

San Diego Regional Water Quality Control Board



Executive Officer's Report

December 10, 2008

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Attachments for B-1, B-2, B-4, and B-6 are included at the end of the report.

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

December 10, 2008

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Personnel Report *(DiAnne Broussard)*

The Regional Boards organizational Chart can be viewed at <http://www.waterboards.ca.gov/sandiego/misc/Visio%20Org%20Chart%203-3-2008.pdf>

Departures

Environmental Scientist Mariah Mills resigned from the Regional Board effective November 7, 2008. Mariah worked in the Northern Watershed Unit. She began her career with the Regional Board in January 2005 when she was studying Environmental Science at the University of San Diego. After graduation she took a position with the National Park Services and worked in Yellowstone National Park. She later worked for Programa Restauracion de Tortugas Marinas in Playa Caletas, Costa Rica tagging nesting adult sea turtles while monitoring the hatchery. Mariah returned to the Regional Board as an Environmental Scientist in September 2006. She will be traveling until she enters graduate school at UC Santa Barbara.

Recruitment

Vacant positions for the State and Regional Boards are posted on the State Board web page at http://www.waterboards.ca.gov/about_us/employment/

2. Budget Status *(DiAnne Broussard)*

The current fiscal year budget shortfall is projected to be \$11.2 billion. Preliminary estimates from the Legislative Analyst's Office for fiscal year 2009-2010 show the budget deficit reaching \$28 billion over the next 18 months. Governor Arnold Schwarzenegger has declared a fiscal emergency. Utilizing the provisions of Proposition 58 the Governor has called the new legislature into session. The legislature has 45 days to pass and send a bill or bills to the Governor's desk addressing the state's budget crisis. He has called for a combination of cuts and revenue increases. Among the proposals to reduce spending is a one day per month furlough for State employees. The Governor has also proposed a temporary increase in the state sales tax, from 5 percent to 6.5 percent.

The State Board Budget Office reminds us often that this is going to be a very tight year and we have to be sure not to overspend any of our allotments.

Region 9 has 8 vacant positions. We anticipate filling an Engineering Geologist position in January and possible two additional positions later in the year. We will hold 5 positions vacant in anticipation of deeper cuts to come.

PART B **SIGNIFICANT REGIONAL WATER QUALITY ISSUES**

1. Sanitary Sewer Overflows (SSO) October 2008 (*Joann Cofrancesco*) (*Attachment B-1*)

The following is a summary of the sewage spills that occurred during October 2008 that have been reported and certified by November 30, 2008. Sewage Collection Agencies now report Sanitary Sewer Overflows (SSOs) on-line at the State Water Resources Control Board's CIWQS database pursuant to the requirements of State Board Order No. 2006-0003-DWQ (*General Statewide Waste Discharge Requirements for Sewage Collection Agencies*). Reports on sewage spills are available on a real-time basis to the public from the State Board's webpage at: <http://www.waterboards.ca.gov/enforcement>.

From October 1 to October 31, 2008, there were 18 public SSOs in the San Diego Region that were reported on-line. These included six spills of 1,000 gallons or more and six that reached surface waters, including storm drains. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of October 2008 was 607,940 gallons.

In October 2008, 17 private lateral sewage discharges were reported on-line by the collection agencies pursuant to the San Diego Regional Board Order No. R9-2007-0005 (*Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*). These included two spills of 1,000 gallons or more and three that reached surface waters, including storm drains. The combined total volume of reported private lateral sewage discharges for the months of October 2008 was 9,221 gallons.

A total of 0.18 inches of rainfall were recorded at San Diego's Lindbergh Field for October 2008. For comparison, in October 2007, 18 SSOs and 24 private lateral sewage discharges were reported during a period of time when 0.37 inches of rainfall was recorded at Lindbergh Field.

Attached is a table titled "Sanitary Sewer Overflow Statistics", updated through October 31, 2008, which contains a summary of all SSOs by fiscal year (FY) from each agency since FY 2002-2003.

Additional information about the Regional Board's SSO regulatory program is available at the Regional Board's web site at <http://www.waterboards.ca.gov/sandiego/programs/sso.html>.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in October and November 2008 (*Kristin Schwall*) (*Attachment B-2*)

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

Upon receipt of a complete 401 certification application, the Regional Board may either certify the project or deny certification, with or without prejudice. In cases where there are impacts to Waters of the U.S., the Regional Board may issue a conditional certification. The certification can be either in the form of a conditional certification document issued by the Regional Board or the Executive Officer, or Waste Discharge Requirements (WDRs), adopted by the Regional Board. And, in the case where a federal permit is not required because impacts have been determined to be only to Waters of the State, the Regional Board may adopt WDRs. Table B-1 (attached) contains a list of actions taken during the months of October and November 2008. Public notification of pending 401 Water Quality Certification applications can be found at our web site at: http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/index.shtml.

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

3. Enforcement Actions for November 2008 (*Jeremy Haas*)

The following is a summary of all enforcement actions taken or initiated during the month of November 2008. During this period the Regional Board initiated 17 enforcement actions: 6 Notices of Violation (NOV); 2 Staff Enforcement Letters; 1 Investigative Order; 1 Cleanup and Abatement Order Addendum; 2 Complaints for Administrative Civil Liability (ACL); and 5 ACL Orders.

In addition to the summary information provided below, access to information on violations, enforcement actions, and Mandatory Minimum Penalties (MMPs) on a real-time basis is available to the public from the State Water Resources Control Board's Internet webpage at:

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

Date	Action	Responsible Party / Facility
November 6, 2008	Staff Enforcement Letter	USMC Base, Camp Pendleton
<p>A staff enforcement letter was issued in response to two unauthorized discharges of sewage and treated wastewater and three reporting violations of requirements in Order R9-1998-0004, <i>Waste Discharge Requirements for United States Marine Corps Camp Pendleton, Sewage Treatment Plant No. 9 (Las Pulgas), San Diego County.</i></p>		
November 7, 2008	Staff Enforcement Letter	City of Oceanside
<p>A staff enforcement letter was issued in response to one flow rate effluent violation of Order R9-1993-0007, <i>Waste Discharge Requirements for San Luis Rey Wastewater Treatment Plant, City of Oceanside, San Diego County.</i></p>		
November 12, 2008	ACL Order No. R9-2008-0104	Promenade Mall Development Corporation / Promenade Mall, San Diego
<p>ACL Order No. R9-2008-0104 imposed \$9,000 in MMPs for three effluent violations of Order No. R9-2001-0096, NPDES No. CAG919002, <i>General Waste Discharge Requirements for Groundwater Extraction Waste Discharges from Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters within the San Diego Region, Except for San Diego Bay.</i></p>		
November 12, 2008	ACL Order No. R9-2008-0137	San Elijo Joint Powers Authority / San Elijo Ocean Outfall
<p>ACL Order No. R9-2008-0137 imposed \$9,000 in MMPs for three effluent violations of Order No. R9-2005-0100, NPDES Permit No. CA0107999 <i>Waste Discharge Requirement for the San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility Discharge to the Pacific Ocean Via the San Elijo Ocean Outfall, San Diego County.</i> The ACL directs that \$4,500 of the liability be provided to the Southern California Coastal Waters Research Project for a specific supplemental environmental project.</p>		

