

**State Water Resources Control Board  
November 18, 2008 Board Meeting  
Item 13- Executive Director's Report**

**OFFICE OF ENFORCEMENT**

**Mandatory Minimum Penalty Enforcement Backlog Update**

As of November 4, 2008, the Mandatory Minimum Penalty Enforcement Backlog Initiative (Initiative) has resulted in the issuance of 113 expedited payment offers and 76 Administrative Civil Liability (ACL) complaints to 189 facilities with 5,974 violations.

When the Initiative began, CIWQS reported approximately 477 facilities with 7,203 violations (through December 31, 2007) without enforcement.

Based on current information, there are 288 additional facilities with approximately 1,226 violations that will be addressed as part of the Initiative. These 288 facilities are being addressed as data validation is completed for the facilities. A full report on the Initiative will be prepared in early 2009.

**Enforcement Policy Update**

Two policies related to "Supplemental Environmental Projects" and "Use of the Cleanup and Abatement Account for Regional Water Quality Improvement Projects" were noticed for public comment on October 15, 2008. Public comments are due on December 15, 2008. State Water Board consideration of these policies is scheduled for February 3, 2009.

The remainder of the Water Quality Enforcement Policy is tentatively scheduled for a staff workshop on December 16, 2008.

**DIVISION OF WATER QUALITY**

**Water Quality Objectives for Cadmium**

A California Environmental Quality Act (CEQA) scoping meeting on statewide water quality objectives for cadmium was held on October 6, 2008. The cadmium objectives, and related implementation measures, would be added to the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP). At the meeting, five people provided comments regarding additional alternatives for staff to consider during development. The comment period closed on October 23, 2008. Eleven people provided written comments.

### **Water Quality Objectives for Bacteria**

The first CEQA scoping meeting on statewide bacterial objectives for water contact recreation in fresh waters was held on October 6, 2008 in the Coastal Hearing Room. At the meeting, one person provided comments regarding additional alternatives for staff to consider during development. The second scoping meeting was held on October 22, 2008 in the Anaheim City Council Chambers, and 14 people provided comments. The comment period closed on November 5, 2008.

### **Triennial Review Scoping Meeting for Antidegradation Policy (Resolution No. 68-16)**

Staff continue to work on the format and informational content for a triennial review of the State's Anti-degradation Policy and its implementation guidance contained in the Administrative Procedures Update 90-004 and Office of Chief Counsel guidance memo's for implementation of the Antidegradation Policy in ground water. Notice was given on October 17 that a meeting is scheduled for November 17, 2008 in the Central Valley Water Board's hearing room. The surface water session will begin at 10:00 a.m., and the groundwater session will begin no sooner than 1:00 p.m. Comments are due by 12:00 noon on December 17, 2008.

### **Phase II Sediment Quality Objectives (SQOs)**

Based on the Board's September 16, 2008 re-adoption of Phase 1 SQOs with a minor change, staff plans to submit the administrative record to the Office of Administrative Law in November 2008.

### **Once Through Cooling – CWA Section 316(b)**

Staff has assembled and met with an inter-agency work group, which meets bi-monthly to address cross-cutting issues and provide information needed for policy development. The next meeting of the inter-agency work group is scheduled for November 14, 2008. A scope of work for in-kind services funded through a CWA section 106 grant was completed in July 2008 and was executed by U.S. EPA at the beginning of September 2008. TetraTech has initiated work on preparing a Draft Substitute Environmental Document (SED) and has a target completion date of January 1, 2009 for the draft SED.

### **ASBS Stormwater and Nonpoint Source Exception**

Staff is working to complete the initial study and draft mitigated negative declaration that will support a general exception to the ocean plan for discharges of storm water and non-point source discharges to Areas of Special Biological Significance (ASBS). Stakeholder meetings were conducted on September 26, 2008 and October 24, 2008. A third (and last) meeting will be scheduled in November. Staff is working toward completion of the required CEQA document by the end of 2008. In the meantime, regional monitoring efforts have begun at southern California ASBS, and planning meetings are being held with central and northern California stakeholders.

### **Recycled Water Policy**

On October 31, 2008, staff met with the stakeholders group to discuss the draft Recycled Water Policy, which was minimally revised by staff per Board direction. The revisions received a favorable reception from the group, and the next step is to send the draft revised Policy to the Regional Water Board Executive Officers for review. Public release of the draft revised Policy and revised CEQA documentation is expected by late November, for the targeted January Board consideration of the Policy.

### **Wetlands Policy**

On November 14th, a joint meeting of the Drafting and Steering committees of the Wetland Policy Development Team will consider recommendations for a wetland definition. This work is part of a contract with the Aquatic Science Center (ASC) to review all components of Phase 1 and 2 policies. For the definition review, ASC assembled a small group of eminent wetland scientists, including two from the Corps to assist. If the committees approve the definition, we will next present the definition to the Interagency Coordinating Committee, the third committee of the Wetland Policy Development Team, on November 21st for their review and comment.

