

**State Water Resources Control Board
May 17, 2011 Board Meeting
Item 10 - Executive Director's Report**

DIVISION OF FINANCIAL ASSISTANCE

Small Communities Wastewater Grant Program: State Water Board staff member Andrew Lawrence attended the formal groundbreaking ceremony for the Maxwell Public Utility District's Wastewater Treatment Plant (WWTP) Modifications and Reuse Project (Project) on May 2, 2011. The Project will improve area water quality and bring the District into compliance with their Central Valley Regional Water Quality Control Board permit requirements. The Project is jointly funded through various State and Federal agencies including \$2 Million from the State Water Resources Control Board-Small Communities Wastewater Program. Funding was also received from the United States Department of Food and Agriculture – Rural Development and the Department of Housing and Community Development.

Funding Fairs: State Water Board staff will participate in the last of two of the five 2011 California Financing Coordinating Committee (CFCC) Funding Fairs on May 11 in Truckee, and May 24 in Sacramento. The CFCC is comprised of eight member agencies (five states, three federal). Member agencies conduct statewide Funding Fairs each year to educate interested parties about the CFCC and the financial and technical resources available for infrastructure projects. Information on the 2011 Funding Fairs and CFCC is available on the CFCC webpage at: www.cfcc.ca.org

Program Activity

Cleanup and Abatement Account:

- 19 disbursements were made totaling \$365,623.80
- A request to support the Los Laureles Canyon Trans-Border Trash Tracking Study in the Tijuana River watershed was approved in the amount of \$15,000. This study will release recoverable plastic bottles equipped with radio tracking tags to map the distribution, pathways, and fates of floatable trash in the Los Laureles Canyon.

Site Cleanup Program:

- A total of \$1,083,668 was collected during the month of April.

Underground Storage Tank Cleanup Fund, Closure Unit: The Closure Unit ensures public funds are used appropriately by performing detailed financial audits on each Underground Storage Tank Cleanup Fund claim using the Rules and Regulations of the Water Board prior to releasing final payment when a claim is administratively closed. Claims are typically administratively closed after the regulatory agency has issued a site closure letter. Administrative closure tasks include analyzing payment requests to ensure expenditures were not incurred before or after the effective date of the claim, verifying calculated amounts are accurate and double payments have not been incurred, and verifying only eligible, necessary and reasonable costs were paid. The Closure Unit also ensures the maximum caps established for the reimbursement of costs, as cited by law, are not exceeded. In addition, the Closure Unit audits claims with sites that have not been closed by the oversight agency, but have reached their statutory maximum payment and those claims that have been dormant over a year.

Efforts have recently been made through staff redirection to reduce the backlog of approximately 700 claims needing administrative closure review. Four staff is now reviewing claim closures. During the first portion of the fiscal year 10/11 (July 2010 to April 2011), the unit has closed 330 claims. In fiscal year 09/10, one staff was reviewing closures and 148 claims were closed. Reduction of this backlog will help both claimants, by ensuring that they receive all the reimbursement costs due them prior to their claim being closed, and the Fund, by ensuring that over-payments were not made to claimants, and any over-payments that are discovered are recovered to the Fund.

Colusa Almond Project Site Visit: State Water Board staff member Patricia Leary attended the final Project Tour for the Colusa Almond Project on April 21, 2011. The project involved completion of demonstration best management practices (BMPs) on selected almond orchards in Colusa County, to reduce pesticide and sediment pollution in runoff along tributaries to the Colusa Basin Drain, which flows into the Sacramento River. BMPs included cover crops, insect attracting hedgerows, grassed swales, streambank stabilization, and barn owl boxes. Much of the irrigation and planting work was conducted with volunteers. The project was originally funded by the State Water Board through the agricultural water quality grant program (\$1,000,000) and, and was continued with funding from the American Recovery and Reinvestment Act.

SRF Loan (C-06-5348-110) Yurok Tribe's Sustainable Forestry and Protection of Weitchpec, Ke'pel and Pecwan Creek Tributaries project: The Yurok Tribe, working with the nonprofit Western Rivers Conservancy, completed purchase of 22,237 acres from Green Diamond Resource Company in Humboldt County to conserve habitat, restore water quality and reestablish indigenous territory along the lower Klamath River.

