

**State Water Resources Control Board
September 19-20, 2011 Board Meeting
Item 15 -- Executive Director's Report**

DIVISION OF FINANCIAL ASSISTANCE

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

This program provides \$32 million to help local public agencies comply with the discharge prohibition into ASBS contained in the California Ocean Plan. State Water Board staff is managing fourteen ASBS projects for a total of \$28.3 million. Staff has conducted field visits of the two projects under construction, and twelve projects are finalizing designs. A total of \$1.2 million has been disbursed.

Proposition 84 Storm Water Grant Program: Staff is planning to start the solicitation for Proposition 84 Storm Water Grant Program (SWGPs) projects in November 2011. The SWGP will provide funding for projects that reduce and prevent storm water contamination of rivers, lakes, and streams and would include projects throughout the state. Approximately \$82 million is available for projects.

Program Activity:

Cleanup and Abatement Account:

- Fourteen disbursements were made, totaling \$167,815.

Site Cleanup Program:

- A total of \$233,862 was collected during the month of August.

Cleanup Fund: For the current fiscal year 2011/2012, there is approximately \$193 million available for reimbursement of claims. Approximately \$70 million is available for "old costs," \$107 million is for budgeted costs, and \$16 million is for contingencies. To date, the Cleanup Fund has paid out approximately \$36.1 million of old costs in reimbursements and still has not yet received reimbursement requests for costs incurred under the newly-inaugurated claim budgets.

The following are the dates the Cleanup Fund is currently paying out by priority:

- Priority A – Paying out all reimbursements to date
- Priority B – Reimbursement Requests received through June 30, 2011
- Priority C – Reimbursement Requests received through June 30, 2011
- Priority D – Reimbursement Requests received through June 30, 2011

Funding Approvals: The Deputy Director of the Division approved the following Preliminary Loan/Grant Commitments from August 3, 2011 to September 7, 2011:

South Bayside: South Bayside System Authority is in need of a new administration and plant control building for its wastewater treatment plant. The building will hold the treatment plant's main control Supervisory Control and Data Acquisition (SCADA) system. The existing building was erected in the early 1980's and is constructed over the primary sedimentation tanks, a very

corrosive area. It is built of steel studs which have corroded to the point that several sections are supported by only sheet rock and stucco. The building is no longer structurally sound and needs to be replaced with a more reliable structure. Additionally, the new structure is being designed to be more energy efficient.

This Project will consist of demolition of the existing building and constructing a new building within the existing treatment plant property. The new Administration and Plant Control Building will contain the treatment plant controls. The Plant Control Room will have full redundancy and back-up power for all computers, SCADA panels and programmable logic controllers (PLCs), lighting, and other electronic components of the plant.

In addition to housing the plant controls, the building is also the central office location for all employees, including the engineering, operations, and administration groups. Currently, staff is housed in temporary trailers spread throughout the treatment plant creating an inefficient work environment.

Total CWSRF Funding Commitment \$7,416,000

City of Sausalito: Spinnaker Drive: The purpose of the Project is to rehabilitate a severely deteriorated sewer collection system and pump station to reduce infiltration and inflow and prevent sewage spills. The proposed Project will replace approximately 1,120 linear feet of existing sewer pipe, beginning at 100 Spinnaker Drive and ending at the Anchor Street Pump Station. A new grease interceptor will also be built to reduce fats, oils, and grease entering the sewer system. The Project will rehabilitate the Anchor Street Pump Station, including installation of Supervisory Control and Data Acquisition to the pump station.

Total CWSRF Funding Commitment \$1.1 million

City of Modesto: The existing Facility was first constructed in the late 1960s and was last upgraded in 2010. It has a 70 mgd secondary treatment capacity with the following systems and equipment in operation:

1. Three fixed film reactors (140-foot diameter and 2.5 million gallon volume each),
2. A recirculation channel (5-foot depth and 209 million gallon volume),
3. Three facultative ponds (6-foot depth and a total surface area of 334 square feet), and
4. Two effluent storage ponds (a total surface area of 596 acres and total capacity of 2,550 million gallons).

The objective of this Project is to upgrade the existing Facility to provide tertiary treatment in addition to secondary treatment. This Project is needed because the Facility is unable to dispose all of the secondary treated effluent on land, due to limited irrigation area and population growth. The City's current NPDES permit from the Central Valley Regional Water Board will not allow the Facility to discharge secondary treated effluent into the San Joaquin River (a 2000 – 303d listed water body) after February 1, 2016. Completion of this Project will allow the Facility to meet the WDRs and discharge tertiary treated effluent to the San Joaquin River year round if needed.

The proposed Project is to construct a 27.5 mgd tertiary treatment system in five phases.

Phase 1: Construction of a 2.3 mgd tertiary treatment unit with an oxidation ditch, a membrane bioreactor, and an ultraviolet (UV) disinfection system. Construction of the first phase started in 2008 and was completed in 2010. It is in operation and meeting the WDRs.

Phase 2: Construction a 12.6 mgd tertiary treatment plant. It consists of three aeration basins, six membrane bioreactors, UV disinfection systems, pump stations, structures, and auxiliary equipment. Design of Phase 2 is complete and is estimated to cost \$130 million. The City is requesting CWSRF financing to fund this phase of the Project.

Phases 3, 4, and 5 are planned for the future. Each of these phases consists of constructing an additional 4.2 mgd tertiary unit. The design, construction schedule, and funding sources have not been determined at this time. Funding for Phases 3, 4 and 5 are not included in this approval.

Total CWSRF Funding Commitment \$130 Million

Town of Yountville: Water Recycling Study: The proposed Study will review options for expanding the recycled water system and supplying additional customers. Alternative project concepts will be developed by identifying potential new users, performing normal, wet and dry year water balances to understand "shoulder season" storage needs, analyzing existing available user-owned storage ponds and analyzing pipeline routing options to cost effectively deliver water to both users and storage facilities.

The California Department of Veterans Affairs (CDVA) treats water from Rector Reservoir and provides the Town with 500 acre-feet (AF) of drinking water per year, and more when it is available. In an emergency, the Town may purchase water from the City of Napa and can use the Town's municipal well that was built in 2005.

Over the past five years, the Town has purchased up to 560 AF per year and an average of 516 AF per year. The Town has exceeded its 500 AF allocation every year for the past 10 years. The freshwater alternative that will be analyzed is the continued distribution of potable water for vineyard and landscape irrigation purposes.

The Study objective is to explore the use of recycled water to offset the use of state and/or local water supplies. The Study will investigate water recycling opportunities within its service area. The landscape irrigation alternative will investigate the feasibility of a distribution system and/or utilizing existing non-potable water storage tanks at individual landscape irrigation reuse sites. The non-potable water storage tanks may be filled utilizing water tanker trucks as opposed to a typical recycled water pipeline. As geologic rock formations within certain areas of the Town can make pipeline construction cost prohibitive, alternative pipeline alignments will be studied.

Total Study Costs \$75,000

Orange County Water District: The purpose of the Project is to accommodate more flow from OCSD Wastewater Treatment Plant 1, equalize flows to maximize operation capability, beneficially recharge the Basin, and augment the existing seawater intrusion barrier. Project implementation will beneficially reuse wastewater, reduce discharges to the Pacific Ocean, and reduce Orange County's reliance on imported water from the State Water Project and Colorado River.

The Project consists of expanding the existing capacity of the District's Advanced Water Purification Facility (AWPF) to 100 MGD. The Project will construct additional microfiltration, reverse osmosis, ultraviolet disinfection, and post treatment facilities. To equalize diurnal flows from OCSD Wastewater Treatment Plant 1, the Project will construct two 7.5 million gallon storage tanks. To accommodate Project expansion, the old unused laboratory building will be

demolished. Pipelines to the recharge facilities and the seawater barrier were initially designed to accommodate full build-out at the AWPF, but additional pumps will be installed as part of the Project. The Project will add roughly 31,000 afy of treated recycled water to the Basin at an average cost of \$612 per acre-foot.

