

**California Regional Water Quality Control Board**  
**San Diego Region**  
**David Gibson, Executive Officer**



**Executive Officer's Report**  
**June 8, 2011**

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**The June report for the Tentative Schedule of Significant NPDES Permits, WDRs, and Actions and the attachments noted on page 1 are included at the end of the report.**

## **Part A – San Diego Region Staff Activities**

Nothing to report.

## **Part B – Significant Regional Water Quality Issues**

### **1. Sanitary Sewer Overflows (SSOs) March-April 2011** *(Attachment B-1)*

*Staff Contact: Christopher Means*

The following is a summary of the sewage spills occurring during March and April 2011 and reported and certified by April 30, 2011. Sewage Collection Agencies report Sanitary Sewer Overflows (SSOs) on-line at the State Water Board's CIWQS database pursuant to the requirements of State Water 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 Water Board's webpage at: <https://ciwqs.waterboards.ca.gov/>.

**Public Spills:** During March 2011, there were 7 SSOs from public systems in the San Diego Region reported in the on-line State Water Board CIWQS database. These SSOs included no spills of 1,000 gallons or more and 2 spills reaching surface waters, including storm drains. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of March 2011, was 1,120 gallons.

During April 2011, there were 9 SSOs from public systems in the San Diego Region reported in the on-line State Water Board's CIWQS database. These SSOs included 2 spills of 1,000 gallons or more and 3 spills that reached surface waters including storm drains. The combined total volume of sewage spills reported from all publicly-owned collection systems for the month of April 2011, was 11,335 gallons.

**Reported Private Spills:** Twenty three discharges of untreated sewage from private laterals were reported during March and April 2011 by the collection agencies pursuant to San Diego Water Board Order No. R9-2007-0005 (*Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*). These private lateral spills included 2 spills of 1,000 gallons or more and 8 spills that reached surface waters, including storm drains. The combined total volume of reported sewage discharges from private lateral systems for the months of March and April 2011, was 7,526 gallons.

**January / February 2010 and 2011 Comparison:**

<b>Month</b>	<b>Rainfall Total (In.)</b>	<b>Public SSOs</b>	<b>Private SSOs</b>
March 2010	1.18	13	10
March 2011	1.46	7	16
April 2010	1.74	6	10
April 2011	0.26	9	7

Attached are three tables titled:

- “March 2011 – Summary of Public Sanitary Sewer Overflows in Region 9”
- “April 2011 – Summary of Public Sanitary Sewer Overflows in Region 9”
- “Mar – Apr 2011 – Summary of Private Lateral Sewage Discharges in Region 9”

Additional information about the San Diego Water Board SSO regulatory program is available at: <http://www.waterboards.ca.gov/sandiego/programs/sso.html>.

**2. Enforcement Actions for May 2011**

*Staff Contact: Jeremy Haas*

During the month of May 2011, the San Diego Water Board initiated the following enforcement actions:

<b>May 2011 Enforcement Actions</b>	<b>Number</b>
Expedited Payment Program Offer Acceptance	1
Cleanup and Abatement Order	1
Investigative Order (Addendum)	1
Notice of Noncompliance with Storm Water Enforcement Act of 1998	1
Notices of Violation	2
Staff Enforcement Letters	3
<i>Total</i>	9

A summary of recent regional enforcement actions is provided below. Additional information on violations, enforcement actions, and mandatory minimum penalties is available to the public from the following on-line sources:

State Water Board Office of Enforcement webpage at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/](http://www.waterboards.ca.gov/water_issues/programs/enforcement/)

California Integrated Water Quality System (CIWQS)  
[http://www.waterboards.ca.gov/water\\_issues/programs/ciwqs/publicreports.shtml](http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml)

State Water Board GeoTracker database:  
<https://geotracker.waterboards.ca.gov/>

### **Expedited Payment Program for Mandatory Minimum Penalties**

#### American Recycling, San Diego

On May 12, 2011, American Recycling accepted a conditional resolution and waived its right to a hearing (Acceptance and Waiver) regarding mandatory penalties for failing to submit a Notice of Intent for coverage under the Statewide General Industrial Storm Water Program (Order No. 97-03-DWQ). American Recycling has submitted the Notice of Intent and agreed to pay the \$5,000 mandatory minimum penalty required by Water Code section 13399.33, rather than contest the alleged violation.

This tentative settlement is subject to a 30 day public comment period. If no comments are received within the notice period, the San Diego Water Board's Executive Officer will execute the Acceptance and Waiver as a stipulated order assessing the uncontested penalty amount pursuant to Water Code section 13399.33. If, however, significant comments are received in opposition to the settlement, this offer may be withdrawn. More information regarding the proposed settlement is available at [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/compliance/Hearing\\_Schedules.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/compliance/Hearing_Schedules.shtml).

The comment period will close on June 16, 2011. Please contact Rebecca Stewart at 858-467-2966 or via email at [rstewart@waterboards.ca.gov](mailto:rstewart@waterboards.ca.gov) for more information.

### **Cleanup and Abatement Order (CAO)**

#### MV Universal and Unisys, Inc., Former Unisys Facility, Mission Viejo

CAO No. R9-2011-0029 was issued to MV Universal LLC and Unisys Inc. on May 17, 2011 for the cleanup of the Former Unisys Facility in Mission Viejo. Former facility operations resulted in the release of volatile organic compounds (VOCs) to the soil and groundwater. The CAO requires cleanup of the VOCs and monitoring of the cleanup process. A Remedial Action Plan is

due on July 1, 2011, with implementation to begin by July 30, 2011. A Groundwater Monitoring Report is also due July 30, 2011.

### **Investigative Order (IO)**

#### M & J Ramsey, Chevron Gas Station, Temecula

Addendum No. 3 to IO No. R9-2008-0066 was issued to the M & J Ramsey Corporation on May 23, 2011 to modify groundwater monitoring requirements for leaking underground storage tank discharges at the Chevron Gas Station at 27560 Jefferson Avenue, Temecula. The Addendum eliminates a requirement to analyze Total Petroleum Hydrocarbons as diesel in groundwater annually in the fourth quarter of the calendar year. The requirement was eliminated because diesel has not been detected in the groundwater at the site since 2008. The IO was issued in May 2008.

### **Notice of Noncompliance with Storm Water Enforcement Act of 1998**

#### Damar Plastics, San Diego

A Notice of Noncompliance was sent on May 20, 2011 to Damar Plastics for failure to enroll in the statewide General Industrial Storm Water Permit Order No. 97-03-DWQ. The Notice is the first to inform the discharger that, pursuant to Water Code section 13399.30(a)(2), failure to enroll will subject it to mandatory penalties. A second Notice will be sent after 30 days if the discharger fails to enroll. If a Notice of Intent to enroll is not submitted within 30 days of the second Notice, the violation will be subject to a mandatory penalty of not less than \$5,000 per year of noncompliance plus staff costs pursuant to Water Code section 13399.33.

### **Notices of Violation (NOV)**

#### Oakvale Park, Escondido

NOV No. R9-2011-0044 was issued to Mr. David Pack on May 18, 2011 for three violations of Order No. 88-64, *Waste Discharge Requirements for Oakvale Park, San Diego County*. Cited violations include the discharge of effluent to the ground surface, failure to report the discharge to the ground surface, and failure to submit the 2010 annual report. The discharges were observed on April 21, 2011 during a site inspection in response to a complaint regarding surfacing of effluent in a leach field.

#### K Square Financial and Chevron Management, Escondido

NOV No. R9-2011-0030 was issued to K Square Financial and Chevron Environmental Management on May 18, 2011 for failure to provide a complete Site Assessment Workplan as required by IO No. R9-2010-0021. The IO was issued on May 17, 2010 for the investigation of discharge of petroleum waste into the subsurface at the K Square Gas Station located at 1602

East Valley Parkway, Escondido, CA. The Site Assessment Workplan was due on April 30, 2011.

### **Staff Enforcement Letters (SEL)**

#### U.S. Marine Corps Base Camp Pendleton, Southern Region Tertiary Treatment Plant

An SEL was issued to the U.S. Marine Corps Base Camp Pendleton on May 23, 2011 for one violation of the daily maximum discharge specification for nitrogen in Order No. R9-2009-0021 during March 2011.

#### Southern California Edison, Temecula

An SEL was issued to Southern California Edison on May 4, 2011 for an unauthorized discharge of fill to an unnamed tributary to Murrieta Creek near Santiago Road, Temecula. The fill material was placed on March 4 and March 24, 2011 in order to protect an exposed power line. Southern California Edison requested retroactive enrollment in the general Clean Water Act water quality certification for emergency discharges. The request was denied because it did not meet the terms of the general certification.

#### Eastern Municipal Water District, Temecula Valley Regional Water Reclamation Facility

An SEL was issued to the Eastern Municipal Water District on April 8, 2011 for four violations of Order No. 2000-165 that occurred during February 2011. Violations included one violation of the daily maximum discharge specification for manganese, one violation of the 7-day effluent median discharge specification for coliform, and two violations for exceeding the effluent coliform bacteria concentration limit of 23 MPN per 100 mL more than once in a 30-day period.

### **3. Shipyard Sediment Site Cleanup Report (Attachment B-3)**

*Staff Contact: Julie Chan*

This status report discusses progress made in May, 2011 on the Shipyard Sediment Site Cleanup Project. Highlights of the report include:

- The Environmental Impact Report consultants delivered the screen check version of the Draft Environmental Impact Report (DEIR) to the Cleanup Team on June 1<sup>st</sup> in compliance with the schedule in the January Executive Officer's Report. The Cleanup Team will edit the screen check DEIR, and release the DEIR for public review and comment on June 17, 2011.
- Comments on the Tentative Cleanup and Abatement Order (TCAO) and Draft Technical Report (DTR) were received from BAE Systems, Campbell Industries, the City of San

Diego, Coastkeeper, NASSCO, the U.S. Navy, the San Diego Unified Port District, SDG&E, and Star & Crescent Boat Company by the May 26<sup>th</sup> deadline. The Advisory Team has posted the comments on the San Diego Water Board website.

- The Officer for Prehearing Proceedings extended by one week the deadlines for the designated parties to submit rebuttal evidence, legal argument, and reply comments. He also gave the Cleanup Team an extra week, until August 23, 2011, to review the designated parties' submittals, and submit a response to comments.
- BAE Systems' Pier 4 Replacement Project includes the dredging of 45,000 cubic yards of bay sediment. Less than 10,000 cubic yards of sediment would be from the remedial footprint area proposed in the Tentative Cleanup and Abatement Order (TCAO).

### **Environmental Impact Report**

The Cleanup Team participated in weekly meetings and/or teleconferences with the EIR consultants throughout May to facilitate the completion of the screen check EIR. The EIR consultants delivered the screen check EIR to the Cleanup Team on June 1<sup>st</sup> in compliance with the schedule in the January Executive Officer's Report. Next, the Cleanup Team will review the screen check version of the DEIR, make any necessary edits, and release the DEIR for public review and comment on June 17<sup>th</sup>.

### **Hearing Procedures**

The Presiding Officer for Prehearing Proceedings issued a Notice of Extended Comment Period and Revised Comment Format (Attachment B-3) on May 12<sup>th</sup>. The notice gave the designated parties an extra week, until June 23, 2011, to submit reply comments, rebuttal evidence, and rebuttal legal argument on the TCAO and DTR. The notice also gave the Cleanup Team an extra week, until August 23, 2011, review the designated parties' submittals, and to submit responses to comments on technical issues, evidence, and legal argument.

Pursuant to the April 12, 2011 notice of opportunity to submit comments on the TCAO and DTR, comments were received from BAE Systems, Campbell Industries, the City of San Diego, Coastkeeper, NASSCO, the U.S. Navy, the San Diego Unified Port District, SDG&E, and Star & Crescent Boat Company before the deadline of 5:00 p.m. on May 26, 2011. The Cleanup Team immediately went to work reviewing and processing the comments in order to meet the deadline of August 23, 2011 to release its responses to the comments. The Advisory Team posted the comments on the San Diego Water Board Website at

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/shipyards\\_sediment/2005\\_0126\\_adt.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/shipyards_sediment/2005_0126_adt.shtml)

### **BAE Systems Pier 4 Replacement Project**

The Cleanup Team continues to process BAE Systems new application for a 401 Certification for the Pier 4 replacement project. This project includes the demolition of two obsolete piers, construction of new piers, construction of new shore/utility improvements, and dredging approximately 45,000 cubic yards of bay sediment. Some of the dredging operations will be in the TCAO proposed remedial footprint area. Based on information in the 401 application, less than 10,000 cubic yards will be dredged from within the remedial footprint near Pier 4. The multi-phase project is estimated to begin in late 2011 and end in early 2013. The Cleanup Team is currently reviewing the 401 application for completeness.