The State Water Board approved an \$18.75 million loan through the Clean Water State Revolving Fund program (CWSRF) last December 14, 2010 to purchase the land. The Division of Financial Assistance (DFA) finalized the agreement and disbursed the check on April 7, 2011. The closing of escrow on April 14, 2011 marked the completion of the land transaction. The land, part of the Yurok's ancestral territory, will be sustainably managed for clean water and forest health. The project provides multiple benefits to water quality and salmon habitat, and meets the high standards of management practices toward the success of the CWSRF program.

Annual SEP Report: On September 15, 2009, the State Water Board adopted the Policy on Supplemental Environmental Projects (SEPs), requiring that the State Water Board is responsible for posting a list of the completed SEPs for the prior calendar year, and the status of SEPs that are in progress. The annual report of SEPs has been posted on the Enforcement's web site. The State Board posted SEPs report showing 67 active and completed projects within the period of March 1, 2010 through December 31, 2010 totaling \$12,324,598.50.

DIVISION OF WATER QUALITY

Areas of Special Biological Significance (ASBS): Hopkins Marine Station: On January 20, staff released a Notice regarding for the proposed Ocean Plan exception for the Hopkins Marine Station. The public hearing was conducted on Wednesday, April 20, 2011. Written comments were due by 12:00 noon on Monday, March 14, 2011. Staff is now in the process of developing the Ocean Plan exception for these discharges to be considered by the State Water Board.

Areas of Special Biological Significance (ASBS): Monterey Bay Aquarium: On

January 20, staff released a Notice regarding for the proposed Ocean Plan exception for the Monterey Bay Aquarium. The public hearing was conducted on Wednesday, April 20, 2011. Written comments were due by 12:00 noon on Monday, March 14, 2011. Staff is now in the process of developing the Ocean Plan exception for these discharges to be considered by the State Water Board.

Areas of Special Biological Significance (ASBS): Special Protections: The proposed Ocean Plan Special Protections were Re-Noticed on March 11, 2011. The public hearing is scheduled for Wednesday, May 18. The written comment period was extended to 12:00 noon on Friday, May 20, 2011.

Groundwater Ambient Monitoring and Assessment (GAMA): GAMA's Domestic Well Project has received over 70 respondents for its Monterey County project. Sampling is anticipated to begin in Spring 2011.

The U.S. Geological Survey is continuing to sample a subset of GAMA Priority Basin Project wells on a three-year cycle to evaluate trends in water quality. Priority Basin Project data continue to be reported to GeoTracker GAMA, and reports about the testing that has been completed continue to be published.

The SBX2 1 Nitrate Pilot Project held its second Interagency Task Force (ITF) Meeting at UC Davis on Tuesday May 3. Stakeholders from the Salinas Valley and the Tulare Lake Basin will be in attendance to discuss the status of findings by the University of California, Davis Nitrate Pilot Project Team. Representatives from local agencies, California Department of Public Health, agriculture, environmental justice and State and Regional Water Boards will be in attendance. The preliminary findings of a draft Report to the Legislature are planned for discussion with State Water Board members this August.

Irrigated Lands Regulatory Program Update Report: The Irrigated Lands Regulatory Program update report is attached as Appendix 2.

On-site Wastewater Treatment System (OWTS): Staff held two CEQA scoping meetings on May 2, 2011 in Sacramento and May 5, 2011 in Riverside. On April 4, 2011, staff issued a Notice of Availability of Scoping Documents and Notice of Public Scoping Meetings for the CEQA Substitute Environmental Document for the Policy for Siting, Design, Operation and Management of OWTS. The purpose of the scoping document and meetings was to seek input from public agencies and members of the public on the environmental analysis of the project. The project description is the development of a Policy (in accordance with Water Code §13140) to comply with Water Code §13291(a) requiring that the State Water Board adopt standards for all OWTS. Additional information may be found at http://www.waterboards.ca.gov/water_issues/programs/owts/index.shtml

Sediment Quality Objectives: On April 6, 2011, the State Water Board adopted amendments to the Sediment Quality Objectives to protect resident finfish and wildlife. State Water Board staff transmitted the administrative record to the Office of Administrative Law on April 27, 2011. In adopting the amendments, the State Water Board directed staff to provide an update in this Executive Director Report regarding the Listing Policy update for Sediment Quality Objectives.