November 12, 2008	ACL Order No. R9-2008-0140	City of San Diego / Convention Center Dewatering Project
ACL Order No. R9-2008-0140 imposed \$69,000 in MMPs for 23 effluent violations of Order No. R9-2003-0050, NPDES Permit No. CA0109029, <i>Waste Discharge Requirements for Groundwater Extraction Waste Discharges to San Diego Bay from the San Diego Convention Center, San Diego County.</i>		
November 12, 2008	ACL Order No. R9-2008-0142	San Diego County Water Authority / San Vicente Pipeline Project
ACL Order No. R9-2008-0142 imposed \$135,000 in MMPs for 45 effluent violations of Order No. R9-2001-0096, NPDES Permit No. CAG919002, <i>General Waste Discharge Requirements for Groundwater Extraction Waste Discharges from Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters within the San Diego Region Except for San Diego Bay.</i> The ACL directs that \$75,000 of the liability be provided to the San Diego River Conservancy for specific supplemental environmental projects.		
November 12, 2008	ACL Order No. R9-2008-0144	South Orange County Wastewater Authority / Multiple Facilities
ACL Order No. R9-2008-0144 imposed \$60,000 in MMPs for 20 violations of NPDES Permit No. CA 107417, Order Nos. R9-2000-13 and R9-2006-0054. The order directs: (1) payment of \$12,500 to the State Water Resources Control Board; (2) payment of \$37,500 to the Southern California Coastal Water Research Project to fund a supplemental environmental project known as "Harmful Algal Bloom Investigation."		
November 13, 2008	NOV No. R9-2008-0156	Mountain Water Ice Company / Oceanside Plant
NOV No. R9-2008-0156 was issued for alleged failure to comply with Order No. R9-2005-0015, <i>Waste Discharge Requirements, NPDES No. CA0108391.</i> The NOV cited 87 violations of effluent concentration and flow limitations and five reporting violations. Eighty five of the violations are subject to mandatory minimum penalties (MMPs) pursuant to California Water Code Section 13385(h) and (i).		

November 21, 2008	NOV No. R9-2008-0153	County of San Diego / Bonsall Landfill
<p>NOV No. R9-2008-0153 was issued for alleged monitoring and reporting violations of Order 97-15, <i>Waste Discharge Requirements for Post-Closure Maintenance of County of San Diego Bonsall Sanitary Landfill, San Diego County</i>. The NOV alleges that the County failed to sample two monitoring wells as required by the WDRs and failed to identify violations in its cover letter and provide a discussion of the actions taken or planned to correct the situation.</p>		
November 21, 2008	NOV No. R9-2008-0149	Armstrong Farms, Valley Center
<p>NOV No. R9-2008-0149 was issued for Armstrong Farms alleged failure to implement adequate best management practices (BMPs) specifically required by Conditional Waiver of waste discharge requirement No. 3 (Resolution No. R9-2007-0104). The failure to implement BMPs led to the violation of Basin Plan Prohibitions 1, 2, 6, 7, and 8. The NOV alleged that the site does not have adequate BMPs and/or management measures (MM) to prevent the discharge of animal waste and process water to waters or adjacent property or to prevent storm water runoff from coming into contact with manure/composting piles which would result in a discharge of pollutants to surface waters.</p>		
November 21, 2008	NOV No. R9-2008-0154	Ramona Municipal Water District / San Vicente Water Reclamation Plant
<p>NOV No. R9-2008-0149 was issued for alleged violations of waste discharge requirements in Order No. R9-1993-0003 for discharges from the San Vicente Water Reclamation Plant. Violations include discharges of recycled water from the San Vicente Wastewater Treatment Plant to Spangler Peak Ranch and subsequently into the surface waters of the San Vicente Hydrologic Area. In addition, the NOV alleges that the District failed to submit annual reports to the Regional Board that certify recycled water users have implemented the Rules and Regulations for Reclaimed Water Users established by the District pursuant to Reclaimed Water Use Provision D.1 of Order No. 93-03.</p>		

November 21, 2008	NOV No. R9-2008-0157	Whitman Ranch, Inc. / Spangler Peak Ranch
<p>NOV No. R9-2008-0157 was issued for alleged violations of the Basin Plan resulting from discharges of recycled water from the San Vicente Wastewater Treatment Plant to Spangler Peak Ranch and subsequently into the surface waters of the San Vicente Hydrologic Area. The use of recycled water at Spangler Peak Ranch has resulted in sustained ponding and surfacing on lands beyond the disposal area in violation of Basin Plan Prohibition 6. The discharge of recycled water to San Vicente Creek (a tributary to San Vicente Reservoir) or tributaries via surface or ground water flow paths from the application of recycled water at Spangler Peak Ranch constitutes a violation of Basin Plan Prohibition 4. In addition the discharge off-site from Spangler Peak Ranch with concentrations of total dissolved solids (TDS) that exceed Basin Plan water quality objectives contributes to the degradation and pollution of ground and surface water quality and is a violation of Basin Plan Prohibitions 1 and 5.</p>		
November 24, 2008	NOV No. R9-2008-0116, with Required Technical Report	Fallbrook Public Utility District / Treatment Plant No. 1
<p>NOV No. R9-2008-0116 was issued alleging one violation of the coliform effluent limitation in Order No. 91-39, <i>Waste Discharge Requirements for Fallbrook PUD, Plant No. 1 and 2 Reclamation Projects, San Diego County</i>. A technical report was also required for information (samples) demonstrating compliance with Title 22 definitions of disinfected tertiary recycled water (chlorine residual).</p>		
November 24, 2008	CAO No. R9-2002-0109, Addendum 1	Mr. Ken Rauton and Mr. Sam Hasson / Sam's Super Shell at 28670 Front Street, Temecula
<p>Addendum No. 1 to CAO No. R9-2002-0109 changes the frequency of groundwater well monitoring from quarterly to annual. The CAO prescribes requirements for the remediation of soil and groundwater pollution that resulted from an unauthorized release of petroleum hydrocarbons from an underground storage tank system at the site.</p>		

November 25, 2008	ACL Complaint No. R9-2008-0127	America Plaza Owners Association / One America Plaza, San Diego
ACL Complaint No. R9-2008-0127 recommends imposing \$12,000 in mandatory minimum penalties (MMPs) for four effluent violations of Order No. R9-2000-0090, NPDES No. CAG919001, <i>General Waste Discharge Requirement for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drain or Other Conveyance Systems Tributary Thereto</i> . The MMPs are required pursuant to California Water Code Section 13385(h) and (i). A hearing on the Complaint has been tentatively scheduled for February 11, 2009.		