## **4. OWTS Policy Scoping Meeting Report**

*Staff Contact: Fisayo Osibodu*

Onsite Wastewater Treatment Systems (OWTS) treat domestic wastewater and dispose of effluent from households and commercial establishments that are not connected to community sewer systems and related centralized municipal wastewater treatment plants. Such systems include septic tank/leach field systems, septic tank/seepage pit systems, evapotranspiration/mound systems, and advanced treatment units or supplemental treatment systems. On May 5, 2011, San Diego Water Board staff attended a public scoping meeting held by the State Water Board in Riverside County to provide background information and to gather input from public agencies and interested persons on the Proposed Policy for Siting, Design, Operation, and Management of OWTS (proposed OWTS Policy); and the Substitute Environmental Document that will be prepared for the proposed OWTS Policy pursuant to the California Environmental Quality Act (CEQA). The proposed OWTS Policy is being written pursuant to California Water Code sections 13290 and 13291 (based on Assembly Bill 885 passed in 2000) which requires the State Water Board to adopt statewide regulations or standards for permitting and operation of OWTS.

Draft statewide regulations for OWTS were prepared by the State Water Board and made available to the public in 2008. Due to limited support received on the draft regulations, the draft regulations were discontinued. Recently, the State Water Board decided to prepare the OWTS Policy in place of the draft regulations proposed in 2008. The proposed OWTS Policy takes a different approach from the earlier proposed draft regulations and utilizes a risk-based approach which relies on implementation primarily by local agencies with the support of the Regional Water Boards. The State Water Board expects that the proposed OWTS Policy will have little effect on the manner in which more than 95 percent of existing OWTS are regulated. The proposed OWTS Policy will mainly affect OWTS adjacent to impaired surface waters, new or replacement OWTS, and failing OWTS.



During the May 5, 2011 meeting, State Water Board staff presented background information on the both the proposed OWTS Policy and the associated Scoping Document. The Scoping Document explains the regulatory setting and framework of the proposed OWTS Policy; and includes a Draft Environmental Checklist which provides an initial evaluation of the environmental impacts of the proposed OWTS Policy pursuant to CEQA. Comments were received on the Scoping Document during the meeting. A Substitute Environmental Document will be prepared by the State Water Board to provide further analysis of the potential environmental impacts of the proposed OWTS Policy. A draft version of the proposed OWTS Policy is scheduled to be made available to the general public by September 2011. Additional information on the proposed OWTS Policy and related documents (including the Scoping Document) can be found at:

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

The San Diego Water Board will be required to implement the proposed OWTS Policy by incorporation of the policy into its Water Quality Control Plan (Basin Plan). The proposed OWTS Policy may also be implemented through issuance of conditional waivers of waste discharge requirements by the San Diego Water Board.

## **5. International Wastewater Treatment Plant NPDES Permit Reissuance Update**

*Staff Contact: Ben Neill*

The International Boundary and Water Commission, U.S. Section's (IBWC) South Bay International Wastewater Treatment Plant (IWTP), located about 2 miles west of the San Ysidro Port of Entry, discharges treated secondary effluent to the Pacific Ocean through the South Bay Ocean Outfall. The discharge is currently regulated under San Diego Water Board's Order No. 96-05, National Pollutant Discharge Elimination System (NPDES) Permit CA0108928, which expired on October 10, 2001, but was administratively extended. IBWC submitted an application for renewal of the NPDES Permit in June 2010. The renewal of IBWC's NPDES permit has historically been complicated by multiple court actions, which are soon to be resolved (See EOR Item No. 6). Following resolution of the court action, the San Diego Water Board will consider reissuing the NPDES permit.

Although the focus of the NPDES Permit requirements is on the discharge through the Pacific Ocean through the South Bay Outfall, the Permit also includes provisions for prevention of sanitary sewer overflows from its facilities in the United States. These facilities include five canyon collector diversion structures that capture cross-border flows through canyons located on the U.S.-Mexico border. Any quantity of captured flow exceeding the maximum design capacity of the canyon collector bypasses the system (including the IWTP) and flows to the Tijuana River and on to the Pacific Ocean. In addition, flow control elements are present within the system which permits the IBWC to vary the quantity of flow transmitted to the IWTP. For example,

IBWC has the capacity to increase influent flows in the event that an interruption of service were to occur at the City of Tijuana's wastewater treatment plant. Consequently, consideration is being given to augmenting the current provisions in the NPDES permit by inclusion of the following:

1. Self-monitoring and reporting provisions for unanticipated, non-storm water, cross-border flows from Mexico into California through the Tijuana River and various tributary canyons along the International Border. This will include clear definitions of unanticipated, non-storm water, cross-border flows for rainy season and non-rainy season conditions and include actions for IBWC to monitor, control, report or mitigate the flows.
2. Permit provisions to allow for emergency interception of unanticipated, non-storm water, cross-border flows with diversion to either the treatment plant or directly to the South Bay Ocean Outfall. This provision would provide relief from potential enforcement penalties due to permit effluent limitation violations.

The Tentative Order reissuing the NPDES permit is expected to be released for public comment later this summer and presented for consideration at a San Diego Water Board scheduled meeting for the fall of 2011. A public notice of the Tentative Order will be published in the San Diego Union Tribune approximately 60 days prior to the meeting with copies of the Tentative Order electronically e-mailed to all known interested persons. Persons interested in receiving the Tentative Order should contact Ben Neill at (858) 467-2983 or by email at [bneill@waterboards.ca.gov](mailto:bneill@waterboards.ca.gov).

## **6. IBWC Compliance w/Secondary Treatment Requirements (*Attachment B-6*)**

*Staff Contact: Ben Neill*

In February 2001, the San Diego Water Board sued the International Boundary Water Commission, United States Section (USIBWC) in federal court, asking for judicial enforcement of waste discharge requirements (Order No. 96-50, NPDES Permit No. CA0108928) and its Cease and Desist Order (Order No. 96-52) regarding discharges of sewage effluent from the South Bay International Wastewater Treatment Plant (IWTP) to the Pacific Ocean. The USIBWC operates the IWTP to provide treatment for up to 25 million gallons per day (mgd) of sewage from Tijuana pursuant to treaties between the United States and Mexico. At the time of filing the complaint, the IWTP was not capable of providing "secondary" treatment, as required by the federal Clean Water Act and the National Pollutant Discharge Elimination System (NPDES) permit issued to regulate the discharge by the San Diego Water Board, nor had the USIBWC completed construction of facilities needed to provide secondary treatment as required by the San Diego Water Board's Cease and Desist Order. Discharges from the IWTP consistently violated effluent limits for suspended solids, chemical and biological oxygen demand (nutrients) and toxicity.

Plans for secondary treatment facilities were delayed repeatedly by litigation and Congressional budget restrictions. In December 2003, the federal court granted the San Diego Water Board's motion finding USIBWC liable for violations of state and federal law as a result of its discharges of effluent. In December 2004, the court issued a final judgment in favor of the San Diego Water Board, which included an Order Setting Compliance Schedule (Compliance Order) for USIBWC to come into compliance with the effluent standards and limitations in its NPDES permit not later than September 30, 2008.

After a variety of intervening developments, including now-resolved litigation over a proposed alternative to upgrading the IWTP to secondary treatment known as the Bajagua Project, the Compliance Order was amended to require USIBWC to achieve full compliance with applicable effluent standards and limitations not later than January 5, 2011. USIBWC has completed construction of secondary treatment plant upgrades.

During this past winter, however, the IWTP had a series of primary treated effluent bypasses of the secondary process causing exceedances of effluent limitations. These bypasses were a result of the design deficiencies in the inflow structure to the secondary treatment process for managing instantaneous peak flows. Because of this deficiency, the San Diego Water Board is unable to verify whether the USIBWC has fully satisfied the terms of the amended Compliance Order.

The San Diego Water Board staff has met with USIBWC to discuss their status with the Compliance Order and the steps being taken to correct structural flaws that caused the bypasses. In addition, the San Diego Water Board sent a letter to IBWC dated May 17, 2011 (see Attachment B-6) requesting monitoring data demonstrating full compliance with secondary treatment standards over a three month period. The letter also directs USIBWC to submit a certification report documenting that the facility is in full compliance with the NPDES permit. With the submittal of this documentation on or before September 15, 2011, the San Diego Water Board will be able to verify USIBWC has satisfied the amended Compliance Order.

## **7. Results of Sewer Infrastructure Study for the Temecula Wine Country**

*Staff Contact: Fisayo Osibodu*

The County of Riverside is in the process of amending its General Land Use Plan (Plan) to incorporate expansion of the Temecula Valley Wine Country. The San Diego Water Board is coordinating with the County, water supply and sewerage agencies, winery owners, and other stakeholders

to ensure that potential water quality impacts from the proposed Plan amendment are adequately addressed in the amendment process. The Wine Country area is located east of the City of

Temecula, and north of Highway 79 South, and incorporates hospitality, equestrian and residential zones. There are currently 32 wineries in Temecula Valley Wine Country. The

General Land Use Plan amendment proposes a total of 88 wineries for this area by the year 2035. Along with the winery

expansion, the Plan amendment anticipates hotels, gift shops, bed and breakfast establishments, and restaurants to transform the Temecula Valley Wine Country into a destination resort area.

Eastern Municipal Water District (EMWD) is currently evaluating options to provide sewer service to the Temecula Valley Wine Country. As a result, EMWD has completed a Sewer Infrastructure Study (Study) that outlines a plan for expansion of its existing sewer system into the Temecula Valley Wine Country. The main aspects of the Study include wastewater flow projections for existing and proposed winery projects based on the County of Riverside land use data, EMWD's sewer design criteria, and estimated wastewater flows from wineries in Napa Valley; evaluation of the available capacity in the existing backbone sewer collection system; estimation of project costs for numerous alternatives needed for improvements to existing sewer system; and identification of additional sewer infrastructure needed for short term and long term expansion of the area.

Results of the study estimate average daily flow projections from build out of the Temecula Valley Wine Country at 4.21 million gallons per day. Different alternatives were evaluated for expansion of EMWD's sewer system with initial phases of the preferred alternatives ranging from about \$16-17 million with total project costs for the sewer expansion project ranging from \$47-53 million. The expansion of the sewer system to serve the Temecula Valley Wine Country is a viable long term solution for disposal of wastewater generated from projects within the area. The San Diego Water Board will continue to coordinate with EMWD and stakeholders in the Temecula Valley Wine Country to ensure potential water quality impacts from expansion of the area are adequately addressed.

## 8. Grants

*Staff Contact: Laurie Walsh*

### **Clean Water Act (CWA) 319(h) Nonpoint Source (NPS) 2011 Grant Program Guidelines**

The California Non-Point Source (NPS) Program is making approximately \$4.5 million of Clean Water Act (CWA) Section 319(h) Grant Funds available to support the restoration of waters impaired by NPS pollution. The State Water Board, Division of Financial Assistance received 47 Concept Proposal (CP) Applications for the 2011 CWA 319(h) NPS Grant Program. A total of 10 Planning/Assessment Proposals and 11 Implementation Projects were invited to submit Full Proposals (FP). Projects are selected through a competitive process and selected FP's were notified on May 16, 2011. The grant amounts are between \$75,000-\$125,000 for planning/assessment projects and \$250,000-\$750,000 for implementation projects. One implementation project was selected (with conditions) for funding in the San Diego Region. The project, submitted by the County of San Diego, will, if approved for funding, advance work towards compliance with the Rainbow Creek Nutrient Total Maximum Daily Load.

## **Integrated Regional Water Management (IRWM) Planning**

### **Proposition 84**

The Department of Water Resources (DWR) posted their final funding recommendations for the Proposition 84 IRWM Planning Grants. The San Diego IRWM Region received \$1M in funding and the South Orange County IRWM Group received \$457,416. This grant funding will allow the San Diego IRWM Region and South Orange County IRWM Group to prepare an update to their existing IRWM Plans describing regional priorities, metrics, and ongoing stakeholder involvement. Salinity planning, nutrient planning, and integrated flood management are all new components of the San Diego IRWM Plan update. The San Diego IRWM Region funding will also be used to support collaboration with the San Diego Water Board. The Upper Santa Margarita IRWM Group was not recommended for funding during this grant cycle.

DWR's Planning Grant website contains the drop-down list of awards:

[http://www.water.ca.gov/irwm/integregio\\_planning.cfm](http://www.water.ca.gov/irwm/integregio_planning.cfm)

Interested Parties can visit the following websites for more information or to submit a project:

San Diego IRWM Region - [www.sdirwmp.org](http://www.sdirwmp.org).

South Orange County IRWM Group - [http://www.ocwatersheds.com/wma\\_IRWM.aspx](http://www.ocwatersheds.com/wma_IRWM.aspx)

Upper Santa Margarita IRWM Group - <https://www.ranchowater.com/irwmp.aspx>

### **Proposition 1E**

DWR's IRWM Grant Program is designed to encourage integrated regional management of water resources, flood management, and provide funding for projects that support integrated water management planning and implementation. This Proposal Solicitation Package (PSP) works in conjunction with IRWM Grant Program Guidelines to disburse first round Storm Water Flood Management (SWFM) grant funding under the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E).

SWFM Grants are designed for projects that manage storm water runoff to reduce flooding and are ready, or nearly ready, to proceed with implementation. Projects must be consistent with applicable Regional Water Board Basin Plans, not be part of the State Plan of Flood Control, and yield multiple benefits which may include groundwater recharge, water quality improvements, ecosystem restoration benefits, and reduction of stream erosion and sedimentation. DWR's IRWM Program received 41 grant applications for the Prop 1E Storm Water Flood Management Round 1 solicitation requesting approximately \$265M with a total project cost of \$599M. Applicants seeking to apply for an IRWM Storm Water Flood Management Grants (SWFM) will need to have engaged in the IRWM Planning process, and adhere to both the Guidelines and appropriate (PSP) relevant to the current funding.

