)

**APPENDIX 4**

Board Meeting	Staff	Requested by Board member	Issue	Due Date	Direction	Current Status
9/16/2003	Rik Rasmussen	WQO 2003-12	Toxicity Revisions to the SIP	Release draft revisions - January 2009. Adoption - Spring 2009.	Modify the SIP to include policy direction on the use of the numeric chronic toxicity effluent limits in NPDES permits for POTWs that discharge to inland waters.	Staff is currently working to revise the toxicity control provisions in the SIP. Proposed changes include: 1) clarifying the appropriateness of numeric toxicity effluent limits in NPDES permits, and 2) expanding and standardizing implementation requirements for toxicity control. Staff worked with USEPA to develop options for determining highly defensible statistical methods for the analysis of toxicity testing data. Staff worked with USEPA on incorporating newly-released statistical methods for determining compliance with permit toxicity limits. Results of this project are intended to lead to defensible options for toxicity control. SAIC has completed the EPA funded economic analysis of the proposed changes. Staff anticipate releasing a draft policy document for a 60-day review period is anticipated to start in Spring, 2010. Adoption Hearing anticipated September, 2010.
11/15/2006 (during Klamath River TMDL proceedings)	John O'Hagan	All	Inclusion of the Klamath River watershed in the enforcement provisions of the policy being developed pursuant to AB 2121	late 2009	Upon adoption of the policy for the five counties described in Water Code section 1259.4, the Board should consider the expansion or amendment of AB 2121 policy to include the Klamath River and its tributaries.	The Division of Water Rights previously released a draft policy for protection of instream flows in five coastal counties described in Water Code section 1259.4 as added by AB 2121. The policy will affect the geographic area for which the Board is required to adopt a policy; this area does not include the Klamath River. The Board directed the staff to consider amending the policy or developing a policy specific to the Klamath River system following the adoption of the policy for the required area. The Board adopted the Policy on May 4, 2010 and will be submitting the Policy to OAL for review. The policy effective date will be dependant upon OAL approval. The Division of Water Rights will prepare a resolution for Board consideration that will extend the enforcement provisions of the policy to the Klamath Basin. This work will commence as soon as the Division completes its hiring of new water rights enforcement staff.
2/19/2008	Shakoora Azimi-Gaylon	Resolution No. 2008-0014	Plan for Enclosed Bays/ Estuaries- Part 1 Sediment Quality	Feb-09	Directs staff to initiate appropriate proceedings to amend the section 303(d) listing policy by February 2009.	Held CEQA scoping meeting on March 29, 2010. Comments were due April 12, 2010. Adoption Hearing anticipated September, 2010.
4/15/2008	Wetland Policy Development Team	All	Regional Policy Progress Updates	Summer 09	State Board has directed in the Board Wetland Policy resolution (April 15, 2008) that the Wetland Policy Development Team report back to the Board following the peer review of Region 1 & 2's Stream and Wetlands System Protection Policy and also within the public comment period prior to Regional Board adoption.	Next round of focused stakeholder meetings scheduled for June 21 and 30, 2010, to discuss policy framework and wetland definition presented to the Board on October 6, 2009.