Staff has reviewed the existing Water Quality Control Policy for Developing California's Clean Water Act 303(d) List (Listing Policy) and has determined that there is nothing in the current Listing Policy that would prevent staff from assessing waters using the State Water Board's

Sediment Quality Objectives. The current Listing Policy is written broadly enough to allow the Water Boards to implement the new Sediment Quality Objectives, as well as allowing the Water Boards to use a weight of evidence approach for assessing all data submitted during the development of the 303(d) list. Due to loss of key staff in the program, staff does not recommend an update to the Listing Policy at this time.

Storm Water Caltrans Permit: The statewide NPDES permit for discharges by the California Department of Transportation of storm water from municipal separate storm sewer systems (MS4s) is targeted for reissuance. This permit is commonly referred to as the Caltrans Permit. The current Caltrans Permit (State Water Board Order No. 99-06-DWQ) was issued on July 15, 1999. The current permit regulates all storm water discharges from Caltrans-owned MS4s, maintenance facilities and construction activities. The revisions to the Caltrans permit are expected to follow many of the approaches in the Storm Water Construction General Permit (State Water Board Order No. 2009-0009-DWQ). A draft for public review was released on January 7, 2011. Comments were due at 12:00 noon on Monday, March 14, 2011. Staff is in the process of reviewing the comments received.

Storm Water Industrial General Permit: The statewide General NPDES permit for discharges of storm water associated with industrial activities (commonly referred to as the Industrial General Permit) is targeted for reissuance. The revisions to the Industrial General Permit are expected to follow many of the approaches in the Storm Water Construction General Permit (State Water Board Order No. 2009-0009-DWQ), adopted in 2009. On January 28, 2011, staff released the draft revised Industrial General Permit for review. Staff level workshops were held on February 14 in the Cal/EPA Building and on February 23 at the Irvine City Council Chambers. A third workshop was conducted via the web on March 15, 2011. A public hearing was conducted on March 29, 2011. Comments were due at 12:00 noon on April 29, 2011. Staff is in the process of evaluating the comments received.

Storm Water Phase II MS4 Permit: The statewide General NPDES permit for discharges of storm water from small municipal separate storm sewer systems (MS4s) (commonly referred to as the Phase II Permit) is targeted for reissuance. It provides permit coverage for smaller municipalities, including non-traditional Small MS4s, which are governmental facilities such as military bases, public campuses, and prison and hospital complexes. The revisions to the Phase II permit are expected to follow many of the approaches in the Storm Water Construction General Permit (Order No. 2009-0009-DWQ). On February 22, 2011, staff released an administrative draft permit, with comments due on March 24, 2011. Staff expects to release a draft revised Phase II Permit on June 6, 2011.

Suction Dredging Update: State Water Board staff, and staff of some Regional Water Boards, submitted comment letters to the Department of Fish and Game (DFG) on its draft Subsequent Environmental Impact Report (SEIR) and draft regulations. The State Water Board's comment letter also included the four scientific peer reviewers' reviews of the Water Quality portions of the draft SEIR, for DFG's consideration. The comment letters and scientific peer reviews will be posted at the following web page:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/suction_dredge.shtml

Wetland Protection Policy: Staff are evaluating comments received on the Draft Program Environmental Impact Report and Notice of Initial Study Checklist. The comment deadline is Friday, May 20, 2011.

DIVISION OF WATER RIGHTS

Delta Planning Activities: Division of Water Rights staff provided comments to the Delta Stewardship Council regarding recommendations in the second draft Delta Plan that would involve State Water Board activities. The Delta Plan is a comprehensive management plan for the Sacramento-San Joaquin Delta that the Delta Stewardship Council must adopt and implement by January 1, 2012. This Delta Plan will guide state and local agencies to help achieve the coequal goals of “providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem.” Staff is continuing to work with Council staff to assist in their preparation of recommendations to achieve the coequal goals. Staff has also provided comments to the California Natural Resources Agency and is working with Department of Water Resources staff to assure that environmental documentation prepared for the Bay Delta Conservation Plan (BDCP) evaluates a sufficiently broad range of alternatives. In addition to changes in water rights terms and conditions to facilitate new conveyance or habitat restoration measures contemplated by the BDCP, the State Water Board may need to consider changes to the Bay-Delta Plan and the water rights implementing that plan. The State Board intends to consider, and perhaps reference environmental documentation prepared by the Department of Water Resources for the BDCP, in our update of the Bay-Delta Plan.