November 26, 2008	ACL Complaint No. R9-2008-0121	Studio 15 Housing Partners / Studio 15 Apartments, San Diego
ACL Complaint No. R9-2008-0121 recommends imposing \$63,000 in mandatory minimum penalties (MMPs) for 21 alleged effluent violations of Order No. R9-2000-0090, NPDES No. CAG919001, <i>General Waste Discharge Requirement for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drain or Other Conveyance Systems Tributary Thereto</i> . The MMPs are required pursuant to California Water Code Section 13385(h) and (i). A hearing on the Complaint has been tentatively scheduled for February 11, 2009.		

4. Public Complaint: Armstrong Farms, Valley Center (Amy Grove) (Attachment B-4)
The Regional Board received an environmental complaint filed by the Humane Society of the United States against Armstrong Farms on October 7, 2008. Armstrong Farms is an egg producing operation in Valley Center, CA. In response to the complaint, the Regional Board staff conducted a joint facility inspection with a representative from the County of San Diego Department of Agriculture, Weights and Measures (County AWM) on October 14, 2008. As a result of that inspection, the Regional Board issued Notice of Violation (NOV) No. R9-2008-0149 to Armstrong Farms on November 21, 2008 (Attachment B-4). The NOV alleges that Armstrong Farms:

- is operating in violation of waste discharge prohibitions in the Basin Plan,
- has failed to establish and maintain effective management measures or best management practices to control discharges of process wastewater, and
- has not implemented effective manure management practices as required by Basin Plan Conditional Waiver No. 3 for discharges from animal operations.

The County AWM staff had previously inspected the facility between March and September 2007 reportedly observing discharges of wastewater into the storm

drain and onto the adjacent property located at 27431 North Lake Wohlford Road in Valley Center. The County AWM issued a notice of violation (in July 2007) and an administrative Citation (in September 2007) to Armstrong Farms for illegal connections to the storm drain and discharges of wastewater into the storm drain conveyance system.

The Regional Board staff plans to conduct a follow-up facility inspection in the near future. The purpose of the follow-up inspection will be to determine if the discharger has corrected past violations and taken appropriate steps to prevent future discharges of wastewater from the facility.

5. Ag Waiver Workshop (*Peter Peuron*)

On October 10, 2007, the Regional Board adopted Resolution No. R9-2007-0104 which includes Conditional Waiver No. 4 for Discharges from Agricultural and Nursery Operation (Ag Waiver). The State Water Resources Control Board approved Resolution No. R9-2007-0104 on November 4, 2008, except for the waiver conditions pertaining to composting operations. The Ag Waiver requires growers to implement measures to control pollution from irrigated agriculture and to test storm water runoff to assess whether the measures are effective.

On November 6, 2008, Peter Peuron presented an overview of the regulatory requirements of the Ag Waiver at the Rancho California Water District in Temecula. Stakeholders at the workshop included growers, commodity group representatives and resource conservation district representatives. Johnny Gonzales, program manager of the State Water Resources Control Board's Irrigated Lands Program, presented the State Board's perspective on agricultural regulation and Mark Adelson of the Santa Ana Regional Board discussed his region's approach to discharges related to agriculture. The workshop also included several technical presentations concerning the nature of pollution related to agricultural practices and the means by which these discharges can be controlled.

6. State Water Board Annual Fee Schedule For Fiscal Year 2008/09 (*Helen Yu*)
(Attachment B-6)

The State Water Resources Control Board (State Water Board) projected a deficit in the Waste Discharge Permit Fund (WDPF) and has taken action to adjust the annual fee schedule for fiscal year 2008/09. The annual fees were adjusted to raise revenues by \$18.4 million to comply with the requirements of Water Code section 13260 (f) (1) for the adoption of a schedule of fees by emergency regulations. Annual fees for most of the State Water Board regulatory programs will increase between 19 to 42 percent under the revised fee schedule that was adopted on September 9, 2008, and announced during the Water Quality Fee Stakeholder Meeting held in Sacramento on September 10, 2008.

The State Water Board collects fees, which are deposited into the WDPF, to offset core regulatory program costs that are authorized by the State Budget.

Over the previous 3 years, the WDPF had a large surplus while the fees collected in most programs were less than the program costs. The surplus allowed the State Water Board to delay raising fees to offset costs of implementing the State Water Board regulatory programs. Without a fee increase in fiscal year 2008/09, the fund would have ended with a projected deficit of \$17.2 million and a negative ending balance of \$12.2 million. These issues were discussed in previous annual stakeholders meetings and the stakeholders were aware that fee increases would be necessary beginning in FY 2008/09. An ending balance of \$6.2 million in the WDPF is expected for FY 2008-09 as a result of the fee increase.

The adoption of the FY 2008/09 schedule of fees will result in fee increases for programs that contribute to the WDPF, including NPDES, WDR, Land Disposal, Storm Water, 401 Certification, SWAMP, and GAMA programs. The increase of fees for the WDR and Land Disposal Programs, where the annual fee increase is the greatest, is shown in Attachment A for this item.

The revised fee schedule became effective on October 9, 2008, and all Regional Boards must implement the adjusted fee schedule. Detailed information regarding the amount of fee increases for all programs, and related supporting information, can be found at the San Diego Regional Board website:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/enforcement/docs/2008/SWRCB%20Fee%20Increases_Nov%202008.pdf

7. North County Transit District (NCTD) Sprinter Rail Update (*Kristin Schwall and Peter Peuron*)

On December 31, 2007, the Regional Board issued Cleanup and Abatement Order R9-2007-0226 (CAO) to the NCTD for construction violations at the Sprinter Rail project. Construction began in 2006 and rail service started in March, 2008.

NCTD submitted a site status report on November 4, 2008. NCTD continues to work towards achieving the 70% vegetative coverage required for termination of their construction storm water permit. A habitat restoration specialist has been hired. The soil is being tested and amended as necessary to facilitate germination of seeds. Several different seed mixes have been developed and are being applied based on soil type and other factors. In response to violations noted in an inspection on October 14, 2008, NCTD reports that immediate action was taken to improve conditions throughout the site. NCTD updated and/or installed new BMPs in those areas that were identified in the October 14 Inspection Report and continued with installation in those areas that had been disturbed in preparation for reinstallation of bonded fiber matrix (BFM).

On November 26, 2008, Peter Peuron performed an inspection of the Sprinter Rail. The inspection consisted of visiting four locations (two stations and two former storage yards) and viewing other stations, storage yards and the Sprinter

Rail right-of-way by riding the commuter train. Numerous slopes and yards that had not been adequately stabilized on October 14th were found to have been adequately treated with either BFM or a BFM-hydroseed mix. Nearly all locations that were visited on October 14th were inspected and no BMP violations were apparent at these locations. It appears however, that the North County Transit District must continue to reapply BFM which is subject to weathering, and efforts to establish vegetative cover must continue in areas where this cover has been slow to establish.

8. USEPA West Coast Estuary Initiative Grant Recipient (*Benjamin Tobler*)

On October 17, 2008 the Southwest Wetlands Interpretive Association (SWIA) was awarded a \$990,898 grant from the United States Environmental Protection Agency's West Coast Estuaries Initiative to further develop programs aimed at restoring and protecting the water quality, habitat, and environment of the Tijuana River Watershed. SWIA, in partnership with the Tijuana River National Estuarine Research Reserve, will be conducting on-the-ground watershed improvement projects in Mexico and the U.S. and spearheading larger, longer-term efforts to expand the ability of regional agencies to manage trash and sediment in coastal ecosystems.

The grant will allow SWIA to fund 4 staff positions (3 new and 1 existing staff) at the Tijuana River National Estuarine Research Reserve over a 3 year period. Staff will be working in the Reserve's Coastal Training Program, Stewardship Program, and Volunteer Program to 1) Reduce the amount of sediment, trash, and contaminated urban runoff that enters the Tijuana River Watershed from Mexico, 2) improve the quality of wetland and upland habitat at the Reserve while expanding the ability of regional agencies and organizations to manage trash and sediment, and 3) expand active community participation in protecting and enhancing the Reserve.

9. United States International Boundary and Water Commission Meeting to Discuss Mitigation for Upgrade of South Bay International Wastewater Treatment Plant (*Eric Becker and Jody Ebsen*)

On November 12, 2008, Eric Becker and Jody Ebsen of the Southern Watershed Unit attended a meeting with the International Boundary and Water Commission, United States Section (USIBWC). The USIBWC plans to upgrade the South Bay International Wastewater Treatment Plant to provide secondary treatment of wastewater from Tijuana. The upgrade will impact up to 30-acres of non-native grasslands. As part of the Record of Decision for the Environmental Impact Study, the USIBWC intends to mitigate for these impacts through preservation, restoration, or creation of similar or better habitat. During the meeting, attendees discussed potential mitigation measures, site locations, and active restoration projections within the Tijuana watershed. Other attendees at the meeting included representatives of U.S. EPA, U.S. Fish and Wildlife Service, San Diego Audubon Society, San Diego County Water Authority, Tijuana River National Estuarine Research Reserve, and Southwest Wetlands Interpretive Association.

PART C
STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. California Water Quality Monitoring Council / Senate Bill 1070

(Bruce Posthumus)

On December 1, 2008, as required by Senate Bill 1070 (Kehoe, 2006), the California Water Quality Monitoring Council (Monitoring Council) submitted its recommendations to Cal/EPA and the Resources Agency "for maximizing the efficiency and effectiveness of existing water quality data collection and dissemination, and for ensuring that collected data are maintained and available for use by decisionmakers [*sic*] and the public."

The Executive Summary of the report of the Monitoring Council's recommendations states:

"The Monitoring Council's vision to maximize the efficiency and effectiveness of water quality and related ecosystem monitoring, assessment, and reporting includes the following key components:

- "1. A system of web-based, user-oriented, data access portals to California's water quality monitoring and assessment information developed and implemented by a series of decentralized, issue-specific workgroups operating under the Monitoring Council's overall guidance and approval
- "2. Web portals organized around themes that are framed as easily understood questions that deliver data to those people who need it in ways that directly meet their highest-priority needs
- "3. A website created to provide a single, coordinated, global point of entry to water quality data, assessment results, and supporting information and that provides a design template for the theme-based web portals
- "4. Monitoring and assessment information managed through distributed, but federated, systems of databases and data centers linked through data exchange networks to centralized web portal access points
- "5. Theme-based workgroups to develop and enhance the portals and their underlying monitoring and assessment programs according to performance measures identified by the Monitoring Council
- "6. Monitoring, assessment, and data management methods standardized to increase comparability within and between data types, and tools developed to improve data integration, in ways that achieve an appropriate balance between statewide consistency and regional flexibility
- "7. Cooperative relationships between the Monitoring Council, the theme-based workgroups, and regional and local monitoring programs through the exchange of training, support and tools in return for enhanced development and access to monitoring data that can be used for baseline and broad-scale assessments
- "8. Long-term-sustainable funding to support the above ongoing efforts."

The Monitoring Council plans to submit its recommendations for development of a comprehensive monitoring program strategy for California in December 2009.

The Monitoring Council also plans to report annually, starting next December, on progress made in implementing its vision.

The Monitoring Council made a presentation to the State Water Resources Control Board at the December 2, 2008 meeting of the SWRCB.

The transmittal letter that accompanied the report of the Monitoring Council's recommendations is at:

http://www.waterboards.ca.gov/water_issues/programs/monitoring_council/docs/transmittal_letter.pdf

The Monitoring Council's full report (including executive summary and appendices) is at:

http://www.waterboards.ca.gov/water_issues/programs/monitoring_council/docs/sb_1070_full_report_final.pdf

The Executive Director's report for the Monitoring Council's presentation to the SWRCB is at:

http://www.waterboards.ca.gov/board_info/agendas/2008/dec/1202_8.pdf

The slides of the Monitoring Council's presentation to the SWRCB are at:

http://www.waterboards.ca.gov/water_issues/programs/monitoring_council/docs/presentation_slides210108.pdf

Additional information about the Monitoring Council is available at:

http://www.waterboards.ca.gov/water_issues/programs/monitoring_council/index.shtml

The text of SB 1070 is available at:

http://www.leginfo.ca.gov/pub/05-06/bill/sen/sb_1051-1100/sb_1070_bill_20060929_chaptered.pdf

SANITARY SEWER OVERFLOW STATISTICS (Updated through October 31, 2008)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE ^B Miles	NO. OF SEWAGE SPILLS (LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30)							SPILLS PER 100 MILES (LISTED BY FY)							SPILL VOLUME 2008-09 GAL	SPILL VOLUME 2007-08 GAL
		02-03	03-04	04-05	05-06	06-07	07-08	08-09	02-03	03-04	04-05	05-06	06-07	07-08	08-09		
ORANGE COUNTY:																	
EL TORO WD	65.1	1	3	3	2	2	1	1	1.8	5.5	5.5	3.6	1.5	1.5	1.5	10	20
EMERALD BAY SERVICE DISTRICT	6.5	0	0	1	0	0	1	0	0.0	0.0	16.7	0.0	0.0	15.4	0.0	0	10
IRVINE RANCH WD	36.0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0
LAGUNA BEACH, CITY OF	99.5	27	8	12	6	8	4	1	28.4	8.4	12.6	6.3	7.0	4.0	1.0	591,000	138,300
MOULTON NIGUEL WD	530.0	1	2	5	1	1	2	0	0.2	0.4	0.9	0.2	0.2	0.4	0.0	0	1,150
SAN CLEMENTE, CITY OF	185.0	7	2	7	5	7	3	1	3.9	1.1	3.9	2.8	3.8	1.6	0.5	150	1,975
SAN JUAN CAPISTRANO, CITY OF	548.3	0	1	6	0	4	0	0	0.0	1.0	6.0	0.0	0.4	0.0	0.0	0	0
SANTA MARGARITA WD	702.0	4	5	7	4	4	6	0	0.7	0.9	1.3	0.7	0.6	0.9	0.0	0	528,134
SOUTH COAST CWD	138.2	8	7	10	3	2	1	2	6.1	5.3	7.6	2.3	1.4	0.7	1.4	35	40
TRABUCO CANYON WD	47.0	0	1	3	0	1	0	1	0.0	2.3	7.0	0.0	2.1	0.0	2.1	1,000	0
RIVERSIDE COUNTY:																	
EASTERN MWD	1,811.0	3	7	1	3	11	5	0	0.7	1.7	0.2	0.7	0.4	0.3	0.0	0	91,852
ELSINORE VALLEY MWD	79.6	0	1	1	1	0	0	1	0.0	1.3	1.3	1.3	0.0	0.0	1.3	10,100	0
MURRIETA MWD	200.0	c	1	0	0	0	1	2	c	4.0	0.0	0.0	0.0	0.5	1.0	501	220
RANCHO CA WD	81.0	0	1	1	1	5	1	0	0.0	1.4	1.4	1.4	2.5	1.2	0.0	0	151,000
SAN DIEGO COUNTY:																	
22ND DISTRICT AGRICULTURAL ASSOCIATION ^F	2.7	N/A	N/A	N/A	N/A	1	1	0	N/A	N/A	N/A	N/A	0	37.0	0.0	0	30
BUENA SANITARY DISTRICT	197.9	2	1	0	1	0	0	0	2.4	1.2	0.0	1.2	0.0	0.0	0.0	0	0
CALIFORNIA DEPARTMENT OF CORRECTIONS ^E	N/A	N/A	N/A	N/A	N/A	0	0	0	N/A	N/A	N/A	N/A	0	0.0	0.0	0	0
CALIFORNIA STATE UNIVERSITY, SAN MARCOS ^F	5.0	N/A	N/A	N/A	N/A	0	0	0	N/A	N/A	N/A	N/A	0	0.0	0.0	0	0
CARLSBAD MWD	410.8	6	6	17	12	21	7	2	2.8	2.8	7.9	5.6	4.1	1.7	0.5	5,675	7,181
CHULA VISTA, CITY OF	460.6	3	1	13	1	3	3	0	0.8	0.3	3.3	0.3	0.7	0.7	0.0	0	1,750
CORONADO, CITY OF	46.9	2	5	13	11	13	6	4	3.8	9.4	24.5	20.8	0.0	12.8	8.5	260	170
DEL MAR, CITY OF	30.8	7	1	5	6	1	5	2	23.4	3.3	16.7	20.1	0.0	16.2	6.5	308	344
EL CAJON, CITY OF	195.0	3	0	3	0	3	5	1	1.5	0.0	1.5	0.0	1.5	2.6	0.5	5	240
ENCINITAS, CITY OF	119.0	6	1	5	0	1	2	0	5.1	0.8	4.2	0.0	0.8	1.7	0.0	0	675
ESCONDIDO, CITY OF	370.7	3	2	3	3	6	4	1	0.9	0.6	0.9	0.9	1.9	1.1	0.3	315	1,344
FAIRBANKS RANCH COMM SERV DIST	15.5	0	0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0
FALLBROOK PUBLIC UTILITY DIST	76.6	22	9	12	8	3	2	1	30.6	12.5	16.7	11.1	2.6	2.6	1.3	150	825
IMPERIAL BEACH, CITY OF	44.2	14	2	10	4	5	0	0	16.7	2.4	11.9	4.8	6.8	0.0	0.0	0	0
LA MESA, CITY OF	155.0	3	4	2	0	0	4	2	1.9	2.6	1.3	0.0	0.0	2.6	1.3	1,185	1,210
LEMON GROVE, CITY OF	62.5	4	4	3	0	0	1	1	5.8	5.8	4.3	0.0	0.0	1.6	1.6	400	30
LEUCADIA CWD	207.0	6	1	6	4	1	1	1	3.2	0.5	3.2	2.2	0.5	0.5	0.5	40	300
NATIONAL CITY, CITY OF	97.9	1	2	1	4	1	1	1	1.0	2.1	1.0	4.1	1.0	1.0	0.0	15,000	15,000
OCEANSIDE, CITY OF, WTR UTIL DEP	475.0	23	22	17	7	13	12	2	5.2	4.9	3.8	1.6	1.9	2.5	0.4	108,566	108,566

SANITARY SEWER OVERFLOW STATISTICS (Updated through October 31, 2008)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE ^B Miles	NO. OF SEWAGE SPILLS (LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30)								SPILLS PER 100 MILES (LISTED BY FY)								SPILL VOLUME 2008-09 GAL	SPILL VOLUME 2007-08 GAL
		02-03	03-04	04-05	05-06	06-07	07-08	08-09	02-03	03-04	04-05	05-06	06-07	07-08	08-09				
SAN DIEGO COUNTY (continued):																			
OLIVENHAIN MWD	35.5	2	0	3	0	1	1	0	0	12.5	0.0	18.8	0.0	0.0	2.8	0.0	720	720	
OTAY MWD	81.6	3	1	0	1	1	1	1	1	3.5	1.2	0.0	1.2	1.2	1.2	1.2	60	60	
PADRE DAM MWD	246.0	3	3	1	1	2	1	0	0	2.0	2.0	0.7	0.7	0.4	0.4	0.0	2	2	
PAUMA VALLEY COMM SERVICE DIS	11.5	0	0	0	1	0	0	0	0	0.0	0.0	0.0	12.3	0.0	0.0	0.0	0	0	
POWAY, CITY OF	219.0	5	3	1	4	2	1	0	0	2.9	1.8	0.6	2.4	0.5	0.5	0.0	13,200	13,200	
RAINBOW MWD	56.0	2	6	2	1	1	2	0	0	3.7	11.1	3.7	1.8	1.8	3.6	0.0	0	14,700	
RAMONA MWD	134.0	2	2	4	2	3	1	0	0	2.4	2.4	4.8	2.4	0.7	0.7	0.0	0	20	
RANCHO SANTA FE COMM SERV DIST	78.0	1	0	2	0	0	0	0	0	1.9	0.0	3.9	0.0	0.0	0.0	0.0	0	0	
SAN DIEGO CO, PUBLIC WORKS	289.9	11	2	4	5	3	6	0	0	2.9	0.5	1.1	1.3	0.7	2.1	0.0	0	2,310	
SAN DIEGO, CITY OF, MWW	5,004.0	193	115	95	71	63	87	23	0	6.7	4.0	3.3	2.5	1.7	1.7	0.5	33,395	490,815	
SAN DIEGO STATE UNIVERSITY ^E	9.0	N/A	N/A	N/A	N/A	1	0	0	0	N/A	N/A	N/A	N/A	0	0.0	0.0	0	0	
SOLANA BEACH, CITY OF	45.0	1	6	1	0	3	1	1	1	1.9	11.5	1.9	0.0	0.0	2.2	2.2	3,000	1,000	
UNIVERSITY OF CALIFORNIA, SAN DIEGO ^E	30.0	N/A	N/A	N/A	N/A	1	2	1	1	N/A	N/A	N/A	N/A	3.3333	6.7	3.3	100	30	
USMC BASE, CAMP PENDLETON	217.0	23	14	14	15	24	24	10	10	11.9	7.2	7.2	7.7	8.3	11.1	4.6	1,894	58,529	
US NAVY	122.8	12	11	0	10	8	2	0	0	9.8	9.0	0.0	8.1	11.4	1.6	0.0	0	0	
US MARINE CORPS RECRUIT DEPOT ^E	6.5	N/A	N/A	N/A	N/A	1	3	1	1	N/A	N/A	N/A	N/A	15.385	46.2	15.4	720	202	
VALLECITOS WD	260.0	5	4	9	4	1	2	0	0	2.5	2.0	4.5	2.0	0.5	0.8	0.0	0	14	
VALLEY CENTER MWD	70.0	3	1	0	0	1	2	0	0	6.3	2.1	0.0	0.0	1.4	2.9	0.0	0	200	
VISTA, CITY OF	416.8	4	7	15	5	4	4	1	1	2.0	3.5	7.6	2.5	1.0	1.0	0.2	725	5,095	
WHISPERING PALMS COMM SERV DIS	25.0	1	0	0	0	0	0	0	0	5.8	0.0	0.0	0.0	0.0	0.0	0.0	0	0	
REGION 9 TOTAL	14,860	427	275	266	201	214	219	64									788,516	1,637,263	
AVERAGE¹										4.4	2.9	2.8	2.1	1.4	1.5	0.4			
STANDARD DEVIATION²										7.0	3.4	4.4	2.6	3.0	8.5	2.6			
MEDIAN³										2.4	2.0	2.5	1.0	0.6	1.1	0.0			

^A As of January 1, 2007 data reflects certified reports submitted on-line as required by State Board Order No. 2006-003-DWQ (General Statewide Waste Discharge Requirements for Collection Agencies) and Regional Board Order No. R9-2007-0005 (Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region)

^B Most of the Agencies' System Sizes are based on the online Collection System Questionnaires. The System Sizes for US Navy and California Department of Corrections are based on the 2003 questionnaire or are not available (N/A) because these agencies have not completed the online Collection System Questionnaires. The System Sizes for El Toro Water District and Irvine Ranch Water District are based on the 2003 questionnaire because the online Collection System Questionnaires for these agencies includes the sewage collection system in Region 8 and 9. The System Sizes includes laterals that the agencies are responsible for and may not have been included in past reports.

^C Included with Eastern Municipal Water District

^E These agencies were not regulated prior to January 2007 and thus do not have any sewage spill history from July 2002 to December 2006.

¹ The average is the sum of all values divided by the number of values.

² In a normally distributed set of values, 68% of the values are within one standard deviation either above or below the average value.

³ The median is the middle value in a set; half the values are above the median, and half are below the median.

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF OCTOBER 1, 2008 THROUGH NOVEMBER 30, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
10/9/08	California Department of Parks and Recreation	Tijuana Estuary Sediment Fate Transport Study	Amendment to photo documentation procedure and sample location.	Pacific Ocean	No changes in impacts.	No changes in mitigation.	Amendment to a Technically Conditioned Certification
10/9/08	SunCal Companies	Golden City Physician's Hospital and Tentative Parcel Map 35011 (Originally Commercial Development Site Project)	The proposed project is the construction of a multi-purpose medical facility along with the proposed realignment of Antelope Road.	Unnamed tributaries to Warm Springs Creek	Permanent: 0.21 acre (5,978 linear feet) of Streambed	Create: 0.52 acre (1,825 linear feet) of jurisdictional waters of the U.S. Enhance: 0.52 acre riparian habitat	Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
10/20/08	The City of Dana Point	Salt Creek Storm Drain Treatment Facility	Amendment to change monitoring frequency for nitrate and ammonia in influent and effluent samples of the Salt Creek Treatment Facility from monthly to annually (or biannually) during times when plant is operating.	Salt Creek	No changes in impacts.	No changes in mitigation.	Amendment to Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF OCTOBER 1, 2008 THROUGH NOVEMBER 30, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
10/22/08	Moulton Niguel Water District	Eastern Transmission Main Relocation	Amendment to modify the duration of construction occurring within the streambed from 17 days to 40-60 days.	Unnamed tributary to Oso Creek	No changes in impacts.	No changes in mitigation.	Amendment to Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
10/23/08	California Department of Boating and Waterways	Crown Cove Boat Ramp	The proposed project involves the construction of a boat ramp in Crown Cove.	San Diego Bay	Not applicable	Not applicable	Withdrawn by the Regional Board
10/24/08	Temecula Valley Unified School District	TVUSD High School No.4	The proposed project involves the development of a new high school and associated facilities on 61 acres of a 102-acre site.	Unnamed tributary to Warm Springs Creek	Not applicable	Not applicable	Withdrawn by the Regional Board

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF OCTOBER 1, 2008 THROUGH NOVEMBER 30, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
0/24/08	Barratt American Incorporated	Vereecken Project	The proposed project involves the construction of 35 multi-family residential buildings on 15.6 acres, a mini-storage facility on 4.54 acres, a 14.92 acre open space area, a 0.99 acre drainage area, 0.08 acre park, and a 6.68 acre right of way.	French Valley Creek	Not applicable	Not applicable	Withdrawn by the Regional Board
10/24/08	Riverside County Flood Control & Water Conservation District	Maintenance of Murrieta Creek, Empire Creek and Wildomar Channels	The proposed project involves the maintenance of existing earthen channel and levees including mowing of vegetation and removal of accumulated sediment.	Murrieta Creek, Empire Creek, and the Wildomar Channels	Not applicable	Not applicable	Withdrawn by the Regional Board
0/24/08	Walter Morawa	APN 936-170-007 Driveway Crossing	The proposed project involves the construction of a single-family home and guest house.	Unnamed tributary to Sandia Creek	Not applicable	Not applicable	Withdrawn by the Regional Board

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF OCTOBER 1, 2008 THROUGH NOVEMBER 30, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
10/24/08	Advanced Real Estate Service SJ-99	San Juan Meadows	The proposed project involves the development of 275 single-family detached dwellings, 165 senior housing units, a public use site, and approximately 72 acres of open area.	Unnamed tributaries to San Juan Creek	Not applicable	Not applicable	Withdrawn by the Regional Board
10/24/08	DAVCON Investments, LLC	DAVCON-Overland Plaza: Parking Expansion Projects Over Long Valley Storm Drain	The proposed project involves constructing a shared parking lot for two existing commercial centers.	Tributary to Murrieta Creek	Not applicable	Not applicable	Withdrawn by the Regional Board
10/24/08	Double L Holding IV, LLC	Date Street Project	The proposed project involves the grading of the site for an eventual commercial development.	Unnamed tributaries to Murrieta Creek	Not applicable	Not applicable	Withdrawn by the Regional Board
0/24/08	Beazer Homes	Beazer Homes Tentative Tract 32185	The proposed project is the development of 426 single family homes.	Tributary to French Valley Creek	Not applicable	Not applicable	Withdrawn by the Regional Board

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF OCTOBER 1, 2008 THROUGH NOVEMBER 30, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
10/24/08	Beazer Homes	Wildomar Channel Culvert Replacement	The proposed project involves replacing an existing channel culvert.	Wildomar Channel	Not applicable	Not applicable	Withdrawn by the Regional Board
10/24/08	Ashby Development Company	Nicolas Road / Santa Gertrudis Creek Channel Improvements	The proposed project involves the construction of one mile of Nicolas Road including a bridge over Santa Gertrudis Creek and associated 2500 linear feet of channel improvements upstream and downstream of the bridge.	Santa Gertrudis Creek	Not applicable	Not applicable	Withdrawn by the Regional Board
10/24/08	John McLaughlin	Riverside Co. TT 33300, Bella Glen	The proposed project involves the development of 22 single family dwellings on approximately 47.8 acres.	Two unnamed tributaries to Murrieta Creek and Santa Margarita River	Not applicable	Not applicable	Withdrawn by the Regional Board
0/24/08	D.R. Horton - Los Angeles Holding, Inc.	Montrose TT31813	The proposed project is the development of 60 single family dwelling units.	Tributary to Murrieta Creek	Not applicable	Not applicable	Withdrawn by the Regional Board

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF OCTOBER 1, 2008 THROUGH NOVEMBER 30, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
11/7/08	Fred Connary	Fred Connary Tentative Parcel Map No. 33488	The proposed project involves dividing a residential lot into two parcels and placing a crossing over a creek.	Tributary to Temecula Creek	Not applicable	Not applicable	Denial with Prejudice of a Water Quality Certification
11/12/08	22nd District Agricultural Association	Sewer Foremain Replacement Project	The proposed project involves the replacement of an old pipeline with a new forcemain pipeline under the San Dieguito River using horizontal directional drilling.	San Dieguito River	No impacts are proposed by this project.	No compensatory mitigation is required. Any temporary impacts resulting from a frac-out will be restored to pre-project conditions.	Low Impact Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
11/14/08	Coronado Cays Homeowners Association	Coronado Cays Homeowners Association Boat Dock Removal and Replacement	The Certification will cover several hundred projects consisting of the like-for-like replacement of floating docks and gangways.	San Diego Bay	There are no impacts proposed for this project, as the resulting dock replacements will not result in a net increase of water shading.	No compensatory mitigation is required.	Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF OCTOBER 1, 2008 THROUGH NOVEMBER 30, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
11/19/08	Lowe Enterprises Real Estate Group West, L17087, LLC	West Bernardo Drive Widening	Amendment to Certification 07C-083 to change the mitigation requirement.	Unnamed tributary to Lake Hodges	No changes in impacts.	Amendment changes mitigation for permanent discharges from a 3.05:1 ratio to a 3:1 ratio at Fenton Ranch, consisting of: Create: 0.20 acre freshwater marsh/wetland Restore: 0.40 acre freshwater marsh/wetland	Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
11/20/08	Santa Margarita Water District	San Juan Creek Emergency Pipeline Repair & Protection	The project involves the repair and protection of a 48-inch diameter domestic water pipeline by installing sheet piles and jet grouts an estimated 5 feet sub- surface of San Juan Creek.	San Juan Creek	Temporary: 13.06 linear feet of Wetland 17.42 linear feet of Streambed	Enhance: Temporary impact areas by removing invasive species and replanting natives.	Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF OCTOBER 1, 2008 THROUGH NOVEMBER 30, 2008**

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

Number of Projects Received Between October 1, 2008 and October 31, 2008: 11
Number of Amendments Received Between October 1, 2008 and October 31, 2008: 4
Number of Project Received Between November 1, 2008 and November 24, 2008: 4
Number of Amendments Received Between November 1, 2008 and November 24, 2008: 0
Number of Projects Received Between January 1, 2008 and November 24, 2008: 89
Number of Certifications Issued Between January 1, 2008 and November 24, 2008: 37
Number of Projects Withdrawn Between January 1, 2008 and November 24, 2008: 21
Number of Projects Where Time-Expired Between January 1, 2008 and November 24, 2008: 4
Number of Projects Denied Between January 1, 2008 and November 24, 2008: 1



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

Attachment B-4

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IN THE MATTER OF)

Mr. Ryan Armstrong)
Armstrong Farms)
P.O. Box 2299)
27431 North Lake Wohlford Road)
Valley Center, CA 92082)

NOTICE OF VIOLATION
No. R9-2008-0149

November 21, 2008

Site: Armstrong Farms
27431 N. Lake Wohlford Road, Valley Center, CA

YOU ARE HEREBY NOTIFIED THAT:

Armstrong Farms is violating and threatening to violate the *Waste Discharge Prohibitions* and Conditional Waiver No. 3, *Discharges from Animal Operations*, prescribed in the *Water Quality Control Plan for the San Diego Basin (Basin Plan)*. Specifically, the following Waste Discharge Prohibitions and provisions in Conditional Waiver No. 3 are being violated or threaten to be violated by Armstrong Farms, as documented in the attached October 14, 2008 site inspection report.

Description of Alleged Violations

A. VIOLATIONS OF BASIN PLAN WASTE DISCHARGE PROHIBITIONS

In accordance with California Water Code section 13243, this Regional Board has specified in the Basin Plan certain conditions or areas where the discharge of waste, or certain types of waste is not permitted. Armstrong Farms is violating or threatening to violate the following Waste Discharge Prohibitions.

1. Basin Plan Prohibition (1)

The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination or nuisance as defined in California Water Code section 13050, is prohibited.

Finding: The Site does not have adequate best management practices (BMPs) and/or management measures (MM) to prevent the discharge of animal waste and process water containing elevated levels of nutrients and contaminants from the Site to waters of the State, which threatens to cause a condition of nuisance, pollution, and/or contamination in waters of the State.

2. Basin Plan Prohibition (2)

The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code section 13264 is prohibited.

Finding: The Site does not have adequate BMPs and/or MMs to prevent the discharge of animal waste and process water from the Site to adjacent property. Poultry manure and other waste are stockpiled and composted on the Site without adequate BMPs and/or MMs to prevent the discharges into waters of the state. These discharges are not authorized by waste discharge requirements or the terms described in Water Code section 13264.

3. Basin Plan Prohibition (3)

The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in California Water Code §13376) is prohibited.

Finding: The site does not have BMPs in place to prevent storm water run-on from coming into contact with manure/composting piles which would result in a discharge of pollutants to surface waters.

4. Basin Plan Prohibition (6)

The discharge of waste in a manner causing flow, ponding, or surfacing on lands not owned or under the control of the discharger is prohibited, unless the discharge is authorized by the Regional Board.

Finding: The Site does not have adequate BMPs and/or MMs to prevent the discharge of animal waste and process water from the Site to adjacent property.

5. Basin Plan Prohibition (7)

The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit its being

transported into the waters, is prohibited unless authorized by the Regional Board.

Finding: Poultry manure and other waste are stockpiled and composted on the Site without adequate BMPs and/or MMs to prevent discharges into waters of the state.

6. Basin Plan Prohibition (8)

Any discharge to a storm water conveyance system that is not composed entirely of "storm water" is prohibited unless authorized by the Regional Board. [The federal regulations, 40 CFR 122.26(b)(13), define storm water as storm water runoff, snow melt runoff, and surface runoff and drainage. 40 CFR 122.26(b)(2) defines an illicit discharge as any discharge to a storm water conveyance system that is not composed entirely of storm water except discharges pursuant to a NPDES permit and discharges resulting from fire fighting activities.] [§122.26 amended a 56 FR 56553, November 5, 1991; 57 FR 11412, April 2, 1992].

Finding: The Site does not have adequate BMPs and/or MMs to prevent discharges of water used for the roof sprinkler cooling system from discharging elevated levels of nutrients and contaminants from the facility to an off-site storm water conveyance system.

B. VIOLATIONS OF BASIN PLAN CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS NO. 3 FOR DISCHARGES FROM ANIMAL OPERATIONS

The following conditions of Conditional Waiver No. 3, Dischargers from Animal Operations, are threatened to be violated by Armstrong Farms.

1. General Conditions

The general condition of the resolution states that the discharge shall not create a nuisance or pollution as defined in the Porter Cologne Water Quality Control Act (Water Code).

Finding: The Site does not have adequate BMPs and/or MMs to prevent the discharge of animal waste and process water containing elevated levels of nutrients and contaminants from the Site to waters of the State, which threatens

to cause a condition of nuisance, pollution, and/or contamination in waters of the State.

2. Condition 3.I.B.1 General Manure Management Waiver Conditions

Condition 3.I.B.1 states that animal operations must prevent the direct or indirect discharge of animal wastes (manure, urine, soil bedding) to any surface waters of the state (including ephemeral streams and vernal pools).

Finding: The Site does not have BMPs in place to prevent storm water run-on from coming into contact with manure/composting piles which would likely result in a discharge of animal wastes to surface waters.

3. Condition 3.I.B.2.c General Manure Management Waiver Conditions

Condition 3.I.B.2.c states that areas adjacent to temporary storage areas for animal wastes should be graded to prevent storm water and surface runoff from reaching the storage area.

Finding: The Site is not graded to prevent storm water from coming into contact with manure/composting piles, which would likely result in a discharge of animal wastes to surface waters.

The above violations subject Armstrong Farms to possible enforcement action by the Regional Board, including administrative enforcement orders requiring Armstrong Farms to clean up waste and abate existing or threatened conditions of pollution or nuisance, administrative judicial proceedings for the assessment of civil liability in amount of up to \$1,000 per day; referral to the State Attorney General for injunctive relief, and referral to the District Attorney for criminal prosecution.

OSB

Julie Chan
Supervising Engineering Geologist
California Regional Water Quality Control Board

Date

FEE INCREASE ITEM:

ANNUAL FEE SCHEDULE FOR WASTE DISCHARGE REQUIREMENTS				
Threat to Water Quality (TTWQ)	Complexity (CPLX)	Type of Discharge		
		Discharge to Land or Surface Waters ¹		Land Disposal ²
1	A	\$41,800	<u>\$58,520</u>	\$26,000 <u>\$35,360</u> ³
1	B	\$26,400	<u>\$36,960</u>	\$21,000 <u>\$28,560</u>
1	C	\$14,245	<u>\$19,943</u>	\$13,500 <u>\$18,360</u>
2	A	\$9,515	<u>\$13,321</u>	\$11,250 <u>\$15,300</u>
2	B	\$5,720	<u>\$8,008</u>	\$9,000 <u>\$12,240</u>
2	C	\$4,290	<u>\$6,006</u>	\$6,750 <u>\$9,180</u>
3	A	\$3,380	<u>\$4,732</u>	\$4,500 <u>\$6,120</u>
3	B	\$1,800	<u>\$2,520</u>	\$3,375 <u>\$4,590</u>
3	C	\$800	<u>\$1,120</u>	\$1,500 <u>\$2,040</u>

¹ For this table, discharges to land or surface waters are those discharges of waste to land or surface waters not covered by NPDES permits that are regulated pursuant to Water Code Section 13263 that do not implement the requirements of Title 27 of the California Code of Regulations (CCR). Examples include, but are not limited to, wastewater treatment plants, erosion control projects, and septic tank systems. It does not include discharge of dredge or fill material or discharge from animal feeding operations. WDRs for municipal and domestic discharges with permitted flows of less than 50,000 gallons per day in categories 2-B, 2-C, 3-B and 3-C will receive a 50% fee discount. The design flow shall be used where no permitted flow is present. Municipal and domestic discharges receiving the discount are defined as discharges from facilities that treat domestic wastewater or a mixture of wastewater that is predominately domestic wastewater. Domestic wastewater consists of wastes from bathroom toilets, showers, and sinks from residential kitchens and residential clothes washing. It does not include discharges from food preparation and dish washing in restaurants or from commercial laundromats.

² For this table, land disposal discharges are those discharges of waste to land that are regulated pursuant to Water Code Section 13263 that implement the requirements of CCR Title 27. Examples include, but are not limited to, active and closed landfills and surface impoundments.

³ A surcharge of \$12,000 will be added for Class I Landfills. Class I landfills are those that, during the time they are, or were, in operation, are so classified by the RWQCB under 23 CCR Chapter 15, have WDRs that allow (or, for closed units, allowed) them to receive hazardous waste, and have a permit issued by the Department of Toxic Substances Control under 22 CCR Chapter 10, §66270.1et seq.