**APPENDIX 4**

Board Meeting	Staff	Requested by Board member	Issue	Due Date	Direction	Current Status
6/1/2008	Executive	Frances Spivy-Weber	Aerial Deposition		Executive staff and Board lead will coordinate with ARB to evaluate joint solutions to aerial deposition that impacts water quality.	
9/2/2008	Jon Bishop	All	Recycled Water Policy	Nov-08	Bring suggested staff changes to stakeholder draft recycled water policy back to the Board.	Completed.
9/16/2008	Barbara Evoy	All	SRF Loans	Mar-09	Bring to the Board for consideration options on how to address 218 vote. One option must include no new SRF loans until the issue is resolved.	Item 7 at the November 18, 2008 Board meeting presented options and recommendations to the Board. The State Board accepted the staff recommendations to continue offering financial assistance to eligible applicants while simultaneously implementing additional measures to ensure the security of CWSRF payments; and directed staff to make the State Water Board aware of developments that signal a deterioration of CWSRF finances. Staff did add in additional measure to ensure security of CWSRF payments.
10/7/2008	Miles Burnett	Gary Wolff	Development of Environmental User Fees	May-09	Such a fee was adopted for NPDES permittees. Similar fees should be developed for other permit types.	Alternative fee strategies are being developed.
11/4/2008	DWQ	Frances Spivy-Weber	Beaches	Jul-09	Include the use of rapid indicators in discussions on long term funding for beach monitoring.	SCCWRP rapid indicator workgroup to deploy pilot using rapid indicators at 6 to 9 Southern CA beaches in the Summer of 2010. Developing approaches for long term funding and including rapid indicators.
11/18/2008	DFA	All	SRF Loans	Jul-09	Work with CASA and Tri-TAC to develop alternatives to explore safety fund for the SRF to protect against rate rollbacks.	Work on this issue was suspended due to additional workload demand of the American Recovery and Reinvestment Act. Staff will resume its effort in January 2010 to find a backstop for the CWSRF against rate rollbacks in conjunction with the Stakeholder Advisory Group, CASA/TriTAC, and its financial advisor. Recommendations will be presented to the Board as part of the CWSRF Regulations or a Policy amendment.
1/6/2009	Liz Haven	All	Suction Dredge	Jul-09	Work with DFG to define scope of work for suction dredge EIR. Brief Board members on process and contents.	Latest update on status was in the April 20, 2010, Executive Director's Report.
2/3/2009	DWQ and DFA	Resolution No. 2009-0011	Recycled Water Policy		Request the Department of Water Resources to provide funding for recycled water projects.	Completed (DWR replied that funding is not available).

**APPENDIX 4**

Board Meeting	Staff	Requested by Board member	Issue	Due Date	Direction	Current Status
2/17/2009	DWQ	All	Blue Green Algae	Apr-09	Report back to the Board on Blue Green Algae work being conducted on the Klamath.	Contacting R1 to work up report. Propose Summer of 2010 to report back on status at that time.
2/17/2009	DWQ	All	LID	Jul-09	Staff will follow up with the Coastal Commission and DWR IRWM on outreach for LID education for the Municipalities and report back in a future ED report.	Working with DFA to develop LID outreach.
2/17/2009	Darrin Polhemus	Charles Hoppin	Monitoring	Jan-10	Report back from time to time in the ED report on work with the shipping industry regarding monitoring requirements.	No further work to date pending outcome of lawsuits on the VGP.
5/19/2009	DWQ	WQO 2009-0003	Salt Management		Work collaboratively with Central Valley Water Board to identify, scope, and implement short-term, intermediate-term, and long-term regulatory options for addressing salts.	Developing discussion document. Will be meeting with R5 staff.
8/4/2009	DWQ	Resolution No. 2009-0064	Forestry	Jan-11	Develop a statewide approach addressing forest activities on National Forest System Lands, including Timber Harvesting, Grazing, Off-Road Vehicle Recreation, and Fire Suppression.	Stakeholder group established on 11/30/09. Staff working group meetings underway with Regional Boards and USFS.
11/17/2009	DWQ	Resolution No. 2009-0081	USTs	Continuing	Conduct UST case reviews similar to the Cleanup Fund's Five Year Review process for all petroleum cases and recommend closure as appropriate.	DWQ brought non-Cleanup Fund cases to the Board for closure in April 2010. Will prepare another batch for late Summer 2010.
11/17/2009	Darrin Polhemus and Val Connor	All	CIWQS	Feb-10	Report back to the Board on ways to inform dischargers of MMPs and non-reporting issues.	Developing approaches with ACWA and on third and final version of proposal; will report back Summer of 2010.
2/23/2009	DWQ	Tam Doduc	Recycled Water Policy	Jun-10	Status on implementation of the recycled water policy.	Staff are planning an Information Item for the July 6, 2010 Board Meeting.
5/4/2010	Steve Herrera, Karen Niiya	Resolution No. 2010-0021	North Coast Instream Flow Policy (AB 2121)	2015	Directs staff to initiate a study to determine whether the volume depletion approach alternative criteria for Class II and Class III streams is protective and should be adopted in a future policy revision as a regional criteria.	Next step is to estimate scope and cost of study and to identify funding source.