Woodland-Davis Clean Water Agency: On January 18 and 19, 2011 the State Water Board held a hearing regarding Water Right Application 30358A filed by the City of Davis (Davis), and University of California, Davis (UCD), and Application 30358B, filed by the City of Woodland (Woodland). At the hearing, Davis, Woodland, and UCD submitted Notices of Assignment that their interests in Applications 30358A and 30358B be assigned to the Woodland-Davis Clean Water Agency (WDCWA). Subsequently, WDCWA requested Applications 30358A and B be combined in Application 30358. Under Application 30358A, Davis and UCD, applied to divert 30,000 acre-feet per year (ac-ft/yr) from the Sacramento River, which is a tributary to Suisun Bay. Under Application 30358B, Woodland applied to divert 15,000 ac-ft/yr, also from the Sacramento River. Under both Applications, the season of diversion is January 1 through December 31 of each year. The purpose and place of use are Municipal and Irrigation in Davis, at UCD, and in Woodland, and Fisheries and Aquaculture Research at UCD. The maximum total amount to be diverted under both Applications is not to exceed 45,000 ac-ft/yr.

There were 14 original protests. Many protests, such as the protest submitted by the State Water Contractors, were resolved with the agreement to include Permit terms 80, 90 and 91, to limit diversion when the Delta is in balance. The Division of Water Rights dismissed California Department of Fish and Game’s (CDFG) protest with the understanding that terms from the October 29, 2009 Settlement Agreement between CDFG and Woodland-Davis Clean Water Agency (WDCWA) would be included in any permit issued on Water Right Applications 30358A and 30358B. California Sportfishing Protection Alliance (CSPA) was the remaining protestant. CSPA alleged there was no water available for appropriation from the Sacramento River. At the hearing on January 18 and 19, 2011, the Board received testimony and evidence the total diversion amount requested in the Applications, 45,000 ac-ft/yr, would not be available for diversion in most years, the full amount would be available in some wet years.

On March 1, 2011, the Board approved Decision 1650 – In the Matter of Water Right Applications 30358A and 30358B - Woodland-Davis Clean Water Agency. The Division of Water Rights issued Permit 20281 for application 30358 on April 14, 2011. In addition to Terms 80, 90 and 91, Permit 20281 includes, the terms from the October 29, 2009 Settlement Agreement with CDFG, and a term that requires WDCWA to obtain an alternate long term water supply when water is not available for diversion under Permit 20281.

Mono Lake Facilitated Process Meeting: State Water Resources Control Board (State Water Board) Decision 1631, and related Orders 98-05 and 98-07, require the Los Angeles Department of Water and Power (LADWP) to implement revised instream flows and conduct fisheries and instream flow studies in Rush and Lee Vining Creeks to determine whether additional changes are needed to effectively restore Mono Lake and instream fisheries. Over a period of ten years, scientists approved by the State Water Board conducted fishery studies. In their findings, the scientists recommend implementation of additional measures. The LADWP maintains that some of the scientists' recommendations are infeasible. To resolve the issue, the parties agreed to participate in a facilitated process and held the initial meeting on April 6, 2011. All interested parties were present, including the Division of Water Rights (Division). The Division will track the facilitator-led process and report to the State Water Board. The Division formally requested that LADWP provide six-month progress reports on the status of the facilitated process, as well as a schedule for completion.

Status of Initial Statements of Water Diversion and Use: The Division of Water Rights has received over 6,675 initial statements of water diversion and use (Statements) since revisions to Water Code Section 5100 modified reporting requirements and added penalties for non-reporting. Over 1,000 of the initial statements were deficient of required information and must be processed separately. Of the 6,675 initial statements, the Division received 675 in the past few months due to a response to outreach efforts by the Division and the Delta Watermaster's Office. To date, the Division has fully processed 200 Initial Statements and has entered them into the eWRIMS database. Once fully staffed, the Division expects it will take two years to fully process the existing initial statements.

OFFICE OF DELTA WATERMASTER

Informational Update by the Office of Delta Watermaster on water issues within the Delta: Senate Bill X7 1, the Sacramento-San Joaquin Delta Reform Act of 2009 established the position of Delta Watermaster. The Delta Watermaster has been granted "specified and delegated authority" from the State Water Resources Control Board (State Water Board) over water diversions in the Delta. The position also requires the Delta Watermaster to submit regular reports to the State Water Board and Delta Stewardship Council on water rights administration, water quality, conveyance operations, and related water rights issues. On May 17, 2011, the Delta Watermaster will give an informational update on water diversions and related water issues in the Sacramento-San Joaquin Delta.