For additional information go to:

[http://www.water.ca.gov/irwm/integregio\\_stormwaterflood.cfm](http://www.water.ca.gov/irwm/integregio_stormwaterflood.cfm)

### **IRWM Background Information**

The Integrated Regional Water Management Planning Act of 2002 (Act) amended the California Water Code (CWC), commencing with CWC Section 10530, to encourage local water management agencies in California to work cooperatively to manage local and imported water supplies to improve the quality, quantity and reliability of those supplies. To achieve this goal the Act encourages local water management agencies to prepare and adopt Integrated Regional Water Management (IRWM) Plans aimed at promoting integrated regional water management to ensure sustainable water uses, reliable water supplies, better water quality, environmental stewardship, efficient urban development, protection of agriculture, and a strong economy.

California voters passed Propositions 50 in 2002 and Propositions 84 and 1E in 2006 to fund competitive grants for projects to improve the quality, quantity and reliability of water supplies consistent with an approved IRWM plan. Proposition 50 provided \$380M to fund competitive grants for projects consistent with an adopted IRWM plan. Proposition 84 provided an additional \$1B, for IRWM Planning and Implementation. Proposition 1E, provided \$300M for IRWM Storm Water Flood Management. The funding authorized by these propositions is jointly administered by the DWR and the State Water Board.

IRWMP is a relatively new initiative in California aimed at developing long-term water supply reliability, improving water quality, and protecting natural resources. There are currently three designated IRWM planning areas in the San Diego Region:

- San Diego IRWM Region:
- South Orange County IRWM Group
- Upper Santa Margarita IRWM Group

These three IRWM planning areas first published [IRWM Plans](#) in the years 2005 -2007. The Proposition 84 and 1E grant cycles will provide at least \$71 million to these planning areas over the next few years. This \$71 million will be split among the San Diego, South Orange County, and Upper Santa Margarita planning areas. To be eligible for Proposition 84 and 1E grant funding, a project must be part of the [IRWM Plan](#). Funding Round 1 began in October 2010. Round 2 is anticipated to occur in 2011 and Round 3 should follow in 2013. Examples of projects that may be supported by these grants include water conservation programs, recycled water retrofits, infrastructure upgrades, pollution reduction activities, and habitat conservation and preservation.

**Clean Water State Revolving Fund Program (CWSRF)**

The Federal Water Pollution Control Act (Clean Water Act or CWA), as amended in 1987, established the Clean Water State Revolving Fund (CWSRF) program. The CWSRF program offers low interest financing agreements for water quality projects. Annually, the program disburses between \$200 and \$300 million to eligible projects. Eligible projects include, but are not limited to, construction of publicly-owned facilities for wastewater treatment, water reclamation, and storm water treatment; and expanded use projects including, implementation of NPS projects or programs, and development and implementation of estuary comprehensive conservation and management plans.

An eligible applicant can include any city, town, district, or other public body created under state law, a Native American tribal government or an authorized Native American tribal organization having jurisdiction over disposal of sewage, industrial wastes or other waste; and any designated and approved management agency under Section 208 of the Clean Water Act. Financing terms include, interest rates equal to ½ of the most recent General Obligation (GO) Bond Rate at the time of preliminary funding commitment, financing terms of 20 years and up to 30 years for small disadvantaged communities, financing amounts of up to a maximum \$50 million per agency/per year (may be waived under certain circumstances), and a repayment schedule which begins 1 year after completion of construction. Applications for CWSRF are accepted by the State Board Department of Finance on a continuous basis.

**9. U. S. Navy Intern to work on Enrollment of Phase II MS4s**

*Staff Contact: Chiara Clemente*

The San Diego Water Board has been assigned a new Navy intern to work on Phase II Municipal Storm Water discharges for the region. On May 2, 2011, James Craft, an Environmental Scientist with hydrology experience, began a four-month internship with the San Diego Water Board. His internship objectives are to compile information on all the Phase II municipal separate storm sewer systems (MS4) designated in the region, help prioritize coverage for these facilities, and review and comment on the current Storm Water Management Plans (SWMP) submitted by UCSD and the 22<sup>nd</sup> Ag District. Once the SWMP are determined to meet requirements of the Phase II general order, Mr. Craft will proceed with obtaining permit coverage of these entities. This process includes a public comment period and approval process to allow for stakeholder input on the SWMP. The Executive Officer may approve the SWMP unless a request for a San Diego Water Board hearing is received during the public comment period.

The Municipal Storm Water Permitting Program regulates storm water discharges from MS4s in two phases. Under Phase I, which started in 1990, the San Diego Board has adopted National Pollutant Discharge Elimination System (NPDES) storm water permits for medium (serving between 100,000 and 250,000 people) and large (serving 250,000 or more people) municipalities. This Region has Phase I MS4 permits for San Diego, (South) Orange, and (Southwestern) Riverside Counties.

As part of Phase II, the State Water Resources Control Board adopted a General Permit for the Discharge of Storm Water from Small MS4s (WQ Order No. 2003-0005-DWQ) to provide permit coverage for smaller municipalities, including non-traditional Small MS4s, which are governmental facilities such as military bases, public campuses, and prison and hospital complexes. There have been 81 entities designated for coverage in the Phase II MS4 permit in the San Diego Region; the majority of these are nontraditional MS4s, such as school districts and military facilities. The General NPDES permit for Phase II MS4s, and associated information, can be viewed at

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml).

The State Water Board intends to reissue the general order within approximately one year.

## **Part C – Statewide Issues of Importance to the San Diego Region**

### **1. U.S. Environmental Protection Agency Semi-Annual Leaking Underground Storage Tank Status Report *(Attachment C-1)***

*Staff Contact: Sue Pease*

San Diego Water Board staff's accomplishments are identified in the U.S. Environmental Protection Agency's recently issued Semi-Annual Agency Status Report for the period October 1, 2010 through March 31, 2011 (Attachment C.1). The San Diego Water Board has the lowest "Funding Per Active Case" among the 9 Water Boards, the second highest 5-Year Average (11.5%) for closures, and the second lowest "Estimated Time to Close 50% of Cases." In addition, Staff has several additional cases that will be closed before the end of the fiscal year. These cases, when closed, will significantly raise the current closure rate.

The Report's electronic submittal of information (ESI) statistics show that the dischargers regulated by the San Diego Water Board have uploaded 93 percent of required reports into GeoTracker as required by law. This is the second highest compliance rate of any Regional Water Board. Accurate and complete compliance with the submittal of electronic information has several benefits to the State and Regional Water Boards, the regulated community, stakeholders, and the public by allowing easy access to overall compliance statistics to evaluate program performance as well as detailed information on specific sites. For example, Regional Water Board staff spend less time responding to public records requests since virtually all UST information is electronically available on Geotracker.



## 2. Proposed Update to Statewide Order for Sanitary Sewer Systems (Attachment C-2)

*Staff Contact: Christopher Means and Jeremy Haas*

On March 24, 2011, the State Water Board issued a Notice of Opportunity to Comment on Draft Waste Discharge Requirements (WDRs) for Sanitary Sewer Systems. The proposed WDRs would update Water Quality Orders No. 2006-0003-DWQ and 2008-0002-EXEC, which are the primary statewide regulations for the management of sanitary sewer systems upstream of treatment works.

The current statewide WDRs are less protective of water quality than the regulatory mechanism established in the San Diego region since 1996. As a result, sanitary sewer collection agencies in the San Diego region are also subject to Order No. R9-2007-0005 (an update to Order No. 96-03), which supplements the statewide WDRs by requiring reporting of all known spills from private laterals and prohibiting all sewage spills.

The most significant revision proposed to the statewide WDRs is the inclusion of private collection systems (e.g., campgrounds and mobile home facilities), which also addresses the justification for federal agencies to claim exemption from the existing Order. The proposed update also includes mandatory reporting of private lateral spills.

### Comments on the Proposed Revisions

San Diego Water Board staff provided comments on the proposed Order to the State Water Board. A copy of the comment letter is attached (Attachment C.2). The letter encourages the inclusion of provisions of the San Diego Region's WDRs. The comments focused on three issues:

1. Support for the requirements to report spills from private laterals. Private lateral spills can be significant contributors to temporary and chronic water quality impairments. They have been reported at almost the same frequency as public spills. Mandatory statewide reporting will help the water boards, the collection agencies, local municipalities, and the public evaluate regulatory approaches for reducing the health and environmental threats posed by the discharges.

2. A recommended revision to include strict prohibition on all sewer spills from an agency's collection system. While the San Diego Water Board Order currently contains such a prohibition, the current and proposed statewide WDRs restrict the prohibition to spills that reach surface waters. A strict prohibition is necessary to implement requirements of the Federal Clean Water Act, the California Water Code, and the San Diego Water Board Basin Plan.
  
3. Recommended revisions to strengthen water quality monitoring and analysis of significant spills that reach surface waters. The current and proposed revisions to the Sewer System Management Plan and Monitoring and Reporting Program provisions neither provide clear requirements nor practical guidance for water quality monitoring. In that absence, the water boards must rely on issuing Investigative Orders after a spill is reported in order to compel responsible agencies to collect, assess, and report water quality impact data. The practical effect is that the ability to evaluate acute effects is hindered because water quality and environmental data are collected well after the spill event.

### Sanitary Sewer Collection Agencies in the San Diego Region

There are currently 60 public sanitary sewer system collection agencies that are regulated by the statewide and regional WDRs in the San Diego region. Those agencies serve a population of approximately 4.67 million and own and operate approximately 10,800 miles of forced mains and gravity sewers. The City of San Diego is overwhelmingly the largest collection agency in the region, serving 45 percent of the population served by the public collection agencies (Figure 1). Private collection systems that are not connected to publicly-owned treatment works are currently regulated by individual WDRs issued by the San Diego Water Board.

The 60 public agencies reported an annual budget for operations and maintenance (O&M) of the sanitary sewer systems last year as approximately \$225 million. Based on data submitted by the agencies, the O&M budgets are primarily a function of the population and the miles of sewers in the system. Since 2007, the collection agencies in the San Diego Region have reported an average of 112 public spills and 75 private spills per year (Figure 2).

Figure 1. Percent of population served by collection agencies. The City of San Diego serves 45% of the collection agencies' population in the San Diego Region.

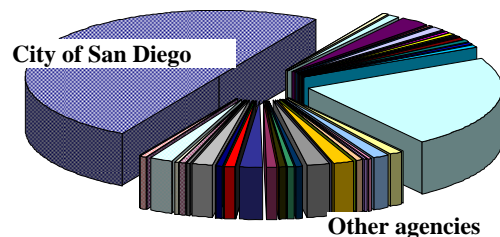
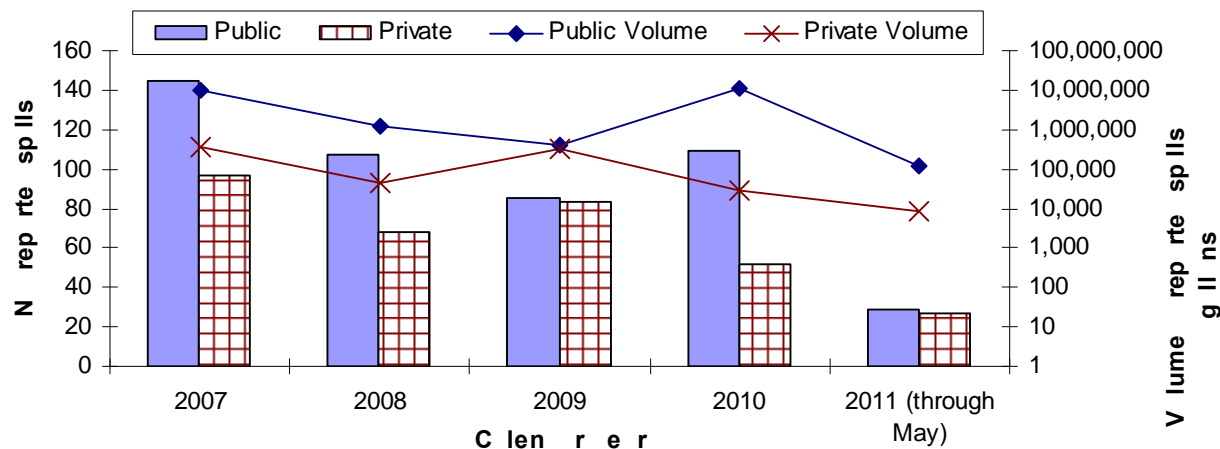


Figure 2. Category 1 SSOs: Volume and count per year in the San Diego Region



### 3. Toxicity Policy Update

*Staff Contact: Bob Morris*

The State Water Board's draft *Policy for Toxicity Assessment and Control* (Policy) proposes a new method to determine the toxicity of discharges, prescribes statewide numeric objectives, and provides further standardization of toxicity provisions for National Pollutant Discharge Elimination System (NPDES) dischargers and facilities subject to Waste Discharge Requirements (WDR) and conditional waivers of WDRs. The Policy would replace the toxicity control provisions currently prescribed in the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (SIP). The State Water Board's goal for establishing the new Policy is to have the Regional Water Boards convert the Policy's Whole Effluent Toxicity objectives into effluent limitations in order to: protect aquatic life beneficial uses; provide regulatory consistency; provide a basis for equitable enforcement; and address narrative toxicity control provisions established in Regional Water Quality Control Plans.

