California Regional Water Quality Control Board

San Diego Region

David Gibson, Executive Officer

Executive Officer's Report

December 13, 2017

Table of Contents

The December report for the Tentative Schedule of Significant NPDES Permits, WDRs, and Actions; Agenda Items Requested by Board Members; and the attachments noted above are included at the end of this report.

Part A – San Diego Region Staff Activities

1. Personnel Report

Staff Contact: Lori Costa

The Organizational Chart of the San Diego Water Board is available at http://www.waterboards.ca.gov/sandiego/about_us/org_charts/orgchart.pdf

Retirement

Barry Pulver, Engineering Geologist, retired from state service on October 31, 2017. He worked for the San Diego Water Board for a total of ten years. Mr. Pulver served most recently as the lead for the Irrigated Lands Regulatory and Nonpoint Source Programs. Among his many accomplishments, Mr. Pulver drafted the Region's first Waste Discharge Requirements for Commercial Agricultural Wastes. He also shared over 30 years of experience in groundwater investigations and remediation with many of our programs, including landfills, tanks, and other site cleanups. In retirement, Barry plans to do some volunteer work at local preserves and open space parks, work with organizations that champion social justice, and do some fishing and hiking.

Transfers

Following competitive examination, Fisayo Osibodu was selected for the Water Resource Control Engineer position in the Source Control Regulation Unit. He began his new duties, primarily the wastewater regulatory program and enforcement, on November 1, 2017. Fisayo has worked for the San Diego Water Board for more than 11 years.

Christina Arias was selected for the Water Resource Control Engineer position in the Site Restoration & Agricultural Program Unit. She began her new duties, which include waste discharge requirements and certifications for agricultural operations, non-point source program work, and enforcement, on December 4, 2017. Christina has worked for the San Diego Water Board for over 16 years.

Regan Morey transferred to the San Diego Water Board from the State Water Board Division of Water Quality. He is a Water Resource Control Engineer, Range C and comes to us with several years of storm water experience. Regan will report to Laurie Walsh in the Storm Water Management Unit.

Departures

Mayra Estrada, a Scientific Aid in the Site Restoration & Agricultural Program Unit, left state service on November 27, 2017. Mayra began working for the Water Board in October 2016.

Recruitment

Interviews are scheduled for the Senior Water Resource Control Engineer Specialist vacancy in the Healthy Waters Branch.

The Human Resources Branch of the Division of Administrative Services has canceled recruitment efforts for an Environmental Scientist in the Commercial Agriculture Program. Also, at this time we will not be able to recruit to fill the WRCE vacancy in the Groundwater Protection Unit.

2. File Records Requests

Staff Contact: Lori Costa

Per the California Public Records Act, when a member of the public requests to inspect a public record or obtain a copy of a public record, each agency shall, within 10 days, determine whether the request seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. Once the requested records are ready for review, the records coordinator schedules a date and time for the requestor to review the files.

The San Diego Water Board receives most of these requests by email (rb9_records@waterboards.ca.gov) and some by fax. From May – October 2017, the records coordinator received 272 records requests. During the last four and a half years, the Water Board has received approximately 55 records requests per month.

3. Core Mission Support

Staff Contact: Lori Costa

The Core Mission Support project was developed to determine if the most critical mission support functions were being met during the year. The critical functions include, position recruitment, procurement, training, health & safety, facility management, records management, and fleet management.

The following sections provide some of the most critical performance measures for each administrative function identified above. This information covers the period of April - October 2017.

Position Recruitment

How Well We're Doing

- Six recruitment packages requested and prepared
- Five vacancies filled
- 100 % assistance with scheduling interviews

Is Anyone Better Off?

- Job announcements posted in a timely manner
- Program work being performed due to vacancies being filled
- Supervisors rate Mission Support staff as very helpful

Procurement

How Well We're Doing

- Fifty procurement orders submitted
- Two contracts/service orders for services processed
- 100% of rush projects completed on time

Is Anyone Better Off?

- 99% of staff received the items requested to aid in enhanced job performance
- 100% of ergonomic needs were met
- Outreach and cleanup projects were successful

Training

How Well We're Doing

- 100% of external and internal training requests processed
- New staff orientation and guidance on required training
- Training records maintained for all staff

Is Anyone Better Off?

- Staff able to attend job required and job related training
- 100% of new staff completed required training

Health and Safety

How Well We're Doing

- 100% of all-staff safety briefings completed
- 100% of mandatory safety trainings implemented
- Emergency drills and training on evacuation and alarms implemented as scheduled

Is Anyone Better Off?

- Staff up to date on mandatory trainings
- Staff are better prepared for emergency situations

Facility Management

How Well We're Doing

- 95% of maintenance requests responded to within the same work day
- 100% of facility concerns addressed
- Worker safety issues immediately addressed

Is Anyone Better Off?

- 95% of staff rate facilities support "good" or better
- Increased staff morale
- Zero percent sick leave due to building conditions

Records Management

How Well We're Doing

- Approximately 840 files scanned into electronic documents
- Forty-five file boxes recycled

Is Anyone Better Off?

- Staff and the public have quick access to documents and public records
- More building storage space due to fewer paper files

Fleet Management

How Well We're Doing

- All vehicles up to date with scheduled maintenance
- Monthly vehicle checks completed and logged
- Mileage logs turned in on time 100% of the time

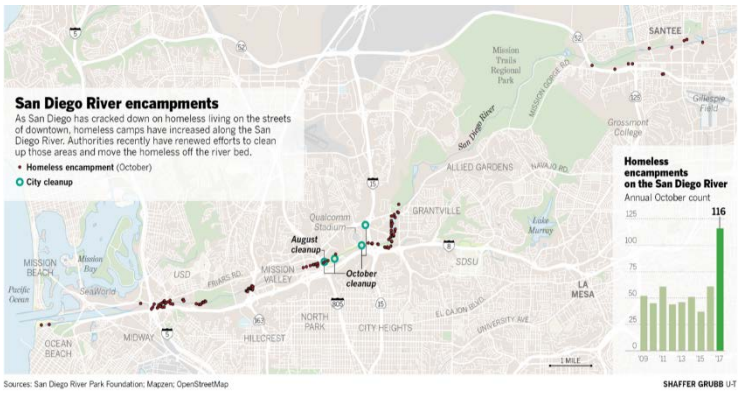
Is Anyone Better Off?

- Zero percent vehicle breakdowns
- No fees incurred to the State for late mileage log submittals
- Vehicles available 99% of the time

4. San Diego County Hepatitis A Outbreak – Disinfection to Protect Human Health and the Environment

Staff Contact: Laurie Walsh

On September 1, 2017, the San Diego County (County) public health officer declared a local public health emergency due to the ongoing hepatitis A outbreak in the County. The outbreak is being spread person-to-person and through contact with surfaces contaminated with fecal bacteria. As of November 8, 2017, there have been 546 reported cases of hepatitis A, 369 hospitalizations, and 20 deaths.[1] Most of the cases are located within downtown San Diego, El Cajon, Santee, La Mesa, and adjacent unincorporated areas within the County of San Diego. The majority of people who have contracted hepatitis A during this outbreak have been homeless and/or illicit drug users. County efforts to halt the hepatitis A outbreak currently focus on three key areas: vaccination, sanitation and education. Sanitation procedures have the potential to create discharges to the regions surface waters, if best management practices are not followed.



Two of the larger storm water municipal Copermittees, the City of San Diego and County of San Diego, consulted with San Diego Water Board Storm Water Program staff on implementing sanitation best management practices[2] in September 2017, at the onset of the outbreak. Generally speaking, sanitation procedures include targeted application of a 5,000 parts per million (ppm) sodium hypochlorite solution as needed on hardscape areas and no direct application of the chlorine solution on natural soft scape areas. Disinfection procedures for areas within creeks/river banks (i.e. soft scape areas) include removal of infected material from the waterway, transportation to a nearby staging area outside of the limits of the creek/river, applying the

[1] San Diego County Health & Human Services Agency website at http://www.sandiegocounty.gov/content/sdc/hhsa/programs/phs/community_epidemiology/dc/Hepatitis_A.html

[2] County of San Diego Sanitation Procedures for Public Right-of-Ways http://www.sandiegocounty.gov/content/dam/sdc/deh/fhd/food/pdf/sanitation_right_of_way.pdf

sodium hypochlorite solution to the material, and then disposal. Should there be a need to pressure wash hardscapes (e.g. sidewalks and curbs) as part of the disinfection procedure, best management practices include berming storm drain inlets and vacuuming up ponded wash water for disposal to the sanitary sewer. Copermittees that following these best management practices would be considered in compliance with the Regional Municipal Separate Storm Sewer Systems (MS4) Permit (Regional MS4 Permit) requirements to control such non-storm water discharges.

City of San Diego Sanitation Zones

The City of San Diego continues to conduct sidewalk sanitation three times per week within three zones of the downtown area based on need. Every Monday, City crews work in Zone 1, in coordination with the City's waste abatement efforts. On alternating weeks, Wednesdays and Fridays are used to sanitize portions of sidewalks in Zones 2 and 3, and other areas of the City based on observed need, reported concerns and other factors. Outside of downtown, the sanitation efforts have regularly included Ocean Beach, Pacific Beach, the Midway area, Uptown, North Park and Mid-City. In all, more than 650 blocks have been sanitized since the City's effort started September 11, 2017. The City's Storm Water Code Enforcement team routinely accompanies the sanitation contractor to ensure the City maintains compliance with the Regional MS4 permit's non-storm water discharge requirements. San Diego Water Board staff have also observed disinfection procedures on two separate occasions and determined the sanitation procedures were not causing a discharge to the MS4. Power washing was not performed during these two site visits. The City has also increased the storm drain cleaning frequency from annually to approximately monthly. The City continues to monitor the effectiveness of the cleaning, and will adjust the cleaning frequency based on the presence of debris and trash in the storm drains.

The County of San Diego's response to the hepatitis a outbreak includes similar cleaning and sanitation in the drainage channels, large road culverts and vegetated areas (i.e. public property sites) in the unincorporated communities within the San Diego River and Sweetwater watersheds. When a concern is identified on private property, the County is notifying land owners so they can take actions to address the situation. County of San Diego staff continue to perform assessments to evaluate conditions and perform sanitation where needed.

As part of these efforts, the City of San Diego and the County of San Diego are also offering services to the homeless, including public health nurses offering vaccination, and assistance programs including housing services. The City and County are collaborating with community partners and neighboring jurisdictions to ensure a comprehensive response effort.

5. Site Assessment and Mitigation 2017 Fall Forum

Staff Contacts: Lalitha Thotakura and Sean McClain

Mr. Sean McClain and Ms. Lalitha Thotakura from the Site Restoration and Groundwater Protection Branch gave presentations at the annual Site Assessment and Mitigation 2017 Fall Forum (SAM Forum) on October 11, 2017 hosted by San Diego County Department of Environmental Health (County DEH). Approximately 100 people attended the SAM Forum including representatives from the Water Boards, County DEH, environmental consulting firms, U.S. Navy, major oil companies, and public.

The San Diego Water Board staff participates in the SAM Forum every year. For 2017, Mr. McClain provided a joint presentation with Mr. Kevin Heaton of the County DEH on the State Water Board's Low-Threat Underground Storage Tank Case Closure Policy (Policy). The presentation included a discussion of the criteria *"Free product has been removed to the maximum extent practicable."*

Ms. Thotakura presented an agency update on several topics including the following:

- San Diego Water Board's Commercial Agricultural Orders;
- State Water Board's Cannabis Cultivation Program;
- Monitoring and cleanup levels for new and emerging contaminants such as 1,2,3-trichloropropane, 1,4-dioxane, nitrosamines, and per- and polyfluoroalkyl substances (PFASs);
- Sustainable and green remediation strategies to reduce the carbon footprint of cleanup activities throughout the life of a project; and
- Details on several funding options (i.e. grants and loans) that are available for cleanups.

Other SAM Forum presentations included:

- Mission Bay Studies (University of San Diego);
- Small Water Systems in San Diego County (County DEH);
- Small Purge Method to Sample Vapor from Groundwater Monitoring Wells Screened Across the Water Table (Mr. Todd Ririe); and
- Vapor intrusion update (San Francisco Bay Water Board).

The presentations from the SAM Forums are available here: http://www.sandiegocounty.gov/content/sdc/deh/lwqd/sam_update_agenda.html.

6. Emergency and Disaster Response *(Attachment A-6)*

Staff Contact: Jimmy Smith

Disasters and other emergencies, such as the recent fires in Northern California, can greatly hinder the mission of the State's water quality control boards. The San Diego Water Board experienced devastating wildfires in 2003, 2007 and 2014 that not only claimed lives and property, but also destroyed environmental beneficial uses. The 2003 fire closed the office for several days, while the other fires precluded many staff from reaching the office. The mass shootings in 2015 in San Bernardino serve as a reminder that government buildings are targets for acts of hate and violence. The San Diego Water Board has evolved in response to these situations by positioning regulatory responses to be quick during declared states of emergency, by preparing and practicing for dangers at the work place, and by having a plan to recover operational status should the home office be destroyed.

The San Diego Water Board is now a leader among the water boards in having regulations readily positioned for the next disaster. A wildfire webpage is available that provides points of contact and guidance on erosion control, dredging, and waste management. A declaration of a regional emergency by the Governor activates Conditional Waiver No. 12, which provides regulatory coverage for incidental discharges to marine waters, waste piles, discharges to landfills, and repair, fill and protection of non-federal waters. Attachment A-6 contains more information and provides links to the webpage and waiver.

The attachment also contains information on the use of recycled water to fight fires, the United States Army Corps of Engineers General Permit 63 for repair and protection activities in federal waters during emergencies, and general information related to emergencies in NPDES Permits. This information, along with staff expertise and agenda package written materials, have been shared with Regional Water Boards 1, 2 and 5 in response to devastating fires in those regions. The San Diego Water Board continues to encourage the State Water Board to develop a similar waiver for statewide application.

Fires, earthquakes and violence can also directly affect staff at the work place. The San Diego Water Board staff conducts annual drills, or more frequently as appropriate, to respond to these situations. Fire drills involve immediate evacuation in response to a red flashing light and audible alarm. Floor wardens recruit assistants to direct people away from elevators toward stairwells while they sweep the office and place sticky "post-its" near all cleared areas. Staff reconvene on a designated location outside the building and take roll call. Earthquake response drills are held each October and involve "duck and covering" until an all clear signal is given.

Responses to potential acts of violence are much more difficult as any actual incident cannot be predicted. Should an incident occur, reception staff can trigger an alarm that activates a visual alarm on the second floor. Multiple senior staff log in to an observation camera of the reception area and coordinate a response. Calls to 911 and building security, barricading of entrances, calls to conference rooms, intercom announcements, group texts, and assuming a readiness to "run, fight or hide" are all possible actions. Given the extreme nature of any such event, each person is directed to only take actions they feel are best for their individual circumstances. After each of these drills, staff debrief internally and often with building security and the California Highway Patrol on ways to improve. Staff are also responsible to inform their guests of appropriate responses any time visitors are at the San Diego Water Board. For instance, we typically have a welcome slide at the beginning of public board meetings that shows evacuation routes.

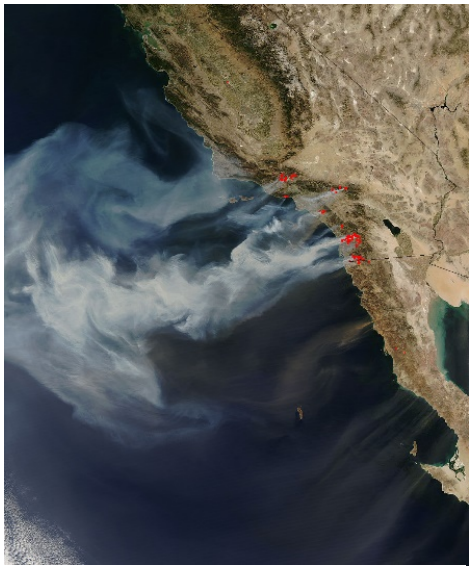
The San Diego Water Board also has an Operational Recovery Plan to establish communication with staff and key stakeholders, and to restore operations of the Board should the office be destroyed or otherwise become uninhabitable. Jimmy Smith serves as the Operational Recovery Plan Coordinator, with backup and assistance from David Barker, Lori Costa, Vinty Siev and Sheila Christine McQuaid-Moran. Re-establishing temporary workspace and communications are primary and immediate responsibilities. Other tasks include securing equipment, restoring network applications, restoring internet and LAN connections and organizing temporary backups for paper and electronic documents.

Natural disaster and emergencies will occur. The San Diego Water Board has learned and shared from past experiences, and continues to practice and prepare for what may happen next.

Part B – Significant Regional Water Quality Issues

1. Wildfire Cleanup and Recovery Coordination with the North Coast and San Francisco Water Boards

Staff Contacts: John Odermatt and Julie Chan



Satellite image of 2007 southern California wildfires

In times of crisis, we can learn from the experiences of others. At the request of the North Coast Water Board, AEO Jimmy Smith convened a meeting to share our wildfire cleanup and recovery experiences with staff members from the North Coast and San Francisco Water Boards, whose regions were devastated by wildfires in October. The meeting was attended by San Diego Water Board staff members Julie Chan, John Odermatt, Laurie Walsh, Roger Mitchell and Jimmy Smith; by North Coast Water Board AEO Shin-Roei Lee; by Michael Thompson of the Santa Clara Water District; and telephonically by San Francisco Regional Board AEO Lisa McCann and other staff members of the North Coast and San Francisco Water Boards. The purpose of the November 3 meeting was to discuss our shared experiences, to provide information about the San Diego Water Board's conditional waiver for management and discharges of disaster-related waste streams,[3] and to share solutions to water-quality issues related to wildfires based upon our experiences from the San Diego Region wildfires of 2003, 2007, and 2014.

Our counterparts were surprised at the amount of debris, mainly concrete from foundations, generated from burned homes in the San Diego Region wildfires. They were encouraged, however, to learn that the sorting and recycling undertaken by our landfill operators significantly lessened the volume of debris disposed there. They were dismayed to hear of the degree to which stream and creek channels in burn areas were impacted by ash and sediment following the

[3] Conditional Waiver 12: https://www.waterboards.ca.gov/sandiego/water_issues/programs/waivers/docs/w/WaiverNo12.pdf.

fires. We were able to report, however, that post-fire sampling showed many stream systems recovering and functioning well within two to five years following the fires.

The meeting was held in the wake of discussions at the statewide Water Quality Coordinating Committee meeting on October 25 on the Water Boards' response to the Napa and Sonoma County wildfires. As an outcome, the State Water Board might develop a waiver for the discharge of disaster-related wastes for the entire State based on the San Diego Water Board waivers.

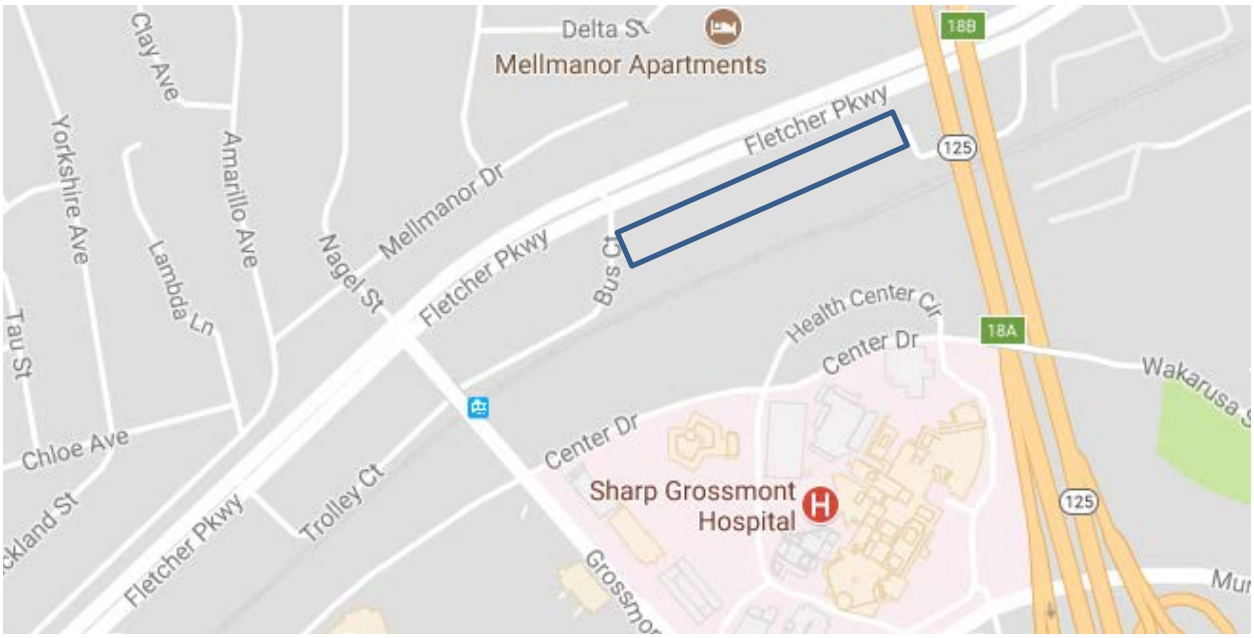
2. Completion of Alvarado Channel Restoration SEP

Staff Contact: Chiara Clemente

On September 12, 2017, the City of La Mesa (City) submitted its final report for the completion of the Alvarado Channel Restoration Supplemental Environmental Project (SEP). The final report satisfies the remaining terms of Settlement Agreement and Stipulation for Entry of Order (Settlement Order) No. R9-2013-0137 issued to the City for four unauthorized discharges of raw sewage to Chollas Creek and Alvarado Creek in December 2010. A copy of the final report is available at https://www.waterboards.ca.gov/sandiego/water_issues/programs/compliance/docs/R9-2013-0137_Final_Report.pdf.

The SEP project included enhancement and restoration of a 900 linear foot segment of Alvarado Creek. The primary goal of the SEP was to improve habitat that supports wildlife beneficial uses by removing concrete, trash, and non-native vegetation, and then revegetating with native plants. Pre and post-implementation photos are included below.

Although the City originally estimated the project would cost approximately $400,000, the final report indicates that the City spent $745,731 to satisfy the SEP obligations. Because the SEP was completed in accordance with the terms of the Settlement Order, $387,606 of deferred liability will be permanently suspended. Staff will continue to monitor the project's success criteria by evaluating compliance with requirements of the City's Clean Water Act Section 401 Water Quality Certification.



Map of Project Location

Pre-project photo looking downstream- Eucalyptus trees and other non-native vegetation along the bank of the channel,

Post-project photo looking downstream- Channel morphology has been redesigned, and non-native vegetation has been replaced with native vegetation.

Pre-project photo looking upstream- Dense vegetation with scattered trash from homeless encampments.

Post-project photo looking upstream- Establishing native vegetation

3. Sediment Cleanup Commences in the Former Naval Training Center Boat Channel

Staff Contact: Sherrie Komeylyan

The U.S. Navy began dredging contaminated sediment from the Former Naval Training Center Board Channel in late November to restore benthic community-related beneficial uses in that water body (Figures 1 and 2). The Remedial Action Plan for the Boat Channel cleanup calls for the Navy to dredge approximately 28,740 cubic yards of sediment contaminated with copper, lead, zinc, chlordane, and DDT, and transport it by barge to Naval Base San Diego for dewatering and stabilizing. The sediment will then be loaded onto trucks for disposal in South Yuma Landfill, located in Yuma, Arizona. The Navy expects to complete all cleanup activities by March 2018 with dredging completed in February 2018.

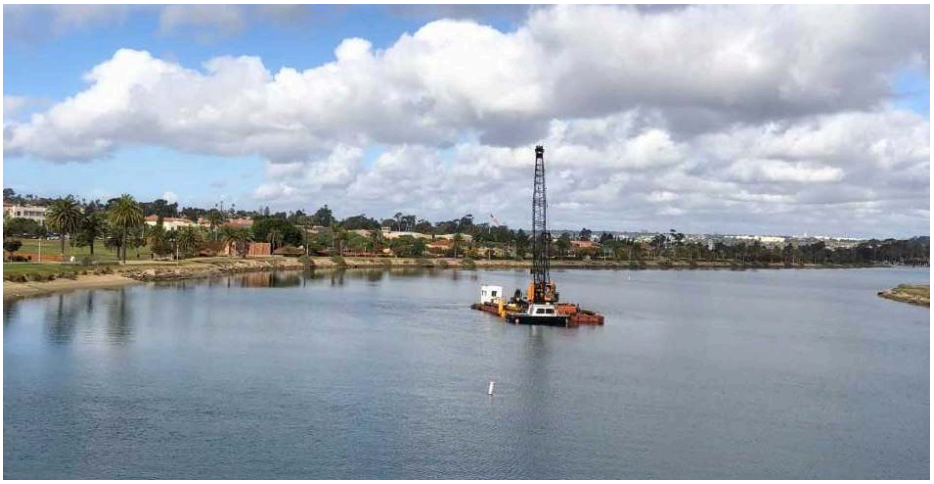


Figure 1: Dredge barge being moved into position in the Former Naval Training Center Boat Channel. (Photo provided by Lynn Dowling)

Figure 2: Noise mitigation signage in place at the Former Naval Training Center Boat Channel

4. Rec-2 (Non-Contact Water Recreation) Status Sheet for San Diego Bay Released *(Attachment B-4)*

Staff Contact: Betty Fetscher

Staff have produced and distributed a new status sheet (Attachment B-4) that focuses on types of recreation in San Diego Bay that do not require water contact. Specifically, it discusses patterns of trash abundance in the Bay that may negatively affect enjoyment of non-water-contact recreation. The new status sheet summarizes information presented to the Board in August 2017. San Diego Bay provides opportunities for many types of recreation in, on, and around the water. Activities may (e.g., swimming) or may not (e.g., birdwatching) involve contact with the water. A separate status sheet describing risk of exposure to human pathogens resulting from contact with the water (and any incidental ingestion) in high-activity parts of the Bay was prepared previously.

San Diego Bay is an important water body in the San Diego region due to its ecological value and because it supports tourism; commercial, recreational, and subsistence fishing; and a variety of recreational, maritime, industrial, commercial, and military uses. For this reason, the San Diego Water Board endorsed a "Strategy for a Healthy San Diego Bay" via Resolution No. R9-2015-0086 in June 2015. The Strategy identified the key beneficial use categories of the Bay as:

- Recreation (water contact ("REC-1") and non-water-contact ("REC-2"));
- Human consumption of fish and shellfish; and
- Habitats and ecosystems

A primary goal of the Strategy is to use monitoring data to assess attainment of these key beneficial uses, as well as changes in their status over time, and to communicate findings to the public. In addition to posting the new San Diego Bay REC-2 Status Sheet on our web page, staff also shared it via our social media and distributed it to related email subscription groups.

5. Storm Water Capture and Reuse at the San Diego County Regional Airport

Staff Contact: Christina Arias

The San Diego County Regional Airport Authority (Airport Authority) is building a Parking Plaza in front of Terminal 2 at the San Diego International Airport (Airport). The 3-floor Parking Plaza features 3,000 parking stalls, replacing and increasing the parking available in the previously existing surface parking lot for Terminal 2.

The Parking Plaza is designed and constructed as a Priority Development Project under the San Diego Regional Municipal Storm Water Permit Order No. R9-2013-0001 (Municipal Storm Water Permit). To comply with the Municipal Storm Water Permit, the Airport Authority is implementing a below-ground rainwater storage system for the Parking Plaza with a capacity of nearly 100,000 gallons to retain on-site 100% of the pollutants contained in the volume of storm water runoff produced from a 24-hour 85th percentile storm event. The Parking Plaza is located next to the Airport's central utility plant, which currently uses almost 30,000 gallons per day of potable water to manage the air temperature throughout the terminals.

Once the Parking Plaza is completed in the spring of 2018, rainwater that falls on the 7.6-acre Parking Plaza will be captured and used to replace some of the potable water currently used at the central utility plant. On average, the Airport receives about 10 inches of rain per year and the

Parking Plaza's storm water capture and reuse system will capture almost 2 million gallons of rainwater per year for use at the central utility plant. The Parking Plaza 100,000-gallon rainwater storage system is believed to be the largest storm water capture and reuse system in the San Diego region.

Given numerous site constraints related to storm water retention opportunities, the Airport Authority is currently focused on storm water capture and reuse as one of its preferred methods of compliance with the Municipal Storm Water Permit and as a keystone of the Airport Authority's Water Stewardship Plan.

The Parking Plaza Project Fact Sheet is available on the Airport Authority website at http://www.san.org/Portals/0/Documents/Parking%20Plaza/17-6-23_SAN-Parking-Plaza-Fact-Sheet%20.pdf

6. Status of Claude "Bud" Lewis Carlsbad Desalination Plant NPDES Permit Reissuance

Staff Contact: Ben Neill

This report provides a monthly status update on San Diego Water Board's review of Poseidon Resources (Channelside) LLC's (Poseidon) Report of Waste Discharge (ROWD) application for reissuance of the National Pollutant Discharge Elimination System (NPDES) permit for the Claude "Bud" Lewis Carlsbad Desalination Plant (CDP) and the development of the draft NPDES permit. The reissuance of the NPDES permit for the CDP is a high priority for the San Diego Water Board and the State Water Board (collectively referred to as Water Boards). Following are updates on key activities since the previous Executive Officer Report update: [4]

1. By email on October 6, 2017, the San Diego Water Board provided to Poseidon and the San Diego County Water Authority (SDCWA) a preliminary working draft of the NPDES permit for informal review and comment. The administrative draft permit was complete in many respects but did not include the proposed determination under staff development required by California Water Code section 13142.5(b) for stand-alone operation of the CDP when the Encina Power Station permanently ceases operation after December 31, 2018. Water Code section 13142.5(b), adopted as part of the California Coastal Act of 1976, requires that any "new or expanded coastal power plant or other industrial installation using seawater for cooling, heating or industrial processing" must utilize "the best available site, design, technology and mitigation measures feasible…to minimize the intake and mortality of all forms of marine life." The stand-alone operation of the CDP is considered an expanded facility as defined by the *California Water Quality Control Plan for Ocean Waters of California* (Ocean Plan), "[t]o the extent that the desalination facility is co-located with another facility that withdraws water for a different purpose and that other facility reduces the volume of water withdrawn to a level less than the desalination facility's volume of water withdrawn, the desalination facility is considered to be an expanded facility."

[4] Additional information regarding the CDP can be found in Executive Officer Reports for October 2017, September 2017, August 2017, June 2017, April 2017, February 2017, December 2016, November 2016, October 2016, September 2016, August 2016, May 2016, December 2015, September 2015, and June 2015.

2. On October 13, 2017, San Diego Water Board Executive Officer David Gibson and staff met with Maureen Stapleton, SDCWA General Manager along with her staff and representatives from Poseidon, to review the status of the NPDES permit development. At that meeting, SDCWA expressed concerns regarding the operational and economic feasibility of implementing Intake Alternative No. 21.[5] The San Diego Water Board reiterated its previous requests that operational and cost information be provided so that staff could evaluate Intake Alternative No. 21 in comparison to the other intake alternatives proposed. SDCWA and Poseidon ultimately agreed to provide the information for a complete analysis of Intake Alternative No. 21.

   Another issue of contention discussed concerned chapter III.M.2.a(1) of the *Water Quality Control Plan for the Ocean Waters of California* (Ocean Plan) which provides that the regional water boards may require an owner or operator of a desalination facility to hire a neutral third party entity to review studies and models and make recommendations to the boards regarding the Water Code section 13142.5(b) determination cited above. The neutral third party may include experts in the field for addressing issues associated with minimizing, mitigating, and monitoring of intake and brine impacts from desalination facilities. The San Diego Water Board has previously requested Poseidon to assist the Board in engaging an independent scientific advisory panel to review outstanding permitting questions related to the Water Code section 13142.5(b) determination. SDCWA and Poseidon expressed concerns at the meeting that such a panel could further delay the issuance of the NPDES permit if the panel required additional studies or if there were lengthy delays in the dissemination of the panel findings. San Diego Water Board expressed the opinion that the panel could provide valuable feedback and perspective on various technical issues and better establish the validity of the Board's decision on the issues at the conclusion of the permit reissuance proceedings. Ultimately, Poseidon and the SDCWA agreed to work with San Diego Water Board in moving forward with the independent scientific advisory panel.

3. The Water Boards met with Poseidon and the SDCWA on November 7, 2017 to discuss the working draft of the NPDES permit, Intake Alternative No. 21, and the independent scientific advisory panel. On November 22, 2017, Poseidon provided additional information on the feasibility of Intake Alternative No. 21, which San Diego Water Board is now reviewing. The California Coastal Commission (CCC) has already engaged an independent scientific advisory panel to review Poseidon's mitigation plan. The San Diego Water Board is working with the CCC to have the same panel review the NPDES permitting questions.

Poseidon owns and operates the CDP subject to waste discharge requirements established by the San Diego Water Board in NPDES Permit No. CA0109223, Order No. R9-2006-0065. Order No. R9-2006-0065 expired in 2011, but remains in effect under an administrative extension until the reissued NPDES permit supersedes it. The CDP is located adjacent to the Encina Power Station (owned by NRG Energy) on the southern shore of the Agua Hedionda Lagoon in Carlsbad, California. The CDP is the nation's largest seawater desalination plant. On November 9, 2015, the CDP began potable water production providing up to 50 million gallons

[5] In June 2017, Poseidon submitted a very preliminary intake structure design alternative for consideration known as Alternative No. 21 that provides for placement of screens in the lagoon at the onset of seawater withdrawal to minimize impacts to marine life. San Diego Water Board staff had asked that this proposal be further analyzed to provide information on the cost, construction impacts to marine life, operational impacts to marine life, potential time frame for construction, and other considerations. See August and September 2017 Executive Officer reports for additional information.

of drinking water per day to customers within the SDCWA service area. The CDP currently intakes source water from Agua Hedionda Lagoon through the existing Encina Power Station discharge structure.

The San Diego Water Board has developed a dedicated website to inform the public about the NPDES permit reissuance for the CDP: http://www.waterboards.ca.gov/sandiego/water_issues/programs/regulatory/carlsbad_desalination.shtml.

In addition, an email list is available for interested persons to subscribe to at this website: http://www.waterboards.ca.gov/resources/email_subscriptions/reg9_subscribe.shtml

7. Commercial Agriculture Regulatory Program

Staff Contact: Craig Carlisle

Status of Enrollment

Approximately 1,200 agricultural operations have joined one of four Third-Party Groups and enrolled in the Third-Party General Order.[6] In addition, approximately 100 to 200 more agricultural operations identified by Third-Party Groups are expected to enroll through the electronic Notice of Intent (eNOI) application in GeoTracker.[7] To date, no one has enrolled in the Individual General Order.

The four approved Third-Party Groups are:

- De Luz Agriculture Group with members within the Riverside County portion of the De Luz area;
- Frog Environmental, Inc., with members throughout the San Diego Region;
- San Diego Region Irrigated Lands Group with members throughout the San Diego Region; and
- Upper Santa Margarita Irrigated Lands Group with members in the Riverside County portion of the San Diego Region.

Recruitment Efforts

As noted in the Personnel section of this Executive Officers Report, Christina Arias joins the Commercial Agriculture Program after years of working in storm water, the State Water Board Division of Administrative Services canceled recruitment for an Environmental Scientist, and Scientific Aid Mayra Estrada has left State service. Recruitment will begin soon for an Engineering Intern.

Enforcement Action

Once the program is fully staffed, we plan to initiate an enforcement effort to find commercial agricultural operations that have failed to enroll. Enforcement activities will include working with the Third-Party Groups to identify non-filers, and comparing the list of operations

[6] Order No. R9-2016-0004, *General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations for Dischargers that are Members of a Third-Party Group in the San Diego Region.*

[7] https://geotracker.waterboards.ca.gov/enoi/.

previously enrolled in the Conditional Waiver with those currently enrolled in one of the General Agricultural Orders.

8. Basin Plan Triennial Review Progress Reports

Staff Contacts: Chad Loflen, Melissa Corona, Michelle Santillan

Introduction

State and federal law requires periodic review of the Water Quality Control Plan for the San Diego Basin (Basin Plan). California Water Code section 13240 states that Basin Plans "…shall be periodically reviewed and may be revised." Federal Clean Water Act section 303(c)(1) states that the Water Boards "…shall from time to time (but at least once each three year period…) hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards." Because federal law requires that water quality standards be reviewed every three years, the periodic review of the Basin Plan is commonly referred to as the "triennial review."

The San Diego Water Board concluded its most recent Basin Plan Triennial Review in May 2015. The purpose of the review was to identify needed updates and revisions to water quality standards and other elements of the Basin Plan. The product of the review is a priority list of suggested projects, which may result in Basin Plan revisions, and that serve as the basis of a three-year work plan. The priority list was endorsed via Resolution No. R9-2015-0043.

The Tier 1 priority Basin Plan review projects include:

1. Biological Objectives for Water Bodies in the San Diego Region
2. Chollas Creek Metals Site Specific Water Effect Ratio (WER)
3. Evaluation of Contact Water Recreation (REC-1) Water Quality Objectives and Methods for Quantifying Exceedances

Included below are progress reports for the Tier 1 projects. More information on the Basin Plan review process and results is available at: http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/tri_review.shtml.

ISSUE 1: BIOLOGICAL OBJECTIVES FOR WATER BODIES IN THE SAN DIEGO REGION

1.A. ISSUE 1 PROJECT INFORMATION

Biological Objectives for Water Bodies in the San Diego Region		*Report Date*	December 1, 2017
		Report Period	October 2017-November 2017
		Overall Status	Project is on track
Project Coordinator	Chad Loflen	**Project Contacts**	Chad Loflen and Betty Fetscher
Supervisor	Jeremy Haas, Healthy Waters Branch		
Project Description	The purpose of this project is to develop biological water quality objectives for the attainment of beneficial uses of inland surface waters.		

Project Objective(s)	1. To promote biological integrity of all surface waters. 2. To preserve high quality streams, including non-perennial streams. 3. To use biological integrity to assess the condition of surface waters where the science is already developed and to add types of waters as science is developed. 4. To better protect and restore altered streams from predictable hydrologic or physical stressors. 5. To prevent further biological degradation of streams that have suffered from large scale hydrologic and physical stressors.		
Triennial Review Commitments	Basin Plan Amendment should: 1. Incorporate a narrative biological objective for water bodies in the San Diego Region. 2. Establish numerical measures by which to interpret the narrative objective.		
Key Milestones	**Action**	**Date**	**Notes**
	Public informational meeting	Fall 2015	Held with CEQA scoping meeting July 2016
	Draft Technical Reports complete	July-Sept 2016	June 2017
	Public Workshop	Summer 2016	TBD during public review period
	Public and Peer Review Submission	Nov-Dec 2016	Likely December 2017
	Board Hearing	Early 2018	Likely Mid 2018
Project web site	http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/bio_objectives/ Lyris list: http://www.waterboards.ca.gov/resources/email_subscriptions/reg9_subscribe.shtml		

1.B PROGRESS REPORT: Biological Objectives

Reporting Period Events	
Accomplishments during period	• Project documents are currently under review by Office of Chief Counsel
Collaboration during period	• Project leads were in regular communication with State Water Board staff working on a statewide Implementation Plan for Assessing Biological Integrity in Surface Waters. • Staff presented at the California Aquatic Bioassessment Workgroup as part of a special session on *Incorporating Bioassessment in Statewide and Regional Policies*. Chad Loflen presented on the proposed draft approach for biological objectives in San Diego streams. A panel discussion followed the session.

Activities planned, but not completed	Public and peer review submission were delayed
Key issues during period	None
Looking Forward	
Activities planned for next reporting period	• Release draft technical report and Basin Plan Amendments for public and peer review • Hold a public workshop for the project • Continue to coordinate with State Water Board
Key issues on the horizon	

ISSUE 2: CHOLLAS CREEK METALS SITE SPECIFIC WATER EFFECT RATIO

2.A. ISSUE 2 PROJECT INFORMATION

Chollas Creek Metals Site Specific Water Effect Ratio (WER)		*Report Date*	December 1, 2017
		Report Period	October-November 2017
		Overall Status	Project is on track
Project Coordinator	Melissa Corona	**Project Contact**	Melissa Corona
Supervisor	Cynthia Gorham, Restoration and Protection Planning Unit		
Project Description	The purpose of this project is to revise the Basin Plan based upon the results of completed water effects ratios (WERs) for Chollas Creek dissolved copper and dissolved zinc prepared by the City of San Diego.		
Project Objective(s)	1. Use site-specific data to revise total maximum daily loads (TMDLs) for dissolved copper and dissolved zinc in Chollas Creek. 2. Protect beneficial uses of Chollas Creek and downstream waters.		
Triennial Review Commitments	1. Amend the Basin Plan to establish site-specific and chemical-specific WERs to be incorporated into the water quality objectives for toxic pollutants in Chollas Creek, and to revise the dissolved copper and zinc WERs in the Chollas Creek Metals TMDLs. 2. The Basin Plan should also be amended to clarify the application of WERs in the California Toxics Rule (CTR) when developing numeric water quality objectives for toxic pollutants.		
Key Milestones	**Action**	**Date**	**Notes**
	Held California Environmental Quality Act (CEQA) scoping meeting	September 2015	Approximately 20 attendees
	Submitted documents for peer review	June 2016	

	Received peer review comments	August-October 2016	
	Finalized staff/technical report	December 2016	
	Presented at San Diego Water Board hearings	December 2016 February 2017	Adopted February 8, 2017
Project web site	*http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/basinplan_wer.shtml*		

2.B. ISSUE 2 PROGRESS REPORT

Reporting Period Events	
Accomplishments during period	The San Diego Water Board submitted agenda language to the State Water Resources Control Board (State Water Board) for its January 9, 2018 Board meeting.
Collaboration during period	None
Activities planned, but not completed	None
Key issues during period	Initially, the San Diego Water Board requested the State Water Board December 5, 2017 meeting date. The change of date to January 9, 2018 was prompted by written comments that change the status of the item from "uncontested" to "controversial." This may require a briefing to State Water Board members, requiring more time for scheduling and preparation. The written comments, submitted by San Diego Coastkeeper and Coastal Environmental Rights Foundation, were received by the State Water Board on October 18, 2017.
Looking Forward	
Activities planned for next reporting period	The San Diego Water Board has requested that the State Water Board consider approval of the Basin Plan amendment at its January 9, 2018 hearing.
Key issues on the horizon	Staff will now prepare for a contested hearing before the State Water Board.

ISSUE 3: EVALUATION OF CONTACT WATER RECREATION (REC-1) WATER QUALITY OBJECTIVES AND METHODS FOR QUANTIFYING EXCEEDANCES

3.A. ISSUE 3 PROJECT INFORMATION

Evaluation of Contact Water Recreation (REC-1) Water Quality	*Report Date*	December 1, 2017
	Report Period	October 2017-November 2017

Objectives and the Methods for Quantifying Exceedances		*Overall Status*	Project is on track
Project Coordinator	Michelle Santillan	**Project Contacts**	Michelle Santillan and Cynthia Gorham
Supervisor	Cynthia Gorham, Restoration and Protection Planning Unit		
Project Description	The project purpose is to determine whether and to what extent data supports amending the REC-1 objectives, implementation provisions for applicable TMDLs, or the TMDLs themselves. Then, as appropriate, to develop recommendations for carrying out such amendments. Results of the evaluation may include Basin Plan amendments to water quality objectives or the Bacteria TMDLs, and/or other Board actions.		
Project Objective(s)	1. To protect REC-1 beneficial uses; 2. To adopt new and/or updated regulations based upon the latest technical findings and scientific understanding; 3. To facilitate effective use of resources by regulated parties; and 4. To ensure judicious use of San Diego Water Board resources.		
Triennial Review Commitments	Staff commitments to: 1. Continue participating on related technical, scientific, and regulatory advisory groups. 2. Conduct a public workshop during fiscal year 2015-16 following community outreach on applicable science, particularly in relation to selection of indicators and compliance with objectives in wet weather. 3. Seek a third-party cost-benefit analysis regarding compliance with regulations of the San Diego Water Board, with a specific focus on the infeasibility of meeting wet-weather TMDL water quality objectives.		
Key Milestones	**Action**	**Planned Date**	**Notes**
	MOU with MS4 Copermittee working group	November 2015	Finalized in October 2016
	Cost-benefit study public scoping meeting	August 2015	Held September 16, 2015
	REC-1 public workshop	Spring 2016	
	Cost-benefit analysis draft work plan public meeting	August 31, 2016	Held August 31, 2016
	Draft Cost-benefit analysis Report	April 2017	Reviewed by TAC and Steering Committee
	Cost-benefit analysis public meeting	May 31, 2017	Held August 17, 2017
	Cost-benefit analysis completed	August 2017	Delayed to October 2017

	Technical reports completed	September 2017	
	Board hearing for any recommended changes	2018	May require CEQA and peer review processes.
Project web site	*http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/issue3.shtml*		

3.B. ISSUE 3 PROGRESS REPORT

Reporting Period Events	
Accomplishments during period	The final cost benefit analysis report and a fact sheet were completed in October 2017. Final documents have been posted on the project web site.
Collaboration during period	The Bacteria Workgroup met once in October 2017.
Activities planned, but not completed	None
Key issues during period	• The State Water Board released draft revisions for Statewide Bacteria Objectives that would supersede existing objectives in the San Diego Region's Basin Plan. This may obviate the need for the San Diego Region to adopt revised water quality objectives. In addition, the draft statewide objectives include provisions such as compliance determination and implementation provisions that could support or conflict with the findings and potential recommendations from staff's Triennial Review results. • The State Water Board postponed its scheduled December 5, 2017 adoption hearing of the Statewide Bacteria Objectives.
Looking Forward	
Activities planned for next reporting period	• The Bacteria Workgroup will meet in December 2017. • Staff will develop recommendations on next steps for this project. • Staff will continue to be in contact with the State Water Board staff and local stakeholders regarding the statewide Bacteria Objectives.
Key issues on the horizon	• The State Water Board anticipates releasing a revised draft of the Statewide Bacteria Objectives before considering it for adoption. An revised hearing date has not been set.

9. TDY Industries Bay Sediment Cleanup Construction Completion – Innovative Cleanup and Abatement of PCB Contaminated Sediment in San Diego Bay

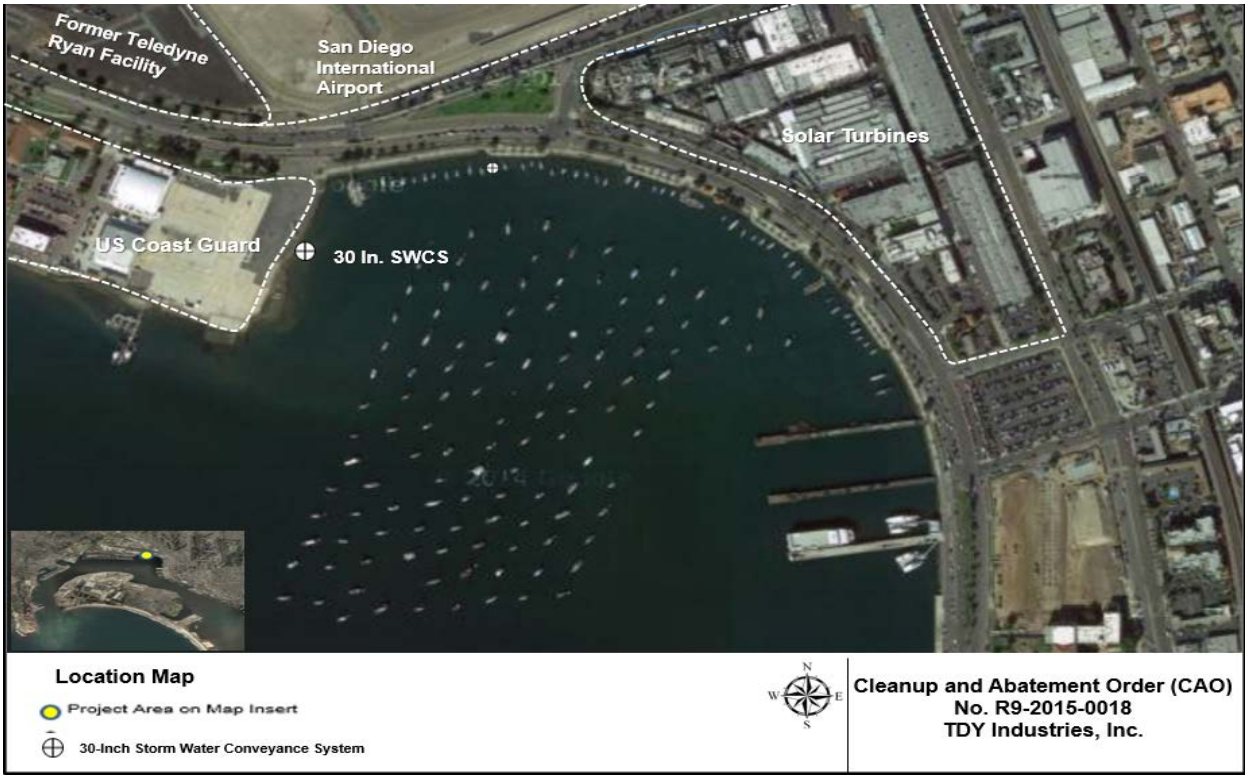
Staff Contact: Brian McDaniel

The San Diego Water Board recently achieved a major milestone in San Diego Bay with the removal of approximately 125 cubic yards of bay sediment containing elevated levels of contaminants including polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), and metals, followed by placement of a thin-layer cover. TDY Industries (TDY) also successfully installed a new shoreline reinforcement and extended the storm drain.

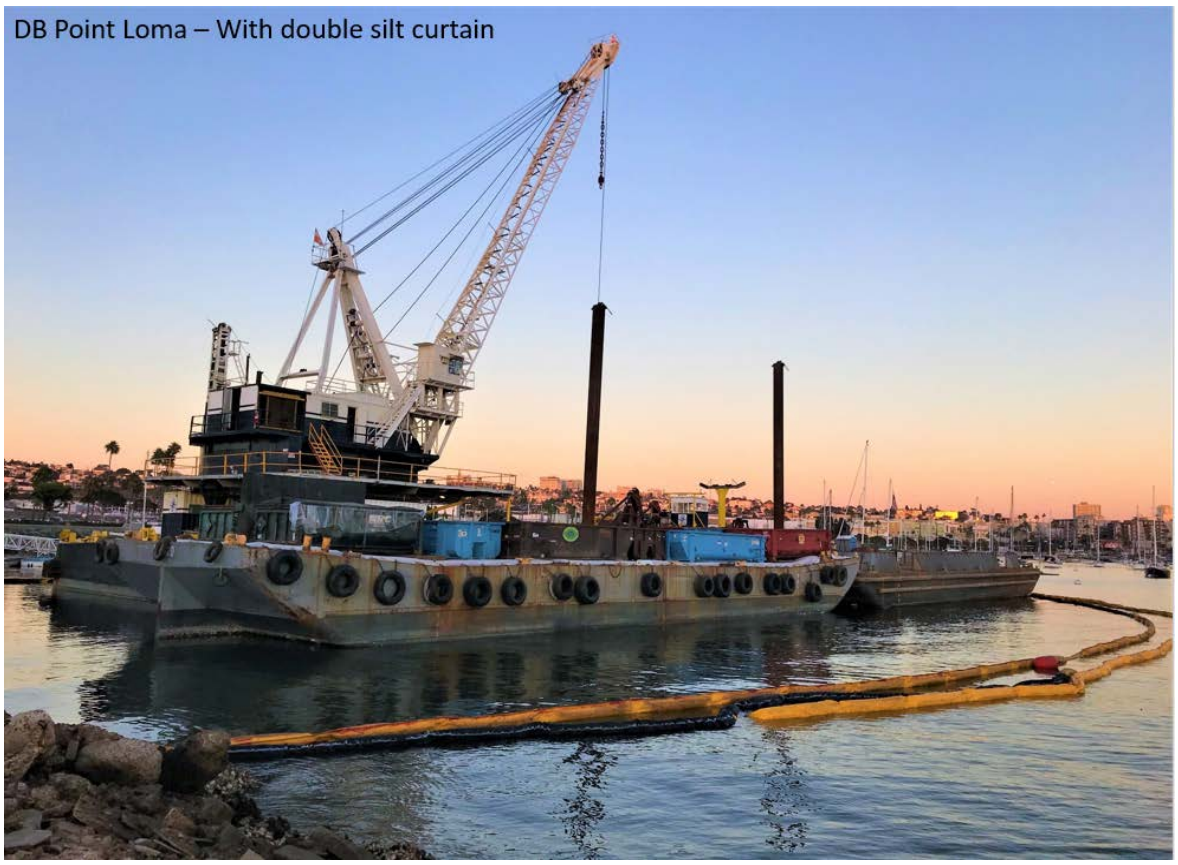
The San Diego Water Board issued Cleanup and Abatement Order (CAO) No. R9-2015-0018, which required TDY to conduct the cleanup with an abatement action for a localized area of contaminated sediment discharged from a former TDY facility into San Diego Bay. A 30-Inch Storm Water Conveyance System (SWCS) historically drained portions of the former TDY facility, a portion of the San Diego International Airport, and the U.S. Coast Guard Facility and discharged to the far western portion of the area known as the Laurel/Hawthorn Embayment of San Diego Bay. The figure below shows the location of the 30-inch SWCS outfall around which the cleanup was centered. TDY and the Board agreed that it was economically feasible to remediate the impacted area through a combination of direct removal, enhanced monitored natural recovery (EMNR) with carbon addition, and stabilization of residual sediment within the rip-rap surrounding the SWCS outfall. On November 27, 2017, TDY completed the construction of the project (Targeted Sediment Removal, EMNR Layer Placement, and Shoreline Reinforcement). Project elements consist of the following:

- **Targeted Sediment Removal.** Bay sediment at the base of the existing riprap below the SWCS outfall was removed to a depth of 3-feet below the current sediment surface. Dredged sediment was placed on a barge, dewatered, and transported to an offsite disposal facility. The dredged area was then backfilled with clean sand to pre-existing bathymetric surface elevations.
- **EMNR Layer.** An EMNR layer composed of clean sand mixed with 3 percent activated carbon was placed over the target area of approximately 1 acre. The carbon amended sand cover was designed to achieve a post-remediation biologically available surface-area weighted average concentration of 0.084 mg/kg for total PCBs across the site. The carbon amendment will also provide an additional reduction in the bioavailability of residual PCBs in the underlying bay sediment. The cover will allow for natural sedimentation and bioturbation mixing of the cover material with the underlying sediment while providing a cleaner habitat for benthic invertebrates.
- **Shoreline Reinforcement.** The area adjacent to the SWCS was reinforced with a geotextile component anchored with a coarse gravel/cobble layer to hold the geotextile fabric in-place and protect it from UV damage. The gravel/cobble layer will reinforce the shoreline from future erosion, mitigate migration to San Diego Bay of any residual contaminated sediment in the rip rap, and minimize underscouring of the existing rip-rap. In addition, the SWCS outfall pipe, which had become buried over time, was extended an additional 8-feet to allow for free drainage of the SWSC outfall structure.

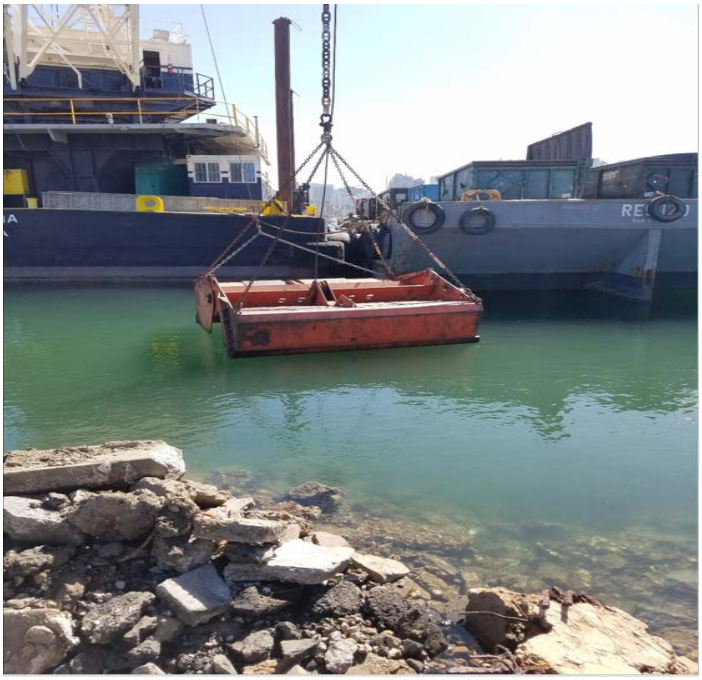
This cleanup and abatement action is another important step in restoring the beneficial uses of San Diego Bay for the benthic community, aquatic-dependent wildlife, resident finfish, and fishers. Additional information regarding the cleanup and abatement action and related reports can be found on Geotracker at http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000006060.



Project Location

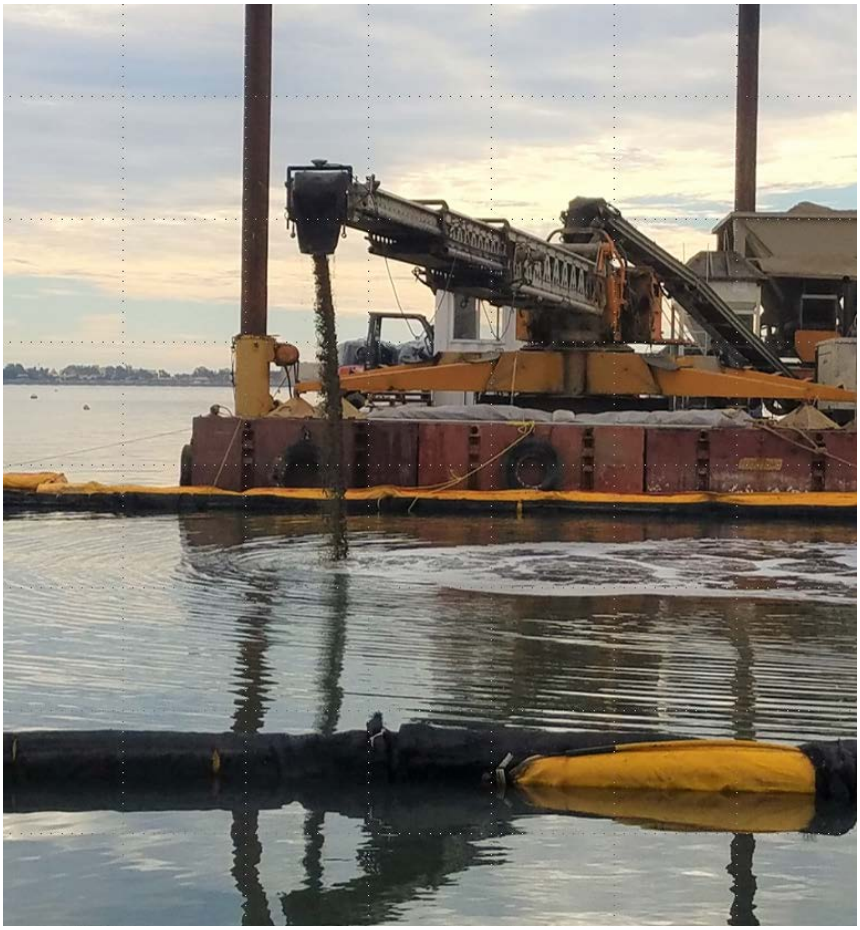


TDY completed dredging the targeted PCB hot spot in the project area. The dredge barge scooped up bay sediment, placed the sediment on the barge to be dewatered and then loaded it into dump trucks to be taken to the Otay Landfill for disposal



Nearshore Sediment Dredging.

Clean Sand Backfill Placement in the dredged area



Placement of Thin Layer Cover (EMNR)

10. Enforcement Actions for September and October 2017 *(Attachment B-10)*

Staff Contact: Chiara Clemente

During the months of September and October, the San Diego Water Board issued 45 written enforcement actions as follows; 1 Expedited Settlement Offer of Administrative Civil Liability (ACL), 25 Notices of Violation, and 19 Staff Enforcement Letters. A summary of each enforcement action taken is in the attached table (Attachment B-9). The State Water Board's Enforcement Policy contains a brief description of the kinds of enforcement actions the Water Boards can take.

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:
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.

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

11. Sanitary Sewer Overflows and Transboundary Flows from Mexico in the San Diego Region – August and September 2017 *(Attachment B-11)*

Staff Contact: Keith Yaeger

Sanitary sewer overflow (SSO) discharges from sewage collection systems and private laterals, and transboundary flows from Mexico into the San Diego Region can contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oil, and grease. SSO discharges and transboundary flows can pollute surface and ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters. Typical impacts of SSO discharges and transboundary flows include the closure of beaches and other recreational areas, inundated properties, and polluted rivers and streams.

The information below summarizes SSO spills and transboundary flows in the San Diego Region reported during **August and September 2017**:

Sewage Collection System SSO Spills	Private Lateral SSO Spills	Transboundary Flows from Mexico
Twenty spills were reported, totaling 359,486 gallons (2,226 gallons reached surface waters or a tributary storm drain). San Diego Water Board staff is not aware of any closures of beaches or other recreational areas due to the reported spills.	Fifteen spills were reported, totaling 5,574 gallons (400 gallons reached surface waters or a tributary storm drain). San Diego Water Board staff is not aware of any closures of beaches or other recreational areas due to the reported spills.	Four transboundary flow events were reported during dry weather, totaling 952,000 gallons (100% reached surface waters), and one transboundary flow event was reported during wet weather, totaling 3,900,000 gallons (100% reached surface waters). The dry weather transboundary flows were due to malfunctioning level sensors at or clogged intake screens on Pump Station CILA. The wet weather transboundary flow was due to a pressure surge in the potable water system in Tijuana that caused two city water storage tanks at Otay and Florido to overflow and drain into the Tijuana River. Pump Station CILA was not able to divert the excess flow causing the flow to cross the U.S./Mexico border.

Sanitary Sewer Overflows (SSOs)

State agencies, municipalities, counties, districts, and other entities (collectively referred to as public entities) that own or operate sewage collection systems report SSO spills through an on-line database system, the *California Integrated Water Quality System* (CIWQS). These spill

reports are required under the Statewide General SSO Order[8], the Regional Water General SSO Order[9], and/or individual National Pollutant Discharge Elimination System (NPDES) permit requirements. Some federal entities[10] report this information voluntarily. Most SSO reports are available to the public on a real-time basis at the following State Water Board webpage: https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/PublicReportSSOServlet?reportAction=criteria&reportId=sso_main.

Details on the reported SSOs are provided in the following attached tables (Attachment B-11) titled:

- Table 1: August 2017 - Summary of Public and Federal Sanitary Sewer Overflows in the San Diego Region.
- Table 2: September 2017 - Summary of Public and Federal Sanitary Sewer Overflows in the San Diego Region.
- Table 3: August 2017 - Summary of Private Lateral Sewage Discharges in the San Diego Region.
- Table 4: September 2017 - Summary of Private Lateral Sewage Discharges in the San Diego Region.

Additional information about the San Diego Water Board sewage overflow regulatory program is available at http://www.waterboards.ca.gov/sandiego/water_issues/programs/sso/index.shtml.

Transboundary Flows

Water and wastewater in the Tijuana River and from a number of canyons located along the international border ultimately drain from Tijuana, Mexico into the U.S. The water and wastewater flows are collectively referred to as transboundary flows. The U.S. Section of the International Boundary and Water Commission (USIBWC) has built canyon collectors to capture dry weather transboundary flows from some of the canyons for treatment at the South Bay International Wastewater Treatment Plant (SBIWTP) in San Diego County at the U.S./Mexico border. Dry weather transboundary flows that are not captured by the canyon collectors for treatment at the SBIWTP, such as flows within the main channel of the Tijuana River, are reported by the USIBWC pursuant to Order No. R9-2014-0009, the NPDES permit for the SBIWTP discharge. These uncaptured flows can enter waters of the U.S. and/or State, potentially polluting the Tijuana River Valley and Estuary, and south San Diego beach coastal waters.

[8] State Water Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* as amended by Order No. WQ 2013-0058-EXEC, *Amending Monitoring and Reporting Program for Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*.

[9] San Diego Water Board Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*.

[10] Marine Corp Base Camp Pendleton reports sewage spills to CIWQS as required by its individual NPDES permit, Order No. R9-2013-0112, NPDES Permit No. CA0109347, *Waste Discharge Requirements for the Marine Corps Base, Camp Pendleton, Southern Regional Tertiary Treatment Plant and Advanced Water Treatment Plant, Discharge to the Pacific Ocean via the Oceanside Ocean Outfall*. The U.S. Marine Corps Recruit Depot and the U.S. Navy voluntarily report sewage spills through CIWQS.

Details on the reported transboundary flows are provided in the attached tables (Attachment B-11) titled:

- Table 5: August 2017 - Summary of Transboundary Flows from Mexico into the San Diego Region.
- Table 6: September 2017 - Summary of Transboundary Flows from Mexico into the San Diego Region.

According to the 1944 *Water Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* and stipulations established in IBWC Minute No. 283, the USIBWC and the Comisión Internacional de Limites y Aguas (CILA)[11] share responsibility for addressing border sanitation problems, including transboundary flows. Efforts on both sides of the border have led to the construction and ongoing operation of several pump stations and treatment plants to reduce the frequency, volume, and pollutant levels of transboundary flows. This infrastructure includes but is not limited to the following:

- The SBIWTP, located just north of the U.S./Mexico border, provides secondary treatment for a portion of the sewage from Tijuana, Mexico and dry weather runoff collected from a series of canyon collectors located in Smuggler Gulch, Goat Canyon, Canyon del Sol, Stewart's Drain, and Silva Drain. The secondary-treated wastewater is discharged to the Pacific Ocean through the South Bay Ocean Outfall, in accordance with Order No. R9-2014-0009, NPDES No. CA0108928.
- Several pump stations and wastewater treatment plants in Tijuana, Mexico.

The River Diversion Structure and Pump Station CILA in Tijuana divert dry weather flows from the Tijuana River. The flows are diverted to a Pacific Ocean shoreline discharge point approximately 5.6 miles south of the U.S./Mexico border, or can be diverted to SBIWTP or another wastewater treatment plant in Tijuana, depending on how Tijuana's public utility department (CESPT) configures the collection system. The River Diversion Structure is not designed to collect wet weather river flows and any river flows over 1,000 liters per second (35.3 cubic feet per second).

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

1. State Water Board Adopts Environmental Standards for Cannabis Cultivation

Staff Contact: Craig Carlisle

The State Water Board adopted a new statewide policy for cannabis cultivation to protect water flows and water quality in California's rivers and streams.[12] The Cannabis Cultivation Policy (Policy), adopted on October 17, 2017 will be implemented through a water quality permit known as the Cannabis General Order and through Cannabis Small Irrigation Use Registrations for cannabis-related water rights. The policy takes effect upon approval by the Office of Administrative Law, expected sometime in late 2017.

[11] The Mexican section of the IBWC.

[12] https://www.waterboards.ca.gov/water_issues/programs/cannabis/index.html

The Policy establishes 14 cannabis cultivation regions. The San Diego Water Board is in the South Coast Region along with the Santa Ana and the Los Angeles Water Boards. The figure below shows the Cannabis Cultivation Policy Regional Boundaries. These three Water Boards are working together to implement the Policy and the Cannabis General Order. Recruitment is underway to staff a new cannabis unit for the South Coast Region that will operate out of the Santa Ana Water Board office. Senior Engineering Geologist Craig Carlisle is participating in the process to interview and hire the supervisor for the new unit. This unit will coordinate its work with Mr. Carlisle and a representative from the Los Angeles Water Board to protect water quality in the South Coast Region from the impacts of cannabis operations.

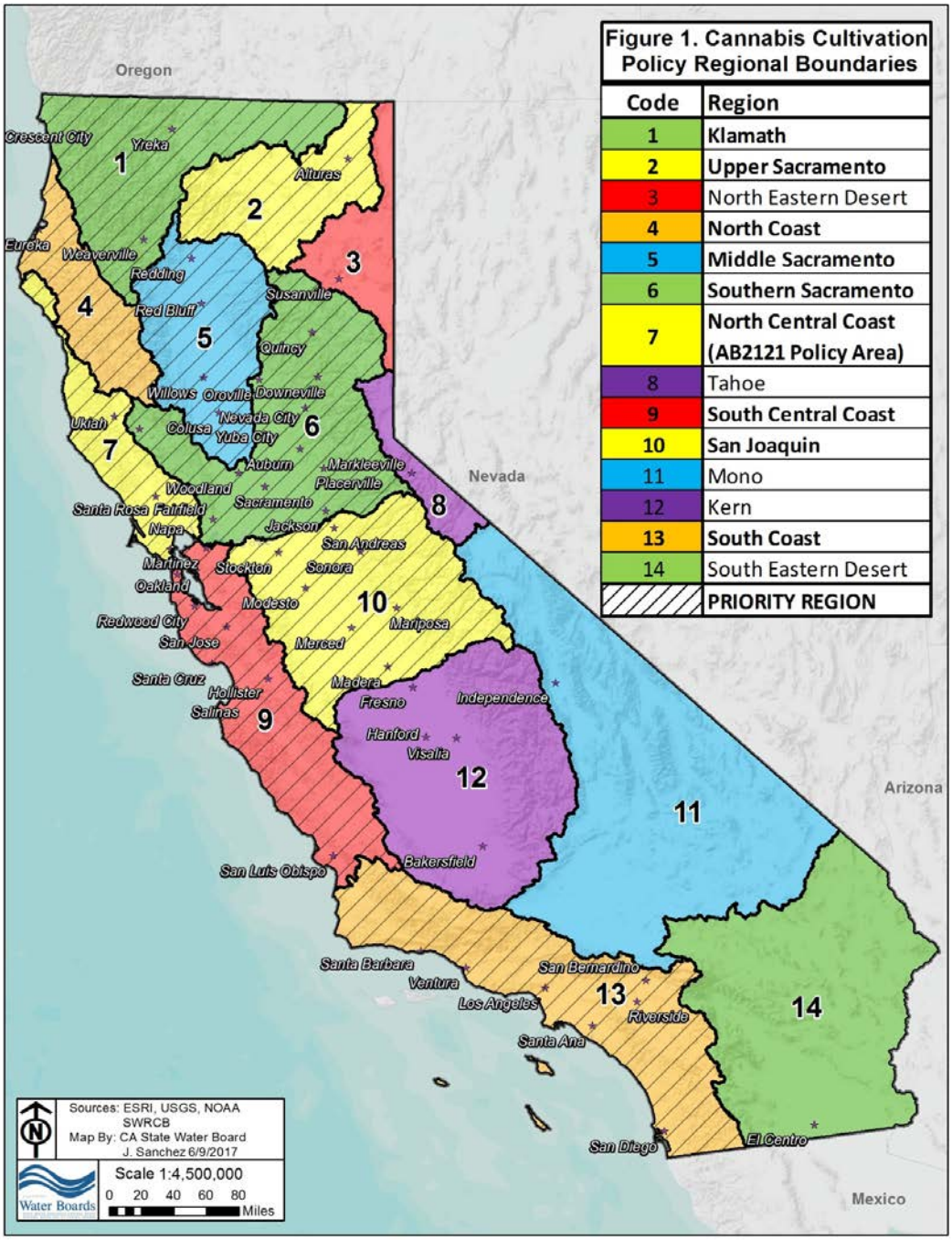


Figure from https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf

2. Fiscal Year 2016-2017 Invoice Collection Report and Fiscal Year 2017-18 Annual Fee Schedule *(Attachment C-2)*

Staff Contact: Kimberly A. McMurray-Cathcart

Each person who discharges waste or proposes to discharge waste that could affect the quality of the waters of the State is required by Water Code section 13260 to pay an annual fee and file a report of waste discharge with the appropriate Regional Water Board. Fees are set by the State Water Board by adoption of regulations which establishes an annual schedule of fees in accordance with Water Code section 13260. The State Water Board is required by Water Code section 13260 to adjust fees annually to conform to the revenue levels set forth in the Budget Act. The State Water Board adopted the annual schedule of fees for Fiscal Year (FY) 2017-18 on September 19, 2017.[13]

Annual fees are collected through scheduled invoicing of dischargers by the State Water Board. Revenue collected through the invoicing of annual fees is deposited in the Waste Discharge Permit Fund (WDPF), as required by Water Code section 13260. Inquiries from dischargers about the nature, basis, and content of the invoices sent by the State Water Board are fielded by the Fee Coordinators at the Regional Water Boards.

Distinct from other program fees, Site Cleanup Program (SCP) dischargers are not subject to invoicing or payment of annual fees under Water Code section 13260. Instead, Water Code section 13304 authorizes the Regional Water Boards to recover costs associated with the oversight of clean up at sites where a discharge of waste has occurred and that discharge creates, or threatens to create, a condition of pollution or nuisance. The SCP is funded from the Cleanup and Abatement Account (Cleanup Account), oversight costs are billed to responsible parties pursuant to Water Code section 13365, and the costs recovered are deposited back into the Cleanup Account in accordance with Water Code section 13441. The State Water Board invoices dischargers on behalf of the Regional Water Boards for oversight work performed by staff assigned to a cleanup site.

Attachment C-2 contains the following content on fee collection in FY 2016-17 and information on annual fees in FY 2017-18:

I. A summary of invoicing for the San Diego Region in Fiscal Year 2016-17;
II. Unpaid invoices in the San Diego Region Fiscal Years 2013 to 2017;
III. Unpaid invoices in the San Diego Region Fiscal Year 2016-17 by program;
IV. Process for collection of unpaid invoices; and
V. Fiscal Year 2017-18 annual fee schedule highlights

[13] The Fee Schedule is in the California Code of Regulations at title 23, Cal. Code Regs., §2200. Following the filing of the adopted Fee Schedule with the Secretary of State, the FY 2017-18 Fee Schedule can be found at: https://www.waterboards.ca.gov/resources/fees/docs/fy1718_fee_schedule.pdf.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

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

December 13, 2017

APPENDED TO EXECUTIVE OFFICER'S REPORT

Action Agenda Item	Action Type	Draft Complete	Written Comments Due	Consent Item
January 2018 ***No Meeting Scheduled***				
February 14, 2018 ***San Diego Water Board***				
2017 Accomplishments and Tentative Resolution Endorsing the Operational Plan for 2018 *(Gibson)*	Tentative Resolution	NA	NA	NA
New Biological Water Quality Objective based upon Benthic Macroinvertebrates *(Loflen)*	Workshop	90%	NA	NA
Election of Board Chair and Vice Chair for 2018 *(Gibson)*	Election	NA	NA	NA
March 14, 2018 ***San Diego Water Board***				
Southern Regional Tertiary Treatment Plant, Camp Pendleton, San Diego County. Tentative Order No. R9-2017-0109 *(Cali)*	Master Recycling Permit Reissuance	95%	TBD	TBD

Requested Agenda Item	Board Member	Status
June 24, 2015		
Workshop on low dissolved oxygen conditions in the San Diego River	Strawn	
Information Item regarding high levels of naturally occurring elements in groundwater when they interact with other issues.	Olson	
August 12, 2015		
Information item regarding data supporting Basin Plan Water Quality Objectives	Olson	
December 16, 2015		
San Diego River restoration and land acquisition workshop	Strawn	
August 10, 2016		
SCCWRP Flow Recovery Project Update	Strawn	
March 15, 2017		
Update on Tijuana sewage spill into Imperial Beach	Abarbanel	
Information item regarding impacts of population dynamics on water quality	Olson	
Dynamics of Climate Science, perhaps with U.S.N. Climate Scientists	Abarbanel, Morales	
Revisit Lake San Marcos timeline	Abarbanel	December 2017 EOR
Clarify Operation of value for discharges into San Diego Bay.	Abarbanel	
	June 21, 2017	
Follow up on results from Environmental Justice Symposium	Abarbanel	October 2017
Follow up on San Diego Unified Port District information item	Abarbanel	
	August 9, 2017	
Update on Commercial Ag Program Enrollments	Abarbanel	September 2017
Threats to Beneficial Uses from Climate Change	Abarbanel	
Update on City of San Diego improvements to the construction management program	Abarbanel	May or June 2018 EOSR
September 13, 2017		
Informational Item on SDWB Emergency Response Procedures	Warren	
Amendments to WDRs for Commercial Agriculture	Abarbanel	
October 11, 2017		
Update on MS4 Permit's approach to addressing human sources of pathogens and trash affecting receiving waters	Olson	March 2018 EOR
Update on Steelhead Recovery effort	Strawn	Spring or Summer 2018
Update on Commercial Agriculture entollments	Abarbanel	December 2017
Discussion with local partners regarding next gen monitoring approaches	Abarbanel	
Return EJ Resolution to Board for approval	Abarbanel	

Regulatory Responses to Disasters and Emergency Proclamations
San Diego Water Board
October 2017

San Diego Region Wildfires Web pages
https://www.waterboards.ca.gov/sandiego/press_room/announcements/firestorm/wildfires.shtml

Web pages that give the public points of contact at the San Diego Water Board and other guidance/agency information on disaster-waste management and erosion/dredge-fill information.

Discharges of Emergency/Disaster Related Wastes, Conditional Waiver No. 12
https://www.waterboards.ca.gov/sandiego/water_issues/programs/waivers/docs/w/WaiverNo12.pdf

This is a regional conditional waiver that is activated by the Governor's declaration of a regional disaster under provisions of the Government Code and as emergency actions - the waivers are also exempted from CEQA. The following types of discharge not regulated under WDRs may be eligible for the Emergency Waste Waiver:

a. Incidental discharges of oil and oily water within a response area during an oil spill response in marine waters;
b. Discharges of disaster related wastes to temporary waste piles and surface impoundments;
c. Discharges of mass mortality wastes to temporary waste piles and emergency landfills;
d. Emergency repair and protection activities in non-federal waters of the State;
e. Discharges of dredge or fill material into non-federal waters of the State, under emergency conditions; and/or
f. Other discharges of emergency/disaster related wastes.

Notice of Intent (NOI) Form:
https://www.waterboards.ca.gov/sandiego/water_issues/programs/waivers/docs/f/NOI.pdf

Notice of Termination (NOT) Form, dischargers to non-Federal Waters:
https://www.waterboards.ca.gov/sandiego/water_issues/programs/waivers/docs/f/NOT.pdf

Recycled Water Use for Fire Protection
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2016/wqo2016_0068_ddw.pdf

The San Diego County Water Authority prepared a Title 22 engineering report in support of a proposal to allow the development, installation and operation of recycled water fill stations for a number of recycled water uses, including "Fire Protection:"
https://www.waterboards.ca.gov/sandiego/water_issues/programs/ground_water_basin/recycled_subsurface/docs/Engineering_Report.pdf

The use of recycled water for fire protection includes:

1. Use of recycled water for fire protection, suppression, and training will be permitted to occur within all hydrologic areas within San Diego County.

2. All recycled water used for fire protection will be tertiary treated water.

3. Fire protection uses will include firefighting of structural and nonstructural fires and training exercises.

4. Hauled recycled water may not be used to fill fire hydrants loops or fire sprinklers within buildings.

5. Title 22 allows structural firefighting with tertiary treated water and nonstructural firefighting with disinfected secondary-23 water. The water quality will meet the minimum required for firefighting.

Agencies that may provide Recycled Water for fire protection purposes may have recycled water filling stations enrolled in the General Water Reclamation Requirements (General Order No. WQ-2016-0068-DDW) or those Agencies which have updated Master Recycling Permit that include the use of recycled water for fire protection. The agencies listed below are eligible to provide recycled water for fire protection purposes:

Order Number	**Discharger/Agency**
WQ-2016-0068 (Statewide)	Otay Water District
WQ-2016-0068 (Statewide)	Olivenhain Municipal Water District
WQ-2016-0068 (Statewide)	City of Del Mar
WQ-2016-0068 (Statewide)	Padre Dam Municipal Water District
WQ-2016-0068 (Statewide)	Fallbrook Public Utilities District
WQ-2016-0068 (Statewide)	City of Oceanside
WQ-2016-0068 (Statewide)	City of San Clemente
WQ-2016-0068 (Statewide)	South Orange County Wastewater Authority (SOCWA)
WQ-2016-0068 (Statewide)	Santa Fe Irrigation District
R9-2016-0183	Master Recycling Permit, Carlsbad Municipal Water District
R9-2016-0117	Water Reclamation Requirements, City of Poway
R9-2016-0154	Master Recycling Permit, Ramona Municipal Water District, Santa Maria Wastewater Treatment Plant
R9-2015-0091	Master Recycling Permit for the City of San Diego North City Water Reclamation Plant
R9-2015-0104	Master Recycling Permit, Valley Center Municipal Water District, Woods Valley Ranch Water Reclamation Facility

Department of the Army Regional General Permit Number 63 for Repair and Protection Activities in Federal Waters for Emergency Situations
http://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit_Process/Technical/RGP63_Permit_29Nov2013_2.pdf

Regional General Permit Number 63 (RGP 63) is a federal permit that authorizes discharges of dredged or fill material into federal surface waters, including wetlands, and/or work or structures in federal surface waters for necessary repair and protection measures associated with an emergency situation. An "emergency situation" under RGP 63 is present where there is a clear, sudden, unexpected, and imminent threat to life or property demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services. RGP 63 is administered by the Los Angeles District office of the U.S. Army Corps of Engineers (USACOE) and is valid for emergency projects throughout southern California including Riverside, Orange and San Diego counties. The Standard Application Form to apply for coverage under RGP 63 is available on the USACOE website at http://www.poh.usace.army.mil/Portals/10/docs/publicnotices/engform_4345_2014dec.pdf?ver=2017-03-20-150000-247

The State Water Resource Control Board (State Water Board) and the San Diego Water Board must also receive notification by the discharger at least 48 hours prior to initiating the emergency action. This notification must be followed within three (3) business days by submission of all of the information in the Emergency Notification Form available on the State Water Board website and the required fee to enroll for coverage under Clean Water Act Section 401 Water Quality Certification Order No. SB13006IN. Emergency actions must meet the definition of an "emergency" as defined under Public Resources Code section 21060.3 and RGP 63 to qualify for the Certification and may conditionally include:

1. Projects to maintain, repair, restore; demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor;
2. Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare;
3. Specific actions necessary to prevent or mitigate an emergency;
4. Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, *and*
5. Seismic work on highways and bridges.

Key resources for enrollment under the Certification are listed below:

1. Notification may be via telephone, facsimile, e-mail, delivered written notice, or other verifiable means. A staff directory that includes contact information for the State and Regional Water Boards is found at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf

2. Water Quality Certification Order No. SB13006IN is available on the State Water Board website at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/2013rgp63_cert.pdf

3. The Emergency Notification Form for enrollment under Certification Order No. SB13006IN is available on the State Water Board website at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.shtml

Statewide Construction Storm Water Permit
In 2015, the wildfires in Calaveras and Butte counties were designated federal disaster areas as businesses, municipal infrastructure, and residences were destroyed. In November of 2015, to allow for immediate clean up to proceed, State Water Board staff determined that debris removal due to the 2015 wildfires should not be classified as a construction activity requiring coverage under the statewide storm water construction general permit (CGP). However, any structure re-building activity that resulted in a land disturbance of one acre or more would continue to need coverage under the CGP. The intended scope of this relief was for structures lost due to the natural disaster (not for subsequently built structures on fire-damaged land bought after the fires).

Many areas throughout California are in the same situation in the Fall of 2017. The State Water Board will apply this same relief to 2017 disaster-level fires in California (including but not limited to counties listed to be in a state of emergency such as: Butte, Lake, Mendocino, Napa, Nevada Orange, Sonoma, and Yuba counties). Though the Governor has declared a state of emergency for only the above counties, the State Water Board proposes that the determination made in 2015 for debris removal apply to all counties in California with devastated areas from wildfires.

Regional Municipal Separate Storm Sewer System (MS4) Permit
The Regional MS4 Permit provides in section E.2.a.(5) with respect to emergency firefighting discharges that each Copermittee should develop and encourage implementation of BMPs to reduce or eliminate pollutants in emergency firefighting discharges to the MS4s and receiving waters within its jurisdiction. However the Regional MS4 Permit further stipulates that during emergency situations, priority of efforts should be directed toward life, property, and the environment (in descending order) and that BMPs should not interfere with immediate emergency response operations or impact public health and safety.

NPDES Permits
Core Regulatory NPDES Permits do not have any measures specific for disaster relief. All of the NPDES permits, however, include the standard "act of god" provision for bypasses or upsets in which there is a temporary and unintentional noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee.

The Ocean Plan's desalination provisions can be waived by the Executive Director of the State Water Board, not Regional Water Board, during a critical short-term water supply (i.e. drought) emergency as declared by the governor.

Any discharge in compliance with the instructions of an On-Scene Coordinator pursuant to 40 CFR part 300 (The National Oil and Hazardous Substances Pollution Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances) does not require an NPDES Permit (40 CFR 122.3(d))

ASSESSING THE CONDITION OF SAN DIEGO BAY FOR NON-WATER-CONTACT RECREATION

TYPES OF RECREATION IN SAN DIEGO BAY

San Diego Bay provides opportunities for many types of recreation in, on, and around the water. Activities may (e.g., swimming) or may not (e.g., birdwatching) involve contact with the water. This status sheet focuses on types of San Diego Bay recreation that *do not require water contact.* Specifically, it discusses patterns of trash abundance in the Bay that may negatively affect enjoyment of non-water-contact recreation (also called the "REC-2" beneficial use). A separate status sheet describes risk of exposure to human pathogens resulting from contact with the water (and any incidental ingestion) in high-activity parts of the Bay.

SAN DIEGO BAY: A RESOURCE OF MANY USES

San Diego Bay is an important water body in the San Diego region due to its ecological value and because it supports tourism; commercial, recreational, and subsistence fishing; and a variety of recreational, maritime, industrial, commercial, and military uses. For this reason, the San Diego Water Board endorsed a "Strategy for a Healthy San Diego Bay" via Resolution No. R9-2015-0086 in June 2015. The Strategy identified the key beneficial use categories of the Bay as:

- **Recreation (water contact ("REC-1") and non-water-contact ("REC-2"));**
- **Human consumption of fish and shellfish; and**
- **Habitats and ecosystems**

A primary goal of the Strategy is to use monitoring data to assess attainment of these key beneficial uses, as well as changes in their status over time, and to communicate findings to the public.

STRESSORS IMPACT RECREATION

People cause "stressors" such as trash, oil spills, massive growths of algae, and illegal discharges of sewage that affect the REC-2 beneficial use either as eyesores or unpleasant odors. Our goals are to evaluate the Bay's REC-2 status and eventually to develop an ongoing, Unified Monitoring Program that will involve coordinated, standardized efforts to assess whether REC-2 (and other beneficial uses) is attained in the Bay and assess trends in condition over time.

WHO IS COLLECTING DATA ON TRASH ?

Data are available from sources such as permit-required monitoring, studies by citizen volunteers, the Port of San Diego and its tenants, and from research scientists that collect, quantify, and classify trash. Because these data come from different groups using different methods and focusing in different areas, we cannot create a complete picture of the status of the REC-2 beneficial use throughout the Bay. Rather, this analysis highlights some results from a selection of diverse sources.

I Love a Clean San Diego hosts Coastal Cleanup Day every year, where volunteers collect data on trash removed. Results indicate that the most common trash items around the Bay are cigarette butts, followed by snack-food bags and plastic bottle caps.

Trash not only impacts the REC-2 beneficial use; it is also a major concern because of its well-documented harmful effects on wildlife.

CONTACT:
Betty Fetscher, Ph.D.,
Senior Environmental Scientist
Betty.Fetscher@waterboards.ca.gov

Data sources: PORT of SAN DIEGO, I Love a Clean San Diego, Ocean Conservancy, SCCWRP, amec foster wheeler, Naval Base San Diego

TRASH "HOT SPOTS" & SOURCES

Several studies have identified candidate "hot spots," where trash appears to accumulate in the Bay due to transport by runoff from the land or from prevailing winds concentrating existing trash in eddies. For instance, the US Navy operates a trash boom at the mouth of Chollas Creek, which is impaired for trash, to prevent trash discharges to the Bay via the Creek. The most recent trash haul from the boom was over twice the typical annual amounts recorded previously, possibly due to recent heavy rains moving trash down the watershed following a prolonged drought (2012-15; **Figure 1**). Within the Bay, the San Diego Bay Debris Study identified candidate hot spots by using surface trawls to quantify amounts of floating trash, once in the dry season and once again in the wet season (**Figure 2**). Interestingly, trash monitoring carried out by the Port of San Diego at storm drain and creek outfalls has suggested similar hot spots.

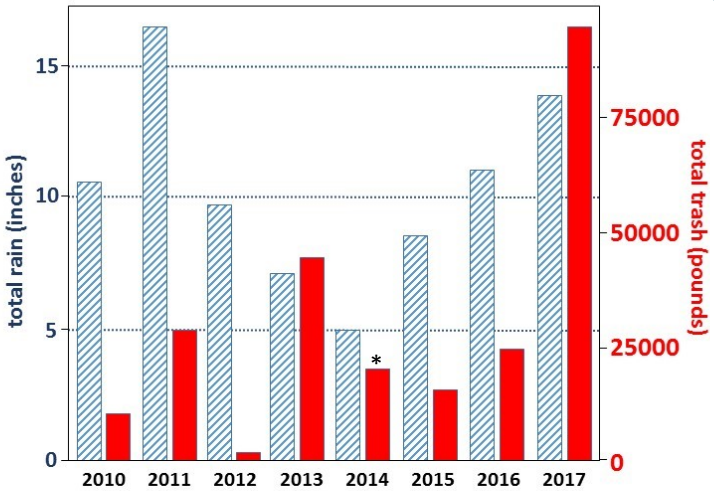


Figure 1. Annual pounds of trash removed from Chollas Creek trash boom (solid red bars; right y-axis) compared to total rainfall (hatched blue; left y-axis). *2014 trash quantity was estimated based on previous data.

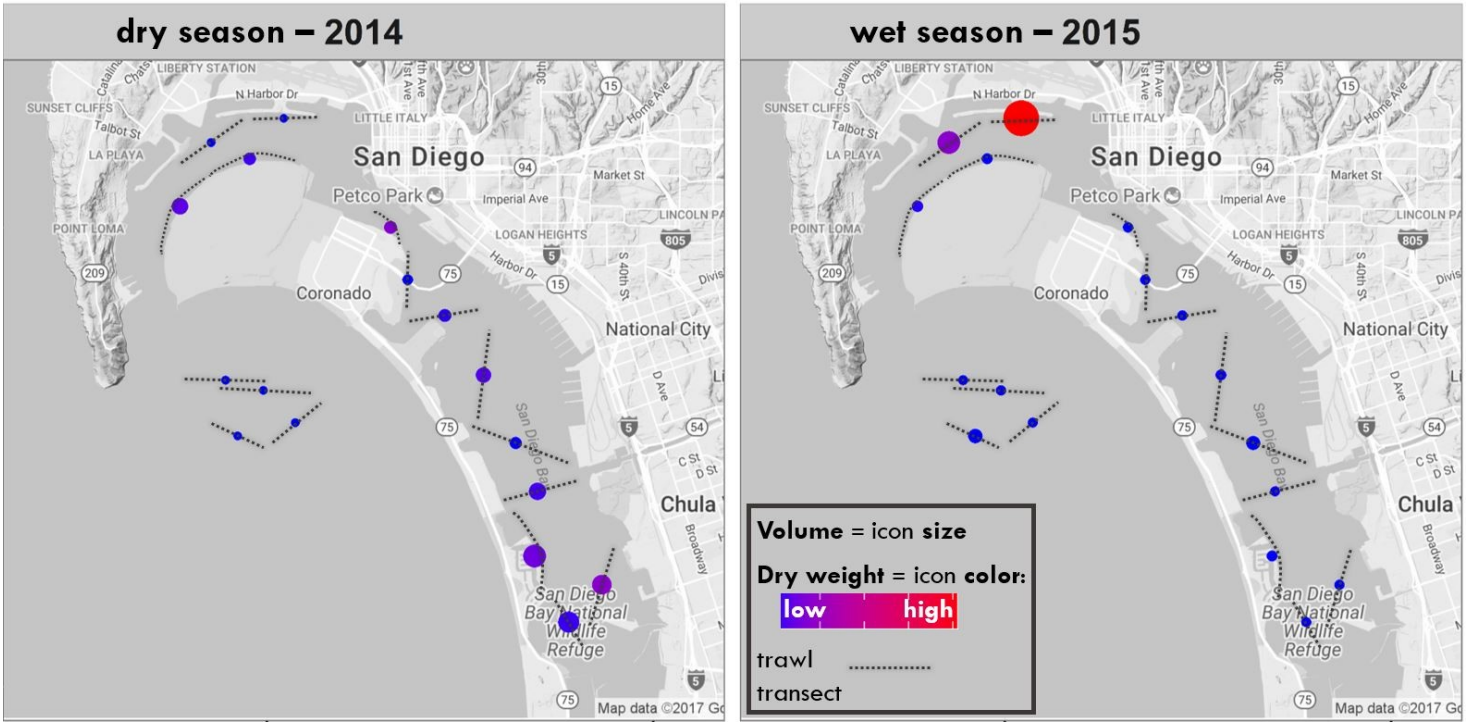


Figure 2. Snapshots–in–time of total volume and weight (see legend) of floating trash collected along trawling transects in San Diego Bay in the dry (left panel) and wet (right) seasons. Candidate seasonal hot spots (based on one-time sampling in each season) are in the south Bay (dry season) and north Bay (wet).

Information about trash hot spots and sources is important for the San Diego Water Board and partners to craft effective monitoring and assessment programs to track and improve the success of trash-abatement/control measures in order to achieve REC-2 and other beneficial uses in the Bay.

Trash on land adjacent to San Diego Bay damages people's ability to enjoy the Bay. It is also a major source of trash found in the Bay itself.

BE PART OF THE SOLUTION

- *do not litter or leave fishing gear behind*
- *properly pump out boat holding tanks*
- *clean up after your pet*
- *report oil spills (dial 800-OILS-911)*
- *participate in trash clean-up events*
- *place residential/business trash containers out only on collection day, and keep them covered*
- *reduce consumption of single-use, disposable items*
- *reuse/recycle whenever possible*
- *advocate for "end-of-life" responsibility from manufacturers*

Enforcement Date	Enforcement Action	Entity/ Facility/ Location	Summary of Violations and Enforcement	Applicable Permit/Order Violated
10/11/2017	Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order No. R9-02017-0095	Susanne Harrison, Harrison Trucking Inc., 8801 Olive Ln., Santee	Acceptance of settlement agreement (totaling $19,059) for alleged failure to implement Best Management Practices (BMPs), submit annual report, develop and update its Storm Water Pollution Prevention Plan (SWPPP), and pay annual fees	National Pollutant Discharge Elimination System (NPDES) Industrial General Permit Order No. 2014-0057-DWQ
09/12/2017	Notice of Violation No. 2017-0110	AC/S Environmental Security, MCB Camp Pendleton, Las Pulgas Sanitary Landfill	Failure to furnish required monitoring reports	Waste Discharge Requirements (WDR) Order No. R9-2010-0004
09/14/2017	Notice of Violation No. 2017-0130	AC/S Environmental Security, MCB Camp Pendleton, San Onofre Sanitary Landfill	Failure to furnish required monitoring reports	WDR Order No. R9-2000-0008
10/02/2017	Notice of Violation No. R9-2017-0134	United States Forest Service, Cleveland National Forest Descanso Ranger District, Anderson Truck Trail, Alpine	Failure to file a report of waste discharge and unauthorized discharges of waste to Waters of the US and/or State	California Water Code Section 13260 and Basin Plan Prohibitions 3, 7, and 14
10/02/2017	Notice of Violation No. R9-2017-0133	Anderson Road Association, Anderson Truck Trail, Alpine	Failure to file a report of waste discharge and unauthorized discharges of waste to Waters of the US and/or State	California Water Code Section 13260 and Basin Plan Prohibitions 3, 7, and 14

Enforcement Date	Enforcement Action	Entity/ Facility/ Location	Summary of Violations and Enforcement	Applicable Permit/Order Violated
10/17/2017	Notice of Violation No. R9-2017-0162	Caltrans District 11, Hallmark West Mitigation, Carlsbad	Failure to submit annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0151	City of Chula Vista, Willow Street Bridge Replacement Phase I and II, Chula Vista	Failure to submit annual reports	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0140	City of Carlsbad, Poinsettia Community Park, Carlsbad	Failure to submit annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0146	City of Carlsbad, Aviara Community Park, Phase II, Carlsbad	Failure to submit annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0148	City of Carlsbad, El Camino Real Road Widening Project, Carlsbad	Failure to submit annual reports	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0152	City of La Mesa, University Ave. Median Water Quality Improvement Project, La Mesa	Failure to submit annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ

Enforcement Date	Enforcement Action	Entity/ Facility/ Location	Summary of Violations and Enforcement	Applicable Permit/Order Violated
10/20/2017	Notice of Violation No. R9-2017-0153	City of San Diego Engineering and Capital Projects, Angier Elementary School Joint Use, San Diego	Failure to submit annual reports	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0150	City of Oceanside, San Luis Rey Water Reclamation Facility, Oceanside	Failure to submit annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0147	City of Carlsbad, Agua Hedionda SLS and Util Bridge PWS13 40 UTIL, Carlsbad	Failure to submit annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0149	City of Encinitas, Encinitas Fire Station, Encinitas	Failure to submit annual reports	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0154	County of San Diego, County of San Diego Health and Human Services Agency Office, Oceanside	Failure to submit annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ

Enforcement Date	Enforcement Action	Entity/ Facility/ Location	Summary of Violations and Enforcement	Applicable Permit/Order Violated
10/20/2017	Notice of Violation No. R9-2017-0155	County of San Diego Department of Parks and Recreation, Rainbow Park Artificial Turf Project, Rainbow	Failure to submit annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0156	County of San Diego, COC Crime Lab and FFPS, San Diego	Failure to submit annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0157	City of San Juan Capistrano, local streets project at various locations	Failure to submit annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0158	City of Murrieta, Jackson Avenue Bridge at Warm Springs Creek, Murrieta	Failure to submit annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0159	City of Murrieta, I-15 at Cal Oaks Interchange, Murrieta	Failure to submit annual reports	NPDES Construction General Permit Order No. 2009-0009-DWQ

Enforcement Date	Enforcement Action	Entity/ Facility/ Location	Summary of Violations and Enforcement	Applicable Permit/Order Violated
10/20/2017	Notice of Violation No. R9-2017-0160	City of Temecula, I-15/SR-79S Ultimate Interchange, Temecula	Failure to submit annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0161	City of Wildomar, Lateral C-1, Wildomar	Failure to submit annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0163	Caltrans District 11, 406604 Oceanside Barriers, Oceanside	Failure to submit annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0164	Caltrans District 12, 12-0L7204, San Juan Capistrano	Failure to submit annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/20/2017	Notice of Violation No. R9-2017-0165	City of San Diego Engineering and Capital Projects, Bannock Ave. Neighborhood Streetscape Enhancements, San Diego	Failure to submit annual reports	NPDES Construction General Permit Order No. 2009-0009-DWQ

Enforcement Date	Enforcement Action	Entity/ Facility/ Location	Summary of Violations and Enforcement	Applicable Permit/Order Violated
09/01/2017	Staff Enforcement Letter	City of Laguna Niguel, Interstate 5 and Crown Valley Parkway Roadway Widening, Laguna Niguel	Late submittal of annual report	NPDES Construction General Permit Order No. 2009-0009-DWQ
09/12/2017	Staff Enforcement Letter	Whispering Winds Catholic Conference Center, Whispering Winds Visitor Center and Meeting Hall, Julian	Deficient BMPs	NPDES Construction General Permit Order No. 2009-0009-DWQ
09/21/2017	Staff Enforcement Letter	Coastal Living LLC, Woodward Senior Housing, San Marcos	Deficient BMPs	NPDES Construction General Permit Order No. 2009-0009-DWQ
09/21/2017	Staff Enforcement Letter	Gabriel Castano Trust, 1466 Descanso, San Marcos	Failure to obtain permit coverage	NPDES Construction General Permit Order No. 2009-0009-DWQ
09/21/2017	Staff Enforcement Letter	RAF Pacifica Group, Carlsbad Raceway Lots 13-15, Carlsbad	Deficient BMPs	NPDES Construction General Permit Order No. 2009-0009-DWQ
09/21/2017	Staff Enforcement Letter	RAF Pacifica Group, Carlsbad Raceway Lot 12, Carlsbad	Deficient BMPs	NPDES Construction General Permit Order No. 2009-0009-DWQ

Enforcement Date	Enforcement Action	Entity/ Facility/ Location	Summary of Violations and Enforcement	Applicable Permit/Order Violated
09/21/2017	Staff Enforcement Letter	BV Twenty Two LLC, Trinity Meadows Subdivision, Escondido	Deficient BMPs	NPDES Construction General Permit Order No. 2009-0009-DWQ
09/22/2017	Staff Enforcement Letter	Shea Homes LP, Canyon Grove, Escondido	Deficient BMPs	NPDES Construction General Permit Order No. 2009-0009-DWQ
09/22/2017	Staff Enforcement Letter	Palomar Community College District, Palomar Maintenance and Operations Building	Deficient BMPs	NPDES Construction General Permit Order No. 2009-0009-DWQ
09/29/2017	Staff Enforcement Letter	Palomar Community College District, Palomar Maintenance and Operations Building	Deficient BMPs	NPDES Construction General Permit Order No. 2009-0009-DWQ
09/29/2017	Staff Enforcement Letter	BV Twenty Two LLC, Trinity Meadows Subdivision, Escondido	Deficient BMPs	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/02/2017	Staff Enforcement Letter	City of Escondido, Engineering Services, East Valley Parkway Roadway Improvements, Escondido	Deficient BMPs	NPDES Construction General Permit Order No. 2009-0009-DWQ

Enforcement Date	Enforcement Action	Entity/ Facility/ Location	Summary of Violations and Enforcement	Applicable Permit/Order Violated
10/06/2017	Staff Enforcement Letter	KM Willow Ridge LLC, Willow Ridge Estates, Ramona	Deficient BMPs	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/06/2017	Staff Enforcement Letter	Pacific Chase Partners LLC, Centerpointe 78, Escondido	Deficient BMPs and late report	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/17/2017	Staff Enforcement Letter	USA Portola East LLC, Portola East, Trabuco Canyon	Deficient SWPPP	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/19/2017	Staff Enforcement Letter	Wildomar Square Partners, Wildomar Square, Wildomar	Deficient SWPPP and BMPs	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/26/2017	Staff Enforcement Letter	Ramona Municipal Water District, Santa Maria Wastewater Treatment Plant, Ramona	Deficient monitoring reports	WDR Order No. R9-2016-0154
10/31/2017	Staff Enforcement Letter	Mark Orman, Mesita, Murrieta	Deficient BMPs	NPDES Construction General Permit Order No. 2009-0009-DWQ
10/31/2017	Staff Enforcement Letter	Hanson Aggregates LLC, Oceanside RMC Plant, Oceanside	Deficient SWPPP and unauthorized discharge	NPDES Industrial General Permit Order No. 2014-0057-DWQ

Table 1: August 2017 - Summary of Public and Federal Sanitary Sewer Overflows in the San Diego Region

Responsible Agency	Collection System (CS)	Total Volume[1]	Total Recovered[2]	Total Reaching Surface Waters[3]	Total Reaching Separate Storm Drain and Recovered[4]	Total Discharged to Land[5]	Percent Recovered	Percent Reaching Surface Waters	Percent Reaching Separate Storm Drain and Recovered	Percent Discharged to Land	Water Body Affected	Miles of Pressure Sewer	Miles of Gravity Sewer	Population in Service Area
		(Gallons)					(%)							
Imperial Beach City	City of Imperial Beach CS	900	0	900	0	0	0%	100%	0%	0%	Pond 10a (San Diego Bay)	4.4	39.5	26,337
La Mesa City	City of La Mesa CS	36	36	0	0	36	100%	0%	0%	100%	n/a	0.0	155.0	58,244
Laguna Beach City	City of Laguna Beach CS	1,500	1,500	0	0	1,500	100%	0%	0%	100%	n/a	9.0	86.0	18,000
		500	0	0	0	500	0%	0%	0%	100%	n/a			
San Clemente City	City of San Clemente CS	19	19	0	0	19	100%	0%	0%	100%	n/a	3.7	174.6	65,399
		11	11	0	0	11	100%	0%	0%	100%	n/a			
San Diego City (City Attorney's Office at Civic Center Plaza)	San Diego City CS	4,100	0	0	0	4,100	0%	0%	0%	100%	n/a	145.0	3,032.0	2,207,591
		975	300	0	0	975	31%	0%	0%	100%	n/a			
San Juan Capistrano City	City of San Juan Capistrano CS	60	60	0	0	60	100%	0%	0%	100%	n/a	0.4	128.0	40,000
South Coast Water District	South Coast Water District CS	900	200	700	0	200	22%	78%	0%	22%	Pacific Ocean	3.0	138.0	42,000
University of California, San Diego	University of California, San Diego CS	12	8	0	0	12	67%	0%	0%	100%	n/a	0.5	25.0	57,000
U.S. Marine Corps (USMC) Base Camp Pendleton	USMC Base Camp Pendleton CS	60	50	0	0	60	83%	0%	0%	100%	n/a	35.0	122.0	90,000
Totals for Public Spills		9,013	2,134	1,600	0	7,413	24%	18%	0%	82%	n/a	166.0	3,778.1	2,514,571
Totals for Federal Spills		60	50	0	0	60	83%	0%	0%	100%	n/a	35.0	122.0	90,000

[1]Total Volume = total amount that discharged from sanitary sewer system to a separate storm drain, drainage channel, surface water body, and/or land.

[2]Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.

[3]Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.

[4]Total Reaching Separate Storm Drain and Recovered = total amount reaching separate storm drain that was recovered.

[5]Total Discharged to Land = total amount reaching land.

Table 2: September 2017 - Summary of Public and Federal Sanitary Sewer Overflows in the San Diego Region

Responsible Agency	Collection System (CS)	Total Volume[1]	Total Recovered[2]	Total Reaching Surface Waters[3]	Total Reaching Separate Storm Drain and Recovered[4]	Total Discharged to Land[5]	Percent Recovered	Percent Reaching Surface Waters	Percent Reaching Separate Storm Drain and Recovered	Percent Discharged to Land	Water Body Affected	Miles of Pressure Sewer	Miles of Gravity Sewer	Population in Service Area
		(Gallons)					(%)							
El Cajon City	City of El Cajon CS	15	15	0	5	10	100%	0%	33%	67%	n/a	0.0	195.0	103,091
La Mesa City	City of La Mesa CS	2,625	2,000	625	2,000	0	76%	24%	76%	0%	n/a	0.0	155.0	58,244
Oceanside City	City of Oceanside CS, La Salina Wastewater Treatment Plant	500	0	0	0	500	0%	0%	0%	100%	n/a	35.6	439.7	171,455
Poway City	City of Poway CS	2	0	0	0	2	0%	0%	0%	100%	n/a	3.5	185.0	44,507
San Clemente City	City of San Clemente CS	5	5	0	5	0	100%	0%	100%	0%	n/a	3.7	174.6	65,399
San Diego City (City Attorney's Office at Civic Center Plaza)	San Diego City CS	134,640	134,640	0	0	134,640	100%	0%	0%	100%	n/a	145.0	3,032.0	2,207,591
		212,625	212,625	0	0	212,625	100%	0%	0%	100%	n/a			
US Navy Southwest Division	Naval Facilities Engineering Command (NAVFAC) Southwest Utility CS	1	0	1	0	0	0%	100%	0%	0%	San Diego Bay	n/a		
Totals for Public Spills		350,412	349,285	625	2,010	347,777	100%	0%	1%	99%	n/a	187.8	4,181.3	2,650,287
Totals for Federal Spills		1	0	1	0	0	0%	100%	0%	0%	n/a	n/a		

[1]Total Volume = total amount that discharged from sanitary sewer system to a separate storm drain, drainage channel, surface water body, and/or land.

[2]Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.

[3]Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.

[4]Total Reaching Separate Storm Drain and Recovered = total amount reaching separate storm drain that was recovered.

[5]Total Discharged to Land = total amount reaching land.

Table 3: August 2017 - Summary of Private Lateral Sewage Discharges in the San Diego Region

Responsible Agency	Collection System (CS)	Total Volume[1]	Total Recovered[2]	Total Reaching Surface Waters[3]	Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land[4]	Percent Recovered	Percent Reaching Surface Waters	Percent Reaching Separate Storm Drain & Recovered and/or Discharged to Land	Population in Service Area	Lateral Connections
		(Gallons)				(%)				
Carlsbad Municipal Water District (MWD)	Carlsbad MWD CS	97	97	0	97	100%	0%	100%	69,420	22,000
		23	23	0	23	100%	0%	100%		
El Cajon City	City of El Cajon CS	15	0	0	15	0%	0%	100%	103,091	16,675
Encinitas City	City of Encinitas CS	40	40	0	40	100%	0%	100%	36,100	10,183
Fallbrook Public Utility District	Fallbrook Public Utilities Department CS	3,300	200	0	3,300	6%	0%	100%	23,000	4,683
Laguna Beach City	City of Laguna Beach CS	200	200	0	200	100%	0%	100%	18,000	6,650
Poway City	City of Poway CS	225	75	0	225	33%	0%	100%	44,507	12,212
Rancho Santa Fe Community Services District	Rancho Santa Fe Sanitation District Plant CS	300	0	0	300	0%	0%	100%	3,550	1,650
San Diego City (City Attorney's Office at Civic Center Plaza)	San Diego City CS	55	55	0	55	100%	0%	100%	2,207,591	267,237
Totals		4,255	690	0	4,255	16%	0%	100%	2,505,259	341,290

[1]Total Volume = total amount that discharged from private lateral to a separate storm drain, drainage channel, surface water body, and/or land.

[2]Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.

[3]Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.

[4]Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land = total amount reaching separate storm drain that was recovered and/or total amount reaching land.

Table 4: September 2017 - Summary of Private Lateral Sewage Discharges in the San Diego Region

Responsible Agency	Collection System (CS)	Total Volume[1]	Total Recovered[2]	Total Reaching Surface Waters[3]	Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land[4]	Percent Recovered	Percent Reaching Surface Waters	Percent Reaching Separate Storm Drain & Recovered and/or Discharged to Land	Population in Service Area	Lateral Connections
		(Gallons)				(%)				
Carlsbad Municipal Water District (MWD)	Carlsbad MWD CS	22	22	0	22	100%	0%	100%	69,420	22,000
		5	5	0	5	100%	0%	100%		
Laguna Beach City	City of Laguna Beach CS	75	75	0	75	100%	0%	100%	18,000	6,650
San Diego City (City Attorney's Office at Civic Center Plaza)	San Diego City CS (Wastewater Collection System)	490	490	0	490	100%	0%	100%	2,207,591	267,237
		227	227	0	227	100%	0%	100%		
San Diego County Department of Public Works	County of San Diego CS	500	100	400	100	20%	80%	20%	151,500	33,600
Totals		1,319	919	400	919	70%	30%	70%	2,295,011	295,887

[1]Total Volume = total amount that discharged from private lateral to a separate storm drain, drainage channel, surface water body, and/or land.
[2]Total Recovered = total amount recovered from a separate storm drain, drainage channel, surface water body, and/or land.
[3]Total Reaching Surface Waters = total amount reaching separate storm drain (not recovered), drainage channel, and/or surface water body, but does not include amount reaching separate storm drain that was recovered.
[4]Total Reaching Separate Storm Drain & Recovered and/or Discharged to Land = total amount reaching separate storm drain that was recovered and/or total amount reaching land.

Table 5: August 2017 - Summary of Transboundary Flows from Mexico into the San Diego Region

Location	Start Date	Total Volume	Total Recovered	Total Reaching Surface Waters	Percent Recovered	Percent Reaching Surface Waters	Additional Details
		(Gallons)			(%)		
Dry Weather[1]							
Tijuana River	8/7/2017	311,000	0	311,000	0%	100%	The intake screens on Pump Station CILA became clogged causing flow in the Tijuana River to bypass the River Diversion Structure and flow across the U.S./Mexico border.
Tijuana River	8/17/2017	411,000	0	411,000	0%	100%	The intake screens on Pump Station CILA became clogged causing flow in the Tijuana River to bypass the River Diversion Structure and flow across the U.S./Mexico border.
Total Dry Weather		722,000	0	722,000	0%	100%	
Wet Weather[2]							
n/a	n/a	n/a					
Total Wet Weather		n/a					

1 - Order No. R9-2014-0009 requires monthly reporting of all dry weather transboundary flows.

2 - Order No. R9-2014-0009 does not require monthly reporting of wet weather transboundary flows. Any information provided regarding these flows is voluntary.

Table 6: September 2017 - Summary of Transboundary Flows from Mexico into the San Diego Region

Location	Start Date	Total Volume	Total Recovered	Total Reaching Surface Waters	Percent Recovered	Percent Reaching Surface Waters	Additional Details
		(Gallons)			(%)		
Dry Weather[1]							
Tijuana River	9/12/2017	192,000	0	192,000	0%	100%	A malfunction of the level sensors at the Pump Station CILA caused flow in the Tijuana River to bypass the River Diversion Structure and flow across the U.S./Mexico border.
Tijuana River	9/19/2017	38,000	0	38,000	0%	100%	The intake screens on Pump Station CILA became clogged causing flow in the Tijuana River to bypass the River Diversion Structure and flow across the U.S./Mexico border.
Total Dry Weather		230,000	0	230,000	0%	100%	
Wet Weather[2]							
Tijuana River	9/9/2017	3,900,000	0	3,900,000	0%	100%	A pressure surge in the potable water system in Tijuana caused two city water storage tanks at Otay and Florido to overfow and drain to the Tijuana River. Pump Station CILA was not able to divert the excess flow causing flow across the U.S./Mexico border.
Total Wet Weather		3,900,000	0	3,900,000	0%	100%	

1 - Order No. R9-2014-0009 requires monthly reporting of all dry weather transboundary flows.

2 - Order No. R9-2014-0009 does not require monthly reporting of wet weather transboundary flows. Any information provided regarding these flows is voluntary.

ANNUAL FEES

Summary of Content

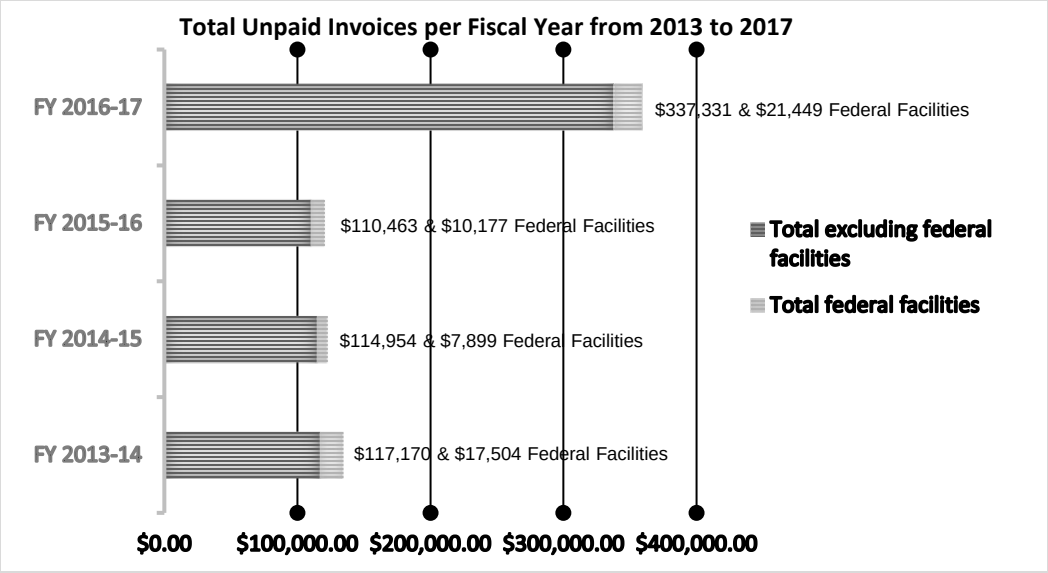
I. A summary of invoicing for the San Diego Region in Fiscal Year 2016-17

The State Water Board generated 2,409 WDPF invoices for San Diego Region dischargers in FY 2016-17. The invoices represented $8,884,419 in revenue for the WDPF; approximately 11 percent more revenue than was invoiced in FY 2015-16. The State Water Board sent San Diego Region dischargers in the SCP approximately 124 invoices for work performed between July 2016 and March 2017. The invoices represented $737,221 in Cleanup Account recovery costs, which is a 2 percent reduction in recovery costs billed over the same period in FY 2015-16.

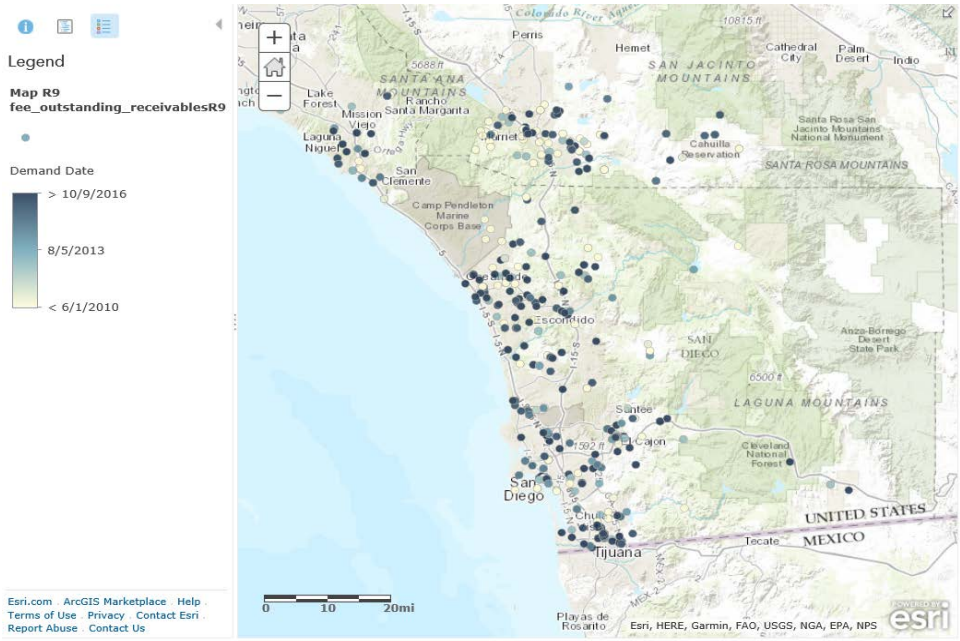
Increased revenue for the WDPF in FY 2016-17 from invoices generated in the San Diego Region is largely attributable to changes in the FY 2016-17 Fee Schedule. One-time fee reductions that were provided in FY 2015-16 were eliminated or reduced dramatically in FY 2016-17 in three programs: Discharges to Land and Landfills (otherwise known as the non-15 program); Storm Water; and the NPDES permit program. The one-time fee reductions instituted in FY 2015-16 ranged from 28.4 percent to 1.2 percent of the total annual fee, and only remained applicable in FY 2016-17 to Storm Water annual fees, which were reduced by 6.4 percent. In addition, collection of Water Quality Certification annual fee revenue rose by over 1000 percent in FY 2016-17. Collection of annual fees for Water Quality Certifications began in FY 2014-15, however, the requirement to pay annual fees did not apply to most types of certifications initially and did not retrospectively apply to certifications issued before October 2014.

II. Unpaid Invoices in the San Diego Region Fiscal Years 2013 to 2017

As of 1 July 2016, the total amount of unpaid invoices from FY 2013-14 through FY 2016-17 is $736,948. Of that total, $57,029 is owed by federal facilities. The following bar chart provides the total amount of unpaid invoices for each fiscal year between July 2013 and June 2017 for all programs and separately displays the amounts attributable to federal facilities. The bar chart also illustrates that the amount of receivables generally decrease over time due to persistent collection efforts.



Receivables aged past four years can be resistant to collection efforts. Relatively concentrated pockets of facilities associated with invoices with a due date prior to July 1, 2013 appear in light blue to off white on the following map:

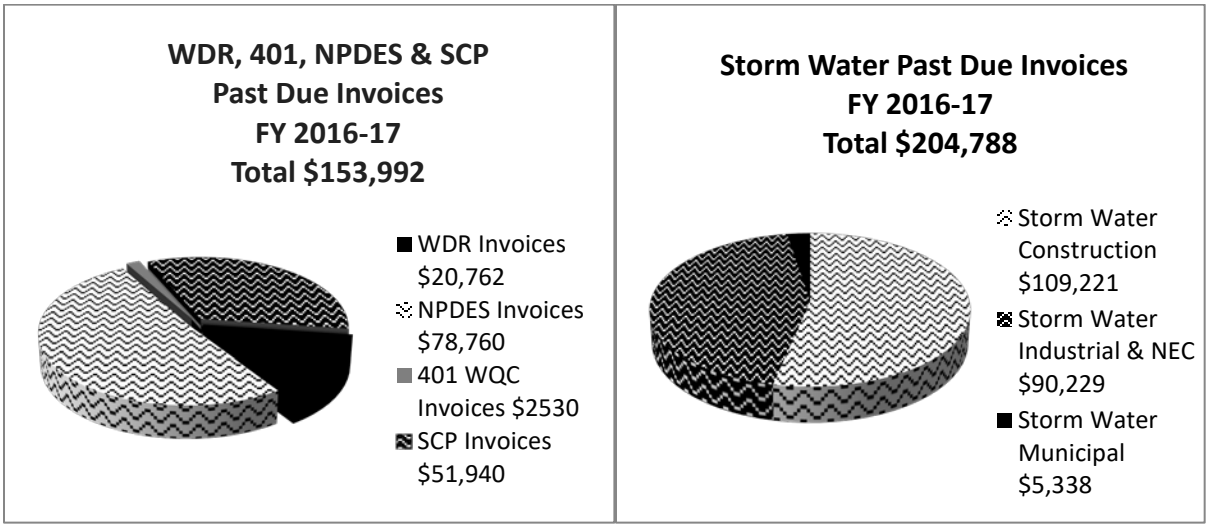


III. Unpaid Invoices in the San Diego Region Fiscal Year 2016-17 by Program

Unpaid fees and costs in FY 2016-17 represent 4 percent of the total invoices generated.[1] As indicated above, there are $358,780 in fees and costs that are still unpaid for invoices generated

[1] Unpaid receivables as a percentage of total revenue in FY 2015-16 at the end of the fiscal year 30 June 2016 was 4.8 percent. At the end of FY 2016-17 the unpaid receivables in FY 2015-16 as a percentage of total revenue for that fiscal year dropped to 1 percent. See, McMurray-Cathcart, *Fiscal Year 2015-16 Invoice Collection Report and Fiscal Year 2016-17 Annual Fee Schedule* (Nov. 9, 2016) Executive Officers Report, Unpaid Invoices in the San Diego Region Fiscal Year 2015-16 by Program [Part C-2, Chapter IV pg. 18].

in FY 2016-17 in the San Diego Region. The following pie charts provide a further breakdown of past due fees by program as of June 30, 2017:



IV. Process for Collection of Unpaid Invoices

Thirty days after an annual fee or SCP invoice is sent, payment to the State Water Board is due (Due Date). Following the Due Date, the State Water Board Division of Administrative Services (DAS) pursues payment compliance through a notice process to dischargers with unpaid invoices. DAS mails delinquent parties a Demand for Payment within 30 days following the Due Date, a Notice of Violation within 60 days, and then a Final Collection Letter within 90 days. The Final Collection Letter notifies a discharger that the overdue payment will be sent to a collection agency. Across the State, there is about a 98 percent success rate collecting amounts due on invoices from dischargers. The remaining two percent of past due invoices are sent to a collection agency.

Pursuant to Water Code section 13261, the Water Boards can assess civil liability in an amount up to $1,000 per day for unpaid annual fee invoices. Unpaid annual fee invoices may also justify rescission of waste discharge requirements, including storm water and other National Pollutant Discharge Elimination System (NPDES) permits. Under Water Code section 13304, a judgment lien may be recorded on a property where SCP oversight costs have not been recovered from a discharger and that lien may be foreclosed by the State in order to recover money on the judgment lien.

The San Diego Region relies on the DAS process and has generally pursued civil liability for past due annual fees through an Administrative Civil Liability (ACL) Complaint only when the discharger is facing an ACL for other violations.

Federal facilities do not receive Demands for Payment, Notices of Violation and Final Collection Letters for failure to pay invoices, as overdue payments attributable to federal facilities are

referred to the State Water Board, Office of the Chief Counsel, for collection.

V. Fiscal Year 2017-18 Annual Fee Schedule Highlights

Expenditures exceeded revenue in FY 2016-17 resulting in a $2.6 million dollar loss to the WDPF and depletion of the fund reserve from 16.2 percent in FY 2015-16, to 13.5 percent at the end of the previous fiscal year. The beginning balance in the WDPF in the new fiscal year beginning July 1, 2017 is approximately $16.9 million.[2]

If annual fees remained at levels set by the FY 2016-17 Fee Schedule, total revenue was anticipated to be approximately $134.5 million in FY 2017-18. Total expenditures in FY 2017-18 are projected to be $134.8 million. At FY 2016-17 Fee Schedule revenue levels, a loss of $325,000 to the WDPF would have been the anticipated result.

Increases in fees were proposed and adopted as outlined below for certain programs to offset some revenue shortfalls. These fee increases were minimized, however, as the State Water Board also resolved to use the fund reserve to offset increases in expenditures in some programs[3] to keep the majority of program fees at FY 2016-17 levels. Offsets from the fund reserve allowed the State Water Board to meet the budgetary expenditures and maintain a projected fund reserve of approximately 12.3 percent. Maintenance of a minimum 5 percent fund reserve per program is considered prudent.

As of FY 2017-18, the State Water Board made a full transition to the realignment of fees, an effort which has been ongoing since FY 2014-15. The assessment of the amount of fees in a program is forecast so that the revenue generated is expected to meet the projected expenditures in the programs where the staff work is being performed. When a forecast in program revenues projects that revenue will fall short of budget expenditures, fees will typically be increased in a program. Conversely, when a forecast in program revenues projects the fees generated will exceed budget expenditures, fees will be reduced. Typically, in this situation the State Water Board adopts one-time fee reductions in the upcoming fiscal year, although a permanent reduction may be implemented where a trend demonstrates that revenues have exceeded expenditures over multiple, preceding, fiscal years.

One-time fee reductions were employed to reduce storm water program fees for the past three fiscal years based on projected expenditures. This trend was sufficient to implement a permanent reduction of fees across all segments of the storm water program in FY 2017-18 to align projected revenues with expenditures. The municipal separate storm sewer system annual fees

[2] A 6 year analysis of the WDPF condition is available at: https://www.waterboards.ca.gov/board_info/agendas/2017/sept/091917_7_attach%201.pdf .

[3] WDPF cost drivers per program and a comparison of projected revenue, based on the FY 2016-17 Fee Schedule and the adopted Fee Schedule for FY 2017-18, is available at https://www.waterboards.ca.gov/board_info/agendas/2017/sept/091917_7_attach%202.pdf .

will be lowered by 11 percent. Industrial storm water program fees will be lowered by 21.8 percent and construction storm water fees by an average of 15.5 percent. The No Exposure Certification (NEC) annual fee will also be lowered from $200 to $150.

Land disposal fees associated with active and closed landfills, waste piles, and surface impoundments will be subject to a one-time fee reduction of 12.6 percent in FY 2017-18, as projected revenue is expected to exceed expenditures.

Increases in annual fees adopted in the fee regulations applicable in FY 2017-18 will potentially affect dischargers in some programs in the San Diego Region. The fee assessment method was also modified in some programs. The following summary highlights the import of these changes:

- Construction Storm Water. While the construction storm water fees will be reduced for most projects, larger construction projects that demand more staff resources may experience an increase in fees from 1 to 19.4 percent. Construction fees are applied by taking total acres and multiplying a numeric value per acre. Fees are then subject to a cap. The cap will be raised from 100 to 150 acres to capture additional staff time consumed by the larger projects, estimated to be about 200 out of about 8,400 regulated facilities.

- Confined Animal Facilities. The number of animals in various feedlot tier categories has been adjusted, primarily affecting dischargers in the Central Valley.[4] A change in methodology from a per-animal count to an animal equivalent unit (AEU) was applied to poultry facilities which sets the rate of annual fees based on an AEU and equivalencies determined through use of a conversion matrix. Implementation of the new AEU methodology to confined animal facilities other than poultry is anticipated in the fee schedule to be proposed for adoption in FY 2018-19.

- Water Quality Certification (also known as 401 Certification). State-wide, the WQC budget for FY 2017-18 is approximately $10.5 million and projected revenue is approximately $8.6 million. An additional $1.9 million in revenue is needed to meet the budget shortfall and align WQC program fees with program expenditures this fiscal year. The WQC program budget shortfall is a combination of program revenue being less than projected in FY 2016-17 and a deferred net increase in fees from FY 2016-17. A 32.4 percent increase in fees was needed in FY 2016-17, however, a 20 percent increase was recommended and adopted.

[4] See the table of categories at title 23, Cal. Code Regs., section 2200(c).

- Fill and Excavation Discharges. A persistent concern expressed by fee stakeholders in the disparity between linear and acre fee calculations was addressed by removing the linear feet calculation altogether. All application fees for fill and excavation will be calculated based on a per acre feet multiplier of $13,268 which represents an increase of 30 percent. The cap on the maximum project fee calculated using this multiplier will be raised by 8 percent to $130,000 and the minimum application fee will be raised from $720 to $1500. Two existing annual fee categories will be collapsed into one category and the annual fee will be raised from $720 to $1500.[5]
- Dredging Discharges. The minimum application fee floor will be raised again this fiscal year from $720 to $1500. Annual fees for dredging discharges are based on the reported volume of cubic yards dredged in the previous year. The per cubic yard multiplier will increase by 30 percent to $0.328 and the maximum a dredge project will be invoiced for annual fees will be increased by 8 percent to $130,000. Two annual fee categories mirrored in the fee schedule for this type of discharge will be collapsed into one category which will be raised from $720 to $1500.[6]
- Emergency Projects Authorized by a Water Board General Order (Emergency Projects), Low Impact Discharges, and Ecological Restoration and Enhancement Projects (Restoration and Enhancement Projects). Application fees for Emergency Projects and Low Impact Discharges will be raised from $720 to $1,500 and from $200 to $400 for Restoration and Enhancement Projects. Two annual fee categories for Low Impact Discharges and Restoration and Enhancement Projects will be collapsed into one category which will be maintained at $200. Annual fees of $200 have been introduced for Emergency Projects to reflect actual staff time expended in tracking these projects to completion.[7]

- Agricultural Lands (ILRP). State-wide, expenditures were projected to exceed revenue in this program by 22 percent in FY 2017-18 due to an approved budget change proposal (BCP) and a 7 percent increase in staff and program costs. Annual fees were increased by approximately 16 percent to cover the additional cost of the BCP resulting in a variable percentage increase in fees per acre for tier I, II, and III dischargers. The fund reserve will be utilized to offset the additional staff and program costs associated with this program in FY 2017-18.

- Cannabis. There is a new schedule of fees for dischargers enrolling in the proposed State-wide General Waste Discharge Requirements for Cannabis Cultivation WQ 2017-0023-

[5] Title 23, Cal. Code Regs., § 2200(a)(3)(A).
[6] Title 23, Cal. Code Regs., § 2200(a)(3)(B).
[7] Title 23, Cal. Code Regs., § 2200(a)(3)(D), (E) & (F).

DWQ[8] (Cannabis Order). Fees will be assessed by tiers based on acres disturbed and a risk category based on the risk of threat to water quality. The current schedule of fees will remain in place for dischargers currently enrolled in a regional board order or waiver. The current schedule will be superseded by the new fee schedule in FY 2018-19 following a full transition of all enrollments into the Cannabis Order.

The State Water Board has begun to send invoices for FY 2017-18 annual fees.[9] About 5000 storm water and tier III agricultural invoices were mailed to dischargers in August and November of 2017. The State Water Board mailed approximately 11,300 additional annual fee invoices in mid-November and early December 2017. Throughout the rest of the fiscal year, approximately 14,400 additional invoices will be generated and mailed, the staggered timing being associated with specific programs. Typically about 5 percent of invoiced parties contact the San Diego Region Fee Coordinator with questions. Some inquires, such as requests to terminate or transfer permit coverage, involve follow-up actions facilitated by program staff.

[8] The Cannabis Cultivation General order was adopted on October 17, 2017 and a copy can be found at https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/finaladoptedcango101717.pdf. The Cannabis Cultivation Policy (Cannabis Policy), a companion to the Cannabis Order, is awaiting final review and approval from the Office of Administrative Law (OAL). The Cannabis Order will become effective once OAL approves the Cannabis Policy, anticipated on December 19, 2017. See, OAL Regulations under review at: https://oal.ca.gov/proposed-regulations/

[9] DAS generates invoices based on information entered by San Diego Water Board staff into the California Integrated Water Quality System database (http://www.waterboards.ca.gov/water_issues/programs/ciwqs/) and by State Water Board staff in the Storm Water Management and Tracking System database (https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/).