OFFICE OF ENFORCEMENT

Government-Owned Tanks (GOT) Enforcement Initiative: OE has received information regarding the current operations of government owned/operated underground storage tank (UST) facilities in 97 different CUPA (certified unified program agency) jurisdictions. For the reporting CUPAs, there are 1,854 GOT facilities. This leaves approximately two CUPAs who have yet to respond to our request for information. OE staff is in the process of contacting the remaining CUPAs who have not responded to facilitate the acquisition of the needed information.

By the end of April 2011, the OE staff performed 208 file reviews at 25 of the CUPAs who had submitted their information representing about 12% of the total reported facilities. Actual inspections of the facilities commenced the second week of July and so far 62 inspections in nine of the CUPAs have taken place.

OE has begun to issue notices of violation to governmental entities with significant leak prevention violations. The notices of violations are the beginning of the formal enforcement action portion of the GOT Initiative.

State Board Mandatory Minimum Penalty Enforcement Team: This section is an update on the status of the 50 cases from Region 4 which have alleged violations subject to mandatory minimum penalties (MMPs). The personnel with State Water Board (SB Team) are handling these violations under the direction of the Office of Enforcement.

At this time, seven cases have been dismissed completely after review by state board staff addressing 140 alleged violations. An additional 21 have agreed to pay proposed liability totaling \$507,000 in MMPs. An additional two have been placed on hold because the responsible entity is in bankruptcy. One case (involving 44 violations; \$132,000) is part of a global settlement being negotiated by Region 4 enforcement staff. Finally, one case will be addressed with discretionary penalties.

The SB Team is scheduling State Water Board hearing panels to address the unresolved violations in the remaining 17 cases. In addition to the 21 cases where the dischargers have agreed to pay the proposed liability, it was the SB Team's intent to file ACL complaints (ACLs), ACL settlements or otherwise resolve the targeted MMP violations with as many of the 17 facilities as possible by December 31, 2010. However, as dischargers present additional evidence for consideration or the impacts of SB 1284 are evaluated, some cases were delayed for ACL complaint issuance.

In summary, of the 17 ACL complaints initially scheduled for hearing, eight have settled resulting in \$261,000 in liabilities. Seven have been continued for settlement discussions and two went to panel hearing on November 18, 2010. Therefore, a total of 29 out of 50 cases have resolved without hearing and have resulted in MMPs of \$639,000 and an additional two cases (with MMPs of \$98,000) have gone through an evidentiary hearing.

Significant Regional Board Enforcement Activities Using Assistance of the Office of Enforcement

Region 2 –Settlements of Administrative Civil Liability Actions

Settlement Negotiations Result in Proposed Settlement Imposing \$209,851 in Administrative Liability Against East Bay Municipal Utility District (Region 2):

On April 6, 2011, the Prosecution Team and East Bay Municipal Utility District's (EBMUD) executed a proposed settlement agreement to address alleged discharge violations that occurred at two wet weather facilities and one diversion structure owned and operated by EBMUD. The proposed settlement is the result of settlement negotiations where the Office of Enforcement Attorneys represented the Region 2 enforcement team. It is circulating for public comment.

The proposed settlement addresses allegations that EBMUD violated its discharge permit and Cease and Desist Order No. R2-2009-0005 by discharging approximately 108,698 gallons of primary-treated sewage on February 17, 2009; discharging approximately 89,000 gallons of partially-treated sewage effluent from the San Antonio Wet Weather Facility on October 13, 2009; and discharging approximately 233,000 gallons of untreated sewage from the Webster Street Diversion Structure on October 13, 2009.

The proposed settlement represents a mutually agreed-upon resolution of the Regional Water Board's enforcement team claims through the payment of an administrative civil liability in the amount of \$209,851 to the State Water Resources Control Board's Cleanup and Abatement Account.

Settlement Negotiations Result in \$95,600 Administrative Civil Liability Against City of Redwood City (City): In April, 2011, the City agreed to pay \$95,500 in administrative civil liabilities for violating section 301 of the Clean Water Act and its NPDES Permit by discharging 57,107 gallons of raw sewage to San Francisco Bay. The Office of Enforcement assisted with drafting the complaint and recommending an appropriate administrative civil liability. The City agreed to pay the amount of administrative civil liability calculated by Office of Enforcement and Region 2 staff under the Enforcement Policy. The administrative civil liability paid includes \$9,750 in staff costs.