The current toxicity provisions in the SIP briefly establish minimum chronic toxicity control requirements for implementing the narrative toxicity objectives found in the Basin Plans. While the SIP does not address particular tests, the U.S. EPA has published approved methodology and recommendations. A key component of the new Policy will be specification of a statistical method or endpoint for toxicity analysis consistent with U.S. EPA's recommendations.

In order to address the concerns associated with traditional hypothesis testing, the U.S. EPA has developed a new approach for toxicity tests deemed the "Test of Significant Toxicity" (TST). Drawing heavily from the bioequivalence approach used by the Food and Drug Administration and researchers worldwide, this modified hypothesis test is designed to compare the in-stream waste concentration (IWC) with a control using bioequivalent, percentage-based effect

thresholds. Effect thresholds provide a clearer means of evaluating organism response than that of traditional hypothesis testing. This procedure provides the dischargers positive incentive to generate high quality data and improve test performance (i.e. lower within-test variability). The draft Policy recommends the adoption of the TST method as a statewide protocol.

The State Water Board initiated the public participation process in December 2005 and accepted written comments on the draft Policy through January 21, 2011. At this time, State Water Board staff is reviewing the submitted comments. A public workshop will be conducted later this summer with consideration of adoption by the State Board by early 2012.

The draft Policy and associated Staff Report are available on the State Water Board's website at: [http://www.waterboards.ca.gov/water\\_issues/programs/state\\_implementation\\_policy/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/index.shtml)

#### **4. Statewide Wetland Area Protection Policy** (*Attachment C-4*)

*Staff Contact: Chiara Clemente*

The San Diego Water Board submitted comments (Attachment C-4) to the State Water Board on the initial study for the development of the "Wetland Area Protection Policy and Dredge and Fill Regulations" (Policy) on May 18, 2011. Generally, although the Policy's purpose is to "protect all waters of the State," the proposed actions mainly seek to define "wetlands" and bring clarity and consistency to the Water Board's regulatory framework. The San Diego Water Board comments provide a series of suggestions for the State Board to consider, and point out that regulatory clarity and consistency, in and of themselves, may not result in sufficient protection to all waters of the State. The comments also voice concern for the additional administrative burden that any new requirements may impose of Regional Water Board staff and project proponents.

The State Board intends to release the Draft Programmatic Environmental Impact Report, draft Wetland Policy, and draft revised regulations, some time this summer, with projected adoption some time in the Fall of 2012. More information about the draft policy can be found at: [http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/wrapp.shtml](http://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.shtml)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

Significant NPDES Permits,  
WDRs, and Actions of the  
San Diego Water Board

June 8, 2011

APPENDED TO EXECUTIVE OFFICER'S REPORT

**DATE OF REPORT**  
June 1, 2011

**TENTATIVE SCHEDULE  
SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS  
OF THE SAN DIEGO WATER BOARD**

Action Agenda Item	Action Type	Draft Complete	Public Review & Comment	Consent Item
<b>July, 2011</b> <b>No Meeting Scheduled</b>				
<b>August 10, 2011</b> <b>San Diego Water Board Office</b>				
Update on efforts by the Tijuana River Valley Recovery Team <i>(Gibson)</i>	Informational Item	NA	NA	NA
Request for Disbursement from the Cleanup and Abatement Account to Fund the Tijuana River Valley Recovery Team <i>(Gibson)</i>	Resolution	0%	0%	maybe
Jack Eitzen, Administrative Civil Liability, for violations of Order 99-08-DWQ <i>(Posthumus)</i>	Administrative Civil Liability	85%	95%	No
Jack Eitzen, Administrative Civil Liability, for violations of Basin Plan Prohibitions 1 and 14 and Order No. 99-08-DWQ <i>(Posthumus)</i>	Administrative Civil Liability	85%	95%	No
Permit Amendment for Kinder Morgan to Increase Groundwater Discharge at the Mission Valley Terminals <i>(Morris)</i>	NPDES Permit Reissuance	0%	0%	
<b>September 14, 2011</b> <b>San Diego Water Board Office</b>				
Underfunded Worst Cleanup Cases <i>(Anderson)</i>	Information Item	NA	NA	NA
Fallbrook Public Utility District, Plant 1 <i>(Neill)</i>	NPDES Permit Reissuance	10%	10%	maybe
City of Escondido, HARRF Brine Discharge to San Elijo Ocean Outfall <i>(Mata)</i>	NPDES Permit Reissuance	50%	0%	maybe
Investigative Order for Lake San Marcos <i>(Posthumus)</i>	Enforcement Order	0%	0%	0%
Total Maximum Daily Load for Sediment to Los Penasquitos Lagoon <i>(Henning)</i>	Hearing: Basin Plan Amendment	75%	10%	No
Total Maximum Daily Load for the Mouths of Chollas, Paleta and Switzer Creeks <i>(Honma)</i>	Hearing: Basin Plan Amendment	50%	0%	No
US Navy--Naval Base San Diego (including Graving Dock) - San Diego Bay <i>(Schwall)</i>	NPDES Permit Reissuance	80%	0%	No

# Attachment B-1

March 2011 - Summary of Public Sanitary Sewer Overflows in Region 9												
Responsible Agency	Collection System	Total Number of SSO locations	Total Vol of SSOs (gal)	Total Vol Recovered (gal)	Total Vol Reaching Surface Water	Percent Recovered	Percent Reaching Surface Water	Miles of Pressure Sewer	Miles of Gravity Sewer	Miles of Laterals	Total Number of SSO locations per 100 miles of Sewer	Tot Vol of SSOs Reaching Surface Water per 100 miles of Sewer
<b>Category 1 SSO</b>												
CSU San Diego	San Diego State University CS	1	325	20	302	6	92	0	5	4	11.1	3,355.50
San Diego City	San Diego City CS	1	165	0	0	0	0	145	3,002.00	2,000.00	0	0
<b>Category 2 SSO</b>												
El Cajon City	City Of El Cajon CS	1	1	1	0	100	0	0	195	0	0.5	0
Laguna Beach City	City Of Laguna Beach CS	1	5	5	0	100	0	4.5	95	0	1	0
Marine Corps Base, Camp Pendleton	Usmc Base, Camp Pendleton CS	1	50	0	0	0	0	32	104	80	0.4	0
San Diego City	San Diego City CS	2	574	500	0	87	0	145	3,002.00	2,000.00	0	0
<b>TOTALS</b>		<b>7</b>	<b>1120</b>	<b>526</b>	<b>302</b>			<b>326.5</b>	<b>6403</b>	<b>4084</b>		

CS = Collection System

Category 1 SSO = All discharges of sewage from a sanitary sewer system that exceed 1000 gallons, or result in a discharge to a surface water, or discharge to a storm drainpipe that was not fully captured and returned to the sanitary sewer system.

Category 2 SSO = All other discharges of sewage resulting from a failure in the sanitary sewer system

**April 2011 - Summary of Public Sanitary Sewer Overflows in Region 9**

Responsible Agency	Collection System	Total Number of SSO locations	Total Vol of SSOs (gal)	Total Vol Recovered (gal)	Total Vol Reaching Surface Water	Percent Recovered	Percent Reaching Surface Water	Miles of Pressure Sewer	Miles of Gravity Sewer	Miles of Laterals	Total Number of SSO locations per 100 miles of Sewer	Tot Vol of SSOs Reaching Surface Water per 100 miles of Sewer
<b>Category 1 SSO</b>												
Carlsbad MWD	Carlsbad MWD CS	1	5,000	5,000	0	100	0	4.8	282	0	0.3	0
Leucadia Wastewater District	Leucadia Wastewater District CS	1	4,600	200	4,400	4	95	11.4	193	0	0.4	2,152.60
Oceanside PWD	La Salina WWTP, Oceanside Ofll CS	1	450	0	450	0	100	40	450	0	0.2	91.8
San Diego City	San Diego City CS	1	50	20	30	40	60	145	3,002.00	2,000.00	0	0.5
<b>Category 2 SSO</b>												
Laguna Beach City	City Of Laguna Beach CS	1	20	0	0	0	0	4.5	95	0	1	0
Marine Corps Base, Camp Pendleton	Usmc Base, Camp Pendleton CS	3	915	710	0	77	0	32	104	80	1.3	0
UC San Diego	University Of California, San Diego CS	1	300	300	0	100	0	2	25	3	3.3	0
	<b>TOTALS</b>	<b>9</b>	<b>11335</b>	<b>6230</b>	<b>4880</b>			<b>239.7</b>	<b>4151</b>	<b>2083</b>		
CS = Collection System												
Category 1 SSO = All discharges of sewage from a sanitary sewer system that exceed 1000 gallons, or result in a discharge to a surface water, or discharge to a storm drainpipe that was not fully captured and returned to the sanitary sewer system.												
Category 2 SSO = All other discharges of sewage resulting from a failure in the sanitary sewer system												



<b>March and April 2011 - Summary of Private Lateral Sewage Discharges in Region 9</b>										
Reporting Agency	Collection System	Total Number of PLSD locations	Total Vol of PLSDs (gal)	Total Vol Recovered (gal)	Total Vol Reaching Surface Water	Percent Recovered	Percent Reaching Surface Water	Miles of Private Lateral	Total Number of PLSD locations per 100 miles of Sewer	Tot Vol of PLSDs Reaching Surface Water per 100 miles of Sewer
<b>Category 1 PLSD</b>										
Carlsbad MWD	Carlsbad MWD CS	1	5	0	5	0	100	124	0.8	4
Chula Vista City	City Of Chula Vista CS	1	1,500	50	1,450	3	96	0	0	0
Eastern Municipal Water District	Temecula Valley RCS	1	2,430	0	2,430	0	100	0	0	0
Laguna Beach City	City Of Laguna Beach CS	1	100	75	25	75	25	102	0.9	24.5
San Diego City	San Diego City CS	4	1,020	865	129	84	12	4,049.00	0.1	6.2
Vista City	City Of Vista CS	1	15	0	15	0	100	151.5	0.6	9.9
<b>Category 2 PLSD</b>										
Carlsbad MWD	Carlsbad MWD CS	1	5	5	0	100	0	124	0.8	0
Escondido City	Harrf Disch To San Elijo Oo CS	3	475	475	0	100	0	83.2	3.6	0
Laguna Beach City	City Of Laguna Beach CS	2	21	1	0	4	0	102	1.9	0
Leucadia Wastewater District	Leucadia Wastewater District CS	1	1	1	0	100	0	300	0.3	0
Padre Dam Municipal Water District	Padre Dam CS	1	50	50	0	100	0	160	0.6	0
San Diego City	San Diego City CS	6	1,904	1,904	0	100	0	4,049.00	0.2	0
<b>TOTAL</b>		<b>23</b>	<b>7526</b>	<b>3426</b>	<b>4054</b>			<b>9244.7</b>		

CS = Collection System

Category 1 SSO = All discharges of sewage from a sanitary sewer system that exceed 1000 gallons, or result in a discharge to a sui or discharge to a storm drainpipe that was not fully captured abs returned to the sanitary sewer system.

Category 2 SSO = All other discharges of sewage resulting from a failure in the sanitary sewer system



Linda S. Adams  
Acting Secretary for  
Environmental Protection

# California Regional Water Quality Control Board

## San Diego Region

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<http://www.waterboards.ca.gov/sandiego>

Attachment B-3

### MAY 12, 2011

## NOTICE OF EXTENDED COMMENT PERIOD AND REVISED COMMENT FORMAT

### SAN DIEGO BAY SHIPYARD SEDIMENT SITE TENTATIVE CLEANUP AND ABATEMENT ORDER NO. R9-2011-0001 AND DRAFT TECHNICAL REPORT

**NOTE:** This notice affects the rights and obligations of any person, whether Designated Party or Interested Person, who has an interest in the above matter. Please read it carefully and forward it to any other persons who have an interest in this proceeding. Additional information related to this proceeding is available at the following website: [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego).

On April 12, 2011, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) notified Designated Parties, Interested Persons and the public that it will accept comments, evidence and legal argument concerning Tentative Cleanup and Abatement Order No. R9-2011-0001 (TCAO) and its associated Draft Technical Report (DTR) for the San Diego Bay Shipyard Sediment Site, San Diego County. The TCAO/DTR, prepared by the San Diego Water Board Cleanup Team (Cleanup Team), were released on September 15, 2010. A copy of the TCAO, DTR and related information, including the April 12, 2011, Notice, can be found on the San Diego Water Board website at [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/shipyards\\_sediment2005\\_0126cut2.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/shipyards_sediment2005_0126cut2.shtml).

On April 29, 2011, Designated Party National Steel and Shipbuilding Company (NASSCO) represented that the San Diego Water Board Cleanup Team agreed to, and other Designated Parties support, a modified comment format to accompany submittals of comments, evidence and legal argument. NASSCO also requested that the deadlines for rebuttal comment, evidence and legal argument and the Cleanup Team's responses to comments be extended by one week each, to June 23, 2011 and August 23, 2011, respectively. Pursuant to the unopposed request, the deadline for Designated Parties other than the Cleanup Team to submit written reply comments on technical issues, rebuttal evidence and rebuttal legal argument and for Interested Persons to submit written non-evidentiary reply comments is extended to **June 23, 2011**. The deadline for the Cleanup Team to submit responses to comments on technical issues, evidence, and legal argument is extended to **August 23, 2011**.