We will also be holding Stakeholder meetings on December 4th and 5th here at Cal/EPA. A series of six stakeholder focus group meetings will be held over the two-day period for environmental, ag, business, state/local agencies, federal and Tribes, and public health and safety.

The Drafting Team, consisting of Regional Board and State Board staff, continues to meet bi-monthly to develop the Phase 1 policy concept paper.

### **Onsite Wastewater Regulations (Septic Tanks)**

The proposed regulations, statewide waiver and draft environmental impact report (EIR) have been noticed for public review and comment. These documents can be viewed at the Board's website as well as at libraries throughout the state. Eleven public workshops have been scheduled at locations throughout the state (Riverside, Malibu, Fresno, Mariposa, San Andreas, Nevada City, Bishop, Susanville, Redding, Eureka, Santa Rosa). The public comment period will end with a public hearing in Sacramento on February 9. The dates and locations of the workshops are included in the public notice. Following public input on the proposed regulations, statewide waiver and draft EIR, staff will prepare responses to comments and revise the documents as appropriate. Staff hopes to return to the Board with a final rule-making package for adoption by August 2009. Our Office of Legislative Affairs conducted a briefing on the proposed regulations for legislative staff at the Capitol on November 13.

### **Construction General Permit (CGP)**

Staff has reviewed the comments submitted on the draft CGP (all received by deadline on June 11, 2008) and, based on this input, recommend revisions to the draft CGP that are significant enough to warrant another public comment period. The goal is to release a new draft and notice of hearing and comment period prior to December 31, 2008. The changes are: a different risk rating structure (including the removal of all numeric

measures from the lowest level), and the addition of linear project requirements to the draft CGP (currently linear project requirements are split between two permits). Staff expects the State Board could hold a hearing on the tentative CGP in February 2009 and a meeting to consider adoption in April 2009.

### **Irrigated Lands Regulatory Program Update Report**

The November 2008 report is attached as Appendix 1.

## **DIVISION OF WATER RIGHTS**

### **Drought Activities Update**

In order to facilitate the availability of water to drought-stricken areas in California, the State Water Board has streamlined procedures to expedite processing of temporary water transfers and temporary water right emergency change petitions to amend water right conditions. Recent notable activities include:

On October 24, 2008, the State Water Board issued Order WR 2008-0040-DWR, approving a petition for temporary urgency change to authorize the transfer of up to 20,000 acre-feet of water from Placer County Water Agency to Westlands Water District. Staff anticipates issuing a joint notice of petition for temporary urgency change during the week of November 10, 2008.

All water right orders are posted on the Division of Water Rights website.

### **Delta Transfers and Joint Point of Diversion Update**

Joint Point of Diversion (JPOD) allows DWR and USBR (the Projects) to use each other's facilities in the South Delta to convey water. At times, this allows the Projects to divert more water than would otherwise be possible due to various physical and regulatory constraints. JPOD is allowed under the Projects permits (as amended by D-1641) if they meet specified permit conditions, including meeting applicable water quality objectives. The most problematic of these conditions is the requirement to meet the southern Delta salinity objectives. Although the Projects are responsible for meeting these objectives pursuant to D-1641, they maintain that compliance with the interior southern Delta salinity objectives is beyond their control. Water quality modeling provided by the Projects indicates that JPOD does not exacerbate southern Delta salinity problems.

In 2007, the Executive Director advised USBR and DWR that if they intended to undertake JPOD activities during 2008, they should file a petition to change the permit requirements applicable to their use of JPOD. On June 16, 2008, USBR and DWR filed a joint petition for temporary urgency change to allow the use of JPOD while interior south Delta salinity objectives were not being met. With consideration for the Governor's declarations of statewide drought conditions and a state of emergency in certain counties, on July 1, 2008 Board Member Art Baggett issued Order WR 2008-0029-EXEC, approving conditional use of JPOD and the Yuba transfer.

South Delta Water Agency, Lafayette Ranch and the California Sportfishing Protection Alliance have petitioned the State Water Board to reconsider the order. One of the petitioners' primary contentions is that USBR and DWR have not been diligent in filing and pursuing a non-urgent change to their permits that would allow JPOD operations during periods when the salinity objectives are not met. Staff is currently preparing a draft order for the Board's consideration taking action on the petitions.

### **Delta Vision**

The Governor's Delta Vision Blue Ribbon Task Force submitted its final Strategic Plan to Governor Schwarzenegger on October 17, 2008. The Strategic Plan contains the Task Force's recommended actions for achieving its coequal goals of a healthy Delta environment and a reliable water supply for California. The Water Boards' staff are working with the staff of the Task Force and the Resources Agency and its Departments to develop an implementation plan for those actions. The Delta Vision Committee, whose members are agency secretaries and the President of the Public Utilities Commission, will meet in Long Beach on November 21, 2008 to consider the strategic plan and the implementation plan. Staff will continue to assist Secretary Adams and the Task Force in plan implementation.

### **Klamath River CEQA Scoping**

The current Federal Energy Regulatory Commission (FERC) license for the Klamath Hydropower Project (Project) expired on March 1, 2006, and the Project is currently operating under an annual license. Prior to FERC issuance of a new license, a Clean Water Act section 401 water quality certification will be required of the licensee and operator of the project, PacifiCorp. The State Water Board must comply with the California Environmental Quality Act (CEQA) prior to issuing any certification.

The State Water Board held a series of scoping meetings in October and early November to elicit public comment on the range of alternatives and mitigation measures that should be examined during the preparation of an Environmental Impact Report (EIR) for the proposed relicensing of the Project. Meetings were held in Sacramento, Eureka, Klamath, Orleans, and Yreka. The meetings in Northern California were well attended, with approximately 60 to 70 people at the Eureka and Yreka meetings and 40 to 50 people at the Klamath and Orleans meetings. About 40 people attended the meetings in Sacramento. People who spoke at the meetings expressed their concerns about the environmental impacts of the project, with many people recommending that removal of the Klamath mainstem dams be considered as an alternative in the EIR. There were also some individuals who spoke in favor of keeping the dams, or who expressed concern regarding potential detrimental impacts associated with dam removal. People also commented on impacts to public health associated with the presence of toxic cyanobacteria in Project reservoirs and downstream of the Project, impacts to cultural uses of the Klamath River by Native American tribes, and socioeconomic impacts to communities both on and off the river due to the decline in fisheries resources in the Klamath River.

The deadline for submission of scoping comments was set for November 17, 2008. However, on Friday, November 14, the Executive Director approved a Thursday, November 13, request by the Yurok, Karuk, and Klamath Tribes, the Department of Interior, U.S. Fish and Wildlife Service, National Marine Fisheries Service, PacifiCorp, Pacific Coast Federation of Fisherman's Association and several environmental organizations to extend the scoping comment period to February 23, 2009. The request was made as a result of the United States, the governors of California and Oregon, and PacifiCorp reaching an Agreement in Principle for resolution of issues associated with the project, including possible dam removal. The additional time will allow the parties to negotiate a final agreement. Following the close of the comment period, the next step in the process is for the State Water Board to prepare a draft EIR.

### **Battle Creek Salmon and Steelhead Restoration Project**

The Battle Creek Hydroelectric Project (Hydroelectric Project) is owned and operated by Pacific Gas and Electric Company (PG&E), and is situated on the north and south forks of Battle Creek in Shasta County. A Federal Energy Regulatory Commission license amendment is required to facilitate improvements planned by the Battle Creek Salmon and Steelhead Restoration Project (Restoration Project). This license amendment will require Clean Water Act Section 401 water quality certification by the State Water Board. The Restoration Project is a joint proposal by PG&E, the U.S. Department of the Interior Bureau of Reclamation (Reclamation), California Department of Fish and Game, U.S. Fish and Wildlife Service, and National Oceanic and Atmospheric Administration (Fisheries). Purpose of the project is to reestablish habitat for naturally producing salmon and steelhead at nine sites on Battle Creek and its tributaries. Reclamation will also require a separate water quality certification that is not associated with the Hydroelectric Project because the Restoration Project needs to acquire permits from the Army Corp of Engineers under section 404 of the Clean Water Act. The water quality certification covers only the incremental improvements to the Hydroelectric Project from the Restoration Project elements, not the entire Hydroelectric Project. Water quality certification is anticipated to be issued by the State Water Board in November 2008.

The State Water Board is in litigation over the CEQA documents. The Final Environmental Impact Statement/Environmental Impact Report was certified by the State Water Board on September 19, 2006. The complainant has claimed significant impacts to visual, aesthetic, and noise quality around his property, which is within the Restoration Project boundaries.

### **Eagle Mountain Hydroelectric Project**

In November 2008, the Division of Water Rights will release a CEQA Notice of Preparation (NOP) for an EIR for the Eagle Mountain Pumped Storage Project. The project is located in two depleted mining pits in the Eagle Mountain Mine in Riverside County near the town of Desert Center. Water would be pumped from a lower reservoir to an upper reservoir during periods of low energy demand to generate peak energy during periods of high demand. This new project will be licensed by FERC and will require Clean Water Act section 401 water quality certification by the State Water Board. The purpose of the NOP is to allow the public, interested agencies, and

non-governmental organizations an opportunity to identify environmental issues that should be analyzed in the EIR. In order to receive comments, two scoping meetings will be scheduled for mid-December in the vicinity of the proposed project.

### **Spring Gap-Stanislaus Hydroelectric Project**

On September 15, 2008, the Executive Director issued a water quality certification for the Spring Gap-Stanislaus Hydroelectric Project (Project). The Project is owned and operated by Pacific Gas and Electric Company (PG&E). On October 15, PG&E and the Tuolumne Utilities District (TUD) each filed a petition for reconsideration and request for abeyance. By letter dated October 27, the State Water Board agreed to hold the petition in abeyance until December 11. The State Water Board and TUD also entered into a tolling agreement to stay the statute of limitation under the California Environmental Quality Act until such time as all administrative remedies have been exhausted. TUD will be providing additional information to State Water Board staff by the December 11 deadline. State Water Board staff will be preparing an order for the State Water Board's consideration.