Settlement Negotiations Result in \$383,000 Administrative Civil Liability Against the matter of Sonoma Valley County Sanitation District: On April 25, 2011, San Francisco Bay Regional Water Quality Control Board Executive Officer Bruce Wolfe on behalf of the Board signed the stipulated order assessing \$383,000 in administrative civil liabilities for 41 sanitary sewer overflow violations of the Sonoma Valley County Sanitation District's 2002 and 2008 NPDES permits. The amount includes \$16,500 for staff costs. The District is to pay \$199,750 within 30 days, and the remaining \$183,250 is suspended pending completion of a Supplement Environmental Project (SEP). As a SEP, the District will complete the Fryer Creek Habitat Enhancement Project to address issues identified in the Sonoma Creek Watershed Sediment Total Maximum Daily Load (TMDL). The SEP is designed to improve upland and aquatic wildlife habitat for native fisheries and preserve special-status species. Planting trees, shrubs, and grasses will help sequester carbon and enhance habitat for red-legged frogs, western pond turtles, and existing warm water fisheries. Water quality monitoring and comparison to other watershed tributaries will provide critical indicators of stream health and help steer watershed management practices.

Administrative Civil Liability (ACL) Actions During April, 2011: As a regular feature of its contribution to the Executive Director's report, The Office of Enforcement will provide a brief summary of all administrative civil liability complaints and/or orders that were issued in the prior month.

a. ACL Complaints Issued

Region	Discharger/Facility	Violation(s) Addressed	ACL Complaint Amount	Date Issued
1	Graton CSD WWTP	Effluent limitation violations	\$84,000 (MMP)	4/12/2011
1	North Bay Construction Sebastopol City, Laguna Force Main Replacement Project	142,500-gallon spill of raw sewage	\$519,990	4/7/2011
1	Town of Scotia WWTP	Effluent limitation violations	\$24,000 (MMP)	4/6/2011
2	Lehigh Southwest Cement Company	Discharge of sediment-laden water to creek.	\$10,000	4/29/2011

5R	Winemucca Trading Company, Ltd., Former Shasta Pulp and Paper Mill	Re-issuance of ACLC No. R5-2008-0518 for violations of CAO. Original complaint issued for \$3,000,000.	\$487,893	4/1/2011
7	City of Brawley WWTP	Effluent limitation violations	\$45,000 (MMP)	4/12/2011

b. ACL Orders Issued

Region	Discharger/Facility	Violations Addressed	ACL Order Amount	Date Issued
2	Sonoma Valley County Sanitation District	Discharging approximately 950,000 gallons of raw sewage to waters of the State and United States, between January 2007 and July 2010.	\$383,000 (\$183,250 to SEP)	4/25/2011
2	City of Pacifica	6.9 million gallons of discharges from sanitary sewer overflows, bypass violations, and permit limit violations.	\$1.7 million (part MMP) (\$820,000 to SEPs)	4/25/2011
3	City of Lompoc	Effluent limitation violations	\$39,000 (MMP)	4/7/2011
3	City of Santa Barbara	Effluent limitation violations	\$18,000 (MMP)	4/7/2011
3	ConocoPhillips Santa Maria Facility	Effluent limitation violations	\$6,000 (MMP)	4/7/2011
4	CalClean, Incorporated	Effluent limitation violation	\$3,000 (MMP)	4/29/2011
5S	V&O Auto Dismantling	Failure to submit 2008/209 and 2009/10 industrial stormwater annual reports.	\$7,925	4/7/2011
6V	Victor Valley WW Reclamation Authority Victor Valley Muni WWTP	Effluent limitation violations	\$12,000 (MMP)	4/7/2011
9	Healthy Times, Inc.	Failure to submit 2007/08 and 2008-09 industrial stormwater annual reports.	\$9,492	4/13/2011
5R	Collins Pine Company, Chester Sawmill	Effluent limitation violations	\$30,000 (MMP)	4/1/2011

OFFICE OF INFORMATION MANAGEMENT AND ANALYSIS

Surface Water Ambient Monitoring Program (SWAMP)

Assessing the Health of Southern California Streams: There are over 4,200 miles of perennial streams in the coastal watersheds of Southern California. Effective protection and management of these resources require an understanding of their overall health and the major stressors that affect their condition. In 2009, major municipalities, counties and state and federal agencies formed the Stormwater Monitoring Coalition (SMC) to develop an integrated and scientifically rigorous regional monitoring program to answer three key questions: 1) What is the condition of Southern California Streams?, 2) What stressors affect stream condition?, and 3) Is stream condition changing over time? The Surface Water Ambient Monitoring Program (SWAMP) participates in the SMC and funds sampling and analysis at a number of the sites they monitor.