*California Environmental Protection Agency*

The Designated Parties remain on notice that they should submit all legal argument in accordance with the above schedule in order for legal arguments on the TCAO/DTR to be timely.

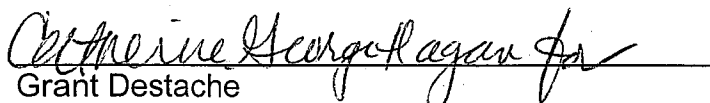
Therefore, the following deadlines are applicable to the above proceeding:

1. On or before **5 p.m. on May 26, 2011**: Designated Parties except for the Cleanup Team shall submit written comments on the TCAO/DTR including and not limited to technical issues, evidence, and legal argument. Interested Persons shall submit any written non-evidentiary comments on the TCAO/ DTR.
2. On or before **5 p.m. on June 23, 2011**: Designated Parties except for the Cleanup Team shall submit any reply comments on technical issues, rebuttal evidence, and rebuttal legal argument. Interested Persons shall submit any written non-evidentiary reply comments on the TCAO/DTR.
3. On or before **5 p.m. on August 23, 2011**, the Cleanup Team shall submit responses to comments on technical issues, evidence, and legal argument.

**Written comments must comply with the format in Appendix A.**

The General Requirements for the Submittal of Documents contained in the May 2, 2008, Second Amended Order of Proceedings apply and require that the Designated Parties distribute their written submittals electronically to the San Diego Water Board and all Designated Parties and shall also provide 12 hard copies of all submissions to the Advisory Team. Interested Persons shall provide one hard copy of their submittal(s) to the San Diego Water Board's Advisory Team, attention Frank Melbourn, at 9174 Sky Park Court, Suite 100, San Diego, CA, 92123 and are requested also to provide an electronic copy to [fmelbourn@waterboards.ca.gov](mailto:fmelbourn@waterboards.ca.gov).

Questions concerning this Notice may be addressed to Frank Melbourn by email at [fmelbourn@waterboards.ca.gov](mailto:fmelbourn@waterboards.ca.gov) or telephone number 858-467-2973.

  
Grant Destache  
Chair and Presiding Officer for Prehearing Proceedings

Dated: May 12, 2011

**APPENDIX A<sup>1</sup>**  
**COMMENT FORMAT**  
**SAN DIEGO BAY SHIPYARD SEDIMENT SITE**

**INSTRUCTIONS:** Written submittals by Designated Parties to the Tentative Cleanup and Abatement Order No. R9-2011-0001 proceeding (TCAO) Proceeding, excluding the San Diego Water Board Cleanup Team, and written submittals by Interested Persons shall follow the appropriate format below:

Designated Parties to the proceeding shall provide the following information on the cover page of their submittal:

Designated Party Name:	_____
Represented by Representative Company/Agency:	_____
Representative Street Address:	_____
City, State, Zip Code:	_____
Phone Number:	_____
Email Address:	_____

Designated Parties shall:

- (1) summarize each comment/argument clearly and concisely in the form of a heading or subheading within its comment document/brief; and
- (2) follow each heading or subheading with a citation to the finding or directive in the TCAO to which it applies, followed by a specific reference to a section or subsection and/or page number of the Draft Technical Report, one of its appendices and/or a document in the administrative record.

To the greatest extent possible, Interested Persons must reference findings or directives of the TCAO and/or references to sections or page numbers in the Draft Technical Report in their non-evidentiary policy statements. **Interested Persons are on notice that their written submittals, including any personal information they choose to include such as address, e-mail address or telephone number, will be posted on the San Diego Water Board's website and made part of the public record in this matter.**

---

<sup>1</sup> This Appendix A, Comment Format, supersedes the format attached to the April 12, 2011 Public Notice in the above proceeding.



Linda S. Adams  
Acting Secretary for  
Environmental Protection

# California Regional Water Quality Control Board San Diego Region

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<http://www.waterboards.ca.gov/sandiego>

## Attachment B-6

May 17, 2011

In reply refer to: CRU:257821:bnell

Mr. Steve Smullen  
Area Operations Manager  
U.S. International Boundary and Water Commission  
San Diego Field Office  
2225 Dairy Mart Road  
San Ysidro, CA 92173

Dear Mr. Smullen:

**SUBJECT: South Bay International Wastewater Treatment Plant, Secondary Treatment Process Testing and Certification**

On April 15, 2011, San Diego Water Board staff met with you to discuss the compliance status of the U.S. Section of the International Boundary and Water Commission (USIBWC) with secondary treatment requirements contained in the National Pollution Discharge Elimination System (NPDES) Order No. 96-50 for the South Bay International Wastewater Treatment Plant (IWTP). As you know, the USIBWC is under federal court order to upgrade the South Bay IWTP by January 5, 2011 to meet secondary treatment requirements contained in Order No. 96-50. In order to evaluate whether the USIBWC has achieved compliance with the court's order the San Diego Water Board will need to confirm that the secondary treatment facilities are constructed, in an operational condition, and have a rated capacity to accommodate a 25 million gallon per day (MGD) average daily flow with a diurnal peak flow of 50 MGD.

Based on these considerations I am requesting that USIBWC submit the following information to the San Diego Water Board:

1. Monitoring data demonstrating full compliance with secondary treatment standards and limitations for an average daily flow of 25 MGD and diurnal peak flow up to 50 MGD for a period of three months starting on May 1, 2011 and continuing to July 31, 2011.

The federal court has defined secondary treatment standards and limitations as meaning the effluent limitations contained in Order No. 96-50 at section B.2.a. on page 12 for carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>), total suspended solids (TSS), and acute toxicity; section B.2.b. on page 13 for chronic toxicity, and section B.3. on page 20 for 30-day average percent removal of CBOD<sub>5</sub> and TSS. USIBWC should conduct the sampling for these constituents at a point where straight secondary treatment process effluent can be sampled and where no bypass flows are blended with the secondary treatment process effluent. At the April 15, 2011 meeting you indicated the wastewater bypass issues of earlier this year are now resolved and that USIBWC will likely use the NPDES Permit sampling compliance point to satisfy the secondary treatment process effluent testing regime. You also agreed to examine collecting an

*California Environmental Protection Agency*

May 17, 2011

additional sample of secondary treatment process effluent in the event bypassing occurs during the 90 day testing period. Consistent with these considerations the USIBWC NPDES permit effluent monitoring data and monthly reports can be used to satisfy the secondary treatment process testing regime and no other special report is required. The NPDES permit monitoring reports should be submitted in accordance with the following schedule as required by Order No. 96-50:

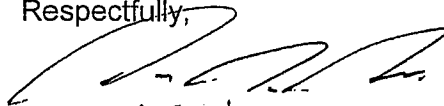
Report Period	Report Due
May, 2011	July 15, 2011
June, 2011	August 15, 2011
July, 2011	September 15, 2011

2. A certification report as described in Section E.4, page 35, of Order No. 96-50 should be prepared and submitted by September 1, 2011. The signature and engineering license number of the engineer preparing the certification report should be affixed to the report. The report should:
  - a. Identify the design capacity of the secondary treatment facility;
  - b. Certify the adequacy of each component of the secondary treatment facility; and
  - c. Contain a requirement-by-requirement analysis, based on acceptable engineering practices, of how the process and physical design of the secondary treatment facility will ensure compliance with Order 96-50.

Based on the submittal schedule outlined above, by September 15, 2011 the San Diego Water Board should have all of the information it needs to report back to the court on the compliance status of USIBWC with secondary treatment requirements. In the interim, I encourage USIBWC to present data, preliminary interpretations and conclusions as they become available, rather than waiting until the final reports are prepared. This type of on-going reporting can facilitate a consensus being reached between the USIBWC and the San Diego Water Board on the secondary treatment compliance issue and reduce the time necessary to verify whether the USIBWC has fully satisfied the terms of the federal court order.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Mr. Ben Neill at (858) 467-2983 or email [bneill@waterboards.ca.gov](mailto:bneill@waterboards.ca.gov).

Respectfully,

  
 for James G. Smith, A&E  
 David W. Gibson  
 Executive Officer

DTB:rm:bin

# Semi-Annual Agency Status Report

October 1, 2010 through March 31, 2011 - Federal Fiscal Year 2011

The Agency Status Report has been prepared as an in-kind task as a part of the Cooperative Agreement LS-96934701-1 between U.S. Environmental Protection

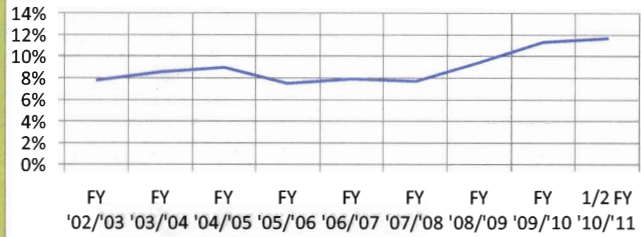


Removed formerly leaking and corroded UST.

Agency (USEPA) Region 9 and the California State Water Resources Control Board (SWRCB). It presents GeoTracker data for the Leaking Underground Storage Tank (LUST) case closure, Electronic Submittal of Information (ESI) compliance, and case age statistics for 9 Regional Water Quality Control Boards (RWQCBs), 22 Local Oversight Programs Agencies (LOPs), and 39 Local Implementing Agencies (LIAs) through the end of the first half of the Federal Fiscal Year 2011 (FY 2011) and a comparison to previous fiscal years.

Agency Type	Cases Closed for 1st Half of Federal FY '11	Closure Rate for 1st Half Federal FY '11	Projected Annual Closure Rate
RWQCBs	276	6.3%	12.6%
LOPs	234	6.0%	12.0%
LIAs	39	3.5%	7.0%
<b>TOTAL</b>	<b>549</b>	<b>5.9%</b>	<b>11.8%</b>

Figure 1: CA Case Closure Percentage by Federal Fiscal Year



Source: GeoTracker USEPA Report Captured on 4/19/2011

Table 1: RWQCB and LOP Lead LUST Case Closure Statistics (10/01/2010-03/31/2011)

	RWQCB and LOP Closure Statistics											
	Agency Name	Funding per Active Case California FY2010	Fiscal Year 2011			Last 5 Fiscal Years					5 year Average	Estimated Time to Close 50% of Cases at 5 Year Average (Years)†
			Active Cases as of 10-1-2010	Cases Closed First Half FY '11	Closure Rate for First Half FY '11	Closure Rate for:						
						FY '06	FY '07	FY '08	FY '09	FY '10		
RWQCB Lead	Region 1 NORTH COAST RWQCB	\$1,503	438	12	2.7%	7.8%	4.8%	3.1%	4.3%	8.1%	5.1%	13.2
	Region 2 SAN FRANCISCO BAY RWQCB	\$4,098	440	60	13.6%	9.6%	5.9%	15.2%	27.6%	12.4%	14.1%	4.6
	Region 3 CENTRAL COAST RWQCB	\$2,240	310	4	1.3%	6.5%	4.4%	8.1%	5.2%	3.7%	4.9%	13.8
	Region 4 LOS ANGELES RWQCB	\$2,119	1380	84	6.1%	4.0%	4.4%	4.2%	6.5%	15.2%	6.7%	19.0
	Region 5 CENTRAL VALLEY RWQCB	\$2,457	978	61	6.2%	5.6%	10.7%	6.7%	9.5%	14.1%	8.8%	7.5
	Region 5F	-	292	19	6.5%	6.7%	3.9%	8.5%	10.4%	14.7%	8.4%	7.9
	Region 5R	-	120	4	3.3%	8.4%	8.6%	10.2%	11.6%	15.1%	9.5%	6.9
	Region 5S	-	566	38	6.7%	4.4%	14.8%	4.7%	8.5%	13.5%	8.8%	7.5
	Region 6 LAHONTAN RWQCB	\$2,249	244	39	16.0%	4.8%	7.8%	4.8%	9.9%	11.1%	9.1%	7.3
	Region 6T	-	163	13	8.0%	5.6%	4.2%	4.3%	10.4%	15.1%	7.9%	8.4
	Region 6V	-	81	26	32.1%	1.9%	20.8%	7.0%	7.3%	1.4%	11.7%	5.6
	Region 7 COLORADO RIVER BASIN RWQCB	\$2,696	144	1	0.7%	4.2%	3.7%	8.9%	5.4%	7.9%	5.1%	13.2
	Region 8 SANTA ANA RWQCB	\$2,346	304	7	2.3%	7.3%	5.3%	7.4%	4.8%	4.4%	5.2%	12.9
Region 9 SAN DIEGO RWQCB	\$2,052	154	8	5.2%	5.3%	18.3%	12.4%	9.8%	18.3%	11.5%	5.7	
All RWQCBs	\$2,278	4392	276	6.3%	5.9%	6.9%	7.0%	9.6%	12.2%	8.0%	8.3	
County LOP Lead	ALAMEDA	\$2,050	449	13	2.9%	7.3%	5.9%	5.0%	2.8%	7.9%	5.3%	12.7
	EL DORADO *	\$4,236	24	3	12.5%	4.0%	0.0%	0.0%	14.3%	21.4%	8.7%	7.6
	HUMBOLDT	\$2,684	124	4	3.2%	10.5%	15.5%	6.1%	6.2%	11.0%	8.8%	7.6
	KERN **	\$2,115	47	6	12.8%	3.7%	1.2%	17.4%	5.2%	31.3%	11.9%	5.5
	MERCED	\$4,732	58	8	13.8%	3.7%	7.2%	7.6%	8.0%	18.3%	9.8%	6.4
	NAPA	\$5,128	47	3	6.4%	7.8%	22.2%	8.9%	11.3%	11.5%	11.4%	5.7
	NEVADA *	\$5,715	25	1	4.0%	0.0%	0.0%	0.0%	0.0%	7.1%	1.9%	37.0
	ORANGE	\$2,578	416	7	1.7%	20.6%	3.3%	0.7%	2.8%	1.7%	3.5%	19.6
	RIVERSIDE	\$4,830	110	13	11.8%	17.2%	10.4%	11.5%	12.6%	21.3%	14.1%	4.6
	SACRAMENTO	\$2,614	312	38	12.2%	9.0%	7.0%	6.1%	4.9%	8.6%	7.8%	8.5
	SAN BERNARDINO **	\$10,229	10	3	30.0%	13.4%	11.2%	11.7%	25.5%	27.5%	19.9%	3.1
	SAN DIEGO	\$3,312	596	25	4.2%	10.2%	10.7%	9.0%	8.6%	13.2%	9.1%	7.1
	SAN FRANCISCO	\$4,217	117	16	13.7%	29.0%	30.0%	32.6%	27.3%	40.6%	28.9%	2.0
	SAN JOAQUIN	\$3,738	190	9	4.7%	5.8%	4.2%	5.8%	15.6%	13.1%	6.7%	20.3
	SAN MATEO	\$3,778	236	9	3.8%	8.8%	4.3%	7.2%	7.2%	9.3%	6.9%	9.9
	SANTA BARBARA	\$3,251	214	10	4.7%	3.0%	5.2%	4.0%	6.3%	7.5%	5.1%	13.2
	SANTA CLARA	\$2,574	308	26	8.4%	8.9%	7.6%	8.2%	12.0%	13.0%	9.7%	6.8
	SOLANO	\$2,172	95	5	5.3%	7.5%	8.4%	5.6%	12.4%	15.2%	9.1%	7.1
	SONOMA	\$2,830	186	13	7.0%	8.8%	5.7%	11.8%	6.5%	9.4%	8.0%	8.3
	STANISLAUS	\$3,647	69	6	8.7%	12.0%	3.3%	5.7%	9.5%	11.7%	8.5%	7.8
	TULARE	\$1,443	114	9	7.9%	3.6%	2.3%	5.3%	4.0%	8.2%	5.2%	12.9
	VENTURA	\$4,822	129	7	5.4%	13.5%	15.6%	12.2%	12.8%	21.5%	13.5%	4.8
	All LOPs	\$3,186	3876	234	6.0%	9.9%	8.6%	8.2%	8.1%	12.1%	8.8%	7.5

