

**State Water Resources Control Board
October 21, 2008 Board Meeting
Item 6 - Executive Director's Report**

OFFICE OF ENFORCEMENT

Mandatory Minimum Penalty Enforcement Backlog Update

The State and Regional Water Boards continue the initiative to eliminate the backlog of mandatory minimum penalties (MMPs). In order to address the outstanding violations subject to MMPs, the Office of Enforcement developed an expedited payment process which allows for the resolution of an MMP violation without the issuance of a formal administrative civil liability (ACL) complaint. Some regions prefer using an ACL complaint and that option is available to them to address their backlogged violations.

As of October, 2008, the Initiative has resulted in the issuance of expedited payment offers or ACL complaints to approximately 171 facilities with 5,502 violations (including some violations that occurred between December 31, 2007 and August 31, 2008). Statewide, there have been 84 ACL complaints issued and 87 expedited payment offers tendered.

Based on current information, there are 306 additional facilities with approximately 1,701 violations which will be addressed as part of the Initiative. These facilities are being addressed as data validation is completed for the facilities.

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

Spotlighting Regional Efforts to Reduce the Backlog

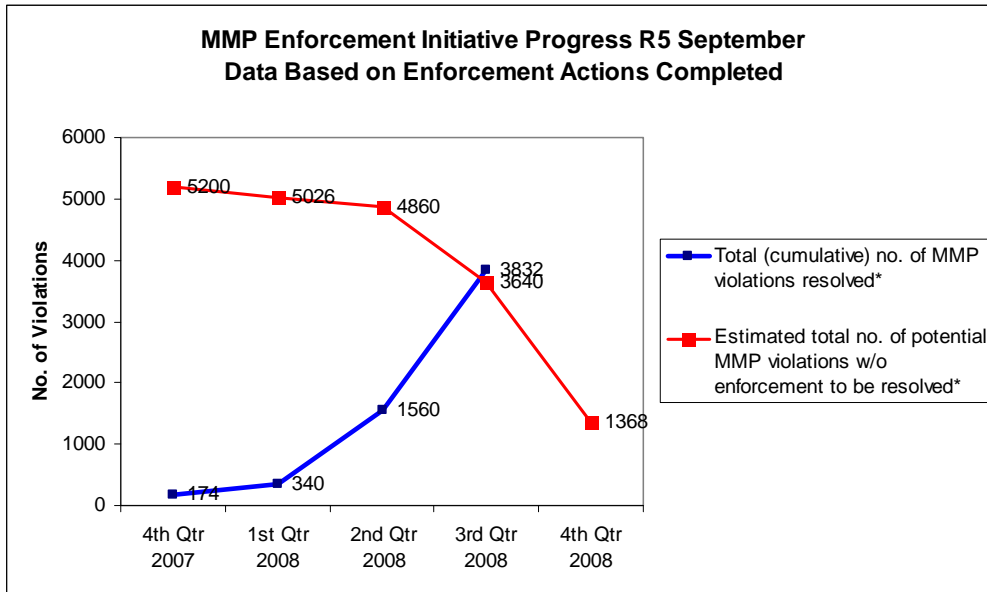
All of the regional water boards are actively reducing their backlog of MMP cases. This month's report spotlights the efforts of two regions based on information provided by those regions. These reports demonstrate the commitment of the Regional Boards to successfully address MMP violations in their jurisdictions. In subsequent reports, the progress in other regions will be spotlighted.

From the October, 2008 Executive Officer's Report for the Central Valley Regional Water Board:

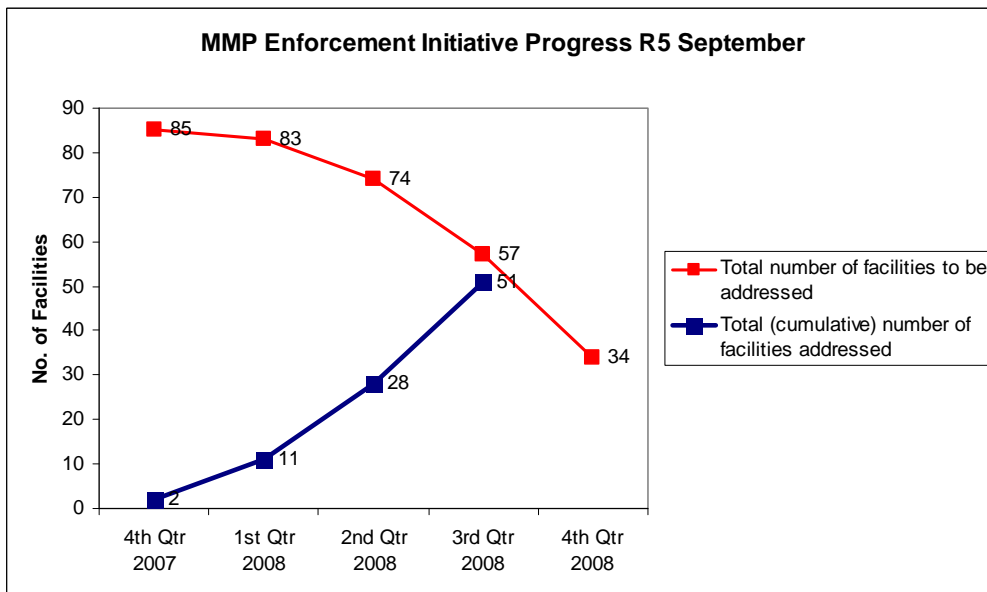
Mandatory Minimum Penalties (MMP) Enforcement Initiative

The Central Valley Water Board (Water Board) is participating in the joint statewide Water Boards MMP Enforcement Initiative. In March 2008, the Water Board launched its initiative to address backlogged MMP violations. Backlogged MMPs are considered accrued MMPs between the period January 2000 and December 31, 2007.