### **Redwood Terrace Mutual Water Company: Status of Enforcement Action**

The Division of Water Rights responded to a request filed by Redwood Terrace Mutual Water Company (Redwood) asking for a one-year time extension to comply with a time schedule imposed by a previously issued Cease and Desist Order (CDO). The CDO requires Redwood to develop an alternative water supply and cease illegal diversions from San Gregorio Creek. San Gregorio Creek is the second creek on the list of priority streams submitted to the State Water Board by the Department of Fish and Game under Public Resources Code section 10004. The CDO requires the Deputy Director for Water Rights to approve requested amendments to the time schedule imposed by the CDO by November 1. After reviewing compliance efforts by Redwood, the Deputy Director determined that although Redwood has made significant progress toward development of an alternative water supply, it has not been submitting timely quarterly status reports. Additionally, reports that were submitted lack information on diversion and use from San Gregorio Creek. Redwood has not installed flow meters to obtain necessary records as required. Redwood asserts that it is waiting to obtain funds from the revolving fund program for a water treatment facility.

Instead of approving the time extension to allow another year of unauthorized diversion, the Deputy Director informed Redwood by letter that she will not grant the extension and will instead continue to monitor Redwood's progress and diligence. The Deputy Director intends to revisit this matter in three months to determine Redwood's diligence and to consider whether further enforcement is warranted.

### **North Gualala Water Company: Proposed Enforcement**

Board Resolution 2007-0057 delegates certain authorities to the Deputy Director for Water Rights, providing that the Deputy Director notifies the Board of certain matters. The authority to issue water right enforcement actions has been delegated to the Deputy Director for Water Rights and redelegated to the Assistant Deputy Director. The Assistant Deputy Director, under redelegated authority, issued an Administrative Civil

Liability (ACL) complaint and a notice of Cease and Desist Order (CDO) against the North Gualala Water Company (Company) on October 29, 2008. The ACL Complaint is posted on the Division's website at

[http://www.waterrights.ca.gov/water\\_issues/program/compliance/docs/ngwc\\_acl.pdf](http://www.waterrights.ca.gov/water_issues/program/compliance/docs/ngwc_acl.pdf).

The notice of CDO is posted at

[http://www.waterrights.ca.gov/water\\_issues/program/compliance/docs/ngwc\\_draft\\_cdo.pdf](http://www.waterrights.ca.gov/water_issues/program/compliance/docs/ngwc_draft_cdo.pdf).

The North Gualala Water Company has 20 days to request a hearing before the Board on the proposed actions, or the Division will issue final actions. The enforcement actions follow a recent Court of Appeal ruling in the Board's favor regarding the legal classification of the groundwater being pumped by the Company. In that action, the Board asserted, and the Court concurred, that the Company is pumping water from a subterranean stream flowing through a known and definite channel.

### **eWRIMS Place of Use Enhancements**

In October 2007, the Division of Water Rights deployed its electronic Water Right Information Management System (eWRIMS), a module of CIWQS. eWRIMS includes both a tabular database and GIS component, showing water rights points of diversion and other geospatial data. A project was initiated in July of 2007 to facilitate the conversion of approximately 13,000 water right permit and license maps from a paper format to an electronic format compatible with the eWRIMS GIS system. The project was put into production on October 20, 2008 and is currently being used by Division of Water Rights staff. Data are entered into the system by either scanning and digitizing existing paper maps or through use of a GPS receiver in the field. This new system will provide additional functionality for staff and, once completely implemented, the public. The Division will provide a demonstration of the new capability to the Board at its December meeting.

### **Kern River Declaration of Fully Appropriated Streams**

The State Water Board previously declared the Kern River a fully appropriated stream. The State Water Board cannot accept applications to appropriate water from streams that have been declared fully appropriated. However, the State Water Board can revoke or revise a declaration on its own motion or after petition by any party. The State Water Board has received five petitions to revise the Kern River Declaration of Fully Appropriated Streams (Declaration). Pursuant to the Board's regulations, on October 30, 2008 the Deputy Director for Water Rights notified petitioners seeking to amend the Declaration that, after considering the circumstances, she recommends that the Board hold a hearing on the petitions to consider whether sufficient evidence exists to revise the Declaration. A hearing will not likely be scheduled prior to June 2009.

### **Water Right Fee Billing**

On November 10, 2008, the State Board of Equalization (BOE) mailed annual water right fee assessments to approximately 14,000 water right permit and license holders, water right applicants and petitioners, federal water supply contractors, and hydropower operators applying for, or operating under, a water quality certification associated with a federal energy license. Fee payers have 30 days to pay or petition the State Water Board to reconsider their assessments.

To determine this year's fee amounts, the Division of Water Rights developed additional eWRIMS functionality contained in a billing module. New enhancements provide Division staff with a summary of payments on each fee account since enactment of water right fee legislation. In addition, the Division now has the capability to exchange fee information with BOE via secure electronic site.

### **Nevada Irrigation District: Release of Licensing Inspection Reports**

On September 4, 2008, the Division of Water Rights transmitted ten licensing inspection reports for permits held by the Nevada Irrigation District (District) that authorize diversion and storage of approximately 2.2 million acre-feet of water from the Yuba and Bear River systems. Division staff prepared these reports after conducting licensing inspections and forming and meeting with a Joint Division/District Licensing Collaboration Committee (Committee). The mission of the Committee was to determine the amounts beneficially used by the District and any petitions needed to amend the permits for consistency with project development and existing operations. The Division's recommendations for licensing of the permits are contingent upon the District submitting 28 water right petitions. The District will be submitting the petitions in the fourth quarter of 2008. If the petitions are submitted and approved, licensing of the District's permits will result in a reduction of 1.1 million acre-feet in the face value of the District's water rights.

### **End of Term 91 Water Diversion Curtailments in 2008**

On November 15, 2008, the Term 91 continued curtailment of water diversion during 2008 ended. On May 30, 2008, the Division of Water Rights (Division) sent a Notice of Curtailment of Water Diversion (Term 91 Notice) to 80 permit and license holders in the Sacramento-San Joaquin Delta Watershed. The notice required permittees and licensees subject to Term 91 to immediately curtail their diversions of water under the permits and licenses, and use an alternate source of water until August 31, 2008. On August 28, 2008 the Division sent a Notice of Continued Curtailment of Water Diversion to 58 permittees and licensees who received the May 30, 2008 Notice, and 33 additional permittees and licensees whose season of diversion overlaps with the extended curtailment season. The Notice prohibited diversion from September 1 through November 15, 2008, unless notified sooner.

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

### **Water Board Training Academy**

The Training Academy has been hard at work rescheduling classes that were postponed earlier due to budget constraints. Below is a brief sampling of the classes that are currently being offered.

<p><b>Currently Scheduled*</b></p> <p><i>November</i></p>	<p><b>Introduction to ArcGIS for the Water Boards:</b> GIS allows professionals to analyze and manage spatially distributed data more effectively than ever before. This class shows how desktop GIS software (ArcGIS) can be used for displaying and analyzing groundwater and surface water monitoring data, grants, permits and water rights. It offers an overview of GIS, and some hands-on practice and training. Participants will learn about terms and concepts, available systems, data sources, and design and policy decisions, which must be addressed prior to implementation of a GIS project.</p>
<p><i>November</i></p>	<p><b>How To Prepare Waste Discharge Requirements Orders:</b> The goal of this course is to improve the consistency, clarity, enforceability, and defensibility of WDR orders prepared for the Non-Chapter 15 regulatory program. An overview of antidegradation directives relative to the Non-Chapter 15 regulatory program will also be provided. At the end of this training the student will understand the following fundamentals necessary to prepare WDR orders including the following:</p> <ul style="list-style-type: none"> <li>• The significance and limitations of statute, regulation, plan, policy, and guidance.</li> <li>• What makes a discharge a “Non-Chapter 15” discharge”</li> </ul>

\* For more listings, go to the Academy’s web site.

**Water Quality Coordinating Committee (WQCC)**

The Fall WQCC meeting was held on October 27-28, 2008 in Sacramento. Over 40 State and Regional Water Board members attended the meeting and participated in panel discussions on small community concerns, erosive forces affecting streams and consistency in Water Board actions. The next WQCC will be held in early spring 2009.

**DIVISION OF FINANCIAL ASSISTANCE**

**CALFED Implementing Watershed Plans – Concept Proposal Review Meeting**

On October 27, 2008, staffs from the Water Board, Department of Conservation, Department of Forestry and Fire Protection, and U. S. Environmental Protection Agency met to review concept proposals submitted for \$4 million in remaining CALFED funds.

### **319(h) Nonpoint Source Grant – Sulphur Creek Project Meeting**

On October 29, 2008, Division staff met with Regional Board staff and the Colusa County Resource Conservation District in Williams to provide environmental guidance for implementation of the Sulphur Creek Project.

### **Areas of Special Biological Significance (ASBS) Task Force Meeting**

On November 12 and 13, the ASBS Task Force met in Southern California to review and recommend proposals for funding. The recommended funding list will be presented at the January 20, 2009, Board Meeting.

### **Southern and Northern California Beach Water Quality Monitoring Group Meeting**

On November 12, 2008 (Southern CA), a discussion about the proposed Bight 08 Beach Sand Inter-calibration study procedures will be presented and the status and prospects of County Beach Water Quality Monitoring Programs will be discussed (This part also at the Northern California meeting). On November 18, 2008 (Northern CA), an update on San Pablo Bay project source tracking and the Phylochip project with Lawrence Berkeley Laboratory will be presented.

On November 4, 2008, the Board approved the proposed Resolution to commit up to \$1.968 million of Clean Beaches Initiative (CBI) Proposition 13 Grant Program Funds to continue the Beach Safety Program (Statewide Beach Water Quality Monitoring) for two years. This funding will be discussed at the meetings as well.

### **California Rural Water Association (CRWA) Open House and Awards Ceremony-Sacramento**

On October 10, 2008, State Water Board staff attended the grand opening of CRWA's new office and training facility. During the event, CRWA presented awards to United States (US) Congressman Mike Thompson (District 1) and US Congressman Daniel Lungren (District 3) to recognize their support of the National Rural Water Association and the CRWA. CRWA provides rural water and wastewater systems with information, training, technical assistance, and legislative representation to assist them in maintaining a high standard of service to their communities.

### **Storm Water Advisory Task Force (SWATF) Meeting- via Teleconference**

The SWATF held their fourth meeting on October 23, 2008. Topics discussed at the meeting included: (1) a letter from the SWATF to the Department of Water Resources (DWR) regarding suggested funding criteria for their Proposition 1E Stormwater-Flood Management and Proposition 84 Integrated Regional Water Management (IRWM) Programs; (2) review of the Working Draft 2 Proposition 84 Storm Water Grant Program Guidelines; and (3) development of a guidance document for evaluating and measuring the effectiveness of municipal storm water management programs. The next SWATF meeting is scheduled for December 9, 2008.

**California Local Agency Formation Coalition (CALAFCo) University: Assessing Wastewater Infrastructure- Los Angeles**

On October 24, 2008, State Water Resources Control Board (State Water Board) and Los Angeles Regional Water Quality Control Board (Regional Water Board) staff presented information at a CALAFCO training event regarding wastewater. The purpose of the session was to give an overview of wastewater compliance issues, and to encourage coordination of Local Agency Formation Coalition (LAFCo) planning and evaluation activities and State/Regional Water Boards permitting and compliance activities.

**Division Approvals**

The Deputy Director of the Division approved the following Preliminary Funding Commitments from October 8, 2008 through November 5, 2008.

**Water Recycling Grant/Loan**

<b>Entity</b>	<b>Preliminary Funding Commitment</b>	<b>Project</b>	<b>Approved</b>
Palmdale Water District	\$75,000	Recycled Water Facilities Master Plan	10/3/08
City of Anaheim Public Utilities Department	\$75,000	Water Recycling Facilities Planning Studies	10/29/08

**DIVISION OF ADMINISTRATIVE SERVICES**

**Fees**

The Office of Administrative Law (OAL) is reviewing the Water Rights and Water Quality fees emergency regulations. We expect OAL to complete its review by November 7<sup>th</sup>. Once approved by OAL the fee increases that were approved by the State Board October 7<sup>th</sup> will be in effect.

**DIVISION OF INFORMATION TECHNOLOGY/OFFICE OF INFORMATION MANAGEMENT AND ANALYSIS**

**Implementation of Electronic Self Monitoring Reports 2 (eSMR2)**

Over the past year, State and Regional Board staff and discharger representatives have worked together to re-tool eSMR, the module of the California Integrated Water Quality System (CIWQS) that accepts NPDES monitoring reports via the internet. What is now eSMR2, cuts out several of the stumbling blocks encountered during the initial production of eSMR.

The revised system is now in production and is being rolled-out to dischargers by region. The outreach and training plan specifies a series of meetings and hands-on sessions for both regional board staff and dischargers. After a few pilot sites, eSMR2 has been rolled out to the Redding office. The Fresno office is the next office that the eSMR team will be working with.

## **BOARD MEMBER DIRECTIVES**

A list of Board Member directives (assignments made by Board Members) during Board meetings) is attached as Appendix 2.

# APPENDIX 1

## IRRIGATED LANDS REGULATORY PROGRAM MONTHLY REPORT NOVEMBER 2008

This month's Irrigated Agricultural Lands Regulatory Program (ILRP) report will provide an update on the activities of the Central Coast, Los Angeles, Riverside 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 month. English and Spanish translations of 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/](http://www.waterboards.ca.gov/water_issues/programs/agriculture/)

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

Johnny Gonzales (916) 341-5510 [igonzales@waterboards.ca.gov](mailto:igonzales@waterboards.ca.gov)  
Gita Kapahi (916) 341-5501 [gkapahi@waterboards.ca.gov](mailto:gkapahi@waterboards.ca.gov)

### CENTRAL COAST REGION PROGRAM

Information taken from an August 13, 2008 Staff Report

Conditional Ag Waiver Enrollment Status as of June 30, 2008

Enrollment Status	Number of Operations	Irrigated Acres	Tailwater Acres
Tier 1 (15 hours ed + farm plan)	1203	358,424	79,107
Tier 2 (incomplete ed or farm plan)	526	37,120	5,517
Growers with >14 hrs ed	1127	319,320	71,120
Growers with completed farm plan	1419	379,022	80,974
<b>Total Enrolled</b>	<b>1735</b>	<b>396,030</b>	<b>84,802</b>

Estimated number/acreage of non-enrollees: 500-800/40,000 acres.

#### Current Ag Waiver Requirements

- Enrollment
- Fifteen hours farm water quality education (one time)
- Onsite farm water quality plan/copy of Conditional Waiver Order
- Implementing and reporting (two times) management practices for irrigation, nutrient, and pesticide management and erosion control
- Monitoring (individual or cooperative)
- Not cause or contribute to condition of pollution or nuisance

- Comply with the Central Coast Basin Plan
- Not cause or contribute to exceedances of any Regional, State or Federal numeric or narrative water quality standard
- Not discharge wastes to groundwater which could result in a groundwater nitrate concentration above 45 mg/l
- Comply with applicable TMDLs
- Comply with applicable time schedules

Conditional Ag Waiver Renewal Process

Staff is planning internal stakeholder meetings in August to solicit management and staff input on the irrigated agriculture program. Staff will hold external stakeholder meetings with the Agricultural Advisory Panel to develop recommendations to staff for incorporation into the ag waiver program. Staff may also hold additional workshops and other outreach to receive input from other stakeholders.

Ag Waiver Renewal Timeline

August 2008	Internal Water Board stakeholder meetings (management and staff)
September 2008 – January 2009	Agricultural Advisory Panel meetings, other Outreach
February 2009	draft Conditional Waiver Order
February – March 2009	CEQA/public review
May 2009	draft staff report
July 9-10, 2009	Board hearing to adopt Order

Agricultural Advisory Panel

The Agricultural Advisory Panel was convened in February 2003 to provide staff with recommendations on requirements for the conditional ag waiver. Staff conducted extensive outreach to insure broad representation from the agricultural and environmental communities, while at the same time keeping the size of the group to a workable level. Many groups contacted were willing to be represented by other groups that shared their interests. The panel members adopted groundrules and a mission statement:

*The goal of the panel is to assist staff in developing recommendations to the Regional Board for a replacement to the expired waivers that will be protective of water quality, the viability of Central Coast agriculture, and comply with state law.*

The panel met for nearly 18 months and used a consensus-based process to reach agreement on all recommendations. Staff incorporated the panel’s recommendations into the Conditional Waiver Order that was adopted by the Central Coast Water Board on July 9, 2004. Staff is currently assessing the need for additional representation on the Ag Advisory Panel, as well as the interest of past members in continued participation. Some representatives have changed due to staffing changes at various organizations.

### Areas of Board Concern and Items for Discussion

Areas of Board concern include riparian and conservation practice removal, toxicity from OP and pyrethroid pesticides, and high tailwater flows with associated pesticide, nutrient and sediment movement. Possible topics for discussion include the need for additional education requirements, the frequency of management practice reporting, and the need for a small acreage or de minimus category, and any other issues raised by the Panel.

### **LOS ANGELES REGION PROGRAM**

Information taken from the September 11, 2008 EO Report

Regional Board staff participated in the California Nonpoint Source Conference, held May 5 – 7, 2008 in San Diego; staff presented a poster on the Los Angeles Region Conditional Waiver for Irrigated Lands Program. The poster presentation included Conditional Waiver program requirements and water quality monitoring results collected to date. Moreover, Regional Board staff has been actively working with representatives of the Ventura County Agriculture Irrigated Lands Group and the Nursery Growers Association – Los Angeles County Irrigated Lands Group to discuss the preparation of Agriculture Water Quality Management Plans (AWQMP), which are required as part of the Conditional Waiver program. The AWQMPs outline a strategy for BMP implementation to reduce pollutants from irrigated agriculture sites. The AWQMPs are due to the Regional Board for review in September 2008. Regional Board staff looks forward to continued cooperation with the agricultural community to effectively implement the Irrigated Lands Program. For additional information on the Los Angeles Region Conditional Waiver for Irrigated Lands, please contact Rebecca Veiga Nascimento at (213) 576-6784 or [rveiga@waterboards.ca.gov](mailto:rveiga@waterboards.ca.gov)

## **SANTA ANA REGION PROGRAM**

Information taken from a Region 8 draft Fact Sheet

The Regional Water Quality Control Board, Santa Ana Region is developing a Conditional Waiver of Waste Discharge Requirements for waste discharges from various types of agricultural operations in the Lake Elsinore / San Jacinto Watershed. Regional Board staff has determined that in the Lake Elsinore / San Jacinto Watershed, waste discharges from a variety of sources are contributing to pollution in Canyon Lake and Lake Elsinore, and causing violations of water quality standards. The non-point source (NPS) pollutants responsible for these violations are discharged from urban areas, open space, agricultural activities (i.e. includes, but not limited to, irrigated agricultural lands), transportation facilities and other land uses in the watershed. In response to these violations, the Regional Board adopted a Total Maximum Daily Load (TMDL) for Canyon Lake and Lake Elsinore. The TMDL is now part of the Basin Plan. The TMDL includes a variety of tasks that need to be completed in order to achieve the TMDL's objectives. The TMDL assigns key individual stakeholders or groups of stakeholders in the watershed with the responsibility for implementing these tasks. The TMDL requires water quality monitoring plans, to gauge the effectiveness of the management plan. The TMDL also requires stakeholders to develop problem-specific management plans, such as for nutrient management. Regional Board staff is proposing that all operators of irrigated or dry-farmed land enroll in a conditional waiver of waste discharge requirements. The Regional Board is calling their program the Conditional Waiver for Agricultural Discharge (CWAD). The conditional waiver will allow agricultural operators to continue to discharge waste to waters of the state from their farming operations. The CWAD program will require participants take steps to comply with the TMDL, pay implementation fees and implement best management practices (BMPs) to reduce the pollutant load of their discharge.