\* Notes for Table 1 are located on page 2

# Semi-Annual Agency Status Report (continued)

Table 2: LIA Lead LUST Case Closure Statistics (10/01/2010-03/31/2011)

LIAs with more than 12 Active Cases										
ALAMEDA COUNTY WATER DISTRICT	147	6	4.1%	3.2%	3.2%	3.2%	5.6%	3.9%	3.8%	17.7
ANAHEIM, CITY OF	25	3	12.0%	16.0%	18.6%	18.6%	24.3%	10.3%	17.6%	3.6
BERKELEY, CITY OF	44	1	2.3%	2.0%	8.0%	8.0%	4.3%	2.1%	4.9%	13.8
HAYWARD, CITY OF	57	7	12.3%	1.1%	3.4%	3.4%	14.9%	21.6%	8.9%	7.4
LONG BEACH, CITY OF	30	0	0.0%	12.5%	8.6%	8.6%	45.5%	9.1%	16.9%	3.8
LOS ANGELES COUNTY	362	11	3.0%	17.2%	15.5%	15.5%	9.0%	4.6%	12.3%	5.3
LOS ANGELES, CITY OF	234	2	0.9%	8.0%	10.3%	10.3%	7.2%	0.0%	7.2%	9.3
MADERA COUNTY	15	1	6.7%	4.2%	25.0%	25.0%	21.1%	6.3%	16.3%	3.9
MONTEREY COUNTY	31	0	0.0%	13.8%	18.8%	18.8%	53.4%	6.9%	22.4%	2.7
SAN LEANDRO, CITY OF	22	2	9.1%	0.0%	7.1%	7.1%	10.7%	16.7%	8.3%	8.0
SANTA CRUZ COUNTY	22	2	9.1%	0.0%	0.0%	0.0%	9.1%	0.0%	1.8%	37.8
SANTA MONICA, CITY OF	18	1	5.6%	23.3%	20.0%	20.0%	4.8%	10.0%	15.6%	4.1
LIAs with Less than 12 Active Cases										
BAKERSFIELD, CITY OF	3	1	33.3%	12.5%	22.2%	0.0%	0.0%	83.3%	23.6%	2.6
BURBANK, CITY OF	6	0	0.0%	0.0%	14.3%	0.0%	28.6%	0.0%	8.6%	7.7
BUTTE COUNTY	10	0	0.0%	6.7%	21.4%	21.4%	15.4%	10.0%	15.0%	4.3
CALAVERAS COUNTY	1	0	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	40.0%	1.4
FULLERTON, CITY OF	7	0	0.0%	8.3%	0.0%	0.0%	18.2%	0.0%	5.3%	12.7
GILROY, CITY OF	4	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	No Closures
GLENDALE, CITY OF	2	0	0.0%	0.0%	33.3%	0.0%	0.0%	0.0%	6.7%	10.0
HESPERIA, CITY OF	1	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	No Closures
KINGS COUNTY	1	0	0.0%	NO ACTIVE CASES				0.0%	0.0%	No Closures
MONO COUNTY	1	0	0.0%	20.0%	0.0%	40.0%	66.7%	0.0%	25.3%	2.4
ORANGE COUNTY	5	0	0.0%	37.5%	0.0%	0.0%	0.0%	0.0%	7.5%	8.9
ORANGE, CITY OF	4	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	No Closures
PALO ALTO, CITY OF	1	0	0.0%	NO ACTIVE CASES				0.0%	0.0%	No Closures
PASADENA, CITY OF	2	0	0.0%	40.0%	0.0%	0.0%	0.0%	33.3%	14.7%	4.4
PLACER COUNTY	3	1	33.3%	33.3%	33.3%	0.0%	33.3%	33.3%	26.7%	2.2
SAN BENITO COUNTY	4	1	25.0%	20.0%	0.0%	0.0%	0.0%	0.0%	4.0%	17.0
SAN JOSE, CITY OF	2	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	No Closures
SAN LUIS OBISPO COUNTY	5	0	0.0%	0.0%	14.3%	12.5%	11.1%	0.0%	7.6%	8.8
SAN LUIS OBISPO, CITY OF	2	0	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	20.0%	3.1
SANTA ANA, CITY OF	11	0	0.0%	7.1%	0.0%	0.0%	7.7%	0.0%	3.0%	23.0
SANTA FE SPRINGS, CITY OF	2	0	0.0%	0.0%	20.0%	50.0%	33.3%	50.0%	30.7%	1.9
SHASTA COUNTY	2	0	0.0%	14.3%	16.7%	16.7%	66.7%	0.0%	22.9%	2.7
SUTTER COUNTY	2	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	No Closures
TORRANCE, CITY OF	4	0	0.0%	0.0%	0.0%	55.6%	0.0%	0.0%	11.1%	5.9
TUOLUMNE COUNTY	7	0	0.0%	0.0%	0.0%	46.2%	0.0%	0.0%	9.2%	7.2
VERNON, CITY OF	2	0	0.0%	0.0%	64.3%	60.0%	100.0%	N/A	56.1%	0.8
YUBA COUNTY	11	0	0.0%	11.8%	13.3%	7.7%	0.0%	0.0%	6.6%	10.2
ALL LIAs†	1112	39	3.5%	6.8%	10.9%	11.3%	12.7%	5.6%	9.5%	7.0

† Calculated using the formula  $\text{Log}_{1-r}(.5)$ , where r is the 5 year closure rate average for the agency;

\* Indicates a new LOP, created in 2008 (were previously LIAs)—reference Table 1;

\*\* Agency will cease to be an LOP effective July 1, 2011;

‡ Does not include DTSC, USEPA, Dept. of Public Health or any LIAs with no active cases in the last 5 fiscal years;

Note 1: Target annual closure rate is 7% or higher;

Note 2: Active cases do not include new cases or cases re-opened during the period;

Note 3: Because the GeoTracker Advanced Case Reporting Tool does not keep track of historical case assignments, the values presented here for "Active Cases as of 10-1-2010" may vary from previous reports due to back-dated closures, case reassignments, and deletions;

Note 4: Closure rates for previous years were compiled from previous Agency Status Reports.

Source: Number of active cases and cases closed were compiled from the Advanced Case Reporting Tool on 04/19/2011



# Semi-Annual Agency Status Report (continued)

Figure 2: California Monthly Closures for FY 2009, FY 2010, and the First Half of FY 2011. Source: GeoTracker USEPA RWQCB Boundary Report date 04/20/2011

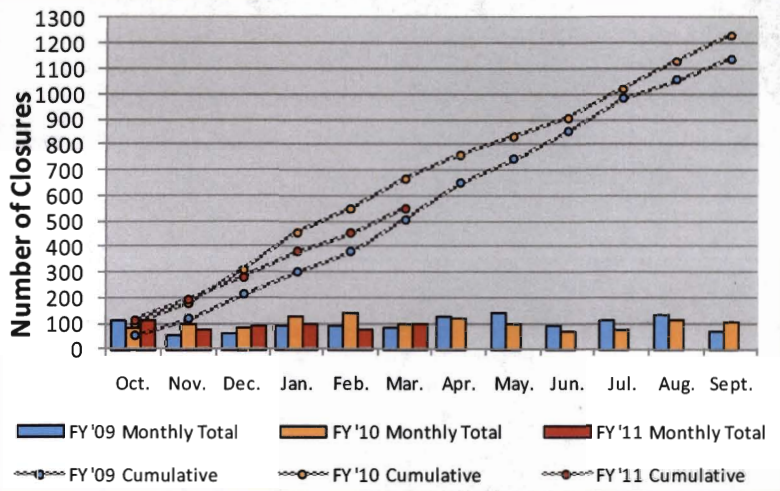
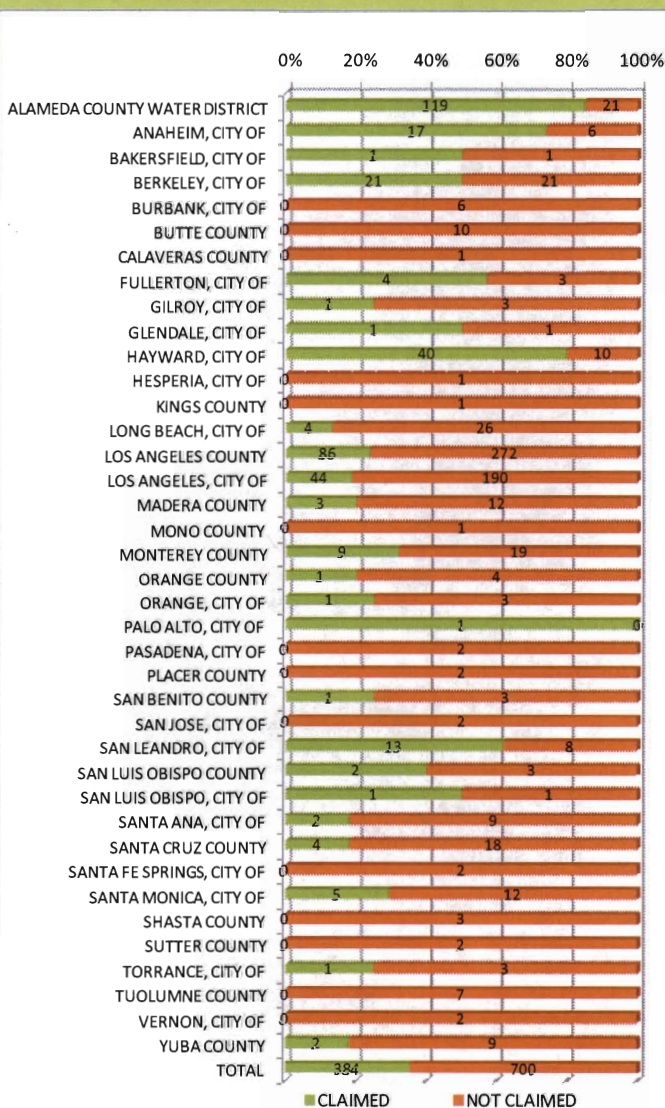