As of September 30, 2008, Water Board staff issued 50 Administrative Civil Liability Complaints, addressing more than 3,800 MMP violations. The total amount of liability complaints issued is over \$9.6 Million. A number of facilities settled these complaints through payment. Other facilities proposed payment and/or environmental projects to settle the complaints, as allowed by law. Water Board staff has committed to address the backlogged MMP violations by the end of this calendar year. As shown in the following graphs over **74 percent** of the MMP violations and **60 percent** of the facilities in backlog have been addressed in the first three quarters of this calendar year.



*Includes the supporting violations that were considered but not included in the chargeable number due to exemption by law (e.g. the first three violations in a 180 days period are not counted in the chargeable amount)



The State and Regional Water Boards continue to work together on developing a process to address all future MMPs to ensure that they are addressed in a timely manner.

From a recent Executive Officer's Report for the San Diego Region:

San Diego Regional Board Completes Backlog of Mandatory Minimum Penalties (MMP) to Comply with Statewide Enforcement Initiative

In August 2008, the San Diego Regional Board became the first Region to address all its outstanding mandatory minimum penalties (MMPs) with enforcement actions. As reported in the May 2008 Executive Officer's Report, reducing the backlog of MMPs required by CWC Section 13385 has become a high priority of the State and Regional Water Boards. To reduce the statewide backlog, the State and Regional Boards launched a statewide initiative for MMP enforcement in July 2008, which implements a somewhat streamlined process to resolve outstanding MMP violations that occurred between January 1, 2000, and December 31, 2007. The MMP Initiative has two primary goals: 1) To validate the MMP information in the statewide compliance database (CIWQS) to ensure that all the violations and related enforcement actions are accurately reflected; and 2) To eliminate the MMP enforcement backlog by December 31, 2008. When the Initiative began, CIWQS reported approximately 7200 violations through December 31, 2007 without enforcement.

Since May 2008, the Assistant Executive Officer has issued nine Complaints for Administrative Civil Liability containing recommended MMPs. When dischargers do not contest the alleged violations and agree to pay the recommended liability in the Complaint, Tentative Orders imposing MMP liability may be brought for the Board's consideration at the discretion of the Executive Officer. Public hearings will be scheduled for those dischargers that contest imposition of liability. We expect all to be resolved by the end of the calendar year.

The Office of Enforcement will prepare a comprehensive report on the statewide Initiative at its conclusion (early 2009).

Enforcement Policy Update

An Executive Steering Committee comprised of high level State and Regional Board representatives has been formed to evaluate proposed changes to the Water Quality Enforcement Policy, consider new Policy direction, and reconsider some major stakeholder comments. They have met regularly over the past several months and there have been numerous revisions per their direction.

There will be two provisions of the Water Quality Enforcement Policy scheduled for State Board consideration in February 2009. The first is a revision to the current policy on Supplemental Environmental Projects. The second is a related new policy regarding the use of the Cleanup and Abatement Account for regional water quality improvement

projects. The remainder of the Water Quality Enforcement Policy update is scheduled for State Water Board consideration in May, 2009 with an intervening staff workshop later this year to address public comments on proposed revisions to the draft that have been made since the last Board workshop in February, 2008.

Enforcement Referrals to the Attorney General's Office

This month the Office of Enforcement assisted in the referral of three matters to the Attorney General's Office.

Two referrals were from Region 6 and both involve enforcement of a cleanup and abatement order to stop noncompliance with a storm water permit. The other referral was from the UST Enforcement Unit of the Office of Enforcement related to the operations of a company performing underground storage tank system testing without the proper certification.

Commencement of Pilot Enforcement Project Between the Los Angeles Regional Water Board and the Attorney General's Office

With the assistance of the Office of Enforcement, the Los Angeles Regional Water Board and the Attorney General's Office commenced their pilot enforcement project. The project will enhance the use of the Attorney General's Office by the Los Angeles Regional Water Board for enforcement cases and will evaluate the benefits from regularly engaging the Attorney General's Office as part of a regional water quality enforcement strategy. The project received \$400,000 in funding from the State Water Pollution Cleanup and Abatement Account.

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 in the Coastal Hearing Room. The cadmium objectives, and related implementation measures, will 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 closes at 12:00 noon on October 23, 2008.

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 is scheduled for October 22, 2008 at 1:00 p.m. in the Anaheim City Council Chambers. The comment period closes at 12:00 noon 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 Antidegradation Policy and its implementation guidance contained in the Administrative Procedures Update 90-004 and Office of Chief Counsel's guidance memo for implementation of the Antidegradation Policy in ground water. A meeting has been tentatively scheduled on November 17, 2008, at 10:00 a.m. in the Central Valley Water Board's hearing room.

Phase I 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 October 2008.

Once Through Cooling – CWA Section 316(b): The Expert Review Panel issued its final findings on technical issues related to the scoping document and preliminary draft policy in August 2008. Staff has also 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. A meeting of the inter-agency work group was held on September 18, 2008, and the next meeting 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 is expected to be executed by United States Environmental Protection Agency (U. S. EPA) at the beginning of September 2008. TetraTech has initiated work on preparing a Draft Substitute Environmental Document (SED) for public release in early 2009.