Total CWSRF Funding Commitment \$156,209,354

DIVISION OF WATER QUALITY

Groundwater Ambient Monitoring and Assessment (GAMA): Additional functionality was added to the GeoTracker GAMA information system that will allow links to other state and federal data systems and web pages. The newly designed interface is at <http://www.geotracker.waterboards.ca.gov/gama>. On the left side of the page is: "Data Sources." It is anticipated that additional Water Board data will be co-displayed on this Google maps interface in the near future.

Composting Facilities Statewide Order: Staff held Informal workshops on August 31 in Chino and September 1 at Cal/EPA outlining concepts for inclusion in a statewide order that would waive waste discharge requirements from requirements in California Code of Regulation Title 27. The statewide order would use the concepts of Water Quality Protection Areas as (1) areas that do not impede percolation to deeper groundwater such as fractured rock or basins lacking low permeability confining layers (Hydrogeologically Vulnerable Areas http://www.swrcb.ca.gov/gama/docs/hva_update.pdf) as well as (2) areas within 300 feet of a water supply well with shallow groundwater overlying confining layers (outside Hydrogeologically Vulnerable Areas). Water Quality Protection Measures required at facilities within Water Quality Protection Areas would be greater than at facilities outside. Staff continues to coordinate with CalRecycle and Regional Water Boards on preparing a draft statewide order.

Ocean Plan Amendment - Desalination/ Brine Provisions: State Water Board staff and the Southern California Coastal Research Project (SCCWRP) held a stakeholder meeting on Tuesday July 5, 2011 to discuss convening a panel of experts to address scientific questions regarding the disposal of brine into the ocean. The panel will be composed of approximately four scientists from different disciplines. Suggested questions include: (1) How can the effects of these discharges be minimized through proper disposal strategies; (2) What models should be applied in order to predict how these plumes will behave; (3) Can cumulative water quality effects associated with multiple plumes be evaluated with models; and (4) What are appropriate monitoring strategies for these discharges?

The purpose of the meeting was to provide the interested public with the specific qualifications and names of potential individuals who may be asked to participate on the panel and to seek comment from the public on this effort.

On-site Wastewater Treatment System (OWTS): Staff held two CEQA scoping meetings on May 2, 2011 in Sacramento and May 9, 2011 in Riverside, respectively. On April 4, 2011, staff issued a Notice of Availability of Scoping Documents and Notice of Public Scoping Meetings for the CEQA Substitute Environmental Document for the Policy for Siting, Design, Operation and Management of OWTS. The purpose of the scoping document and meetings was to seek input from public agencies and members of the public on the environmental analysis of the project. The project description is the development of a Policy (in accordance with Water Code §13140)

to comply with Water Code §13291(a) requiring that the State Water Board adopt standards for all OWTS. The comment period closed on May 19, 2011. In summary, we received 54 letters: 20 from individuals, 19 from cities and counties, five from professional organizations, four from non-profit associations, three from industry representatives, two from homeowner associations, and one from the United States Environmental Protection Agency. Staff anticipates release of public drafts of the OWTS Policy and supplemental environmental document around September 14. Staff will then hold four public workshops to take comments and answer questions from the public. The venues and dates for these workshops are now scheduled as follows:

October 14 - Redding - David Marr Theater at the Shasta Learning Center
October 19 - Riverside - County Board of Supervisors Chambers
October 24 - San Luis Obispo - San Luis Obispo Performing Arts Center
November 3 - Santa Rosa - Wells Fargo Center

Information regarding the Policy can be found at
http://www.waterboards.ca.gov/water_issues/programs/owts/index.shtml.

Storm Water Caltrans: The statewide NPDES permit for discharges by the California Department of Transportation of storm water from municipal separate storm sewer systems (MS4s) is targeted for reissuance. This permit is commonly referred to as the Caltrans Permit. The current Caltrans Permit (State Water Board Order No. 99-06-DWQ) was issued on July 15, 1999. The current permit regulates all storm water discharges from Caltrans-owned MS4s, maintenance facilities and construction activities. The revisions to the Caltrans permit are expected to follow many of the approaches in the Storm Water Construction General Permit (State Water Board Order No. 2009-0009-DWQ). A draft for public review was released on January 7, 2011. Comments were due on March 14, 2011. Staff is in the process of reviewing the comments received. A public hearing on the draft Caltrans permit was held on July 19, 2011. A revised draft of the permit was released for public review and comment on August 18, 2011. A workshop on the revised draft will be conducted on September 21, 2011.

Storm Water Industrial General Permit: The statewide General NPDES permit for discharges of storm water associated with industrial activities (commonly referred to as the Industrial General Permit) is targeted for reissuance. The current Industrial General Permit is State Water Board Order 97-03-DWQ. The revisions to the Industrial General Permit are expected to follow many of the approaches in the Storm Water Construction General Permit (State Water Board Order No. 2009-0009-DWQ), adopted in 2009. On January 28, 2011, staff issued a Public Notice to release the draft revised Industrial General Permit for review. Staff level workshops were held on February 14 in the Cal/EPA Building and on February 23 at the Irvine City Council Chambers. A third workshop was conducted via the web on March 15, 2011. A public hearing was conducted on March 29, 2011. The comments deadline was extended, and comments were due on April 29, 2011. Staff is in the process of evaluating over 250 individual comment letters received.

Storm Water Phase II MS4 Permit: The statewide General NPDES permit for discharges of storm water from small municipal separate storm sewer systems (MS4s) (commonly referred to as the Phase II Permit) is targeted for reissuance. The current Phase II MS4 Permit is State Water Board Order No. 2003-0005-DWQ. It provides permit coverage for smaller municipalities, including non-traditional Small MS4s, which are governmental facilities such as military bases, public campuses, and prison and hospital complexes. The revisions to the Phase II permit are expected to follow many of the approaches in the Storm Water Construction General Permit

(Order No. 2009-0009-DWQ). On June 7, 2011, staff released a draft revised Phase II MS4 Permit for public comment. Comments were due on August 8, 2011. We received more than 50 letters requesting an extension of this comment deadline. In response to these requests for additional time, the Board extended the public comment period to September 8, 2011.

Statewide Trash Policy: On August 30, 2011, staff conducted the second meeting of the Public Advisory Group (PAG) that will provide input on efforts to develop a Statewide Trash Policy. The PAG consists of 10 individuals who have knowledge and expertise relative to trash and debris.

Proposed Policy for Nutrients for Inland Surface Waters of the State of California: Staff is planning a CEQA scoping meeting on September 19, 2011 in Sacramento. Staff prepared and will soon issue a Notice of Availability of Scoping Documents and Notice of Public Scoping Meetings for the CEQA Substitute Environmental Document for the Policy for Nutrients for inland surface waters of the State of California. The purpose of the scoping document and meetings will be to seek input from public agencies and members of the public on the environmental analysis of the project. The comment period will close in October 2011. Additional information may be found at http://www.waterboards.ca.gov/plans_policies/nutrients.shtml

Proposed Policy for Toxicity Assessment and Control: Staff held a staff-level workshop on August 22, 2011 to discuss responses to comments and solicit feedback on alternatives for policy revisions. Tetratex also presented the results of a Board directed “test-drive” of policy. Staff is now working on revisions to the policy and staff report Public hearing targeted for December 2011. The draft “Policy for Toxicity Assessment and Control” proposes numeric toxicity objectives, a standardized method of data analysis, corresponding monitoring and reporting requirements, and provisions for compliance determination. If adopted, the draft Policy will supersede Section 4 of the State Implementation Policy.