Figure 3: LIA ESI Compliance Statistics at End of First Half of FY 2011



## Statistics for Active LUST Cases

Figure 4: RWQCB ESI Compliance Statistics at End of First Half of FY 2011

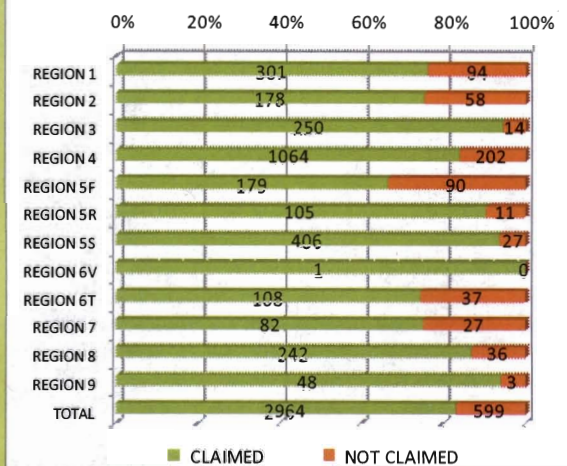
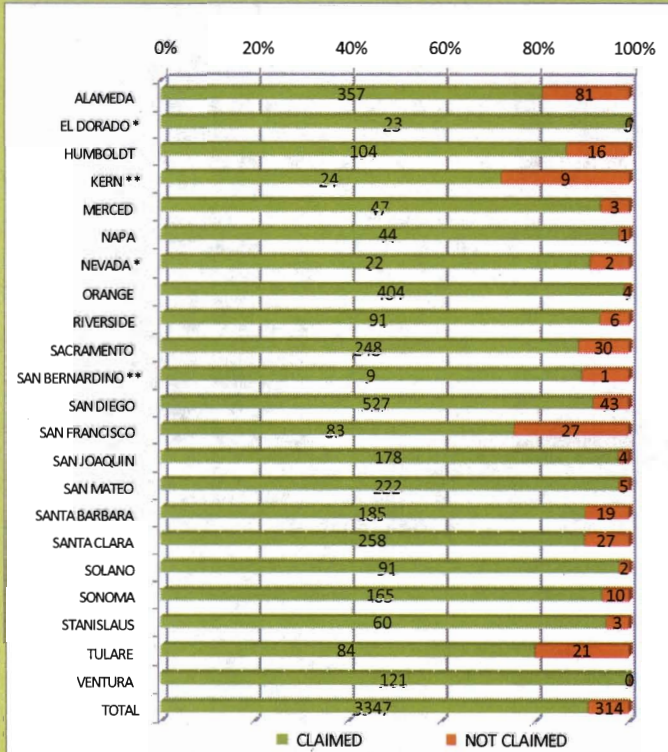


Figure 5: LOP ESI Compliance Statistics at End of First Half of FY 2011



\* Indicates a new LOP, created in 2008 (were previously LIAs); \*\* Agency will cease to be an LOP effective July 1, 2011; **Note 1:** Military UST cases are not included; **Note 2:** DTSC, USEPA, or LIAs with no active cases are not included in Figure 3; **Source:** GeoTracker ESI Compliance Report dated 4/19/2011 for LUST Cleanup Sites

# Semi-Annual Agency Status Report (continued)

Figure 6: Distribution of Total Active LUST Cases in California by Agency Type in GeoTracker on 4/19/2011

## Case Age Statistics for Active LUST Cases

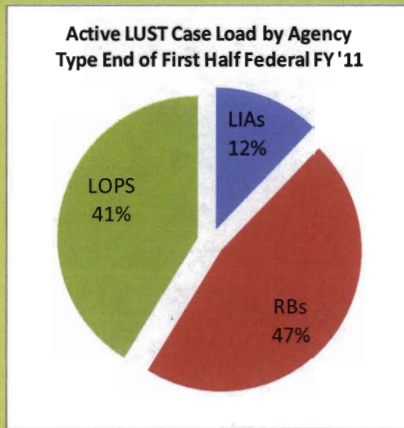


Table 3: Percentage of Aging Cases for LIAs

LIAs			
Agency Name	Total Number of Active cases on 03/31/2011	Percentage of Active Cases Open 10 to 15 Years	Percentage of Active Cases Open More than 15 Years
ALAMEDA COUNTY WATER DISTRICT	141	11.3%	80.9%
ANAHEIM, CITY OF	23	30.4%	34.8%
BAKERSFIELD, CITY OF	2	50.0%	50.0%
BERKELEY, CITY OF	44	4.5%	84.1%
BURBANK, CITY OF	6	33.3%	50.0%
BUTTE COUNTY	10	40.0%	30.0%
CALAVERAS COUNTY	1	0.0%	100.0%
FULLERTON, CITY OF	7	42.9%	28.6%
GILROY, CITY OF	4	25.0%	50.0%
GLENDALE, CITY OF	2	50.0%	50.0%
HAYWARD, CITY OF	50	8.0%	72.0%
HESPERIA, CITY OF	1	0.0%	100.0%
KINGS COUNTY	1	0.0%	0.0%
LONG BEACH, CITY OF	30	16.7%	50.0%
LOS ANGELES COUNTY	359	30.4%	20.9%
LOS ANGELES, CITY OF	234	23.9%	56.8%
MADERA COUNTY	15	26.7%	73.3%
MONO COUNTY	1	0.0%	100.0%
MONTEREY COUNTY	31	19.4%	61.3%
ORANGE COUNTY	5	0.0%	100.0%
ORANGE, CITY OF	4	25.0%	75.0%
PALO ALTO, CITY OF	1	0.0%	0.0%
PASADENA, CITY OF	2	0.0%	100.0%
PLACER COUNTY	2	0.0%	0.0%
SAN BENITO COUNTY	4	0.0%	100.0%
SAN JOSE, CITY OF	2	0.0%	100.0%
SAN LEANDRO, CITY OF	21	33.3%	42.9%
SAN LUIS OBISPO COUNTY	5	20.0%	20.0%
SAN LUIS OBISPO, CITY OF	2	0.0%	50.0%
SANTA ANA, CITY OF	11	54.5%	36.4%
SANTA CRUZ COUNTY	22	9.1%	72.7%
SANTA FE SPRINGS, CITY OF	2	0.0%	0.0%
SANTA MONICA, CITY OF	17	23.5%	52.9%
SHASTA COUNTY	3	0.0%	33.3%
SUTTER COUNTY	2	0.0%	100.0%
TORRANCE, CITY OF	4	0.0%	100.0%
TUOLUMNE COUNTY	7	14.3%	85.7%
VERNON, CITY OF	2	0.0%	0.0%
YUBA COUNTY	11	9.1%	81.8%
<b>ALL LIAs ‡</b>	<b>1091</b>	<b>22.4%</b>	<b>49.6%</b>

Table 4: Percentage of Aging Cases for RWQCBs

Regional Boards			
Agency Name	Total Number of Active cases on 3/31/2011	Percentage of Active Cases Open 10 to 15 Years	Percentage of Active Cases Open More than 15 Years
REGION 1	427	23.9%	63.0%
REGION 2	399	16.5%	62.2%
REGION 3	306	27.1%	56.2%
REGION 4	1304	22.4%	49.2%
REGION 5 (ALL)	927	25.7%	56.9%
REGION 5F	280	23.9%	54.6%
REGION 5R	117	42.7%	38.5%
REGION 5S	530	22.8%	62.1%
REGION 6 (ALL)	212	21.2%	61.8%
REGION 6T	151	27.8%	57.6%
REGION 6V	61	4.9%	72.1%
REGION 7	147	21.1%	62.6%
REGION 8	296	25.7%	59.5%
REGION 9	147	23.1%	59.2%
<b>ALL REGIONS</b>	<b>4165</b>	<b>23.2%</b>	<b>56.3%</b>

Table 5: Percentage of Aging Cases for County LOPs

County LOPs			
Agency Name	Total Number of Active cases on 3/31/2011	Percentage of Active Cases Open 10 to 15 Years	Percentage of Active Cases Open More than 15 Years
ALAMEDA	439	15.7%	69.9%
EL DORADO *	23	39.1%	30.4%
HUMBOLDT	120	24.2%	56.7%
KERN **	41	22.0%	58.5%
MERCED	51	31.4%	43.1%
NAPA	45	20.0%	66.7%
NEVADA*	24	41.7%	50.0%
ORANGE	409	25.9%	58.4%
RIVERSIDE	97	32.0%	28.9%
SACRAMENTO	278	34.9%	40.6%
SAN BERNARDINO **	10	50.0%	20.0%
SAN DIEGO	582	26.8%	46.7%
SAN FRANCISCO	111	18.0%	54.1%
SAN JOAQUIN	183	20.8%	68.3%
SAN MATEO	227	18.5%	64.8%
SANTA BARBARA	204	18.1%	61.3%
SANTA CLARA	286	12.6%	70.6%
SOLANO	93	11.8%	58.1%
SONOMA	176	14.8%	69.9%
STANISLAUS	63	36.5%	46.0%
TULARE	105	40.0%	50.5%
VENTURA	122	11.5%	67.2%
<b>ALL LOPs</b>	<b>1649</b>	<b>20.3%</b>	<b>55.7%</b>

\* Indicates a new LOP, created in 2008 (were previously LIAs);

\*\* Agency will cease to be an LOP effective July 1, 2011;

‡ Does not include DTSC, USEPA, Department of Public Health, or any LIAs with no active cases in the last 5 fiscal years; **Note 1:** Reopened cases are counted from their original release date; **Note 2:** Where an accurate release date was not available, the age of the case was calculated from the GeoTracker Report Date; **Source:** GeoTracker USEPA Report captured on 4/19/2011



# California Regional Water Quality Control Board

## San Diego Region



Linda S. Adams  
Secretary for  
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

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Attachment C-2

**TO:** Jeanine Townsend  
Clerk to the Board  
**STATE WATER RESOURCES CONTROL BOARD**

**FROM:**   
James Smith  
Assistant Executive Officer  
**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,  
SAN DIEGO REGION**

**DATE:** May 13, 2011

**SUBJECT:** Comments on Draft Order No. 2011-XX-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), appreciates the opportunity to comment on Tentative Order No. 2011-XX-DWQ (Draft WDRs). Please consider the following comments pertaining to Private Laterals, Prohibitions, Sewer System Management Plans and the Monitoring and Reporting Requirements.

### Private Laterals

The San Diego Water Board supports the addition of mandatory reporting of private lateral sewage discharges (PLSDs). PLSDs are a potential threat to public health and the environment, and requiring the sewage collection agencies to report all known PLSDs is reasonable and a first step toward development of a regulatory approach for reducing PLSDs throughout the State.

Since February 2007 the San Diego Water Board has been requiring sewage collection agencies to report all category 1 and category 2<sup>1</sup> PLSDs in accordance with Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*. During the period from March 2007 through March 2011, 805 public sanitary sewer overflows (SSOs), and 796 PLSDs were reported by the sewerage agencies within our region. So it is safe to say that PLSDs are occurring with the same frequency as SSOs within our region.

<sup>1</sup> Category 1 PLSDs are defined in the Monitoring and Reporting Program as "All discharges of wastewater resulting from a failure in a privately owned sewer lateral that: A) Equal or exceed 1000 gallons; or any volume of wastewater that discharges to a drainage channel tributary to a surface water of the state; or any volume of wastewater that reaches a storm drainpipe and is not fully captured and returned to the sanitary sewer system or not otherwise disposed of properly...". Category 2 PLSDs are defined as "All other discharges of wastewater resulting from a failure in a privately owned sewer lateral."

While the volume of sewage discharged as a result of a PLSD is generally much less than that of a public SSO, PLSDs can be a significant threat to public health and to the beneficial uses of our waters of the State. During the period of March 2007 through March 2011, there were 294 PLSDs equal to or exceeding 1,000 gallons of sewage discharged, or resulting in a discharge to surface waters, or discharging to a storm drain system without being fully recovered (category 1 PLSD). These category 1 PLSDs resulted in the total discharge of 770,260 gallons of sewage, of which 562,490 gallons were not recovered and were released to the environment. The mandatory reporting of PLSDs is crucial to obtaining a better understanding of the extent and nature of these discharges and their potential effects on the beneficial uses of our States waters.

Reporting of known PLSDs is reasonable and a first step toward development of a regulatory approach for reducing the public health and environmental threats posed by these discharges. This reporting will provide valuable information regarding the overall impact of PLSDs on water quality throughout the State.

### **Prohibitions**

The Draft WDRs should include a strict prohibition on all overflows from a sewer agency's collection system. On May 9, 1996, the San Diego Water Board adopted Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*, which contained the following prohibition:

"The discharge of sewage from a sanitary sewer system at any point upstream of a sewage treatment plant is prohibited."

This strict prohibition is necessary to implement requirements in the Federal Clean Water Act, California Water Code, and the Water Quality Control Plans (Basin Plans) for the water boards. For instance, Water Code Section 13260 prohibits the discharge of waste to land prior to the filing of a report of waste discharge and subsequent issuance or waiver of waste discharge requirements. Additionally, the Basin Plan for the San Diego Region contains the following two prohibitions applicable to the matter at hand:

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

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

The Draft WDRs prohibition should be revised to prohibit all discharges from collection systems upstream of a sewage treatment plant, as they are a potential threat to public health, a nuisance, and have the potential to impact groundwater and surface water beneficial uses.

### **Sewer System Management Plans and Monitoring and Reporting Program**

The Sewer System Management Plan (SSMP) requirements for the Overflow Emergency Response Plan contained in Section D.12 (f) of the draft WDRs should be strengthened to require a baseline of monitoring data and environmental analysis for spills impacting surface waters. This required monitoring and impact analysis should be tied with strengthened Monitoring and Reporting Plan (MRP) requirements.