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). An initial stakeholder meeting was conducted on September 26, 2008. A second meeting has been scheduled for October 24, 2008.

Commercial Vessel Discharges: Recent court rulings have revoked the federal regulatory exclusion (from NPDES permitting) for vessel discharges as of September 30, 2008, and have required U. S. EPA to issue a vessel general permit (VGP) for commercial ship discharges by December 19, 2008. U. S. EPA has requested states to issue CWA 401 water quality certifications for the VGP, and DWQ staff is now working on the water quality certification for the VGP.

Septic Tank Regulations (AB 885): The Draft Environmental Impact Report (EIR) has been completed. Staff is in the process of securing public workshop meeting rooms at 12 locations throughout the state (Temecula, Malibu, Fresno, Mariposa, San Andreas, Nevada City, Bishop, Susanville, Redding, Eureka, Santa Rosa, and Sacramento). The first workshop will be held in Mariposa on December 8 and the last workshop (a hearing) will be held in Sacramento on February 9, the end of the public comment period. The dates and locations of the workshops will be incorporated in a public notice that will be submitted to the Office of Administrative Law by October 21, at least two

weeks before the public release of the notice. Following public input on the draft regulations, draft statewide waiver and draft EIR, staff will prepare responses to comments and revise the documents as appropriate.

Stormwater - Construction General Permit (CGP) Reissuance: Following the receipt of over 1200 public comments (from about 770 entities) on the tentative CGP, staff is in the process of thoroughly reviewing the comments and making appropriate revisions. As of October 15, 2008, staff believes that the revisions made to the draft permit as a result of the comments are substantial enough that a new public hearing will be required and thus is planning to re-notice an additional public hearing and release a new tentative permit before the end of 2008 to solicit comments on the revised draft.

Recycled Water Policy - Staff, as instructed by the Board, have been preparing the draft Recycled Water Policy presented to the Board by the stakeholders group for consideration at a future Board Meeting. Changes will be required to the CEQA documentation for the draft policy and those are being prepared. As a result of the time needed to make the changes to the CEQA documentation, staff are targeting a late January or early February Board meeting for consideration of the Policy.

Irrigated Lands Regulatory Program Update Report: The October 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 September 29, 2008 the State Water Board Executive Director issued an order denying a petition for reconsideration of the order issued by the Division of Water Rights on July 3, 2008 facilitating the transfer of 10,000 acre-feet of water from South Feather Water and Power Agency to State Water Project parties.

Coordination between State Water Board and Department of Fish and Game

On September 12, 2008, staff from the Enforcement Section of the Division of Water Rights (Division) and regional staff from the Water Branch of the Department of Fish and Game (DFG) held a kickoff meeting to discuss future coordination of statewide water right enforcement. Better communication and exchange of information are necessary to effectively prioritize and focus water right field activities and water right enforcement cases. An advance awareness of the Division's water right licensing, complaints and compliance field activities will allow DFG to participate in field inspections or in the prosecution of enforcement cases by supplying testimony, supporting evidence or policy statements of support. This planned ongoing

communication should improve water right enforcement cases and may reduce the need for DFG to file protests on new applications or change petitions, thereby reducing the time necessary to process water right permits. Through this collaboration, the Division and DFG can also draft more enforceable terms and conditions for new water right permits and proposed cease and desist orders. This coordination is consistent with the State Water Board's Strategic Plan Action Items 3.31, 3.3.2 and 7.4.1.

Assembly Bill 1404 Feasibility Study Report

Assembly Bill 1404 requires the State Water Board, in collaboration with the Department of Water Resources, the Department of Public Health, and the California Bay-Delta Authority, to prepare and submit to the Legislature by January 1, 2009 a Feasibility Study Report (FSR) evaluating the feasibility, estimated costs, and potential means of financing a coordinated water measurement database. The purpose of the database is to facilitate the collection, management, and use of agricultural and urban water measurement information currently provided to each of the above agencies.

During July and August, Division staff held a series of workshops for the participating agencies, for purposes of defining the project scope and approach and to reach a consensus on the business problems and opportunities and related business objectives and requirements.

If the reviews and comments on the draft FSR sections from the participating agencies continue to be submitted timely, Division staff anticipates a complete draft of the FSR will be ready for management review by late October or early November.

Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams (AB 2121)

Staff continues to work on the response to comments and proposed revisions to the policy.

Strategic Workplan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary

On July 16, 2008, the State Water Board adopted a Strategic Workplan (Workplan) for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta). Among several important elements, the Workplan requires a comprehensive review of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (2006 Bay-Delta Plan) and re-evaluation of salinity objectives protective of agriculture in the southern Delta and flow objectives protective of fisheries in the San Joaquin River. The following activities are either completed or planned this period for these Workplan elements:

- On September 17, 2008, the State Water Board held a workshop to receive information regarding the San Joaquin River flow objectives for fish and wildlife beneficial uses contained in the 2006 Bay-Delta Plan. A follow-up meeting on the same topic was scheduled for November 5, 2008, but was cancelled by the State Board; determining it was no longer needed.

- On October 8, 2008, the State Water Board held a workshop to receive comments from agencies and members of the public regarding periodic review of the 2006 Bay-Delta Plan. In accordance with the Workplan, this workshop was held to identify elements of the 2006 Bay-Delta Plan that may need amendment.
- A staff workshop is being planned for November 5, 2008 to update the public and provide an opportunity for input regarding the ongoing re-evaluation of salinity objectives protective of agriculture in the southern Delta.

(A description of the October 1 public workshop regarding Urban Water Conservation can be found with Division of Financial Assistance items.)

Kern Canyon Hydroelectric Project

The Division of Water Rights staff have prepared a 401 Water Quality Certification for the Kern Canyon Hydroelectric Project (Project), Federal Energy Regulatory Commission (FERC) No. 606. This project is owned and operated by Pacific Gas and Electric Company (PG&E) on the Kern River approximately 15 miles northeast of Bakersfield. The current FERC license expired in April 2005, and the Project has since operated under an annual license. Since PG&E has no plans to change the operational mode of the existing Project; it will be operated as it has been in the past. Division of Water Rights staff found the U.S. Forest Service's 4(e) conditions to be adequate to protect Project resources, and have incorporated these conditions in the water quality certification. The State Water Board Executive Director is expected to issue this certification during the week of October 13, 2008.

Klamath River Hydropower Project Relicensing: Release of Notice of Preparation of EIR

On September 30, 2008, the State Water Board released the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the proposed relicensing of the Klamath Hydroelectric Project, owned by PacifiCorp. The NOP proposes that the EIR will examine the long-term modification of project facilities to include construction of fish passage, dam removal, or a combination of the two. The EIR will also consider interim operations of the Klamath Hydroelectric Project, pending the long-term modifications. State Water Board staff and its consultant plan to hold scoping meetings in Sacramento and Northern California to solicit stakeholder and agency input on the scope of the EIR. Meetings in Sacramento will take place on October 29 and November 3, while meetings in Northern California are scheduled in Eureka and Klamath on October 20, and in Orleans and Yreka on October 21.

Recent and Upcoming Water Right Hearing Unit Orders

Chino Basin Watermaster: On September 2, 2008, the State Water Board issued a decision approving Chino Basin Watermaster's water right application. No petitions for reconsideration were received regarding this decision. Consequently, the Division issued a permit to the Chino Basin Watermaster on October 9, 2008.

Auburn Dam Project permits: In a closed session on October 21, 2008, the State Water Board is scheduled to discuss a draft order concerning the proposed revocation of the permits for the Auburn Dam Project. The Division anticipates scheduling the final order for Board consideration at the Board meeting on November 18, 2008.

Orange County Water District water right application: The Division anticipates scheduling the draft decision related to Orange County Water District's water right application for discussion in closed session on November 4, 2008, and scheduling the final order for the State Water Board meeting on December 2, 2008.

Lake Alpine State filing, Muni-Western application, and California American CDO: The draft order for Lake Alpine Water Company's State Filing, the draft decision for Muni-Western's application and the draft order related to the California-American Water proposed Cease and Desist Order remain in process. The Division anticipates that these three issues will be scheduled discussion in closed session between December 2008 and February 2009 in the order listed above. Given standard practice, staff anticipates scheduling each of these items for final Board consideration at a meeting one month after their respective discussion in closed session.

Upcoming Water Right Permitting Section Orders for Nan Tucker McEvoy

Division of Water Rights staff are preparing a set of seven water right orders for consideration by the State Water Board for a project whose main purpose is irrigating an olive orchard owned by Nan Tucker McEvoy. One of the orders responds to a time extension petition on existing water rights that exceeds the delegated authority of the Deputy Director for Water Rights and requires State Water Board approval. Associated orders of this project relate to two new applications for water rights, and to petitions for change in purpose of use, points of diversion and place of use of existing water rights.

Delegation Authority

The State Water Board has delegated specific actions relating to the general operation of the water rights program to the Deputy Director for Water Rights. (See Resolution 2007-0057.) Each month, mid-month, the Division of Water Rights posts on its webpage a report on the actions it has completed in the previous month. The table below provides a summary of the activities of the Division during July and August 2008. Information on activities completed in September will be posted about October 15th. Permitting, Licensing, Petition, Transfer, Monitoring and Reporting, and proposed Enforcement activities are delegated or conditionally delegated to the Deputy Director for Water Rights. Water Quality Certification activities are delegated to the Executive Director. In general, a conditionally delegated activity is delegated unless the affected water right holder is entitled to a hearing on the action and a hearing is requested. The Division has drafted its goals for specific types of actions, but the goals are in the process of being revised as a result of hiring and contracting limitations. They will be included on the table prepared for the October report.

	FY through August	August
Permitting		
Applications Rejected	3	3
Applications Cancelled	6	3
Registrations Issued	4	3
Registrations Renewed	1	1
New Statements Processed	7	4
New Groundwater Recordations Processed	36	36
Permits Issued	3	2
Temporary Urgency Permits Issued	0	0
Licensing		
Licenses issued	5	0
Petitions		
Time extension Orders Issued	1	0
Change Orders Issued	1	0
Transfers Approved¹		
Orders Issued on Temporary Urgency Change Petitions	3	1
Orders Issued on Temporary Change for Transfer Petitions	3	1
Orders Issued on Long Term Transfer Petitions	0	0
Monitoring and Reporting		
Annual Reports of Permittee and Licensee Processed	1250	230
Supplemental Statement of Diversion & Use Processed	153	0
Annual Groundwater Recordation Processed	273	159
Ownership Changes Processed	488	227
Enforcement		
Permit and License Revocations Issued	38	5
Complaint Actions Closed	8	4
Cease and Desist Orders Issued	2	0
Administrative Civil Liability Complaints Issued	2	0
Administrative Civil Liability Orders Paid	0	0
Water Quality Certifications		
Certifications on FERC projects	0	0
Application Denials on FERC projects	0	0
Certifications on Non-FERC projects	0	0
Application Denials on Non-FERC projects	0	0
Adjudicatory		
Division Decisions Issued	0	0
Administrative Records Completed	0	0

¹ Transfers may also be accomplished under change petitions filed pursuant to Water Code section 1700 *et seq.*

OFFICE OF RESEARCH, PLANNING AND PERFORMANCE

Annual Enforcement Report

ORPP is drafting the Annual Enforcement Report which will cover calendar year 2008 for presentation to the Board in January. This report will present data for the reporting period and an analysis of that data related to the Baseline Enforcement Report which covered Fiscal Year 2006-2007 and last year's 13385(o) annual report.

Water Board Training Academy

The Academy postponed numerous classes and projects in compliance with the Budget Letter issued by the Department of Finance on July 31, 2008. A few classes will be delivered that do not involve the use of our contract with UC Davis Extension. During the week of October 7, 2008, an exemption to resume the delivery of training to Water Board staff was granted. Classes are currently being rescheduled for Fall and Winter delivery.

<p>Currently Scheduled*</p> <p><i>October</i></p>	<p>Making the Transition to Supervision</p> <p>This one-day workshop is designed for staff whose career goals include assuming a formal leadership role at the Water Boards. It introduces the role of the supervisor, the skills needed to be successful, and the challenges and opportunities of a supervisory role. Participants will assess their interest, readiness, and ability to do supervisory work, and develop an action plan on how to better prepare themselves to assume a formal leadership role.</p>
<p><i>October</i></p>	<p>SWAMP Advisor</p> <p>U. S. EPA and the State Water Board require that all monitoring projects have a QA/QC plan. The Surface Water Ambient Monitoring Program (SWAMP) developed a computer-based tool that helps users produce Quality Assurance/ Quality Control (QA/QC) documents faster and more accurately for water quality monitoring projects. The tool is called the SWAMP QAPP Advisor.</p> <p>Topics to be covered include:</p> <ul style="list-style-type: none"> ▪ Overview of the new SWAMP Quality Project Plan (QAPP) and QAPP requirements ▪ Advantage and Limitations of Expert Knowledge Systems & The SWAMP QAPP Advisor ▪ How to Produce QAPP Document Files ▪ How to Produce Tables Using SWAMP QAPP Advisor ▪ How to Produce a Master QAPP Document with a Table of Contents

	<ul style="list-style-type: none"> ▪ How to Incorporate Multiple Study Questions in a QAPP ▪ Examples and Individual Trial Using SWAMP QAPP Advisor
<i>November</i>	<p>Sanitary Sewer Collection Systems</p> <p>This class will provide State and Regional Board staff with the knowledge, skills and abilities to inspect sanitary sewer collection system facilities, respond to sewage spills and learn more about the general Waste Discharge Requirements for Sanitary Sewer Collection Systems (#2006-0003-DWQ) and Sewer System Management Plans (SSMPs) required by the Order to reduce the number and volume of sewage spills occurring throughout the state.</p> <p>The first two days provide a technical overview of collection system design, operation and maintenance, and includes a field trip to observe Sacramento County’s collection system field crews and office staff in action. The third day focuses on the regulatory aspects of the Statewide Sanitary Sewer Order and collection systems, including SSMP development, reporting requirements, compliance assurance and enforcement.</p>
<i>November</i>	<p>Stormwater Enforcement Workshop</p> <p>This workshop is designed to provide attendees with basic enforcement tools, prosecuting tools, techniques for developing stormwater enforcement cases, and a range of advanced stormwater perspectives. Participants will gain perspectives from multiple agencies with experience in both investigating and prosecuting stormwater enforcement cases.</p>
<i>November</i>	<p>California Aquatic Bioassessment Workgroup</p> <p>The California Aquatic Bioassessment Workgroup (CABW) was established as a forum for researchers, agency personnel, private consultants, watershed group members and other interested individuals working in the field of freshwater biological assessment to communicate and exchange information regarding their work. The annual multi-day CABW workshops are geared towards persons at all levels of expertise in bioassessment. Previous workshop formats have included platform presentations and panel discussions.</p>

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

Water Quality Coordinating Committee (WQCC)

The next meeting of the WQCC is scheduled for October 27-28, 2008 in Sacramento. This meeting of all State and Regional Water Board members will provide opportunities for cross-region sharing of information as well as time to learn about specific small community concerns. The notice and agenda for this meeting have been posted on the web site.

DIVISION OF FINANCIAL ASSISTANCE

McDonough Sustainable California Meeting- September 16, 2008

On September 16, 2008, State Water Board staff participated in a brainstorming session to develop sustainable goals and strategies with a variety of state and local agencies. Discussion focused on California as a global leader in empowering innovation through clean energy, sustainable goods, and cross-agency coordination. By mid-November, the Group will propose to the Governor a set of eco-effective goals and strategies for his consideration and implementation.

Border Environment Infrastructure Fund (BEIF)/Project Development Assistance Program (PDAP) Workshop - September 17, 2008

On September 16, 2008, State Water Board staff participated in a joint workshop held by the United States Environmental Protection Agency (U. S. EPA) and the Border Environment Cooperation Commission (BECC) to present information regarding various State Water Board funding opportunities. The workshop, held in El Centro, California, was one of a series of U. S. EPA/BECC workshops held along the United States-Mexico Border to discuss the Fiscal Year 2009/2010 prioritization process for drinking water and wastewater infrastructure project funding available through the BEIF. The workshop provided interested parties with information on the BEIF application and project prioritization process, along with information on other potential funding opportunities that could be used to leverage BEIF funding. Other funding agencies that participated in event included the North American Development Bank (NADB) and the United States Department of Agriculture (USDA).

Development of an Urban Water Conservation Regulatory Program -- October 1, 2008

The State Water Board held a public workshop on October 1, 2008 to consider information regarding the development of an urban water conservation regulatory program. About 120 stakeholders attended the workshop. Board members Dr. Gary Wolff and Frances Spivy-Weber attended the workshop. The comment period was extended to October 20, 2008. Division staff plans to summarize the input received at the workshop along with all the written comments and make them available on the website. Next Steps:

Staff will summarize the input received at the workshop along with the written comments and make them available on the Board's website;

After the 20 x 2020 Agency Team releases their Draft Report, staff will check in with a status report to the Board approximately January or February 2009 (the Board is not expected to take any action); and

After the 20 x 2020 Agency Team releases their Final Report, staff will present recommendations to the Board.

Stakeholder Meetings - Tijuana River Bacterial Issues – September 24 and October 3, 2008

On September 24 and October 3, State Water Board staff met with stakeholders to discuss the Tijuana River Bacterial Source Identification Project, the development of a TMDL for trash and sediment in the Tijuana River Watershed, and other water quality issues related to the Tijuana River.

Riparian Buffer Applicant Workshop – October 8, 2008

On October 8, 2008, State Water Board staff met with applicants to provide guidance on the CALFED Watershed Riparian Buffer Request for Qualifications. Applications are due on November 14, 2008. One qualified applicant will be selected to develop a riparian buffer-sizing tool for watersheds in the Bay-Delta and its tributaries experiencing the largest population growth.

Award – 2008 Technology Innovation Environmental Award

The PhyloChip microarray technology, developed by a team of researchers at the Lawrence Berkeley National Laboratory, received the Technology Innovation Environmental Award from the Wall Street Journal. This technology was utilized in a project funded through the Clean Beaches Initiative Program, which played a major part in Lawrence Berkeley's presentation for this award. The PhyloChip provides the capability to recognize up to 8,700 different organisms in a single sample in a matter of hours, representing a substantial breakthrough in monitoring bacterial contamination in beach water.

Division Approvals:

The Deputy Director of the Division approved the following Preliminary Funding Commitments from September 3, 2008 through October 8, 2008.

Water Recycling Grant/Loan

Entity	Preliminary Funding Commitment	Project	Approved
WateReuse Foundation	\$375,000	Request For Approval For The Foundation To Enter Into Water Recycling Research Subcontracts	9/17/08
Selma-Kingsburg-Fowler County Sanitation District	\$75,000	SKF County Sanitation District Recycled Water Program	9/29/08

DIVISION OF ADMINISTRATIVE SERVICES

The approved budget for this fiscal year includes 1,598 PYs and \$743 million (\$508 million in State Operations and \$235 in Local Assistance). The FY 2008-09 budget includes a General Fund reduction in the amount of \$4.3 million and 12 PYs. The General Fund mostly supports our TMDL program, Basin Planning, Timber Program, Irrigated Lands Program, Water Rights Program, and Leviathan Mine.

The Governor's Executive Order continues to be in effect. We are prohibited from entering into personal services contracts, hiring staff, promoting staff, or incurring overtime, without approval from the Secretary and the Department of Finance. When the Executive Order was first issued we suspended 133 personal services contracts. The Water Boards currently have 117 vacancies.

DIVISION OF INFORMATION TECHNOLOGY/OFFICE OF INFORMATION MANAGEMENT AND ANALYSIS

SWAMP Quality Assurance Program Plan

The Surface Water Ambient Monitoring Program (SWAMP) Quality Assurance Program Plan was finalized and approved by the State Water Board's and the Program's Quality Assurance Officers. The document represents the work and input of hundreds of water monitoring professionals from a variety of technical specialties including bioassessment, chemistry, toxicity testing, field sampling, data management, statistics, environmental law, human health impacts, and quality assurance. Further, the document was designed to be quick and easy to use - both electronically and in hardcopy. The SWAMP quality assurance program is planning to hold training sessions in multiple locations to help users understand the most efficient ways to produce SWAMP-comparable data.

State Water Board Staff Support Office of Emergency Service's Post Fire Mapping Project

In August, the State Water Board received a Mission Task from the Office of Emergency Services to provide GIS support to create maps for the Soil Erosion Assessment Teams. These maps are used in the field by multi-agency teams of scientist to survey and evaluate post fire impacts and the potential for soil erosion, mud slides and other natural disasters that may arise from winter storms. Our GIS staff generated approximately, 1,000 maps over a six week period. State Water Board staff used a combination of information on hydrology, topography, soil erosion, as well as critical infrastructure such as highways, schools and hospitals to generate the maps.

Without our GIS support the Soil Erosion Assessment Teams would not have been able to rapidly progress through their successful evaluation of fire impacts from the numerous fire that occurred this summer throughout California.

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 OCTOBER 2008

This month's Irrigated Lands Regulatory Program (ILRP) monthly report will provide an update on activities of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) ILRP, as reported in the Central Valley Water Board's September 2008 Executive Officer's report. Future ILRP monthly reports will alternate between the Central Coast, Los Angeles, Colorado River Basin, San Diego, and Central Valley Regional Water Quality Control Board programs. English and Spanish translations of current and past ILRP program monthly reports can be found on the State Water Boards Irrigated Agricultural Waiver Program website:

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

For specific program information, contact Mr. Joe Karkoski, program manager of the Central Valley Water Board ILRP, at 916- 464-4668.

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

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

CENTRAL VALLEY WATER BOARD IRRIGATED LANDS REGULATORY PROGRAM

(As reported in the Central Valley Water Board's September 2008 Executive Officer's report)

Long-term Program / Environmental Impact Report (EIR)

Staff is developing a long-term program and EIR project plan that includes a clearly defined stakeholder process. Once developed and approved, the plan and timeline will be made available to the public for reference regarding the stakeholder input points and major milestones of the project. The following briefly describes activities that have occurred since the last EO Report:

The deadline for comments on the scope of the long-term program was May 30, 2008. Staff have prepared a response summary for written and verbal comments that will be posted online after the internal review process is completed. Staff has been meeting with stakeholders and gathering additional information based on the long-term ILRP public workshops held in March and April 2008. On July 8, 2008, staff met with environmental and environmental justice groups to discuss the development of the long-term program. On June 9 and 16, 2008, staff toured the following managed wetlands: Sacramento National Wildlife Refuge, Yolo Bypass, and Grasslands Water District. On

August 13, 2008, staff met with the Department of Pesticide Regulation to discuss opportunities for collaboration on the long-term program. On July 22 and 23, 2008, Regional Water Board members Karl Longley and Paul Betancourt and staff conducted public workshops in Modesto and Tulare to gather comments on the current and long-term ILRP. Another public workshop will be conducted on August 19, 2008 in Willows.

The Regional Water Board's contractor, Jones and Stokes Associates (JSA) is continuing to update the surface and ground water chapters of the Existing Conditions Report (ECR). In addition, JSA is updating the management practices section of the ECR. Information gaps that were identified during the ECR public comment period are being addressed. Work by JSA on the ECR was halted as of July 31, 2008 based on the Governor's Executive Order, which included suspension of contracts until the budget impasse is resolved.

Enforcement

California Water Code section 13267 Orders

The ILRP continues to analyze land use information and coalition group participation records to find those who are not participating in the program and should be. These individuals are issued CWC 13267 Orders to assess the need for regulatory coverage. On July 29, 2008, sixteen 13267 Orders were issued to potential irrigated agricultural parcel owners who are not current coalition group participants within Butte, Sacramento and Solano Counties. Fifteen of the Orders were developed and issued, based on analysis of public information, to parcels along Cache Slough and the Sacramento River within the Delta.

Applications for Regional Water Board Approval to Join Coalition Groups

On April 24, 2008, the Regional Water Board adopted amendments to the Coalition Group Conditional Waiver allowing all growers who submit an application to join a coalition group with approval from the Executive Officer. As of August 11, 2008, 449 applications had been submitted to the Regional Water Board, encompassing over 108,000 acres of land. 234 applicants have been approved, after one approved applicant withdrew their application. Other applicants were either already members of coalition groups, withdrew their application, their applications are pending review.

Discharges and Complaints

On June 19, 2008 staff received a complaint of chronic foaming water, murky water, and observations of sick wildlife in Walthall Slough, a tributary to the San Joaquin River near Manteca. Staff conducted a site inspection on July 2, 2008 and determined a follow-up inspection would be necessary when irrigation takes place near the site. Staff conducted a follow up inspection on July 9, 2008, confirmed a change in the water appearance, and gathered water quality samples. Staff verified that the discharging field is a member of the coalition group, and have been in contact with the coalition group representatives. Analysis for total suspended solids has been completed and staff is awaiting pesticide sampling results.

Coalition Groups

California Rice Commission (CRC)

Partial information was received for requested quality control information to demonstrate performance based acceptability for analytical methods. Water Board staff will be working with the CRC to close this item that is necessary for approval of the Algae Toxicity Management Plan. Staff is also meeting with CRC to discuss requirements for the Monitoring and Reporting Program (MRP) that should be ready for Executive Officer approval by the end of the year.

East San Joaquin Water Quality Coalition (ESJWQC)

On June 30, 2008, staff received the ESJWQC Semi-Annual Monitoring Report (SAMR). The SAMR is currently under staff review, and comments will be provided to the coalition. The ESJWQC requested an extension on July 7, 2008 for the MRP Plan submittal, which was due on July 25, 2008. The Regional Water Board Executive Officer approved a 30-day time extension, so the MRP Plan is due on August 25, 2008. The time extension will allow the Coalition an opportunity to adjust their monitoring efforts in such a way that maximizes the ability to implement management plans where exceedances have been identified and to utilize greater resources on management practices. In the same time extension approval letter, a due date of September 30, 2008 was set for the management plan submittal. In the mean time, staff continues to work and communicate with the ESJWQC in a cooperative approach to meet the established timeframes and the requirements of Order No. R5-2008-0005.

Sacramento Valley Water Quality Coalition (SVWQC)

On July 9, 2008, SVWQC submitted its first draft of the MRP Plan. On July 17, 2008, staff met with SVWQC representatives to review this draft MRP Plan and to further coordinate and develop the MRP Plan and management plans. On July 25, 2008, SVWQC submitted its final draft of the MRP Plan and staff is currently reviewing this document.

San Joaquin County and Delta Water Quality Coalition (SJCDWQC)

On July 7, 2008, staff held an MRP Plan meeting with the SJCDWQC (as well as the ESJWQC) to discuss staff comments to the Coalitions' draft MRP Plans. On July 17, 2008, the Executive Officer approved the Coalition's request for an MRP Plan due date extension. The final MRP Plan due date is now August 25, 2008. In the approval letter, the EO also required the Coalition to submit their management plan by September 30, 2008.

Westside San Joaquin River Watershed Coalition (WSJRWC)

On July 11, 2008, WSJRWC representatives submitted a revised QAPP. Staff is currently reviewing this document. Staff has prepared a Monitoring and Reporting Program Order for Executive Officer approval to incorporate coalition-specific elements, and remain consistent with the Coalition Group MRP Order adopted by the Board in January 2008. Coalition representatives also submitted revisions to their draft Management Plan and Focused Watershed Improvement Plan for the Hospital and Ingram Creek Watersheds on July 28, 2008. These revisions are currently under review.

Based on discussions between staff and coalition representatives, it is anticipated that the final Management Plan and incorporated Focused Watershed Improvement Plan will be finalized in September. On July 28, 2008, staff received the WSJRWQ Semi-Annual Monitoring Report covering the period of November 2007 through February 2008. Staff is currently reviewing this document.

Goose Lake Coalition

On July 24, 2008, staff received the Goose Lake Coalition MRP Plan and QAPP. Staff is currently reviewing and preparing a response. Staff anticipates that only a few minor revisions will be required to finalize the MRP Plan. On July 30, 2008, the Goose Lake Advisory Group held a teleconference to discuss monitoring results for the Lassen Creek Management Plan. Based on data collected during the 2008 irrigation season, a consensus was reached that the observed *Ceriodaphnia dubia* toxicity did not result from irrigated agriculture operations. The *C. dubia* toxicity data revealed that not only was toxicity occurring above all irrigated agriculture influences, but the amount of mortality was actually greater above than below irrigated agriculture.

Westlands Coalition

On July 25, 2008, the Westlands Coalition submitted its MRP Plan and QAPP. Water Board staff has completed the preliminary review of the documents and is scheduling a meeting to discuss required revisions/additions.

Southern San Joaquin Valley Water Quality Coalition (SSJVWQC)

On July 25, 2008, the SSJVWQC submitted its MRP Plan. The SSJVWQC has also submitted three management plans for toxicity in two water bodies. The MRP Plan and management plans are currently under internal review.

Individual Dischargers

BerryBlest Farms

On June 30, 2008, the SJCDWQC notified Water Board staff that BerryBlest Farm, currently regulated under an individual waiver, intends to join the SJCDWQC by July 31, 2008. This was in response to the May 2008 enforcement letter that provided a July 31, 2008 due date to join a Coalition group, complete the individual QAPP, or incur potential enforcement action.

Modesto Irrigation District

Review of the Modesto ID 2007/2008 Annual Monitoring Report has been completed by staff and is undergoing management review. In addition, the Modesto ID revised MRP Plan and QAPP staff review was completed and sent.

Oakdale Irrigation District (OID)

On July 3, 2008, OID informed Water Board staff that it intends to use the herbicide Milestone as a substitute for Diuron. Staff instructed OID to submit an amended MRP Plan and QAPP that addresses the use of Milestone on or before March 1, 2009.

South San Joaquin Irrigation District

On July 28, 2008, Regional Board staff held a teleconference with the South San Joaquin Irrigation District to clarify the July 3, 2008 Notice of Violation. The District is taking the necessary corrective action to address the identified violations.

Turlock Irrigation District

Review of the Turlock ID 2007/2008 Annual Monitoring Report has been completed by staff and is undergoing management review.

Grant Management

Goose Lake Coalition

As of July 31, 2008, the State Water Resources Control Board, Division of Financial Assistance, approved a grant agreement time extension and deviation. The associated amendment will include a time extension, due date changes, and budget adjustments. The amendment is currently being finalized.

MOU with Butte and Glenn County Agricultural Commissioners

On August 28, 2008, the Glenn and Butte County Agricultural Commissioners' staff gave presentations on their Management Practices Reports for Walker Creek and Pine Creek to the ILRP Technical Issues Committee (TIC). The 2008 Second Quarterly Report for MOU Pilot Program has been posted on the ILRP website.

UC Davis Monitoring

Researchers at UC Davis are preparing the final summary report for all sampling conducted under this contract. The summary will be submitted by UC Davis to staff for review, and will subsequently be finalized and posted on the ILRP website.

Contracts

In addition to the Jones and Stokes contract for the long-term program, the following ILRP contracts have been suspended due to the Governor's Executive Order of July 31, 2008:

- 1) Department of Fish and Game (analysis of water samples);
- 2) UC Davis (sample collection; assessment of water quality; special studies); and
- 3) CSU, Sacramento, Center for Collaborative Policy (public participation support).

APPENDIX 2

Current Board Member Directives Checklist as of 10/16/2008

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 10/16/2008

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	5/1/2009	Such a fee was adopted for NPDES permittees. Similar fees should be developed for other permit types.	Alternative fee strategies are being developed.