Low-Threat UST Closure Policy Outreach Meetings: The nine-member Low-Threat UST Closure Policy Task Force presented its recommendations to the State Water Board at the July 19, 2011 Board meeting. The State Water Board encouraged the stakeholder group to hold outreach meetings to discuss technical and practical aspects of its recommended policy. The Stakeholder Group has scheduled five outreach meetings to be held during the months of August and September. These meetings will be held at Regional Board offices in Oakland, San Diego, Los Angeles, Sacramento, and Riverside.

State Water Board staff is currently preparing a CEQA scoping document for the Low-Threat UST Closure Policy. CEQA scoping meetings will be noticed separately from the meetings listed above.

Wetland and Riparian Area Protection Policy: Staff is working on a draft EIR for the proposed Wetland Area Protection Policy (Policy), Dredge, and Fill Regulations (Regulations). This work includes finalizing the language for the draft Policy and Regulations, considering public comments received on the Initial Study/NOP DEIR (comment deadline closed May 20, 2011). In addition, the peer reviews requested by the State Water Board staff for the Technical Advisory Team’s (TAT’s) wetland definition were received in August for review and consideration by the Policy Drafting Team. The TAT wetland definition is proposed in the Policy for use by the California Water Boards in all programs.

Statewide Conditional Waiver of Waste Discharge Requirements (Conditional Waiver) for certain Nonpoint Source Discharges from National Forest System (NFS) Lands in California:

On September 20, 2011, the State Water Board will hold a public workshop to consider adoption of the conditional waiver and the mitigated negative declaration (MND) which describes and evaluates potential environmental impacts associated with the Conditional Waiver. The actual adoption of the Conditional Waiver and the MND is scheduled for the October 18, 2011 Board meeting. In August 2009, the State Water Board adopted Resolution 2009-0064 directing it staff to work with the U.S. Forest Service (USFS) and the Regional Water Boards to establish a single statewide regulatory mechanism in lieu of the several Regional Water Board waivers that partially regulate activities on NFS lands. The State Water Board and USFS staff conducted a workshop to solicit public comment on November 30, 2009, and established a multi-interest stakeholders' group which met several times. This process has resulted in the development of the Conditional Waiver and the very substantial strengthening of the USFS Water Quality Management Plan, which will be adopted as the USFS Water Quality Management Handbook. The public review and comment period for the Conditional Waiver and the MND ended on August 24, 2010. At the September 20, 2011, State Board workshop staff will make a summary presentation of the public comments and staff responses.

Statewide Policies/Significant General Permits: Appendix 1 provides the current status of pending Statewide Policies and Significant General Permits.

Irrigated Lands Regulatory Program Update Report: See attached Appendix 2.

DIVISION OF WATER RIGHTS

Scott River Government-to-Government Meeting: On August 23, 2011, State Water Board staff attended a meeting in Yreka hosted by the Karuk Tribe to share information regarding the roles of various agencies with respect to the Scott River. Staff from federal and state agencies attended representing the Bureau of Indian Affairs, United States Bureau of Reclamation, National Marine Fisheries Service, United States Forest Service, United States Fish and Wildlife Service, California Department of Fish and Game (DFG), North Coast Regional Water Quality Control Board, and State Water Board.

Division of Water Rights Coordination with the Department of Fish and Game:

On August 30, 2011, Division of Water Rights (Division) staff met with DFG staff to discuss organizational changes within the Division including an overview of the Public Trust Unit, Division priorities, and opportunities for coordination.

Big Sur Instream Flow Study: During the weeks of July 12 and August 29, 2011, staff from the Division of Water Rights assisted DFG staff with field data collection for the Big Sur Instream Flow Study (Study). DFG anticipates completing data collection for the Study in fall 2011.

Study Site Selection for Pit River 3, 4, and 5 Hydroelectric Project (Project): On August 22-24, 2011, Division of Water Rights staff met with representatives of Pacific Gas and Electric Company (PG&E) to confirm existing sites and select alternative sites for fish and benthic macroinvertebrate sampling for studies required under PG&E's Federal Energy Regulatory Commission (FERC) license for the Project. The alternate sampling sites are necessary due to this year's higher than normal flows, which restricted access to some of the original sampling locations. These alternate sampling sites will be used in future years as well

due to new minimum flows. The results of the studies will be used to inform the Project's water quality certification, which is required as part of the FERC licensing process and issued by the State Water Board to ensure the Project meets water quality standards and other appropriate requirements. Additional information on the Project's water quality certification can be found online at

http://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/pit345_ferc233081/pit345_401cert.pdf

Temporary Change Order Issued to Merced Irrigation District (MID): On August 23, 2011, the Division approved a transfer of 6,000 acre-feet of water from MID under License 2685 to the area referred to as the Sphere of Influence (SOI) lands. Water stored in Lake McClure will be provided to the transfer area and used for irrigation. In the absence of the transfer, the SOI lands would have either received water under MID's pre-1914 appropriative right claims provided that adequate natural flow was available from the Merced River or pumped groundwater.

Water Right Enforcement Notices: The Division of Water Rights mailed over 1,000 notices of violations of the recently enacted Water Code section 1058, Failure to File Statements of Water Diversion and Use of Water or Supplemental Statements. The Division, in cooperation with the Delta Watermaster, mailed 60 similar notices to property owners in San Joaquin County that appear to be diverting water for irrigation use without being on record with the State Water Board. Over 100 reservoir owners in the Napa River watershed also received notices of potential unauthorized diversion and use of water. Formal enforcement actions with monetary penalties will be prepared in the next months.

OFFICE OF ENFORCEMENT

MMP Backlog Enforcement Initiative Update: In the last update on the MMP Backlog Enforcement Initiative, we reported there were still 39 facilities with violations that occurred prior to December 31, 2007, and for which a formal enforcement action had not been either initiated or completed. As of August 31, 2001, our information indicates that enforcement actions have been completed with another eight facilities confirming 375 violations and resulting in the assessment of \$1,125,000 in liabilities. Two of the facilities have petitioned the regional board's determination of their respective liabilities to the State Water Board.

Tracking Unpaid ACL Liabilities: The Office of Enforcement has asked the regional enforcement staff to determine the amount of outstanding liabilities associated with administrative liability actions completed in the past three years. The table below shows the uncollected amounts as if August, 2011:

Table of Unpaid ACLs for Last Three Years:
(Status as of September 12, 2011)

Region	Unpaid ACLs Over Last 3 Years:	Total Amounts
1	R1-2009-0009	\$ 453,000
	R1-2009-0032, Evergreen Pulp, Inc.	\$ 453,000
2	- R2-2008-0084, Leona Heights Sulfur Mine, \$200,000	\$ 235,646
	- R2-2008-0088, Storybook Mountain Winery,	

	\$10,000 (petition of case to SB denied) - R2-2010-0003, Art Cleaners, \$25,646	
3	R3-2007-0089, Paul Trucking Co. and Destiny Transportation Inc, \$20,000	\$ 20,000
4	R4-2008-056-M, 750 Garland, LLC, \$252,000	\$ 252,000
5	None	0
6	(not available)	
7	None	0
8	R8-2008-032,RP - Orozco International, \$4,000 R8-2008-0039, L & H Mold & Engineering, Original assessment \$5,000, but only one installment paid. Remaining balance is \$3,750 R8-2008-074, Carson Hall,\$20,000 R8-2010-0056, Star Ranch Management, \$233,000	\$ 260,750
9	R9-2011-0031, Healthy Times, \$9,492. Includes Sec 13399.33 mandatory penalty R9-2011-0015, Lite Stone Concrete, \$3,766. Includes Sec 13399.33 mandatory penalty R9-2011-0014, Jesus E Sandoval, \$4,916. Includes Sec 13399.33 mandatory penalty R9-2009-0084, Dickersons, Gunnings, Perry & Paupenhause. \$45,900. Regional staff have recorded judgment, placed lien, and referred to collections.	\$ 18,174* * doesn't include R9-2009-0084
total		\$1,693,570 tentative

This information will be raised at the next Management Coordinating Committee to determine what priority should be given to recovering these past due amounts.

People v. Golden Gate Petroleum et al. - \$6 million Judgment: On August 29, 2011, the Contra Costa County Superior Court entered a consent judgment against Golden Gate Petroleum to resolve allegations of widespread violations of environmental rules on storage of petroleum in underground tanks owned or operated by GGP. The judgment covers violations at approximately 30 gasoline stations located in 17 counties throughout Northern California. Dennis O'Keefe, president and sole shareholder of GGP and its affiliated companies is a defendant in the action and is jointly liable for payment of the penalties.

Under the terms of the judgment, GGP will pay \$3 million in cash over a period of five years including \$500,000 to the Cleanup and Abatement Account. The remaining \$3 million will be

suspended conditioned on GGP maintaining compliance with underground storage tank requirements. GGP must also employ an environmental coordinator to oversee compliance in the future. The amount of the liability was based on the financial inability of GGP to pay higher penalties.

A two-year investigation conducted by the State Water Board's Office of Enforcement and various counties environmental protection staff revealed that GGP had extensive violations including the failure to install and repair leak detection equipment designed to prevent releases of petroleum to the environment. The judgment does not resolve any liability or responsibility that GGP has to cleanup leaks of petroleum from its tank systems.

Parties to the lawsuit include district attorney's offices in Alameda, Butte, Colusa, Contra Costa, Glenn, Humboldt, Kings, Lake, Mendocino, Monterey, San Luis Obispo, San Mateo, Santa Clara, Solano, Sonoma, Sutter, and Yuba Counties.

A copy of the complete judgment which was filed with the Contra Costa County Superior Court, can be found on the State Water Board's website at:

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

People v. Chevron USA Inc. et al. – Proposed Judgment Requiring Payment to Cleanup and Abatement Account of \$2 Million: On September 2, 2011, the Attorney General's Office and several local prosecutor offices lodged a proposed Judgment against Chevron USA. The proposed judgment addresses violations of the leak prevention requirements of the Health and Safety Code for underground storage tank systems. The action by the Attorney General is in her independent capacity.

The proposed Judgment contains injunctive requirements as well as financial payment obligations totaling \$24.5 million. As part of the proposed penalties, \$2 million will be paid to the State Water Pollution Cleanup and Abatement Account (CAA). As with a similar, previous judgment against Equilon Enterprises by the Attorney General's Office, the penalties paid to the CAA can be used for a variety of purposes including "activities associated with the investigation and/or enforcement of underground storage tank requirements and the investigation and/or protection of the Underground Storage Tank Cleanup Fund. These activities may include, but are not limited to, training State and local enforcement staff, hiring State enforcement staff, expert witness support, and criminal investigation development and support."

No date has been set for approval of the proposed Judgment by the court.

Administrative Civil Liability (ACL) Actions During August 2011:

a. ACL Complaints Issued

Region	Discharger/Facility	Violation(s) Addressed	ACL Complaint Amount	Date Issued
1	DG Fairhaven Power, LLC / Fairhaven Power Plant	Effluent limit violations, deficient reports, 12,000 gallons unauthorized discharges	\$172,950 (\$21,000 MMP)	8/5/2011
1	Crescent City / Crescent City WWTP	Effluent limit violations	\$186,000 (MMP)	8/23/2011
5R	Dunsmuir City / Dunsmuir STP	Effluent limit violations	\$9,000 (MMP)	8/3/2011
7	Imperial Irrigation District / Grass Carp Hatchery	Effluent limit violations	\$21,000 (MMP)	8/22/2011

b. ACL Orders Issued

Region	Discharger/Facility	Violation(s) Addressed	ACL Order Amount	Date Issued
4	Crestview Mutual Water Company / Well No. 6	Late reporting violation	\$3,000 (MMP)	8/11/2011
4	City of Beverly Hills / Parking Site "A" South	Effluent limit violations	\$54,000 (MMP)	8/11/2011
4	Certified Alloy Products, Inc. / Certified Alloy Products, Inc.	Effluent limit violations	\$33,000 (MMP)	8/18/2011
4	Calleguas Municipal Water District /	Effluent Limit Violations	\$9,000 (MMP)	8/30/2011
4	EDCO Stations, Inc.	Late reporting violations	\$6,000 (MMP)	8/30/2011
5R	Winemucca Trading Company Limited Inc / Former Shasta Paper Mill WWTP	Failure to comply with Cleanup and Abatement Order	\$682,500	8/5/2011

OFFICE OF INFORMATION MANAGEMENT AND ANALYSIS

Clean Water Team YouTube Channel: The Office of Information Management and Analysis' Clean Water Team launched a YouTube Channel to provide education and training tools citizen monitoring programs. The channel advances sustainability for the program and the State Water Board's support for Citizen Monitoring and Watershed Stewardship. The channel can be accessed at www.youtube.com/cleanwaterteamvideos. The YouTube Channel provides videos demonstrating the use of field equipment, training for sampling procedures of different types of pollutants, and links to the State Water Board and the U.S. EPA educations and outreach websites.

OFFICE OF RESEARCH, PLANNING AND PERFORMANCE

Water Board Academy – The following table includes highlights of our recent and ongoing classes.

Recent classes	<p>Introduction to Environmental Statistics This three-day course provides an overview of basic statistics with applications relevant to water quality data analysis. Topics covered include descriptive statistics, basics of statistical intervals and hypothesis tests for common situations, and how to handle censored data sets (data with some or all values reported as below the detection / reporting limit). Students also learn how to use “R” and “R Commander”, free statistical software packages, for data analysis.</p>
	<p>Water Quality Goals This class provides basic and essential training for both new and long-term staff on the topic of water quality standards – beneficial uses, water quality objectives, promulgated water quality criteria, water quality control plans and policies that affect allowable concentrations in water. It also familiarizes staff with the Water Quality Goals report, searchable online database of numeric water quality thresholds, assessment threshold selection algorithms, and how these tools may be used to assess whether beneficial uses of surface water or groundwater are likely to be impaired or threatened as part of our day-to-day water quality assessment and regulatory functions. The Water Quality Goals report, searchable database and additional supportive materials are available to course attendees and the public on the Internet at http://www.waterboards.ca.gov/water_issues/programs/water_quality_goals/.</p> <p>The class sponsor and instructor is Jon Marshack, D. Env, Staff Environmental Scientist with the Office of Information Management & Analysis at the State Water Resources Control Board.</p>
Current classes	<p>Nine Key Elements of a Watershed Plan The Academy will be providing logistic support for a two-day class on USEPA’s requirements for watershed plans (see attached class description). The class is tentatively scheduled for mid-November in Sacramento and is intended for Water Board NPS and TMDL staff, other Water Board program staff, outside agency staff and stakeholders.</p> <p>The class sponsor is Jodi Pontuerri with the Non Point Source Section of the Division of Water Quality.</p>

Appendix 1

Statewide Policies/Significant General Permits

Division of Water Quality		
Status Code	Policy/Significant General Permit	Status
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 – Weed Control, Aquatic Application	Expect to release formal draft in Fall 2011.
A-12	Aquifer Storage and Recovery Policy	The Water Boards have formed a work team to develop a statewide general order for ASR. The work team is under the lead of Region 5. Various stakeholder groups have been participating including the City of Roseville, Sacramento Suburban Water District, Orange County Water District, and the Groundwater Resources Association. The work team has met several times and a draft general order will be circulated for State Board and Regional Board review within the next several months.
A-11	Areas of Special Biological Significance (ASBS): Special Protections	Public Notice released on January 20, 2011. Public Hearing rescheduled for May 18, 2011. Written comment period closed on May 20, 2011.
A-11	Bacterial Objectives for Inland Surface Waters	Staff preparing draft policy and staff report Public hearing targeted for November 2011.

Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A	Biological Objectives Development	Established Stakeholder and Scientific Advisory Groups. Will brief Regional Board staff on the project in spring and summer 2011. Will schedule the CEQA Scoping meeting in late summer 2011.
A-12	Cadmium Objective and Implementation Policy	Final internal review of draft policy and staff report prior to upcoming release for public comment. Requested technical support from Central Coast Water Board staff on hardness calculation protocol. Targeting Public Hearing in January 2012.
A-11	Constituents of Emerging Concern (CEC) Monitoring – Recycled Water Policy	Staff report released November 18, 2010. Public Hearing held on December 15, 2010. Comment deadline extended until 12:00 noon on January 10, 2011. Reviewing comments and coordinating with CDPH to revise staff recommendations. DWQ reviewing first draft of revised Recycled Water Policy.
A-11	Chlorine Residual Objectives and Implementation Policy	Scientific Peer review received. Report and policy will be revised as necessary to address peer review comments. Public Hearing targeted for December 2011.
A	Composting Facilities Statewide Waiver	Informal staff workshops August 31 in Chino and September 1 at CalEPA outlining concepts developed with Water Boards' internal working group. Using concepts of Water Quality Protection Areas and Water Quality Protection Measures. Continuing to meet with CalRecycle and Regional Boards on preparing draft statewide waiver. Expect State Water Board to consider adoption of statewide order and approval of CEQA documents June 2012.

Division of Water Quality

Status Code	Policy/Significant General Permit	Status
P	Grazing	The Water Boards have formed a work team to develop this project (titled Statewide Grazing Regulatory Action Project or Grazing RAP). The work team is under the lead of Region R6 with active participants from R1, R2, R3, R5 and DWQ. The work team has been convened and meets monthly. At its June meeting, the work team reviewed a draft scope of work with tasks and schedule. Based on this review, a revised scope was then provided to the work team for further review and discussion at its next meeting in late July. The team is working of further revision to the scope and schedule with final revisions to the draft to be completed by August 31. The next step is to finalize the scope; task, schedule and staff resources needed at the September meeting, then, transmit the final drafts to MCC for its consideration and acceptance.
A	Listing Policy Update (Sediment Quality Objectives and Procedural Changes)	CEQA Scoping Meeting held on March 29, 2010. Comment period closed April 12, 2010. Developing new schedule due to loss of key staff. Staff anticipates this will be delayed until 2013.
A	Marina Permit	Permit is postponed while working with other agencies and Marina and Boating groups to develop interim approaches.
P	Mercury Offset Policy	Partial economic analysis received from contractor (SAIC). No further contract funding available to complete economic analysis.
A-12	Methylmercury Objectives	Staff are working on draft staff report and coordinating with efforts to develop statewide mercury TMDL. Updating economic analysis. Board Workshop targeted for summer 2012.
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. CEQA Scoping meeting for inland waters scheduled for September 19, 2011.

Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A-11*	Ocean Plan Amendment: model monitoring provisions, vessel discharges and non-substantive changes.	Staff drafting Substitute Environmental Documentation. Public Hearing will be conducted on November 1, 2011
A	Ocean Plan Amendment: desal/brine provisions	Stakeholder workshop held on April 18, 2011. Workshop also addressed disposal of brackish water. Results of stakeholder workshop will inform a future Board Workshop.
P	Ocean Plan Amendment: vessel provisions	Pending completion of other Ocean Plan Amendments. Hearing is targeted for October 2011.
A	Off-Highway Vehicle (OHV) WDRs/Waiver	Developing concepts for WDRs/waiver for OHVs at State Parks.
A-11	Once-Through Cooling (316b) Policy Amendment	Completed/adopted July 19, 2011.

Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A-12*	Onsite Waste Water Treatment Regulations/Waiver	<p>Staff is working with a focused stakeholder group to develop a draft OWTS Policy and in March 2011 completed kick-off meetings to discuss the new approach. A CEQA scoping document for the Substitute Environmental Document was release for public comment on April 4, 2011 and public scoping meetings were held in Sacramento and Riverside on May 2 and 9, 2011, respectively. Staff completed a second round of OWTS Policy review meetings with focused stakeholders on June 29 and July 1 2011. Staff completed the initial set of stakeholder meetings, and completed State Water Board Member briefings. Staff is planning on releasing public drafts of the Policy and SED around September 14. Staff has scheduled four workshops to take comments and answer the public's questions. The venues and dates are as follows:</p> <p>October 14 - Redding - David Marr Theater at the Shasta Learning Center October 19 - Riverside - County Board of Supervisors Chambers October 24 - San Luis Obispo - San Luis Obispo Performing Arts Center November 3 - Santa Rosa - Wells Fargo Center</p>
A	Rapid Diagnostic Tests for Bacterial Indicators in Coastal Waters	Results and lessons learned transmitted to U.S. EPA for consideration in national standards setting work for a new Rapid Method. Task Force preparing final results report. Task Force working with City of Los Angeles as next possible pilot testing location.

Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A-11	Sanitary Sewer System (SSS) WDR Update	Information Item presented to Board on September 21, 2010. Draft revised SSS WDR was released on March 24, 2011. Public Hearing to be scheduled at a later date. The comment period closed on Friday, May 13, 2011. Staff is reviewing the comments received.
P	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase III	Pending completion of Phase II and availability of funding
A-11*	Storm Water CalTrans Permit	Released on January 7, 2011. Reviewing comments, which were due on March 14, 2011. Public hearing scheduled for July 19, 2011. Revised draft circulated for public comment on August 19, 2011. Board workshop scheduled for September 21, 2011.
A-11*	Storm Water Industrial General Permit	Released on January 28, 2011. Staff workshops held February 14 and 23, 2011. Additional on-line staff workshop scheduled for March 15, 2011. Public Hearing conducted on March 29, 2011. Reviewing comments, which were due on Friday, April 29, 2011. Board consideration in September 2011.
A-12*	Storm Water MS4 Phase II Permit	Revising to incorporate similar provisions to Construction General Permit and to incorporate TMDLs. Administrative draft released on February 22, 2011, with comments due on March 18, 2011. Released on June 7, 2011. Comment deadline extended from August 8, 2011 to September 8, 2011. A workshop on the draft permit was conducted on August 17, 2011. Board consideration in February, 2012.

Division of Water Quality

Status Code	Policy/Significant General Permit	Status
P	Suction Dredge General Permit	On hold, and working instead with Department of Fish and Game (DFG) to coordinate with their suction dredge regulation and permit revision. On February 28, 2011, DFG released the SEIR/draft regulation and permit revision package for public comment. State Water Board staff has now received scientific peer reviewers' comments on the water quality portions of the SEIR. State and Regional Water Board staff comments, along with the scientific peer reviews, were submitted to DFG by the comment deadline.
A-11*	Timber Activities on National Forest System Lands	Drafting Statewide Waiver for USFS, based on Region 1 waiver. Staff released a Notice of Availability to Comment and Notice of Intent to Adopt the Waiver on June 10 as well as supporting CEQA documentation. Public comments are due by July 25, 2011. The Board will hold a public workshop in late summer prior to considering adoption of the 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-11*	Toxicity Control Provisions for the SIP	Staff held a staff-level workshop on August 22, 2011 to discuss responses to comments and solicit feedback on alternatives for policy revisions. Tetratex also presented the results of a Board directed "test-drive" of policy. Staff is now working on revisions to the policy and staff report Public hearing targeted for December 2011.
A-11*	Trash Policy	CEQA Scoping Meetings held on October 7, 2010 in Rancho Cordova and October 14, 2010 in Chino. Staff is putting together a stakeholder advisory group to assist in development of the Policy. A Public Advisory Group (PAG) has been appointed to provide input to Water Board staff on the development of this policy. The PAG has met on July 26, 2011 and August 30, 2011.

Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A-11	UST Low-Threat Case Closure Policy	Staff has convened a small work group to develop recommendations regarding low-threat UST sites. Targeting Board consideration for 2011.
A-11	Wetlands and Riparian Areas (Dredge and Fill) Policy – Phase I	Request for scientific peer review for the Technical Advisory Team's (TAT's) wetland definition. Initial Study released for public comment on January 5, 2011. CEQA Scoping Meetings held on January 31, 2011 and February 8, 2011. Comment deadline closed on May 20, 2011.
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)

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

Orange = Targeted for completion in 2012 (A-12)

Blue = Completed (C)

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

Policies/General Permits Completed in 2011

C	Aquatic Pesticide General Permit – Aquatic Animal Invasive Species	Adopted by State Water Board on March 1, 2011.
C	Aquatic Pesticide General Permit – Vector Control, (Adulticide/Larvicide)	Adopted by State Water Board on March 1, 2011.
C	Ocean Plan Triennial Review	Adopted by State Water Board on March 15, 2011.
C	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase II	Adopted by State Water Board on April 6, 2011. Approved by the Office of Administrative Law on June 13, 2011. Staff will submit to U.S. EPA.
C	Spray Applications Permit (CDFA and USFS Eradication Programs)	Adopted by State Water Board on March 1, 2011.
C	Storm Water MS4 Effectiveness Assessment Document (AB 739, Ch. 610, Statutes of 2007)	On October 27, 2010, staff issued a revised Notice of Staff Workshops and Opportunity for Public Comment on draft document. Workshops scheduled for November 4 in Sacramento and November 9 in Rancho Cucamonga. Comments were due 12:00 noon on November 30, 2010. Information Item presented to the Board on April 19, 2011.

Policies/General Permits Completed in 2010

C	Integrated Report Adoption (2010)	Board approved 303(d) list on August 4, 2010. Transmitted to U.S. EPA on October 13, 2010, and awaiting their approval.
C	Leaking Underground Fuel Tank (LUFT) Manual	The LUFT manual was drafted as a guidance document with state-of-the-art information on the cleanup of leaking UST sites. The LUFT manual is considered a draft/evergreen document that will be updated periodically in response to comments.
C*	Once-Through Cooling (316b) Policy	Approved by Office of Administrative Law (OAL) on September 27, 2010. Effective date October 1, 2010.

C*	Once-Through Cooling (316b) Policy Limited Revisions	Adoption Hearing held on December 14, 2010. No changes made to Policy.
C	South Bay Power Plant	Notice of Cancellation of Public Hearing issued on November 2, 2010 due to permit application withdrawal.
C	Storm Water Construction General Permit Limited Revisions	Adopted on November 16, 2010.
C	UST Regulatory Program Task Force	Final task force recommendations submitted to the Board in January 2010. DWQ staff updated the Board at the May 18 Board meeting in conjunction with DFA staff report on the UST Cleanup Fund.

Division of Water Rights		
Status Code	Policy/Significant General Permit	Status
(A)	Draft WQCP update for San Joaquin River flows and southern Delta salinity objectives	Draft SED science chapter was released October 29, 2010. Workshop held on SED science chapter January 6 and 7, 2011. Additional scoping meeting held June 6, 2011. Draft plan amendment to be brought to the Board for a spring 2012 hearing.
(A)	Russian River Frost Protection Regulation	Public Scoping Meeting on draft EIR held on November 17, 2010. A Board Workshop to receive comments on the draft regulation held on April 6, 2011. The Rulemaking Notice package for the Office of Administrative Law (OAL) sent on May 10, 2011. On May 20, 2011, OAL published the Rulemaking Package and the Board noticed the draft EIR. Hearing for adoption scheduled for September 20, 2011. Staff prepared responses to comments, revised proposed regulation and revised DEIR. A 15-day notice was mailed on September 1, 2011, with responses due by September 16 th . Adoption hearing still scheduled for September 20 th .
(C)	Delta outflow recommendations (SBX7 1)	The Board adopted the final report on August 3, 2010, and provided it to the Delta Stewardship Council on August 25, 2010.
(C)	Instream Flow Policy (AB 2121)	The Board adopted the Policy on May 4, 2010. The Division delivered the administrative record to OAL on August 11, 2010. OAL approved the administrative record in September 2010. The Division filed a Notice of Decision with the Secretary for Resources on September 28, 2010. The policy is now effective.

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)

Division of Financial Assistance		
Status Code	Policy/Significant General Permit	Status
A	Clean Water State Revolving Fund Regulations	Suspended. Currently no plans to complete the regulations package.
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 to include fiscal considerations and provisional operator. Anticipate being released for public review in Winter 2011.

Status Code Key:

Targeted for completion in 2010

Completed Items

Suspended / No statewide effort at this time

Appendix 2

IRRIGATED LANDS REGULATORY PROGRAM MONTHLY REPORT

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

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

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

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

Johnny Gonzales	(916) 341-5510	jgonzales@waterboards.ca.gov
Gita Kapahi	(916) 341-5501	gkapahi@waterboards.ca.gov

ILRP contact information for each Regional Board is found at the end of each report below.

NORTH COAST REGION AGRICULTURAL REGULATORY PROGRAM

Water Quality Compliance Program for Discharges from Irrigated Lands:

Staff of the North Coast Regional Water Quality Control Board is developing a water quality compliance program to address discharges from irrigated lands. The program is intended to reduce pollution from irrigated agricultural discharges, satisfy the requirements of the State Nonpoint Source Policy, and implement requirements of the Klamath River TMDL.

Regional Water Board staff has contracted with the Center for Collaborative Policy (CCP) out of Sacramento State University to assist with stakeholder involvement. Staff and CCP are in the process of contacting stakeholders regarding program development and gathering information concerning agriculture in the North Coast Region. Notices were sent via email on July 13, 2011, with general information on the program and stakeholder process. Since that time, Regional Water Board staff and CCP have been calling stakeholders. The initial phone calls have led to expansion of the stakeholder list and notices are continually being sent out to the new contacts.

On August 23, 2011, CCP sent out an online survey (developed with input from Regional Water Board staff) via email to the selected stakeholders. The survey queries stakeholders on their perspectives on past interactions with the Regional Water Board and staff and also asks questions about their rough availability and interest in

participating in one of the working groups that will provide a forum for input on the development of the program. There will be a follow up survey sometime in September regarding the logistics of how, when, and where the working groups will be formed.

After evaluating survey results, CCP and Regional Water Board staff will contact stakeholders interested in participating in the stakeholder workgroup(s). Stakeholder advisory group meetings are planned to begin before the end of 2011.

For additional information on the North Coast Regional Water Board's water quality compliance program for discharges from irrigated lands please, see the following website or contact Ben Zabinsky at BZabinsky@waterboards.ca.gov or (707) 576-6750: http://www.waterboards.ca.gov/northcoast/water_issues/programs/irrigated_lands/

SAN FRANCISCO BAY REGION CONDITIONAL WAIVERS FOR VINEYARDS and GRAZING

Overview: The San Francisco Bay Regional Water Board administers the Tomales Bay grazing waiver program, and is currently developing grazing and vineyard waiver programs for the Napa River/Sonoma Creek Watersheds.