The Overflow Emergency Response Plan requirements contain ambiguous language stating that:

“The program shall also specify steps to minimize or correct any adverse impact on the environment resulting from SSOs including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the discharge.”

Recent high volume sewage discharges within the San Diego Region suggest that many sewerage agencies are woefully unprepared to undertake any water quality monitoring or environmental impact analysis when a high volume SSO occurs. In some cases dischargers forego doing any monitoring, citing the fact that the WDRs do not currently require them to do it. If water quality monitoring does occur, in most cases it is focused on ocean water quality and beach closures, not on the surface waters first impacted by the discharge. This lack of planning on the part of the discharger has hampered our ability to accurately assess potential or direct impacts to receiving waters and their beneficial uses.

The lack of monitoring requirements in the WDRs necessitates the Regional Water Boards to issue Investigative Orders requiring additional monitoring and environmental impact analysis well after a large spill event. Thus the window to acquire time sensitive data on the impacts of the discharge is lost.

The Draft WDRs should, at a minimum, specify that sewerage agencies shall develop a detailed monitoring plan for discharges to surface waters that have the potential to impact beneficial uses, including but not limited to, contact water recreation (REC-1), non-contact water recreation (REC-2), cold freshwater habitat (COLD), warm freshwater habitat (WARM), municipal and domestic supply (MUN), agricultural supply (AGR), industrial service supply (IND), rare, threatened or endangered species (RARE), marine habitat (MAR) and estuarine habitat (EST). The WDRs should specify that the following parameters be analyzed: dissolved oxygen, ammonia and indicator bacteria such as total coliform, fecal coliform or enterococci or *e. coli*.

While all SSOs do not necessitate additional and accelerated monitoring and environmental impact analysis, it seems reasonable that for high volume SSOs, or SSOs involving a 303(d) impaired water body or environmentally sensitive area, MRP section C.5 should be strengthened to require water quality monitoring.

The San Diego Water Board suggests that for sewage spills between 50,000 and 100,000 gallons water quality monitoring should be required for the parameters listed above. Monitoring should occur down gradient of the spill site and at a reference point above the spill area.

For spills of over 100,000 gallons, or spills into environmentally sensitive areas, additional monitoring should be required to assess the potential or direct impacts to the affected water. This assessment should include an analysis of the potential short and long term impacts of the discharge on public health, animal and plant communities (including sensitive and/or endangered species), and on the overall ecosystem downstream of the discharge.

## **Conclusion**

The San Diego Water Board recognizes the Statewide SSO WDRs as the primary mechanism for establishing minimum requirements for the prevention of SSOs. Complementary requirements have been adopted in our Order No. R9-2007-0005 because the Statewide SSO Order alone was less protective of water quality than the regulatory mechanism established in our region since 1996. If the Draft WDRs are strengthened to require mandatory reporting of known PLSDs, to prohibit all sewage overflows upstream of a treatment facility, and to require water quality monitoring in the MRP, the playing field would be leveled for dischargers Statewide.

If you have any questions regarding these comments or require further information, please contact myself or Christopher Means at (858) 627-5581 or [cmeans@waterboards.ca.gov](mailto:cmeans@waterboards.ca.gov).



# California Regional Water Quality Control Board

## San Diego Region

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### Attachment C-4

TO: *Hi Vicky,*  
Vicky Whitney  
Deputy Director  
Division of Water Quality

In Reply Refer To:  
general:cclemente

FROM:   
James G. Smith  
Assistant Executive Officer  
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

DATE: May 18, 2011

SUBJECT: SAN DIEGO WATER BOARD COMMENTS ON THE WETLAND AREA PROTECTION POLICY AND DREDGE AND FILL REGULATIONS

Thank you for the opportunity to comment on the Initial Study (IS) for the development of the "Wetland Area Protection Policy and Dredge and Fill Regulations" (Policy). We understand that development of this Policy is the first phase of a three phase effort, defined in the State Water Board Resolution No. 2008-0026, to develop a strong state-wide comprehensive policy that will provide needed guidance on the protection and restoration of wetland and riparian areas, as well as assessing and measuring net change in wetland and riparian area related functions. As part of this phase, the State Water Board is proposing to address 1) a wetland area protection policy that includes a wetland definition based on the US Army Corps of Engineers (USACOE) delineation methods and an assessment framework for collecting wetland data to monitor progress toward wetland protection and to evaluate program development; and, (2) necessary adjustments to the existing dredge and fill regulations to implement the wetland delineation methods, and to foster clarity and consistency in the permitting process.

The San Diego Water Board appreciates the State Water Board's recognition of the historic loss of aquatic resources due to dredge and fill projects, and willingness to undertake measures to improve the Clean Water Act (CWA) Section 401 Water Quality Certification (Certification) Program to correct for this loss. Further, the State Water Board's efforts in developing the Wetland and Riparian Area Monitoring Program (WRAMP) are a critical component in the development of the Policy, and we encourage the State Water Board to pursue that cause. A uniform monitoring methodology, coupled with a functional and public database will provide a useful tool to 1) evaluate program effectiveness over time, 2) evaluate individual projects as they relate to their surrounding waters, and 3) streamline and bring uniformity to monitoring requirements individual projects.

The San Diego Water Board CWA Section 401 Certification Program receives roughly 1 PY to evaluate approximately 120 applications for CWA Section 401 Water Quality Certification (401 Certifications) annually. The majority of these applications propose impacts to ephemeral or intermittent streams; many of which may not be classified as wetlands under the proposed definition. Over time, we have come to recognize the value of ephemeral and intermittent streams and the functions that they provide (i.e. habitat, pollutant assimilation, flood attenuation, etc.). **Ideally, our hope for this policy is that it will enhance protection of these areas; with the understanding that this may not occur until later phases of the Policy are implemented. Our minimum expectation for this phase of the policy is that it not result in further degradation of these areas in the interim.** With that in mind, our comments have been classified below as either "concerns," or "minor comments, questions, and/or recommendations" for consideration in the Policy's development.

### CONCERNS

1. Our most fundamental concern is that **the activities proposed in the initial study (IS) project description do not align themselves with the basic project purpose<sup>1</sup>** and may run counter to the apparent objective. Rather, the proposed changes appear to address various consistency and clarity issues between the Water Boards pertaining to CWA Section 401 Certification program implementation. Measures listed in the IS will likely accomplish consistency and clarity, but will probably not adequately protect *all* Waters of the State.
  - a. If the true objective of the Policy is to streamline the regulatory process and attain consistency throughout the State; then we suggest changing the stated purpose accordingly, in recognition that the activities proposed in this phase of regulation may not result in any direct benefit or protection to wetlands or non-wetland waters of the State (NWWS).
  - b. If the objective is to protect wetlands, then we believe the broadest definition of wetlands possible would be the most protective. Since the ancillary objective is to develop a definition using existing agency terminology for the purposes of streamlining regulation, then we again<sup>2</sup> suggest that the State Water Board consider the broader definition used by California Department of Fish and Game (CDFG) and US Fish and Wildlife Service (USFWS), containing any one or more of the three wetland attributes (or parameters). The CDFG/USFWS definition is broad enough to ensure protection of wetlands, while streamlining requirements

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<sup>1</sup> The project purpose stated is "to protect all waters of the State as defined by Water Code section 13050, including wetland areas and waters of the United States from dredge and fill discharges."

<sup>2</sup> Refer to September 8, 2008 San Diego Water Board comment letter on the proposed Wetland and Riparian Area Protection Policy.



- for the applicants using existing terminology consistent with other State and Federal agency regulations. The currently proposed definition does not appear to streamline regulation. Rather, it appears to require a new process for confirming State wetlands, which will be an added resource burden on both the applicants and the Water Boards.
- c. If the objective of this phase of the policy is to protect *all* waters as stated, then the Policy should focus on identifying and protecting non-wetland waters of the State (NWS) first, since guidance is most lacking in this area. A simple way to do this would be to broaden the "No-Net Loss" Policy to these areas. As currently proposed, the policy may unintentionally shift impacts away from wetlands, at the cost of increased impacts to also valuable NWS.
2. The IS states that the Policy proposes to incorporate the Federal CWA Section 404(b)(1) guidelines, on a yet-to-be specified subset of 401 applications. Although an alternatives analysis (like that specified in 404(b)(1)) is a key step to adequately considering avoidance, minimization, and compensatory mitigation, **the 404(b)(1) requirement needlessly commit the State to a process that was not intended for evaluation of projects against State standards and objectives.**
    - a. First, we understand that the Water Boards already have the discretion of asking for an alternatives analysis, or other relevant information, as part of the completeness review, pursuant to 23 CCR Section 3856.
    - b. Consequently, the Policy would only define conditions when such an analysis is mandatory. Basing the requirement on just a few project specific conditions (e.g. acreage threshold or type of fill) will make it difficult to appropriately identify a subset of projects that consistently warrant such analysis. Rather, if the State Water Board elects to mandate the analysis, the discretion to apply the requirement to certain projects should be left to the Regional Water Boards.
    - c. Finally, the Policy will do little to protect wetlands if it is not made abundantly clear that the Regional Water Boards retain the discretion of denying the "Least Environmentally Damaging Practicable Alternative" if the LEDPA will result in significant and/or unmitigable water quality impacts to State standards and objectives.
  3. The Policy also proposes to align itself with the USACOE guidelines on compensatory mitigation (i.e. Mitigation Rule). We support the efforts to focus the Policy on watershed mitigation. In doing so, the State Water Board should bear in mind that not all watersheds and mitigation bank service areas are sized

alike. In the San Diego Region, many (smaller) watersheds lack mitigation banks, and many others lack banks with appropriate mitigation for the impacts proposed in that area. It is not clear how the hierarchy of the Mitigation Rule will be superimposed on the need to protect watersheds' beneficial uses and comply with Basin Executive Order W-59-93. Rather than incorporating a direct reference to the USACOE mitigation hierarchy, the State Water Board should consider including language that the mitigation be sufficient to conform to the Governor's No-Net-Loss policy; and as such, should require establishment and reestablishment for permanent impacts and rehabilitation, enhancement, and preservation for temporary impacts, both at no less than a 1:1 ratio, with additional consideration to temporal loss and the individual sites' functions provided. When that can be accomplished by purchasing credits from a Mitigation Bank, it shall be considered preferable to do so.

4. Finally, we are concerned that the administrative oversight of the new requirements in the Policy creates an additional resource burden on a program that is already insufficiently funded. The shifting of resources to State wetland identification and processing, will compromise Regional Water Board project reviews and the establishment of conditions to off-set impacts to NWWs; thereby resulting in further impacts to those areas.

#### **COMMENTS, QUESTIONS, AND RECCOMENDATIONS**

5. In order to provide meaningful comments on what the proposed policy should include, the Environmental Impact Report (EIR) should make clear what subsequent project phases outlined in State Water Board Resolution No. 2008-0026, intend to accomplish, along with the projected timeline of their implementation.
6. The EIR should include a thorough discussion of how the proposed definition and regulation will result in additional protection of wetland acres and functions.
7. The EIR should also include an evaluation of any direct and indirect impacts (positive and negative) that may occur to NWWs as a result of the proposed Policy.
8. At a minimum, the Policy should be clear that impacts to NWWs are still subject to evaluation pursuant to the Porter Cologne Water Quality Control Act.
9. If incorporating the 404(b)(1) process, the San Diego Water Board encourages the State Water Board to place more restrictive criteria on defining the project purpose (e.g. create housing, vs. create lakefront housing), and the term "practicable" (i.e. with regards to cost considerations).

10. If incorporating the USACOE JD manuals, the Policy should emphasize that the JDs conducted in the Arid West Region must be done during "normal circumstances" as defined in the manual (i.e. not in August, when the conditions are least likely to be manifested).
11. According to the proposed wetland definition, it appears that lakes and reservoirs will be considered State wetlands because they exhibit hydric soils and hydrology but not vegetation because they are inundated. Do recreational lakes and reservoirs fall into the constructed wetland exemption?
12. The Policy should address how to regulate 2 or 3-parameter wetlands that are above the OHWM (i.e. non-Federal wetlands).
13. The IS (P. 16-17) describes the criteria that warrant denial. We suggest adding further clarification that a project may be denied if the proposed mitigation is inadequate or inappropriate and adjusting the language to place the burden of proof on the applicant to demonstrate that the proposed project would not cause the effects listed in the Policy.
14. The Policy should consider clarifying language for projects where requested information is not provided for prolonged periods of time. What happens to projects one year following issuance of a "Denial Without Prejudice"? To avoid the practice of applicants submitting incomplete or premature applications, the Policy should clarify that the Regional Water Boards can withdraw projects that fail to provide all requested information within 1 year; whether or not they are deemed statutorily complete.
15. The Policy, and supporting documents, should be clear as to how the proposed regulations apply to Federal facilities and impacts.

The San Diego Water Board appreciates your consideration of the comments above. If you have any questions regarding the comments or would like to discuss them further, please contact Ms. Chiara Clemente of our office at 858-467-2359 or [cclemente@waterboards.ca.gov](mailto:cclemente@waterboards.ca.gov).

JS:dtb:cmc

Enclosure

cc: