

**State Water Resources Control Board
May 20, 2008 Board Meeting
Item 11. Executive Director's Report**

OFFICE OF ENFORCEMENT

Referral of Cases to the Attorney General's Office

Cosco Busan Oil Spill – On April 25, 2008, on behalf of the San Francisco Bay Regional Water Quality Control Board, the Office of Enforcement referred the parties potentially responsible for an oil spill from the Cosco Busan vessel into the San Francisco Bay for an enforcement action pursuant to Water Code section 13350. The referral followed a public hearing by that Regional Water Board.

Enforcement Report Pursuant to Water Code Section 13385(o)

The enforcement report for calendar year 2007 required by Water Code section 13385(o) is now final. It is posted on the Enforcement webpage at the State Water Board's internet site. The report, which was first published as a draft in January 2008 to address the statutory deadline for publication, has been updated to incorporate final quarter data for 2007. When the draft was first posted, it noted that it was incomplete because many statistics for the final quarter of 2007 had not yet been entered into CIWQS. The final report also reflects substantial data cleanup efforts by the Regional Water Boards. Future reports will be produced by the Office of Research, Planning and Performance.

DIVISION OF WATER QUALITY

Groundwater Ambient Monitoring and Assessment (GAMA) Program

GAMA held a public pre-sampling kick-off meeting on April 30th in Buellton for the South Coastal Ranges (Coastal) groundwater basins. Sampling will begin later this month. Wells are now being sampled in the Madera/Chowchilla and Antelope Valley groundwater basins.

GAMA Domestic Well Project sampling began on Tuesday April 29th in San Diego County. State and Regional Water Board staff will be sampling domestic wells through the end of June. Sampling will resume after the state budget is passed.

The GAMA groundwater database contract was awarded in late April.

Surface Water Ambient Monitoring Program (SWAMP) Long-term Trend

Monitoring at Integrator Sites: SWAMP is initiating the implementation of a statewide long-term trend monitoring survey for contaminants in watersheds of California streams. The study is designed to detect meaningful change in the concentrations of stream-borne contaminants and their effects in watersheds at

time scales appropriate to management decision making. The scale of this assessment is the State of California. Within this area, trend monitoring sites in streams will be established using statewide, consistent criteria. The monitoring design calls for sampling at sites beginning in spring 2008. A scientific peer review was convened in late February. Much of the plan was formalized, but additional work is needed to determine a good sieving protocol and appropriate grain size range of sediments to be collected.

SWAMP Toxicity Data Transfer Tool: SWAMP funded the development of a translation tool that exports data from the Comprehensive Environmental Toxicity Information System (CETIS) into the current (v2.5) SWAMP toxicity templates. This tool will facilitate the flow of certain Central Valley Irrigated Lands program data into a SWAMP data center. It is designed to import Chain of Custody information into the CETIS system and export raw and statistical toxicity information from CETIS into the SWAMP templates. The program is currently being tested by two toxicity laboratories before full release on the SWAMP website.

SWAMP Training: SWAMP Training modules continue to be developed as the program adjusts to meet the needs of its customer base and data quality needs. The most recent and upcoming trainings include:

- ♦ A 3-day bioassessment workshop in Novato will be held on May 13-15. This is a two-part training, with the second section being presented later this summer.
- ♦ The first round of field sampling safety training is complete. Five sessions were provided throughout the state: Moss Landing, Costa Mesa, Rancho Cordova, Riverside, and Santa Rosa. We are now in the process of assessing comments and redesigning the module to fit into a statewide annual training program.
- ♦ Citizen monitoring workshops are planned to start this fall, with the first one scheduled in Orleans in September. A variety of groups are hosting, including several Klamath (Scott, Salmon Rivers) basin groups, the Klamath Riverkeeper office, tribes (Hoopa, Karuk, Yurok, Quartz Valley), and Region 1 staff. There is a proposal to organize another one that incorporates both Oregon and California citizen monitoring programs to better support the needs of the entire Klamath Basin.

EPA's 2008 Wetlands Program Development Grant Awards: EPA funded four grant proposals that will directly build Water Board capacity to more effectively regulate wetlands. These grants totaled \$1,168,000. The State Water Board obtained a \$275,000 grant to fund work with the Aquatic Science Center (a division of San Francisco Estuary Institute) that will support developing Phase I and II of the proposed statewide Wetland and Riparian Area policy over a three-year period. Regions 1 & 2 obtained a \$298,000 grant for the Association of Bay Area Governments to finalize the proposed Streams and Wetland Systems Protection policy, move it through the Basin Plan adoption process, and develop a number of implementation tools. San Francisco Estuary Institute obtained a \$300,000 grant to develop a new version of Wetland Tracker that will streamline

401 Certification permitting by providing an online application process, provide access to historical 401 permit data from the State Water Board's 401 database, and generate standardized reports on the status and trends of 401 projects and ambient wetland status for watersheds, regions, and Statewide. This grant work will include the State Water Board and Regions 2 and 4. Finally, the Southern California Coastal Water Research Project obtained a \$295,000 grant to establish "reference wetland sites" to refine California Rapid Assessment Method (CRAM) metrics for wetlands in the Coastal, Central Valley and Sierra bioregions, provide a permanent set of CRAM audit team training and intercalibration sites, and to gather long-term data to study the trajectory of CRAM scores over time. This grant will also fund the regional audit teams in the Sacramento and San Joaquin Valley, and the Sierra bioregions, supplementing teams already created through existing funding in the coastal regions. In addition, QA/QP for CRAM and a number of web-based tools will be developed.

See Attachments 1 and 2 for an update on the Central Valley Regional Water Quality Control Board's Irrigated Lands Regulatory Program and a status report on the Statewide General WDR for Sanitary Sewer Systems (as requested at the April 15 Board meeting).

DIVISION OF WATER RIGHTS

Groundwater Recordation

Delegation of Groundwater Recordation Program: On April 23, 2008, the Division of Water Rights delegated oversight of the Groundwater Recordation Program to the Ojai Basin Groundwater Management Agency (OBGMA) for 23 wells in Ventura County. Delegation of the program requires that the OBGMA successfully demonstrate compliance with the statutory requirements for local agency designation, including the maintenance of records and availability of these records to the State Water Resources Control Board.

The Groundwater Recordation Program applies to extracted groundwater in amounts greater than 25 acre-feet annually in Los Angeles, Riverside, San Bernardino, and Ventura Counties. In 2006, the Division of Water Rights streamlined the Groundwater Recordation Program by delegating oversight for about half of its 4000 records to the following local agencies: 1) San Bernardino Valley Municipal Water District; 2) San Geronimo Pass Water Agency; 3) Western Municipal Water District; 4) Eastern Municipal Water District; 5) United Water Conservation District; and 6) Fox Canyon Groundwater Management Agency.

Delegation Authority

The State Water Board has delegated specific actions relating to the general operation of the water rights program to the Deputy Director for Water Rights. (See Resolution 2007-0057.) Each month, mid-month, the Division of Water Rights posts on its webpage a report on the actions it has completed in the previous month. The table below provides a summary of the activities of the Division during March 2008 and for the first three-quarters of Fiscal Year 2007-2008. Permitting, Licensing, Petition, Transfer, Monitoring and Reporting, and proposed Enforcement activities are delegated or conditionally delegated to the Deputy Director for Water Rights. Water Quality Certification activities are delegated to the Executive Director. In general, a conditionally delegated activity is delegated unless the affected water right holder is entitled to a hearing on the action and a hearing is requested. Where the Division has set a goal for completing a specific number of actions during the fiscal year, the goal is included in the table.

Division of Water Rights

Monthly Progress Report: March 2008

	FY Goal	FY	Month
Permitting			
Applications Rejected	--	10	1
Applications Cancelled ¹	--	32	7
Registrations Issued ²	--	20	5
Registrations Renewed	--	48	16
New Statements Processed	108	18	0
New Groundwater Recordations Processed	15	22	0
Permits Issued	26	11	0
Temporary Urgency Permits Issued	--	2	0
Licensing			
Licenses issued	footnote ³	30	2
Petitions	30		
Time extension Orders Issued		7	0
Change Orders Issued		3	0
Transfers Approved⁴			
Orders Issued on Temporary Urgency Change Petitions	--	3	0
Orders Issued on Temporary Change for Transfer Petitions	--	4	0
Orders Issued on Long Term Transfer Petitions	--	1	1
Monitoring and Reporting			
Annual Reports of Permittee and Licensee Processed	3250	989	22
Supplemental Statement of Diversion & Use Processed	1205	559	0
Annual Groundwater Recordation Processed	914	914	0
Ownership Changes Processed	1425	1634	169
Enforcement			
Permit and License Revocations Issued	footnote ³	56	2
Complaint Actions Closed	45	23	1
Cease and Desist Orders Issued	footnote ⁵	3	0
Administrative Civil Liability Complaints Issued	footnote ⁵	0	0
Administrative Civil Liability Orders Paid	⁶		
Water Quality Certifications			
Certifications on FERC projects	3	0	0
Application Denials on FERC projects	--	0	0
Certifications on Non-FERC projects	--	6	1
Application Denials on Non-FERC projects	--	1	0
Adjudicatory			
Water Right Decisions Issued by the Board	3	0	0
Division Decisions Issued	5	0	0
Water Right Orders Issued By the Board	5	4	3
Orders on Petitions for Reconsideration	--		
By the Executive Director		7	0
By the State Water Board		2	1
Administrative Records Completed	--	0	0

¹ One cancellation issued in February not entered in EWRIMS until March.

² Five registrations issued in December 2007 not entered in EWRIMS until March 2008.

³ The goal is to conduct license inspections and issue licenses or prepare orders of revocation for 85 permits.

⁴ Transfers may also be accomplished under change petitions filed pursuant to Water Code section 1700 *et seq.*

⁵ The goal is to initiate 9-14 enforcement actions (draft Cease and Desist orders or Administrative Civil Liability complaints)

⁶ The goal is that 100 percent of ACLs imposed be paid.

OFFICE OF RESEARCH, PLANNING AND PERFORMANCE

Water Board Climate Change Activities

The Water Boards are assisting the ARB in completing the draft AB 32 Scoping Plan which must be submitted to the Legislature by January 2009. An update on the status of Water Board efforts in support of AB 32 as well as other climate change activities is included on the May 20 agenda.

Strategic Plan

Staff is completing revisions to the Strategic Plan Update based upon public and Board comment. A revised, final draft is expected to be released during the week of May 19 and we will be scheduling the Update for consideration by the Board at the July 1st meeting.

Cal/EPA Permit Streamlining

Cal/EPA is leading a multi-agency permit streamlining project to address requirements for digesters used at dairies that includes the CIWMB, Water Boards, San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), industry representatives, and others. The Central Valley Regional Water Board's (RB5) Fresno office represents the Water Boards. The Office of Research, Planning and Performance is available to provide assistance if requested by RB5. The product of this effort will be a Permit Guidance Document. RB5 is preparing the Regional Water Board Permitting section of that document. The information presented in the Water Board section represents the RB5 permitting process and may not reflect all other Regional Water Boards' processes. Other Regional Water Boards were contacted, but did not provide additional information. Project participants will be reviewing an initial draft of the proposed Permit Guidance Document later this month (May).

Water Board Training Academy

Our Training Academy continues to provide needed high quality courses. During April, the CEQA for Certified Regulatory Programs class was well attended and well received. The Academy filmed the course and is editing the copy so that viewers can see the slides in sync with the presentation. Steven Blum, Dyan Whyte and Sandia Potter were the class sponsors. The Water Education Workshop for State and Regional Water Board Members was also well attended and many of the Board Members participating were very pleased with the scope and content of the course, requesting that it be held once a year. In addition to the Academy Leadership series which is currently being offered to Water Board staff, below are highlights of upcoming classes:

Upcoming	Technical Writing and Technical Editing - This series of four classes will be offered again in Sacramento in late June and early July. Among the Academy's most highly acclaimed classes, the series also includes opportunities for one-on-one sessions with the instructor and coaching services after the class. Theresa Schultz is the instructor. A one-day version of the Technical Editing class will be offered at the Central Coast Regional Board in August.
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	<p>SWAMP Quality Assurance Project Plan (QAPP) Advisor Training</p> <p>- USEPA and the State Water Board require that all monitoring projects have a QA/QC plan. The Surface Water Ambient Monitoring Program (SWAMP) developed a computer based tool that helps users produce Quality Assurance/ Quality Control (QA/QC) documents faster and more accurately for water quality monitoring projects. The tool is called the SWAMP QAPP Advisor. This class will present an overview of the new SWAMP Quality Project Plan (QAPP) and QAPP requirements and how to use the SWAMP QAPP Advisor. The class will be held on June 17th in Riverside. Dawit Tadesse is the class sponsor</p>
	<p>MS4 Program Evaluation Guidance Training Class - Based on the MS4 Program Evaluation Guidance document, this class focuses specifically on California's MS4 programs. Students will learn how to conduct a comprehensive or targeted MS4 program evaluation and determine if the permittee is implementing the program in order to reduce pollutants discharged to the "maximum extent practicable" (MEP). A field component is included which will represent real-world conditions and demonstrate the audit/inspection process, including violations and challenges. The class will be held in Sacramento on April 29 – May 1. Christine Sotelo is the class sponsor.</p>

OFFICE OF PUBLIC PARTICIPATION

Upcoming Workshop

On June 26, 2006, a workshop regarding the technical assessment and process for 303(d) water temperature listing and delisting requirements in the North Coastal Landscape will be held at the Ukiah Conference Center. The workshop is a collaborative effort of the State Water Board and the North Coast Regional Water Board, and is being developed with input from various stakeholder groups.

DIVISION OF FINANCIAL ASSISTANCE (DFA)

Meetings

California Financing Coordinating Committee (CFCC) Funding Fairs: April 23, 2008 and May 6, 2008

State Water Board staff participated in two remaining 2008 CFCC Funding Fairs, which were held in Central and Northern California: (1) Visalia (April 23); and (2) West Sacramento (May 6). Staff provided an overview of the various funding programs available through the State Water Board's Division of Financial Assistance, and met with interested parties to discuss their projects and related funding needs. The CFCC brings six State and Federal funding agencies together to facilitate and expedite the completion of infrastructure projects by helping interested parties combine resources of different agencies. Additional CFCC funding fairs will be held in 2009.

Areas of Special Biological Significance (ASBS) Concept Proposal

Workshops: April 18, 2008 & April 23, 2008

State Water Board staff conducted two concept proposal workshops, which were held at the Southern California Coastal Water Research Project (SCCWRP) and the North Coast Regional Water Quality Control Board (Regional Board) on April 18 and April 23, 2008, respectively. Staff provided an overview of the ASBS funding program including eligibility, program priorities and preferences, geographic scope, application review and timeline, and the submittal requirements. Staff was available to answer Regional Board and applicant's questions regarding the program and application requirements.

Division Approvals

The Deputy Director of DFA approved the following Preliminary Loan/Grant Commitments from April 7, 2008 through May 1, 2008.

State Revolving Fund Loan

Entity	Preliminary Funding Commitment	Project	Approved
Lake Arrowhead Community Services District	\$6,220,000	Recycled Water Phase I Project	4-7-08

Small Community Wastewater Grant

Entity	Preliminary Funding Commitment	Project	Approved
City of Woodlake	\$2,000,000	City of Woodlake Wastewater Treatment Facility Upgrade and Expansion Project	4-30-08

Water Recycling Grant/Loan

Entity	Preliminary Funding Commitment	Project	Approved
Scotts Valley Water District	\$75,000	Expanded Recycled Water Service Area Facilities Planning Study	4-11-08

Clean Beaches Grant

Entity	Preliminary Funding Commitment	Project	Approved
City of Santa Barbara	\$477,280	Source Tracking Protocol Development	4-30-08

DIVISION OF ADMINISTRATIVE SERVICES

2008/2009 BUDGET

The Assembly has approved all of our Budget Change Proposals (BCPs), except for the Proposition 84 and Climate Change BCPs, that are open, and our Underground Storage Tank Fund Technical BCP that will likely be on the consent calendar at the open issues hearing to be held later this month. In addition, the Assembly approved recommendations to work with the Legislative Analyst (LAO) on a new broad-based water fee and to provide increased transparency and consistency in the execution and reporting on Supplemental Environmental Projects (SEPs) consistent with the Board's current review and update envisioned for the Water Quality Enforcement Policy.

The Senate has only heard two of our BCPs, the Bond Technical BCP that was held open and the Climate Change BCP that was denied. All other BCPs will be heard by our Senate Subcommittee on the May 12th Hearing.

The May Revise will be released on May 14th and, at that time, Senate and Assembly Budget Committee Members could take other Budget Actions.

Attachment 1

IRRIGATED LANDS REGULATORY PROGRAM UPDATE REPORT MAY 2008

This month's Irrigated Lands Regulatory Program (ILRP) monthly report will provide an update on activities of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) ILRP. Future ILRP monthly reports will alternate between the Central Coast, Los Angeles, Colorado River Basin, San Diego, and Central Valley Regional Water Quality Control Board programs. For specific program information for the Central Valley Water Board, contact Mr. Joe Karkoski, program manager of their Irrigated Lands Regulatory Program, at 916- 464-4668.

CENTRAL VALLEY WATER BOARD IRRIGATED LANDS REGULATORY PROGRAM

LONG-TERM PROGRAM / ENVIRONMENTAL IMPACT REPORT (EIR)

A series of public workshops were held to gather stakeholder input related to the development of the long-term Irrigated Lands Regulatory Program. The workshops were held in Tulare, Modesto, Sacramento, and Durham. Based on available regulatory tools and stakeholder comments, Regional Water Board staff will prepare the program alternatives to be evaluated in the EIR. The Regional Water Board's contractor, Jones and Stokes Associates (JSA) is continuing to update the surface and ground water quality data in the Existing Conditions Report (ECR). In addition, JSA is updating the management practices section of the ECR. Information gaps that were identified during the public comment period on the ECR are being addressed.

ENFORCEMENT

California Water Code section 13267 Orders

In March, eleven of the largest agricultural landowners in the San Joaquin-Sacramento Delta were identified as not participating in the Irrigated Lands Regulatory Program. These landowners were issued California Water Code section 13267 Orders (Orders) to submit a report explaining why they were not in the ILRP. Seven of those landowners responded within 15 days, as required, and four received Notices of Violation (NOVs) for failure to respond. An administrative civil liability complaint (ACL) will be prepared should a landowner fail to respond to the NOV within 15 days.

An additional 29 Orders were issued on 12 May 2008 to growers throughout the Central Valley who are not participating in the ILRP. The Executive Officer will continue to issue such Orders every two-three weeks to non-participants.

Other Efforts to Increase Participation in the ILRP

On 24 April 2008, the Central Valley Water Board approved changes to the Coalition Group Conditional Waiver (Waiver) that gives the Executive Officer greater discretion to allow growers into Coalitions. When growers respond to the

Orders, they need not be regulated as individuals, as would have occurred without the change in the Waiver. Approvals for 166 growers to join Coalitions, which the Region was unable to approve before, are being issued.

Central Valley Water Board staff is working with the public affairs staff at the State Water Board to get press releases out about these activities. Staff has also been contacted by the Farm Bureau, who will publish an article in their weekly newsletter. By getting the word out, the Central Valley Water Board anticipates that growers will start coming forward voluntarily to participate in the ILRP.

Throughout this process, the Central Valley Water Board is coordinating with the Coalitions to make sure they will accept the new applicants and to confirm that people receiving Orders are not already in the Coalition.

DISCHARGES

On February 20, 2008, Regional Water Board staff presented testimony at a Contra Costa Agricultural Commissioner hearing concerning the September 2007 Marsh Creek fish-kill. The hearing was in response to a Contra Costa Agricultural Commissioner Notice of Proposed Action against the East Contra

Costa Irrigation District. The Commissioner proposes a fine of \$1,000 for an alleged herbicide discharge.

Applications for Regional Water Board Approval to Join Coalition Groups

As of March 19, 2008, 245 applications had been submitted to the Regional Water Board, encompassing over 57,000 acres of land. One hundred and four applications have been processed to date. Staff is working with applicants to obtain complete information, evaluate the applications and prepare recommendations for the Executive Officer. The Executive Officer must approve all applications to join a coalition group. Staff recommendations were presented to the Regional Water Board at its 24/25 April 2008 meeting regarding the conditions under which landowners can be approved to join coalition groups. Elements of the California Water Code section 13267 Orders and the application process are interrelated, which will be discussed, along with program resource implications and potential approaches for addressing impacts. Current applicants were sent a letter on March 17, 2008, informing them of the Board Meeting and staff recommendations for modifying the conditions under which landowners may be approved to join coalition groups.

Recommendations for Fee Modifications

Staff has conducted an analysis of staff time spent overseeing irrigation districts, and other dischargers under the Individual Waiver and processing applications to join coalition groups. Recommendations for modifications to the current fees charged were drafted and submitted to State Water Board staff for review.

Memorandum of Understanding (MOU) with Butte and Glenn Counties

The 2007 Annual Report for the MOU Pilot Program has been posted on the ILRP website. This report contains a summary of the work performed in 2007.

The contracts to continue the MOU Pilot Program were signed by the Agricultural Commissioners of Butte and Glenn Counties and will extend the pilot program from April 1, 2008 to March 31, 2009. On February 15, 2008, Regional Water Board staff participated in a meeting in Willows with Butte and Glenn Counties to review recent accomplishments under the MOU.

UC Davis Monitoring

Researchers at UC Davis are now preparing the draft summary report for all sampling conducted under this contract. The summary will be submitted by UC Davis to staff for review in June 2008, and will subsequently be finalized and posted on the program website.

COALITION GROUPS

California Rice Commission

Regional Water Board staff and California Rice Commission (CRC) representatives have been meeting to finalize a Management Plan for exceedances of algae toxicity. On March 12, 2008 CRC submitted a revised Algae Aquatic Toxicity Management Plan. Remaining documentation includes quality control data for performance-based analytical methods.

East San Joaquin Water Quality Coalition

The East San Joaquin Water Quality Coalition (ESJWQC) submitted its semi-annual monitoring report (SAMR) on January 14, 2008. Staff will be reviewing the SAMR, although priority is being given to the Management Plan and MRP Plan preparation at this time. The ESJWQC has been meeting with staff to develop management plans that will address exceedances. Meetings have included reconciliation of the exceedances that have occurred in comparison with Regional Board records, and also in the establishment of priorities for Management Plan activities. Since the Management Plan is incorporated into the ESJWQC's pending MRP Plan revisions, staff and the ESJWQC is working on the final Management Plan and the MRP Plan simultaneously. On February 29, 2008, Regional Water Board staff participated in a growers meeting in Winton, California. The meeting was directed by the East San Joaquin Water Quality Coalition Group in response to toxicity found in the Merced River on two occasions in January 2008. Staff gave a presentation on monitoring and enforcement efforts within the ILRP.

On March 13, 2008 Regional Water Board staff met with ESJWQC representatives to conduct a site visit at three ESJWQC monitoring sites: Cottonwood Creek at Road 20, Ash Slough at Avenue 21, and Berenda Slough. The purpose of the visit was to consider the value of the monitoring locations in the pending MRP Plan revision. Following the site visit, staff participated in the

ESJWQC Board meeting. Items discussed included: enforcement by the Water Board; membership renewal update; toxicity response at Merced River; and policies and approach on setting ESJWQC membership responsibilities. Board member Paul Bettencourt also attended the meeting.

Sacramento Valley Water Quality Coalition

On January 15, 2008, staff received the Sacramento Valley Water Quality Coalition (SVWQC) Irrigation Season Semi-Annual Monitoring Report. Staff performed a brief review of this report and provided the Coalition with preliminary requests for missing data. The Coalition promptly provided this requested data. Staff review and comments on this SAMR will occur subsequent to the review of the SVWQC Storm Season SAMR which had been submitted in June 2007. Priority is being given at this time to the development of the MRP Plan and Management Plan documentation. Staff met with SVWQC representatives at the Regional Board office to provide comments on the draft Management Plan. Due to the overlap in monitoring design and schedules, the SVWQC will be working on the Management Plan and MRP Plan documents simultaneously.

Staff is currently evaluating all data provided by the SVWQC to understand where exceedances have occurred, and for which constituents, and to understand what monitoring sites have been thoroughly assessed.

On February 28, 2008, Regional Water Board staff attended the Sacramento Valley Water Quality Coalition's Annual subwatershed meeting at the Westside Water District office in Williams, CA. Staff provided an update on proposed future Regional Board enforcement efforts and described the new monitoring program for the ILRP and the development of management plans.

San Joaquin County and Delta Water Quality Coalition

On February 20, 2008, staff completed review of the San Joaquin County and Delta Water Quality Coalition December 31, 2007 Semi Annual Monitoring Report. Staff comments have been prepared and are in the review process. A review letter will be sent to the Coalition soon. Staff met with the San Joaquin County and Delta Water Quality Coalition (SJCDWQC) on February 13, 2008 to continue the development of management plans. Given the overlap in terms of design and monitoring schedules, staff and the SJCDWQC will be working on the Management Plan and the MRP Plan simultaneously. On March 18, 2008, Regional Water Board staff toured Venice Island with the San Joaquin County and Delta Water Quality Coalition. Staff gained a better understanding of irrigation practices, terminology, and cropping patterns.

Westside San Joaquin River Watershed Coalition

The Coalition provided a revised MRP Plan on February 5, 2008. The revisions were based on several discussions between staff and Coalition representatives. On February 22, 2008 the Executive Officer issued a letter to the Coalition approving the implementation of the revised MRP Plan for one calendar year. The letter requires the Coalition to work with staff to address some inconsistencies between the Coalition's MRP Plan and the recently approved ILRP MRP Order, and to submit a revised plan that resolves these inconsistencies by July 25, 2008. A minor revision or addendum to the Coalition's approved plan is expected to resolve these inconsistencies.

On March 4, 2008, Regional Water Board staff attended the Westside San Joaquin River Watershed Coalition's monthly steering committee meeting in

Los Banos. The committee discussed issues including member participation and fees, development of monitoring and management plans, budget, and ILRP policies.

On March 12, 2008 Coalition representatives and staff met with the Southern California Coastal Water Research Project staff to discuss the integration and development of the Coalition's MRP Plan and Management Plan. Coalition representatives and staff are working together to complete the development of the revised Management Plan, and approval of the plan is expected by June 2008. As part of the overall Management Plan, the Coalition is also preparing a focused water quality improvement plan for the watersheds of Ingram Creek and Hospital Creek, as part of the Management Plan strategy. The purpose of these focused watershed improvement plans is to increase and document more specified and aggressive outreach and management practice implementation efforts on a watershed-by-watershed basis, as needed, and prioritized by the severity of problems identified through the monitoring program.

Goose Lake Coalition

The Coalition's CEQA documentation for their Best Management Practice (BMP) projects (required as part of any grant from SWRCB) was approved by the SWRCB and implementation of its BMP projects are in progress. A BMP Demonstration Day is planned during summer 2008.

A draft Management Plan is being prepared by the Coalition for Ceriodaphnia toxicity that occurred during the 2007 irrigation season. A study to identify the source of toxicity will be conducted during the 2008 irrigation season. The Coalition has proposed some modifications to their MRP Plan for the 2008 monitoring year, and will be working with staff to develop a revised MRP Plan for subsequent years.

Westlands Coalition

Staff has reviewed the Coalition's December 2007 SAMR and provided comments to the Coalition. The required components of the SAMR were completely and satisfactorily addressed by the Coalition. The Westlands Coalition began storm season monitoring during January 2008, when enough rainfall had finally occurred to cause runoff in the normally dry creeks in the coalition area. The Coalition is conducting both Phase I and Phase II monitoring during this storm season in order to better characterize water quality conditions.

Exceedance reports for EC in Panoche-Silver Creek and water flea toxicity in Cantua Creek were submitted by the Coalition. A Management Plan schedule for EC in Panoche-Silver Creek has been requested.

Southern San Joaquin Valley Water Quality Coalition

Staff has completed review of the 2007 Irrigation Season Semi-Annual Monitoring reports and generated response letters that are currently in the review process. The Coalition has been requested to prepare a Management Plan to address repeated toxicity in the water column (Selenastrum) and sediment

(*Hyalella azteca*) in the Main Drain waterway within the Kern River Sub-Watershed. The Management Plan is currently under development by the Coalition.

On February 6, 2008, Regional Water Board staff participated in a meeting in Farmersville with the Southern San Joaquin Valley Water Quality Coalition subwatershed leads and board members. The new Coalition MRP and applicability to the Tulare Basin was discussed, along with alternative regulatory approaches for addressing irrigated lands in the basin.

On March 19, 2008, Regional Water Board staff, staff of the Kings River Sub-Watershed, and representatives of Sierra Foothills Laboratory met in Jackson to discuss the *Selenastrum* toxicity testing method and to identify testing differences that exist between laboratories.

Individual Dischargers

BerryBlest Farms

The Annual Monitoring Report (AMR) was submitted by Bud Hoekstra of BerryBlest Farms. Staff has acknowledged receipt of the report to BerryBlest. Review of the AMR is ongoing.

Merced Irrigation District

On March 3, 2008 staff received the Merced ID 2007-2008 AMR dated February 28, 2008.

Modesto Irrigation District

On March 3, 2008 staff received the Modesto ID 2007-2008 AMR dated February 28, 2008.

Turlock Irrigation District

On February 29, 2008 staff received the Turlock ID 2007-2008 AMR dated February 28, 2008.

Oakdale Irrigation District

On February 29, 2008 staff received the Oakdale ID 2007-2008 AMR dated February 28, 2008.

South San Joaquin Irrigation District

On February 28, 2008 staff received the South San Joaquin ID 2007-2008 AMR dated February 28, 2008. Staff has notified individual dischargers that these AMRs have been received. However, staff will be prioritizing the development of Coalition Group MRP Plans and Management Plans prior to evaluating the Irrigation District AMRs.

The above report on the ILRP and a Spanish translation of current and past ILRP program monthly reports can be found on the Irrigated Agricultural Waiver Program website at:

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

Statewide General WDR for Sanitary Sewer Systems

REPORTING COMPLIANCE REPORT - MAY 2008

Pursuant to the Board's request at the April 15 Board meeting, the following is an update on the status of implementation and compliance with the Statewide General WDR for Sanitary Sewer Systems. The report describes the level of compliance with the reporting requirements contained in Statewide General Waste Discharge Requirements (WDR) – WQO No. 2006-0003-DWQ (Statewide Sanitary Sewer Order). Initially, background information on sanitary sewer overflows (SSOs) and the development of the Statewide Sanitary Sewer Order will be discussed. This report also shows past and present Statewide Sanitary Sewer Order implementation activities. Compliance with the Statewide Sanitary Sewer Order's reporting requirements will then be discussed, including reporting statistics collected to date. Finally, information on future plans and activities to achieve full Statewide Sanitary Sewer Order compliance will be presented.

BACKGROUND

A sanitary sewer overflow (SSO) is any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system. A sanitary sewer system is any system of pipes, pump stations, sewer lines, or other conveyances, which is owned or operated by a public entity, used to collect and convey wastewater to a treatment facility. SSOs do not include overflows from blockages or other problems within a privately owned lateral. SSOs often contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oil, and grease. SSOs pollute surface and ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters. Typical consequences of SSOs include the closure of beaches and other recreational areas, inundated properties, and polluted rivers and streams.

In 1999, under a Presidential directive, the United States Environmental Protection Agency (U.S. EPA) began work on federal standards to regulate sewage collection systems. U.S. EPA released proposed regulations under the Capacity, Management, Operation, and Maintenance (CMOM) Program in 2001. Unfortunately, U.S. EPA has not been able to finalize the CMOM Program and promulgate its rules. In 2004, the State Water Board passed a resolution committing to the development of a regulation which would reduce the numbers and volumes of SSOs by requiring the proper operation and maintenance of sewage collection systems. In May, 2006, the State Water Resources Control Board (State Water Board) adopted a Statewide Sanitary Sewer Order to address the issue of SSOs in a consistent and uniform manner statewide. The Statewide Sanitary Sewer Order incorporated a number of excellent regulatory concepts underpinning the proposed CMOM program. Through the Statewide

Sanitary Sewer Order, California became the first state in the nation to implement a program focused on the regulation of sewage collection systems (combined or sanitary sewer systems).

The objective of the Statewide Sanitary Sewer Order is to reduce the numbers and volumes of SSOs across the state through the proper operation and maintenance of sanitary sewer systems. The Statewide Sanitary Sewer Order requires enrolled sanitary sewer system agencies (Enrollees) to develop and implement a sewer system management plan (SSMP). A SSMP documents the actions an Enrollee is taking to properly operate and maintain their sanitary sewer system with the goal of reducing SSOs. A SSMP must contain elements such as an operation and maintenance program, system evaluation and capacity assurance plan, and fats, oils, and grease (FOG) control program. The Statewide Sanitary Sewer Order also requires Enrollees to report any SSOs which occur within their sanitary sewer system. Through this provision of the Statewide Sanitary Sewer Order, the efficacy of an Enrollee's SSMP is monitored.

However, SSO reporting is not the only information that must be submitted under the terms of the Statewide Sanitary Sewer Order. The Monitoring and Reporting Program contained within the Statewide Sanitary Sewer Order includes a number of different reporting requirements. Initially, an Enrollee must complete a collection system questionnaire, which is essentially a survey of their organization and facilities. Then, an Enrollee is required to report all SSOs from their sanitary sewer system (private lateral sewage discharges, which are not an Enrollee's responsibility, are reported by an Enrollee on a voluntary basis). Finally, an Enrollee must submit a 'no spill certification' if their sanitary sewer system does not experience any SSOs for a given calendar month. Between SSO reporting and no spill certification submittal, the Statewide Sanitary Sewer Order requires an Enrollee to submit information to the State Water Board on a monthly basis, which is one compliance measure that is tracked by staff. All information submitted in accordance with the Statewide Sanitary Sewer Order's Monitoring and Reporting Program is done electronically through the SSO database, which is a module within the California Integrated Water Quality System (CIWQS).

To facilitate Enrollee training on the use of the SSO database, the State Water Board phased in the deadlines for SSO reporting under the Statewide Sanitary Sewer Order. The phase in schedule was implemented by Regional Water Board as shown in Table 1 below:

Regional Water Board	Date Began Reporting SSOs
Regions 4, 8, 9	January 2, 2007
Regions 1, 2, 3	May 2, 2007
Regions 5, 6, 7	September 2, 2007

Table 1 – Reporting phase-in schedule for Enrollees

In terms of resources, the State Water Board recently received authorization for three Personnel Years (PYs) to support implementation of the Statewide Sanitary Sewer Order. The current staffing is as follows, although it is subject to future review and possible revision. One PY is dedicated to Information Technology (IT) support services for maintenance and enhancements of the SSO database. The other two PYs are within the Division of Water Quality (DWQ) as SSO program staff to perform all Statewide Sanitary Sewer Order implementation activities, which includes enforcement of the requirements of the Statewide Sanitary Sewer Order. However, the Regional Water Quality Control Boards (Regional Water Boards) continue, as before adoption of the Statewide Sanitary Sewer Order, to be responsible for any enforcement activities related to specific SSO events.

IMPLEMENTATION ACTIVITIES

Starting a new regulatory program is a challenge for any organization. It takes considerable time and resources to plan and execute the implementation of new permitting requirements, especially requirements on entities that may not have been under a previous Water Board permit. In implementing the Statewide Sanitary Sewer Order, staff has focused the limited resources on basic program start-up activities such as working to achieve full enrollment compliance, developing the SSO database, and outreach efforts. Staff has also participated in Enrollee training, which is provided by the California Water Environment Association (CWEA), described more fully below. These tasks are fundamental building blocks which are vital to achieving full Statewide Sanitary Sewer Order implementation and the goal of reducing the numbers and volumes of SSOs.

Table 2 below provides a summary of the key implementation milestones, since adoption of the Statewide Sanitary Sewer Order.

5/2006	6/2006	9/2006	9/2007	10/2007	5/2008	5/2009
Statewide Sanitary Sewer Order Adopted by SWRCB	Notification of mandatory enrollment sent to potential Enrollees	SSO reporting training through CWEA begins	Electronic SSO Reporting Required (statewide)	"Failure to Submit" enrollment application letter sent to remaining potential Enrollees	Deadline for Enrollees to complete the SSMP Development Plan, Schedule, Goal and Organization elements	SSO General WDR Program Review scheduled to begin

Table 2 – Key Statewide Sanitary Sewer Order Implementation Milestones

ENROLLMENT

The Statewide Sanitary Sewer Order requires any public entity which owns or operates a sanitary sewer system comprised of more than one mile of pipe or sewer lines that conveys wastewater to a publicly owned treatment facility to apply for coverage under the Statewide Sanitary Sewer Order.

In June 2006, State Water Board staff (Staff) mailed out Statewide Sanitary Sewer Order applications (or Notice of Intent forms) for coverage to 1,334 known potential Enrollees statewide. By October, 2007, staff had not received a response to the Statewide Sanitary Sewer Order application submittal letter from 215 of the original 1,334 known potential Enrollees. At that time, Staff mailed out a letter regarding noncompliance with the requirement to submit a Statewide Sanitary Sewer Order application to all 215 “non-responding” known potential Enrollees. As a result of this letter and subsequent Staff work, the number of non-responding known potential Enrollees is now 16, as shown in Figure 1 below. More than 98% of the known potential Enrollees have now complied with the enrollment provisions of the Statewide Sanitary Sewer Order. Staff is following up with the remaining 16 non-responders and intends to bring this number to zero by June, 2008.

Currently, there are 1,086 Enrollees under the Statewide Sanitary Sewer Order, and the overall enrollment trend for coverage is shown in Figure 2 below. Please note that the decrease in total number of enrollments is due to cancellation of enrollment. Reasons for cancellations of enrollment include: (1) agency does not meet the application criteria (i.e., greater than one mile of sewer pipe and/or public entity); (2) duplicate enrollment, due to submittal of multiple applications; or errors in data entry. Staff will continue to work with the Regional Water Boards to identify and enroll any previously unknown sanitary sewer system agencies which must be covered under the Statewide Sanitary Sewer Order.

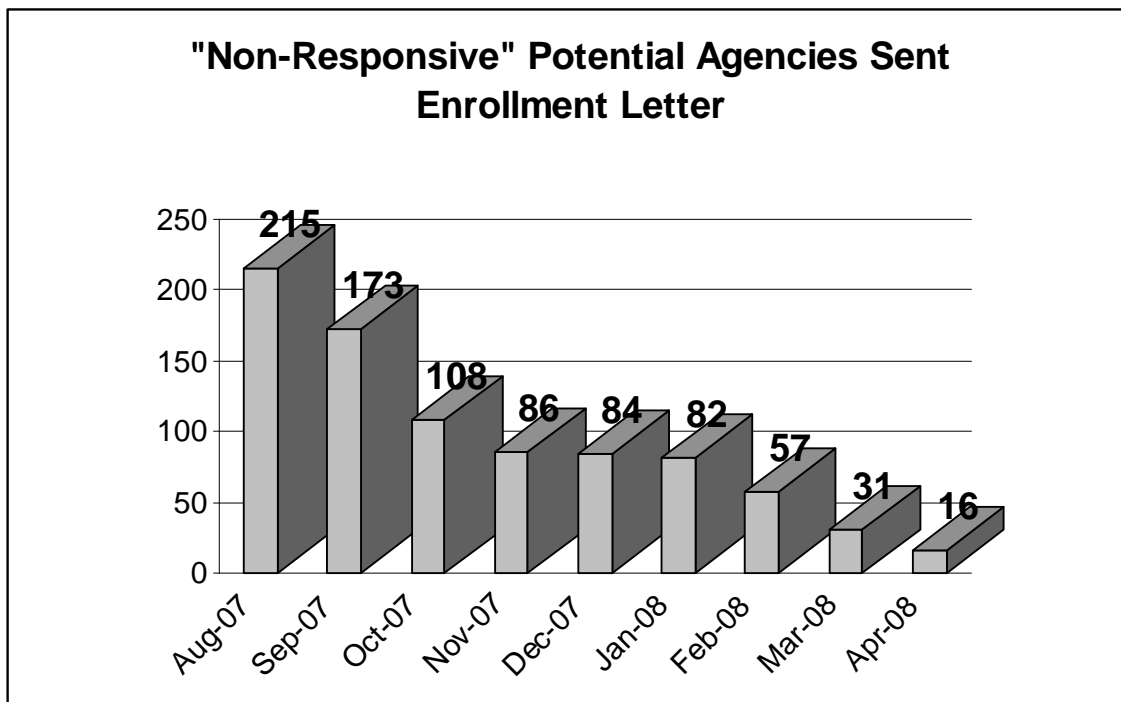


Figure 1 –“Non-Responsive” potential agencies, which received an Enrollment letter in June 2006

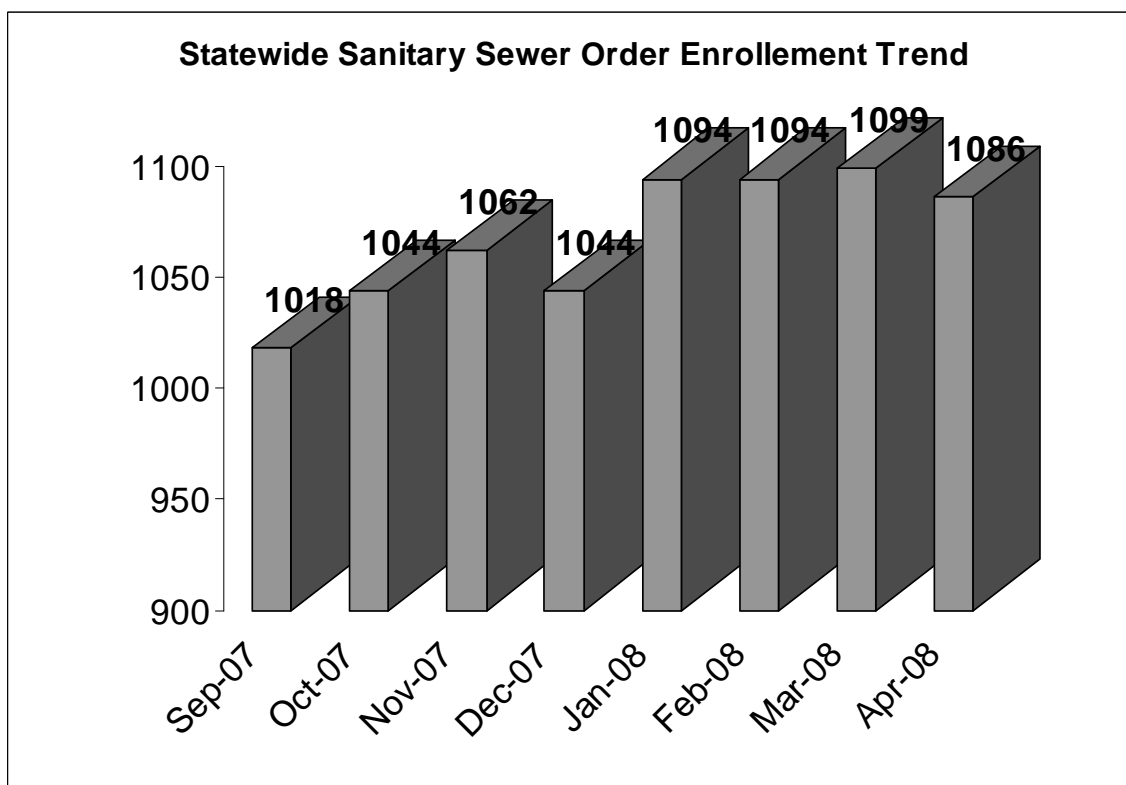


Figure 2 –Enrollment trend coverage under the Statewide Sanitary Sewer Order

SSO DATABASE DEVELOPMENT/MAINTENANCE

Under the terms of the Statewide Sanitary Sewer Order, the State Water Board is required to host and maintain an online database to enable Enrollees to report data to comply with the Monitoring and Reporting Program. Staff developed the SSO database and is using it as the reporting tool for the Statewide Sanitary Sewer Order.

Table 3 below provides a summary of all statewide SSO and private lateral sewage discharge data reported by participating Enrollees since start-up, which began on January 1, 2007.

	Number of SSO locations	Total Volume of SSOs (gal)	Total Volume Recovered (gal)	Total Volume Reached Surface Water (gal)	Percent Recovered	Percent Reached Surface Water	Total Miles of Pressure Sewer	Total Miles of Gravity Sewer	Total miles of Laterals Enrollee Responsible for	# of SSO locations per 100 miles of Sewer	Volume Reaching Surface Water per 100 miles of Sewer (gal/100 mi)
SSO	5453	31,001,728	10,784,696	24,571,666	35	79	3,270	90,478	5,650	5.5	26,720

	Number of SSO Locations	Total Volume of SSOs (gal)	Total Volume Recovered (gal)	Total Volume Reached Surface Water (gal)	Percent Recovered	Percent Reached Surface Water	Total Miles of Private Laterals	# SSO locations per 100 miles of Private Laterals	Volume Reaching Surface Water per 100 miles of Private Laterals (gal/100 mi)
Private Laterals	804	683,119	223,236	357,590	33	52	4,353,289	0.02	8.2

Table 3 – Overall Statewide SSO and Private Lateral Sewage Discharge Reports (1/12/2007 to 5/6/2008)

Figure 3 below represents an analysis of the number of reports relative to volume of sewage that reached surface waters of the state. When considering the threat posed by a sewage discharge, an important factor for consideration is whether or not a surface water was impacted. The number of spills less than 1,000 gallons (1076) divided into the total number of reports (1513) shows that about 71 percent of the reports submitted involved less than 1,000 gallons of sewage reaching surface water.

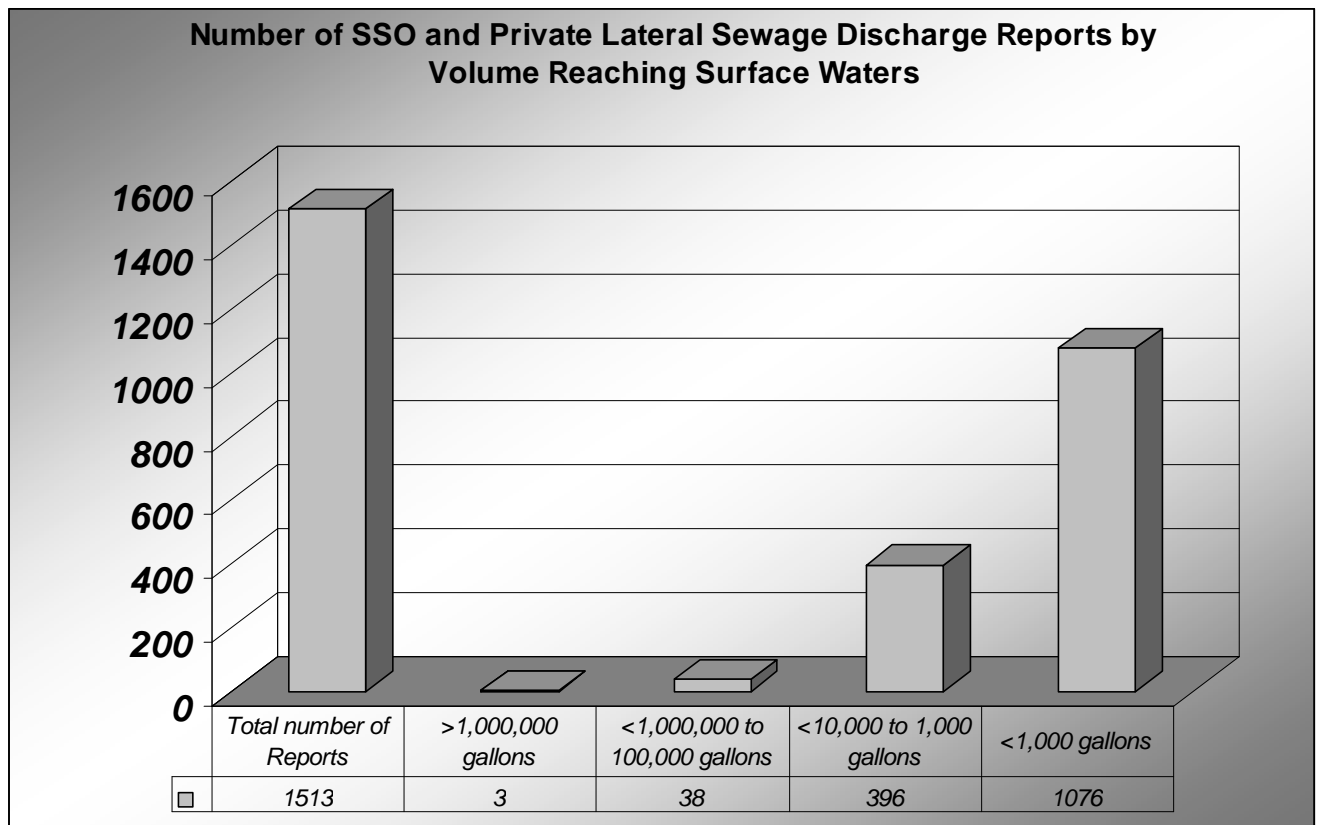


Figure 3 – Number of Reports by Volume Reaching Surface Waters

The SSO database was created in collaboration with an advisory group of Enrollees with the goal of accurate and consistent data collection. Staff continues to maintain and enhance, within available resources, the SSO database. Staff relies on input from an external users group comprised of Enrollees to take full advantage of the data being collected beyond compliance verification to the Statewide Sanitary Sewer Order. It is envisioned that the data collected through the Statewide Sanitary Sewer Order could be used to further wastewater industry standards in operation, maintenance, and design of sanitary sewer systems.

Staff also developed a number of tools to assist Enrollees in the use of the SSO database. For example, a user's guide is available on our web site which provides step-by-step instructions on how to submit data through the SSO database. Additionally, staff operates a technical support phone line, the CIWQS Help Center, which Enrollees can call for assistance or to report problems. The SSO database also contains online help within the application itself to provide assistance and additional information. Staff continues to enhance and expand these types of tools to assist Enrollees with using the SSO database.

ENROLLEE TRAINING

The State Water Board signed a Memorandum of Agreement (MOA) with CWEA to offer Statewide Sanitary Sewer Order training to Enrollees. CWEA created, in cooperation with Staff, a training course for both reporting to the SSO database and developing a SSMP. CWEA has offered the SSO database electronic reporting and SSMP development classes statewide and will continue to do so under the terms of the MOA. Our analysis of the reporting data shows a significant improvement in terms of reporting compliance from the 32% of Enrollees that have attended CWEA's SSO reporting training class (see discussion below for further details). Figures 4 and 5 below summarize the number of Enrollees that have participating in both CWEA Electronic Reporting and SSMP training classes offered to date.

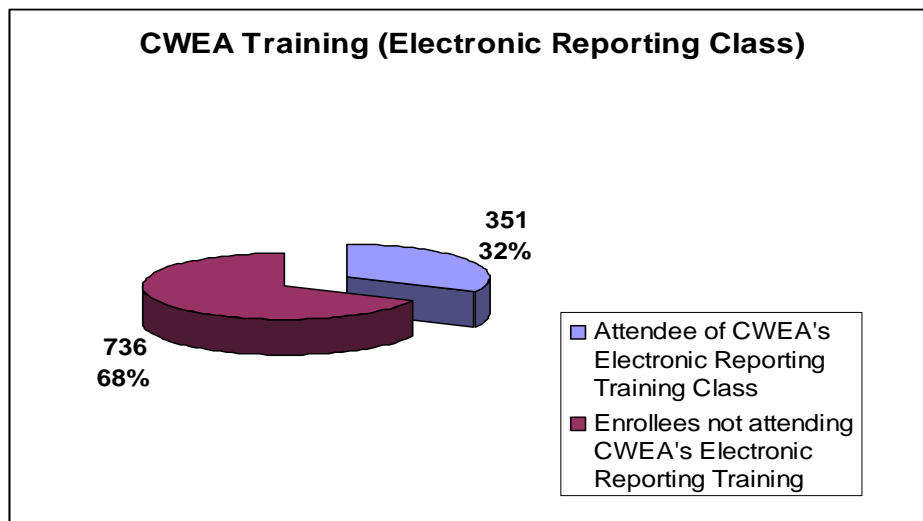


Figure 4 –CWEA Training (Electronic Reporting Class)

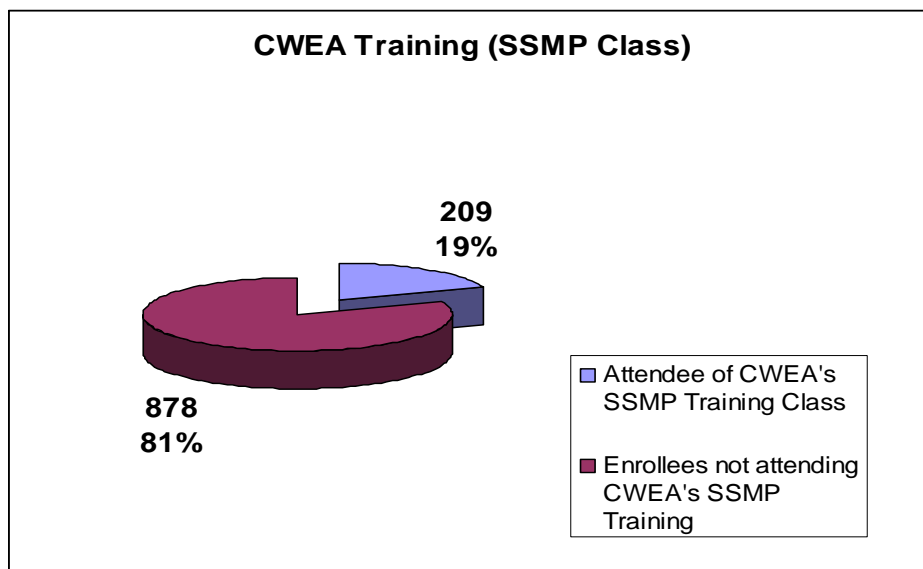


Figure 5 –CWEA Training (SSMP Training Class)

Based on requests from Enrollees, CWEA is currently developing additional SSMP training classes that focus on specific elements of the SSMP to provide a greater level of detail to assist in Statewide Sanitary Sewer Order compliance.

One of the big challenges with Enrollee training is reaching small agencies that either cannot afford to pay for training or cannot attend the training because of limited staff size. CWEA is looking to address this issue through a scholarship program and additional class locations. Another wastewater industry organization, California Rural Water Association (CRWA), has just begun a separate Statewide Sanitary Sewer Order training and outreach effort to address the needs of small sanitary sewer system agencies. CRWA's mission is to provide on-site technical assistance and specialized training for rural water and wastewater systems. A significant number of CRWA's membership is enrolled under the Statewide Sanitary Sewer Order, which means CRWA is well positioned to provide training to this group.

OUTREACH

Considering the Statewide Sanitary Sewer Order was adopted on May 2, 2006, this early phase of implementation has and continues to involve a tremendous amount of outreach and education. The primary audience for this effort has been the regulated community of Enrollees. However, other stakeholders such as environmental groups and the public also have a vested interest in the successful implementation of the Statewide Sanitary Sewer Order resulting in Staff devoting efforts to reach these groups as well.

Staff outreach efforts have been varied in an attempt to provide as much information about the Statewide Sanitary Sewer Order to as many different audiences as possible. Staff maintains a web page which provides extensive information about the Statewide Sanitary Sewer Order and SSOs in general.

See:

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

Through this web link, a public report is available to allow public access to all of the SSO reports that have been submitted by Enrollees. Staff plans to develop additional public reports, as resources allow, which will make all of the data submitted by Enrollees available to the public. Staff routinely delivers presentations at various forums to inform groups about the Statewide Sanitary Sewer Order and the State Water Board's efforts to address SSOs. To address Enrollee outreach, staff uses tools such as frequently asked questions (FAQ) documents and direct email listserv messaging (generated through a list of registered Enrollee representatives) to deliver information and updates on a regular basis regarding Statewide Sanitary Sewer Order implementation.

REPORTING COMPLIANCE

Compliance with the Statewide Sanitary Sewer Order's reporting provisions is integral to the successful implementation of the Statewide Sanitary Sewer Order and achieving the goal of reducing the numbers and volumes of SSOs. As discussed above, the Statewide Sanitary Sewer Order has a number of different

reporting requirements. For the purposes of this report and given the early stage of Statewide Sanitary Sewer Order implementation, reporting compliance will be discussed in terms of how many Enrollees are submitting the required monthly information (i.e., SSO report or no spill certification) and how many Enrollees have completed their collection system questionnaire as required. Staff recognizes that this is a fairly limited view of reporting compliance. Full compliance includes not only the reporting of information, but also whether that information is accurate and complete and whether it was submitted within the prescribed time frame. However, taken into the context of a new regulatory program with limited resources, we believe that compliance assurance will have to be done in phases. The first phase is for all Enrollees using the SSO database to report the required information. The next phase of compliance assurance will address the timeliness and veracity of the submitted information. This issue is discussed further in later portions of this report.

COLLECTION SYSTEM QUESTIONNAIRE

The Statewide Sanitary Sewer Order requires an Enrollee to complete a collection system questionnaire and update it every 12 months. The collection system questionnaire is a survey of an Enrollee's organization and facilities and includes such information as the operating and capital expenditure budgets, miles of pipe, number of employees, and population served by the Enrollee. The purpose of this survey is to put the Enrollee's SSMP and reported SSOs into context with organizational and facility characteristics. This is important because these characteristics have a significant impact on how an Enrollee operates and maintains its sanitary sewer system. For example, population served represents the size of the rate paying base an Enrollee has available from which to collect fees to operate and maintain the sanitary sewer system.

The number of Enrollees that have completed the collection system questionnaire currently totals 805, as shown in Figure 6 below. When divided by the current total number of 1086 Enrollees, this results in a 74% reporting compliance rate for the collection system questionnaire.

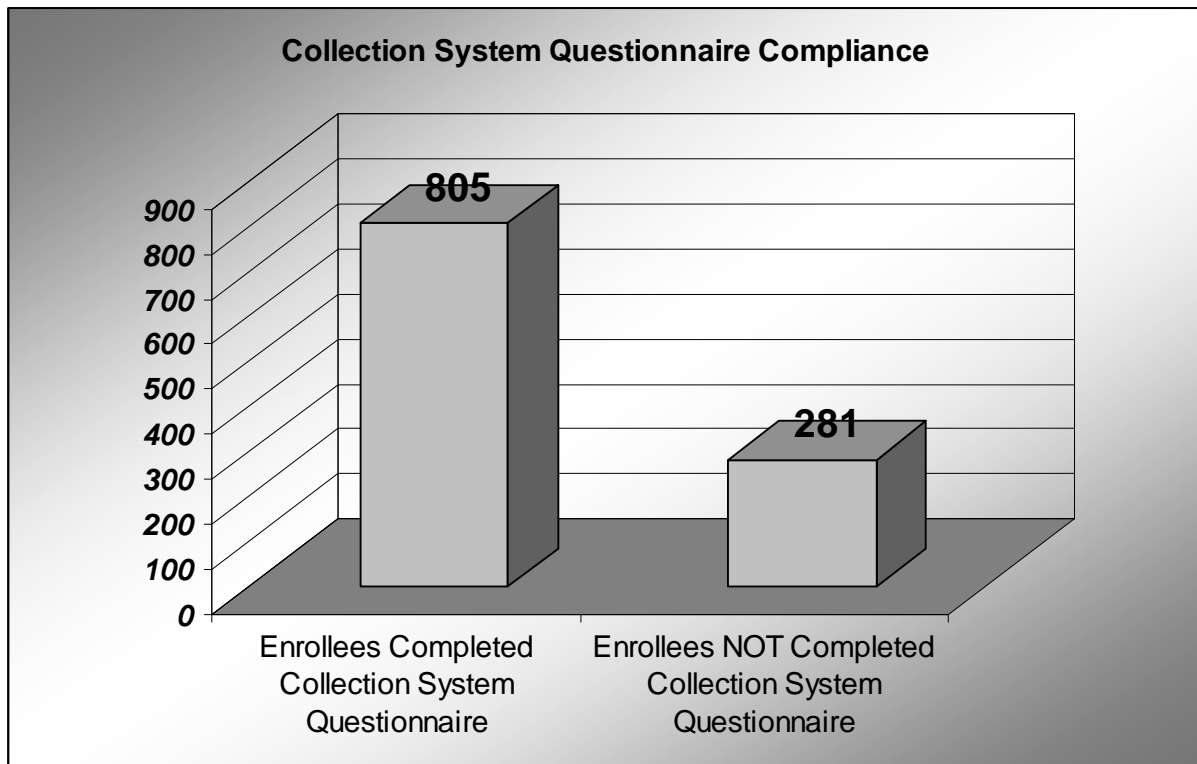


Figure 6 – Collection System Questionnaire Compliance

Staff believes that the significant number of Enrollees which have not completed the collection system questionnaire is a result of lack of understanding about the Statewide Sanitary Sewer Order requirements. In discussions with Enrollees, it has become apparent that the requirement to complete a collection system questionnaire is not widely understood by the regulated community. Staff has implemented a software tool within the SSO database to help educate Enrollees. The SSO database has been programmed to prohibit SSO reporting or no spill certification submittal until the Enrollee's collection system questionnaire has been completed. An error message informs Enrollees of the situation if it occurs. This solution will not be effective until the monthly reporting compliance rate is increased, however, as discussed below.

MONTHLY REPORTING

The Statewide Sanitary Sewer Order requires an Enrollee to report all SSOs. For a given calendar month in which no SSOs occurred, an Enrollee is required to submit a "no spill certification." A monthly reporting compliance rate can be established by determining how many individual Enrollees submitted either a SSO report or no spill certification for a given calendar month. Monthly reporting compliance rates are shown in Figure 7 below for the months of September 2007, when statewide reporting became mandatory, through February 2008, the last month in which data is available. The monthly reporting compliance rate during this period fluctuates from month to month and averages about 60%.

**Enrollees Reporting SSOs, Private Lateral Sewage
Discharges or No Spill Certifications
(average = 60%)**

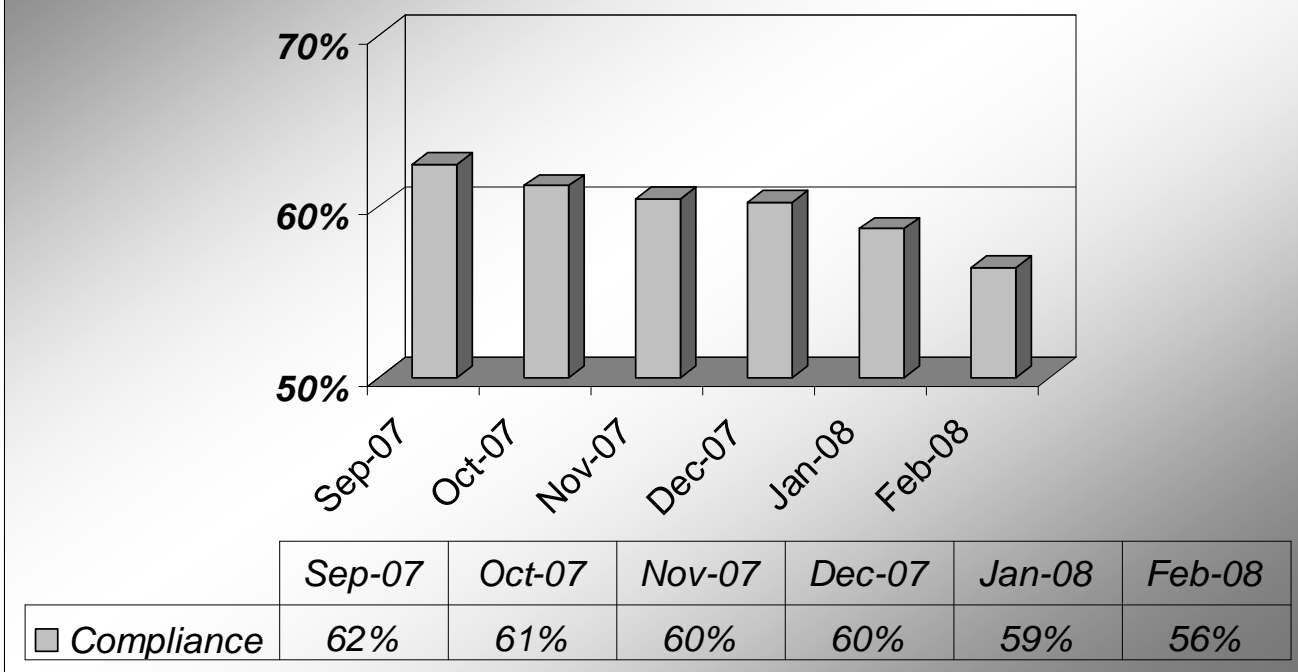


Figure 7 –Enrollee Month-to-Month Compliance with Spill and No-Spill Reporting

The monthly reporting compliance rate of about 60% is not at an acceptable level. Staff recognizes that full compliance is critical to the credibility of the Statewide Sanitary Sewer Order and achieving its goal of reducing the numbers and volumes of SSOs. However, when evaluating the monthly reporting compliance rate, it is important to consider several factors that provide necessary context and assist in developing improvements to the Statewide Sanitary Sewer Order implementation plan.

Mandatory reporting statewide under the terms of the Statewide Sanitary Sewer Order went into effect only recently, in September, 2007. Furthermore, many Enrollees, especially those serving small communities, are being regulated for the first time or to a greater extent with regard to their sanitary sewer system than by the Regional Water Boards. These circumstances result in a significant learning curve for Enrollees due to the “newness” of the Statewide Sanitary Sewer Order requirements, which directly affects their level of compliance. We expect the monthly reporting compliance rate to increase steadily as education and outreach efforts continue.

The use of computer technology in the work place seems ubiquitous to most people. However for Enrollees that serve small communities, this is not necessarily the case. These Enrollees use computer technology to a limited extent in their daily business and view electronic reporting through the online SSO database as a significant barrier to compliance with the Statewide Sanitary

Sewer Order. To further demonstrate this point, the State Water Board's Industrial Storm Water General Permit has less than a 5% participation rate with a voluntary electronic annual report submittal program which has been available for over two years and involves a much more computer-savvy regulated community. Recognizing that the Industrial Storm Water General Permit and Statewide Sanitary Sewer Order are different regulatory programs, this comparison demonstrates the difficulty in motivating participation with a computer-based compliance tool. This compliance hurdle is part technical education and part cultural shift, which demands both patience and persistence until full compliance is achieved.

In discussions with Enrollees, Staff has found that a large percentage of Enrollees is not aware of the “monthly” reporting requirement. Virtually all Enrollees know that any SSO their sanitary sewer system experiences must be reported. However, many Enrollees do not understand that they must report even if no SSOs occurred for a calendar month. Given this lack of awareness, Staff believes that the majority of the monthly reporting noncompliance can be attributed to Enrollees not submitting the “no spill” certifications as required. This hypothesis is further supported by data submitted which shows that a significant number of Enrollees are reporting only SSOs. This also helps explain the variation in the monthly reporting compliance rate.

FUTURE IMPLEMENTATION PLANS

MONTHLY REPORTING COMPLIANCE RATE ENFORCEMENT PLAN

Staff has developed a plan to increase the monthly reporting compliance rate over the next year. The plan involves the general concept of progressive compliance and is outlined below with the more serious steps being taken only as warranted by Enrollee noncompliance:

1. Continued outreach and training efforts
 - a. Regular listserv email updates using CIWQS data to all Enrollees regarding Statewide Sanitary Sewer Order implementation and other key program messages
 - b. SSO reporting and SSMP development training classes offered by CWEA
 - c. SSO database enhancements with Enrollee input (via External Users Group)
2. Expand outreach, awareness and training efforts
 - a. Deployment of monthly email reminder to Enrollees not reporting any data
 - b. Post on State Water Board's website SSO technical data and list all Enrollees not complying with specific Statewide Sanitary Sewer Order requirements

- c. Explore developing a DVD of CWEA training class available to Enrollees that may not be able to attend training
 - d. CWEA offering additional classes (e.g., public communication in response to a large SSO and focused training on specific SSMP elements) and publishing additional outreach flyers
- 3. Noncompliance advisory letter to be sent to Enrollees not complying
- 4. As resources allow, direct staff contact with Enrollees not complying
- 5. Notice of Violation sent to Enrollees not complying
- 6. As resources allow, direct staff contact with Enrollees not complying where possible
- 7. State Water Board enforcement action against Enrollees not complying

Given staff's belief that the majority of monthly reporting noncompliance is due to lack of awareness of the "no spill" reporting requirement, the enforcement plan is heavily weighted towards continued and expanded education and outreach efforts in the beginning. Significant improvement in the monthly reporting compliance rate is expected to result, as demonstrated from previous staff work noted above. For example, the reporting data shows that the baseline monthly reporting compliance rate increased over 20% (from 60% to 80%) for the group of Enrollees that attended CWEA's SSO reporting training class.

Steps 3 through 7 of the enforcement plan then move into direct and individual Staff notifications to Enrollees of violations under the Statewide Sanitary Sewer Order. Staff will attempt to work with noncompliant Enrollees to address the underlying causes of repeated and ongoing violations. After all of these efforts, the final step of the enforcement plan is to take formal State Water Board enforcement action against any remaining noncompliant Enrollees.

This enforcement plan and the improvement it strives to achieve are both resource intensive and complex. DWQ SSO program staff will coordinate implementation of the enforcement plan with the Office of Enforcement to improve the monthly reporting compliance rate in as short a time as possible.

ENFORCEMENT OF OTHER STATEWIDE SANITARY SEWER ORDER REQUIREMENTS

Compliance with all of the Statewide Sanitary Sewer Order requirements must ultimately be monitored and enforced. The monthly reporting compliance rate enforcement plan is focused on reaching full compliance with the Statewide Sanitary Sewer Order's basic reporting requirements in the initial phase of deployment. However as resources allow, staff will also be reviewing and acting on all reporting violations, related to specific Enrollees, of the Statewide Sanitary Sewer Order's requirements during the implementation of the monthly reporting compliance rate enforcement plan. Staff will then naturally transition their focus to enforcement of the other Statewide Sanitary Sewer Order reporting requirements among all Enrollees, as compliance with the basic requirements is

achieved. A similar progressive enforcement strategy will be employed in this next phase of enforcement. DWQ SSO program staff will continue to coordinate enforcement activities with the Office of Enforcement to maximize efficiency and effectiveness of the effort.

At this point in the implementation of the Sanitary Sewer Order, Staff considers reporting compliance a high priority. The reporting data collected is integral to setting a baseline of SSO performance for each Enrollee that will be used in subsequent years to evaluate the effectiveness of efforts, as outlined in the their SSMP, to reduce the numbers and volumes of SSOs. The SSO reporting data will be the primary measurement tool Staff and Enrollees have to judge SSMP effectiveness.

However, compliance with the SSMP development and implementation requirement will become a higher priority as time passes. The Statewide Sanitary Sewer Order contains a time schedule for the completion of a final SSMP with intermediate deadlines for the individual elements. The time schedule requires completion of the final SSMP by 2009 or 2010, depending upon the population served by the Enrollee, with smaller communities having more time. Staff will increase SSMP compliance efforts as the final completion deadlines approach. Staff expects this increase in workload to correspond in time with a decrease in reporting compliance efforts described above, assuming the reporting compliance rate improves as expected. As with implementation of the reporting compliance plan, Staff will coordinate with the Office of Enforcement in the SSMP compliance efforts.

ENFORCEMENT OF SPECIFIC SSO EVENTS

Prior to adoption of the Statewide Sanitary Sewer Order, existing federal and state law contained prohibitions on the discharge of sewage. The Clean Water Act prohibits the discharge of sewage to waters of the United States. The California Water Code prohibits any discharge of sewage that creates a nuisance. The Statewide Sanitary Sewer Order reiterates these prohibitions but does not expand upon them.

The Regional Water Boards are responsible for investigating SSO events and taking any necessary enforcement action against the responsible party to rectify the situation. The Regional Water Board response to an SSO event is variable depending upon a number of factors which can include the circumstances, volume, and consequences of the discharge, history of similar problems from the responsible party, and availability of Regional Water Board staff resources.

Staff recognizes that the Statewide Sanitary Sewer Order brings a higher level of scrutiny to SSO events across the state as well as the State and Regional Water Boards response to them. Through the requirement to report all SSOs, the Statewide Sanitary Sewer Order now makes it possible for all stakeholders to be fully informed regarding a sanitary sewer system's SSO performance. Staff has concluded that a standardized enforcement approach across all Regions would be advisable to ensure consistent and effective responses to SSOs by all Regional Water Boards. Staff has set a future goal to develop guidance to outline the recommended enforcement procedure for specific SSO events. This guidance would be developed in collaboration with the Regional Water Boards, Enrollees, and other interested stakeholders.

IMPLEMENTATION REVIEW

Staff will initiate a full Statewide Sanitary Sewer Order implementation and effectiveness review in May 2009. The purpose of this review will be to evaluate the effectiveness of the Statewide Sanitary Sewer Order with regards to reducing the numbers and volumes of SSOs. Additionally, the Statewide Sanitary Sewer Order's implementation status and methodology will be critiqued. The review will include opportunities for stakeholder input. This review will identify improvements to the Statewide Sanitary Sewer Order, which may involve reopening by the State Water Board, and its implementation.

CONCLUSION

The Statewide Sanitary Sewer Order is a first-of-its-kind regulation in the nation which attempts to address the serious problem of California's deteriorating sewage collection infrastructure. The State Water Board has undertaken a difficult but important challenge in improving the operation and maintenance of sanitary sewer systems statewide. Implementation of the Sanitary Sewer Order represents a considerable paradigm shift for many Enrollees in the management of sanitary sewer systems. Enrollees are now required to plan, document, and execute specific actions to properly operate and maintain their sanitary sewer systems. While staff has expended significant effort to start up this new regulatory program, improvements in implementation are necessary, and much work is yet to be done. Staff is confident that the Statewide Sanitary Sewer Order will be successfully implemented through current and future planned efforts. The Statewide Sanitary Sewer Order represents significant progress in attempting to address the water quality threat posed by SSOs.