The Conditional Agricultural Waiver will allow some conditions to be met through the collective action of a group or groups of agricultural operators who are enrolled in the program, or by a third party representing a group of enrollees. An example of a condition that could be met by a representative acting for a group of enrollees is a monitoring and reporting condition. The representative could obtain the required information for the group it represents and report the information to the Regional Board. Agricultural operators who do not enroll in the Conditional Agricultural Waiver will be required to apply for individual waste discharge requirements, and will have the full responsibility for compliance.

Regional Board staff attended a meeting of State and Regional Board ILRP contacts in which Regions 3 and 4, along with the State Water Board, provided information to Regions 8 and 9 contacts in an effort to help begin the design and/or implementation of their respective ILRP programs and associated conditional waiver. On August 15<sup>th</sup>, Regional Board staff participated in the ILRP Roundtable in Rancho Cordova. Regional Board staff is currently coordinating with State Water Board and Region 9 staff to put on enrollment and educational workshops in Orange and Riverside counties. The date for the workshop is set for November 6, 2008. Also, Regional Board staff are in the process of putting enrollment and educational materials on their website.

For additional information please contact Athar Khan at (951) 782-3219, [akhan@waterboards.ca.gov](mailto:akhan@waterboards.ca.gov)

## **SAN DIEGO REGION PROGRAM**

Information taken from a Region 9 Staff Report

Conditional Waiver No. 4 for irrigated agriculture and nurseries was adopted by the San Diego Regional Water Quality Control Board (Region 9) on October 10, 2007. The waiver requires all commercial agricultural and nursery operators in the San Diego Region to enroll under the waiver by January 1, 2011. Other general requirements of the waiver include implementation of Best Management Practices to control pollutant discharge, as well as monitoring and reporting. On March 27, 2008, June 20, 2008 and July 19, 2008 Regional Board staff presented an overview of the requirements of the waiver at growers' workshops in San Diego County. On August 4, 2008, a Region 9 representative attended a meeting of State and Regional Board ILRP contacts in which Regions 3 and 4, along with the State Water Board, provided information to Regions 8 and 9 contacts in an effort to help begin the implementation of their respective ILRP programs. On August 14<sup>th</sup> and 15<sup>th</sup>, Region 9 participated in the ILRP Roundtable in Rancho Cordova. The Regional Board is currently coordinating with State Water Board and Region 8 staff to put on enrollment and educational workshops in Orange and Riverside counties. The date for the workshop is set for November 6, 2008. Also, the Regional Board is in the process of putting enrollment and educational materials on their website.

For additional information on the Conditional Waiver No. 4, please contact Pete Peuron at (858) 637-7137 or [ppeuron@waterboards.ca.gov](mailto:ppeuron@waterboards.ca.gov)

**APPENDIX 2**

**Current Board Member Directives Checklist as of 11/14/2008**

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.	Modiy 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. Proposal 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 is working with USEPA on developing options for determining highly defensible statistical methods for the analysis of toxicity testing data. Staff are working with USEPA to verify possible statistical methods for determining compliance with permit toxicity limits. Results of this project will lead to defensible options for toxicity control. USEPA has funded a contract with SAIC for an economic analysis of the proposed changes.
11/15/2006 (during Klamath River TMDL proceedings)	Steven Herrera, Karen Niiya, Eric Oppenheimer	All	Inclusion of the Klamath River watershed in 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 has developed a draft policy for protection of instream flows in five coastal counties described in Water Code section 1259.4 as added by AB 2121. Upon adoption of this policy, the Board may consider amending the policy or developing a policy specific for the Klamath River and its tributaries. The policy for the Klamath River and its tributaries should include all limitations and mitigations developed as part of any 303(d) listing and TMDL requirements. The Division recomends that the Board wait until it has adopted the policy for the five coastal counties before expanding instreamflow protections policies elsewhere in California.
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.	In progress. Expected Board consideration February, 2009
4/15/2008	Wetland Policy Development Team	All	Regional Policy Progress Updates	Dec-08	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.	The peer review process has been delayed. Regional Board adoption of the basin plan amendments related to the proposed Stream and Wetlands System Protection Policy is tentatively scheduled for December 2008.
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.	

**APPENDIX 2**

**Current Board Member Directives Checklist as of 11/14/2008**

Board Meeting	Staff	Requested by Board member	Issue	Due Date	Direction	Current Status
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.	In progress.
9/16/2008	Barbara Evoy	All	SRF Loans	Jan-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.	In progress.
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	Executive	Gary Wolff	Awards	Jan-09	Discuss at MCC the potential for replicating Region 4's Water Quality Awards at other Regions.	Will schedule for December/January MCC meeting.
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.	