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR GRAZING OPERATIONS IN THE NAPA RIVER AND SONOMA CREEK WATERSHEDS

The Region Water Board will consider adoption of a conditional waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek (Napa/Sonoma Grazing Waiver) on September 14, 2011. Grazing operations were identified as sediment and pathogen sources in the Napa River and Sonoma Creek sediment and pathogens TMDLs. The conditions and requirements proposed in the Napa/Sonoma Grazing Waiver are closely modeled after the Tomales Bay Grazing Waiver program (see below). The draft Napa/Sonoma Grazing waiver and supporting CEQA documentation can be found at http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/grazing/index.shtml

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR GRAZING OPERATIONS IN THE TOMALES BAY WATERSHED (TOMALES BAY GRAZING WAIVER)

Region Water Board staff provided a report to its Board on the status of the Tomales Bay Grazing Waiver Program at our June Board hearing. The report discusses the Grazing Waiver's background and requirements, outreach efforts and funding, enrollee compliance, ongoing watershed efforts, and lessons learned. The report also describes the efforts of the Tomales Bay Watershed Grazing Land Partnership (Partnership) in assisting the agricultural community in complying with the requirements of the Grazing Waiver.

Staff believes that the success of the Grazing Waiver Program is rooted in the local relationships established with the Partnership, the substantial amount of technical assistance provided to ranchers by Water Board staff and the Partnership, and the success of partners in obtaining grant funding.

It should also be noted that the Staff Report includes references to two recent publications that provide independent evaluations regarding the effectiveness of the Tomales Bay Grazing Waiver Program.

The Staff Report and referenced publications may be found at:

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/grazing/index.shtml

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR VINEYARDS IN THE NAPA RIVER AND SONOMA CREEK WATERSHEDS (VINEYARD WAIVER)

Regional Water Board staff is developing a Vineyard Waiver to require that effective management practices be implemented to control human-caused discharges of pollutants from vineyard facilities. Potential pollutants from vineyard facilities include sediment, erosive forces (that cause excessive erosion and sedimentation), heat (human-caused effects on channel or riparian conditions that may cause increases to stream temperature), nutrients, pesticides, and pathogens. The Vineyard Waiver would cover existing vineyards, vineyard undergoing replanting programs, as well as new vineyard development. Preliminary estimates indicate the Vineyard Waiver will affect at least 42,000 acres of planted vineyards.

On June 10, staff held the first stakeholder meeting at the Napa County Flood and Conservation District conference room. The goals of the meeting were to:

- Exchange information
- Make improvements and refinements to the draft Vineyard Waiver
- Discuss and encourage third-party and technical assistance programs
- Discuss ways to streamline the process and avoid conflicts with local requirements or necessary growing practices
- Improve implementation of (and compliance with) the Vineyard Waiver

Stakeholders representing growers, local government, environmental groups, and other interests attended. The meeting was very productive and several key issues were discussed, including:

- Benefits to the grower of enrolling in the Vineyard Waiver program
- Definition of several terms including sensitive species, streams, and heat as a pollutant
- Reporting requirements
- Monitoring (i.e. how will people know that the program is improving stream conditions)

Staff is considering the comments received, and anticipates scheduling a second stakeholder meeting later this summer.

Additional information about the Vineyard Waiver may be found at:

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/vineyard/

For additional information on the agricultural regulatory programs described below, please contact Jim Ponton at jponton@waterboards.ca.gov or (510)-622-2492.

CENTRAL COAST REGION AGRICULTURAL REGULATORY PROGRAM

Agricultural Order Renewal: A panel of four members of the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) conducted a hearing to receive comments on the Updated Conditional Waiver of Waste Discharge Requirements for Irrigated Agricultural Waste Discharges, Draft Agricultural Order No. R3- 2011-0006 (Draft Agricultural Order) on March 17, 2011 and May 4, 2011. The Central Coast Water Board did not have a quorum of members eligible to vote on the Draft Agricultural Order at that time, and continued the hearing to September 1, 2011. On July 7 and August 10, 2011, the Central Coast Water Board made documents available to interested parties for the September 1, 2011, hearing on the Draft Agricultural Order. On August 23, 2011, the Central Coast Water Board issued a public notice to postpone the hearing scheduled for September 1, 2011, because there is still not a quorum of Water Board members who can vote on the Draft Agricultural Order, Monitoring and Reporting Program (MRP), and certification of the Subsequent Environmental Impact Report (SEIR) at the September 1, 2011 hearing.

The Central Coast Water Board will reschedule consideration of adoption of the Draft Agricultural Order, MRP, and certification of the SEIR to another meeting when there is a quorum of members that can vote on this item. The Central Coast Water Board will distribute a public notice announcing that meeting once it is scheduled. At this time, the written public comment period will be complete. The Central Coast Water Board will not accept any additional written comments on the Draft Order and associated documents. The Central Coast Water Board will provide an opportunity for oral comments at the rescheduled hearing.

For a copy of the Public Notice postponing the September 1, 2011 Board Hearing and more information on the Agricultural Order Renewal, including copies of the staff Report, Draft Agricultural Order, and MRP, provided to Board Members and interested parties, please go to the Water Board's website at the following links below:

September 1, 2011 Board Meeting Agenda Item 17 Documents (Postponed):

http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2011/Sept/Item_17/index.shtml

General Information about the Agricultural Order Renewal:

http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order.shtml

For additional information on the Central Coast Water Board's Agricultural Regulatory Program, please contact Angela Schroeter at (805-542- 4644) or ASchroeter@waterboards.ca.gov

LOS ANGELES REGION CONDITIONAL WAIVER FOR IRRIGATED LANDS

Enrollment in Renewed Conditional Waiver: Regional Water Board staff continued to conduct inspections of properties to determine if the properties should enroll in the renewed Conditional Waiver for Discharges from Irrigated Lands (Order No. R4-2010-0186). The inspections are a follow up to the second notice to enroll that staff issued in May 2011. In response to the notice, numerous property owners/operators responded that they do not belong in the program, and in many instances, inspections are necessary to evaluate the requests.

Staff also continues to review enrollment documents submitted by the Los Angeles Irrigated Lands Group (LA-ILG) and the Ventura County Agriculture Irrigated Lands Group (VCAILG) for the renewed Conditional Waiver and will be issuing notices of applicability shortly. Once staff issues notices of applicability, the groups must begin monitoring under the monitoring and reporting plan. Annual reports are due within one year of the notice of applicability. Based on the results of monitoring, discharger groups must submit water quality management plans. The discharger groups are currently complying with the existing water quality management plans that they developed in accordance with the previous waiver.

Education Workshops: Staff presented at four VCAILG workshops in June and July 2011 to educate growers and to increase implementation of best management practices. The workshops took place in four watersheds in Ventura County and focused on watershed-specific water quality impairments and required best management practices. The workshops count towards four of the eight hours of required education.

Enforcement: The Regional Water Board considered a complaint at the July Board Hearing to assess administrative civil liability against Balcom Ranch for failure to enroll in the Conditional Waiver or, alternatively, for failure to submit a report of waste discharge, when so requested by the Regional Water Board. A hearing was held before a panel of the Regional Water Board on March 17, 2011. At the July 2011 Board Hearing, the Hearing Panel recommended a penalty in the amount of \$180,500 to the full Board and the full Board upheld the recommended penalty.

Grant Management: Staff continues to manage a Clean Water Act section 319(h) grant for grower education and outreach to implement BMPs in the Calleguas Creek and Santa Clara River Watersheds. Staff is working with the grantee to ensure that the grant effectively implements the renewed Los Angeles Region Conditional Waiver for Irrigated Lands, and specifically implements BMPs according to VCAILG's water quality management plan.

A final grant agreement for Proposition 84 funding for a mobile irrigation laboratory to improve irrigation efficiency on farms in Ventura County was executed on August 15, 2011 (Grant Agreement No. 10-417-554). The grant will be overseen by the Ventura County Resource Conservation District (RCD). Under the grant, RCD staff will travel to farms, evaluate irrigation efficiency, recommend improvements, and provide cost share funding to implement the recommended improvements. The goal of the grant is to reduce dry-weather loading of agriculture-related pollutants.

For additional information on the Los Angeles Region Conditional Waiver for Irrigated Lands, please contact Jenny Newman at (213) 576-6691 jnewman@waterboards.ca.gov.

COLORADO RIVER BASIN CONDITIONAL PROHIBITION FOR AGRICULTURAL DISCHARGES

Imperial Valley Sediment TMDLs: Grower participation in the Imperial County Farm Bureau TMDL program has a high rate of enrollment because it offers growers and landowners a streamlined path to compliance with the mandatory TMDL regulations. Farmers implement a variety of best management practices to reduce silt and mineral runoff on their own farms, and maintain a record of their efforts, and attend annual meetings to keep up-to-date and share information relating to best management practices and TMDL management on their farms. Annual self-determined Sediment Control Plans (Water Quality Management Plans) for each farm (about 6,000 for 450,000 acres) must be submitted each September.

The Imperial Irrigation District is also a responsible party for the Sediment TMDLs. They were awarded a Proposition 50/84 grant for \$900,000 several years ago and the work began last year on the Precision Agricultural Drain Cleaning Best Management Practice Plan. The project implementation work includes:

- Drain Improvement Program;
- Vegetation Management Program;
- GPS-guided Drain Cleaning Program; and
- Drain Water Quality Improvement Plan monitoring.

Palo Verde (PV) Agricultural Discharge Prohibition: The Palo Verde Agricultural Discharge Prohibition was adopted by the Regional Water Board on January 20, 2011. Regional Water Board staff is currently completing actions needed to bring the amendment before the State Water Board. The PV Agricultural Discharge Prohibition and supporting documents can be viewed at the Regional Water Board website: http://www.waterboards.ca.gov/coloradoriver/water_issues/programs/basin_planning/

The intent of this prohibition is to ensure that agricultural wastewater discharges and drain maintenance discharges occur in a manner that does not adversely affect the beneficial uses of the Palo Verde Valley Drains, and the Palo Verde Valley Lagoon and Outfall Drain. Accordingly, the amendment establishes a conditional prohibition for agricultural wastewater discharges originating within Palo Verde Valley and Palo Verde Mesa, and incorporates an implementation plan. The amendment also establishes a conditional prohibition for drain operation and maintenance discharges occurring in these regions.

Imperial Valley Pesticide TMDL: The Regional Water Board is developing a TMDL to address impairments in the Alamo and New Rivers caused by the current use of the pesticides chlorpyrifos and diazinon. Agriculture is currently the dominant user and discharger of these two pesticides in both watersheds. Regional Water Board staff is working with the Imperial County Farm Bureau (ICFB) to develop a regulatory program to correct the impairment. The TMDL may be taken to the Regional Water Board for adoption in 2012.

For additional information on the Colorado River Basin Conditional Prohibition for agricultural discharges, please contact Doug Wylie at (760) 346-6585
dwylied@waterboards.ca.gov

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

Regional Water Board staff is proposing that all operators of irrigated land, dry-farmed land subject to inundation by flooding, and of other agricultural operations not already regulated by the Regional Water Board, enroll in a conditional waiver of waste discharge requirements. Board Water Board staff is calling this the Conditional Waiver (of waste discharge requirements) for Agricultural Discharges (CWAD). Regional Water Board staff proposes that the CWAD program be developed and implemented with a watershed-based phased approach. The first phase of this program is being developed for waste discharges from agricultural operations in the Lake Elsinore / San Jacinto Watershed. The Regional Water Board adopted separate nutrient Total Maximum Daily Loads (TMDLs) for Canyon Lake and Lake Elsinore. The CWAD program is being designed to be part of the implementation program for these TMDLs.

Regional Water Board staff has developed a "CWAD Program Advisory Group," which consists of about 15 members including agricultural farmers, local growers, industry groups, and major stakeholders.

Regional Water Board staff has recently updated the CWAD program draft schedule, which contained major milestones. The draft schedule included initiation of the CEQA process, initial study, and CEQA process leading to the CEQA checklist, internal review, and CEQA Negative Declaration Determination. CWAD Program Advisory Group review of the CWAD waiver requirements and internal review process will be taking place soon.

The Regional Water Board staff holds regular quarterly meetings with the CWAD Program Advisory Group and in these meetings seeks feedback on the CWAD program. The Regional Water Board staff anticipates that these meetings will lead to adoption of waiver requirements, sometime in the second quarter of the year 2012.

A CWAD Program Advisory Group meeting was held on July 28, 2011, at the Riverside County Farm Bureau office. Regional Water Board staff solicited the advisory group's general consensus on choosing specific conditions and prohibitions on application of fertilizers and herbicides during the wet season in view of the flooding situation in the project area during and after the rain events. The following listed action items and proposed topics for the next meeting are scheduled to be discussed along with the action items from the previous CWAD Advisory Group (April 18, 2011) meeting:

- Coalition forming, monitoring program and pollutants trading project-by WRCAC staff
- Wet season and flooding season clarification-by Riverside County Flood Control staff
- CWAD program schedule updates
- CEQA Negative Declaration Initial Study Checklist
- Manure application prohibition in the project area based on the high TDS levels in local groundwater.
- Resolution by Western Riverside County Agricultural Coalition (WRCAC) Board to Support its lead role in the CWAD program
- CWAD Program Cost Analysis Study

For more information, please contact:

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

Enrollment in Conditional Ag Waiver: On August 5, 2011, approximately 1,800 letters were sent to owners of properties with agricultural land use (per County Assessor Parcel information) that have not enrolled under the Ag Waiver. As of August 29, 2011 over 100 individuals have called with questions regarding the letters and 371 response forms have been received. The following table summarizes information obtained from the Response forms regarding enrollment status.

Enrollment Status	Total	Percent of Responses
Enrolled	66	18
Will Enroll	7	2
Exempt	298	80

Due to differences in property owner names between the NOIs and the Assessor information (e.g., Robert Jones as listed on the NOI rather than Bob Jones on the Assessor information) a small percentage of letters were sent to individuals already enrolled in the Ag Waiver. Although only 21 percent of the letters have been returned to date, the very low number of commercial growers not enrolled indicates that the outreach previously conducted by the San Diego Water Board and the monitoring groups was successful in getting the commercial growers to enroll in the Waiver.

The responses are due no later than September 16, 2011. At that time, options for additional follow-up and/or enforcement will be evaluated.

Five-Year Waiver Review: An internal meeting was held to discuss the five-year waiver review for the Ag Waiver. The Ag Waiver needs to be either renewed or replaced no later than February 2014. In addition to discussing scheduling and timing of the review process, various changes to the Ag Waiver were discussed. Possible changes to the Ag Waiver include:

- Including a fee for enrollment in the waiver.
- Using a tiered fee schedule and requirements based on crop type, agricultural methods, acres under cultivation, and volume of irrigation applied to crops.
- Requiring a single monitoring group to oversee the monitoring and reporting.
- Changes to the definition of a Commercial Grower that incorporates crop type, agricultural methods, acres under cultivation, and volume of irrigation applied to crops.
- The use of a “web-based” system for enrollment, submitting monitoring reports, and tracking compliance with self-assessments and education requirements.

Amendment to Ag Waiver: The Amendment to define “Commercial Grower” will be heard at the August 16, 2011 State Board meeting.

For additional information on the San Diego Regional Water Boards Irrigated Lands Program, please contact Barry Pulver at (858.467.2733) bpulver@waterboards.ca.gov