In April 2011, the SMC released the results of the first year of the five-year monitoring program. Over 120 sites were sampled and analyzed for biological community characteristics, chemical parameters, aquatic toxicity, and physical habitat condition. The first year summary provides preliminary answers to the first two questions.

Biological indicators, specifically benthic macroinvertebrate communities, were used to assess the condition of streams (question #1). Overall, about half (47%) of the stream miles were in good condition (i.e., similar to biology observed in reference streams). Most of the sites in the best biological condition were in mountainous, undeveloped areas (as opposed to urban or agriculturally dominated areas). Physical habitat and chemical measures were used to assess the relative importance of stressors that affect stream condition (question #2). Three of the four highest risk stressors were related to physical habitat (e.g., percent fines and sands in the substrate and channel alteration). The highest risk chemical stressors were nutrients (i.e., nitrogen and phosphorous).

Additional information is available in the [technical report](http://www.sccwrp.org) available for download at www.sccwrp.org.

Appendix 1

Statewide Policies/Significant General Permits

Division of Water Quality		
Status Code	Policy/Significant General Permit	Status
A*	Anti-Degradation Policy / Implementation Triennial Review	Scoping meeting held on 11/17/08. Reviewing the 30+ comment letters received. Preparing recommendation for the Board. Work delayed by petitions.
A-11	Aquatic Pesticide General Permit – Weed Control, Aquatic Application	Expect to release formal draft in Summer 2011.
P	Aquifer Storage and Recovery Policy	Delayed due to other priorities.
A-11	Areas of Special Biological Significance (ASBS): Special Protections	Public Notice released on January 20, 2011. Public Hearing rescheduled for May 18, 2011. Written comment period extended until 12:00 noon on May 20, 2011.
A-11	Bacterial Objectives for Inland Surface Waters	Staff preparing draft policy and staff report. Economic study delayed due to contract funding issues. Public hearing targeted for November 2011.
A	Biological Objectives Development	Established Stakeholder and Scientific Advisory Groups. Will brief Regional Board staff on the project in spring and summer 2011. Will schedule the CEQA Scoping meeting in late summer 2011.
A-12	Cadmium Objective and Implementation Policy	Final internal review of draft policy and staff report prior to upcoming release for public comment. Requested technical support from Central Coast Water Board staff on hardness calculation protocol. Targeting Public Hearing in January 2012.
A-11	Constituents of Emerging Concern (CEC) Monitoring – Recycled Water Policy	Staff report released November 18, 2010. Public Hearing held on December 15, 2010. Comment deadline extended until 12:00 noon on January 10, 2011. Reviewing comments and coordinating with CDPH to revise staff recommendations.

Division of Water Quality		
Status Code	Policy/Significant General Permit	Status
A-11	Chlorine Residual Objectives and Implementation Policy	Scientific Peer review received. Report and policy will be revised as necessary to address peer review comments. Public Hearing targeted for December 2011.
A	Composting Facilities Statewide Waiver	Continuing to meet with CalRecycle and Regional Boards on preparing draft statewide waiver.
P	Grazing	No Statewide effort at this time, Regions are issuing watershed based waivers. Grazing on national forest system lands will be considered under Statewide Water Quality Management Plan and waiver.
A	Listing Policy Update (Sediment Quality Objectives and Procedural Changes)	CEQA Scoping Meeting held on March 29, 2010. Comment period closed April 12, 2010. Developing new schedule due to loss of key staff. Staff anticipates this will be delayed until 2013.
A	Marina Permit	Permit is postponed while working with other agencies and Marina and Boating groups to develop interim approaches.
P	Mercury Offset Policy	Partial economic analysis received from contractor (SAIC). No further contract funding available to complete economic analysis.
A-12	Methylmercury Objectives	Staff are working on draft staff report and coordinating with efforts to develop statewide mercury TMDL. Updating economic analysis. Board Workshop targeted for summer 2012.
A	Nutrient Numeric Endpoints Tools	Freshwater: to be peer reviewed. Contract with SCCWRP to develop estuary nutrient framework and numeric endpoints underway. Technical, stakeholder, and regulatory (Water Boards and U.S. EPA) advisory groups have been formed. CEQA Scoping meeting for inland waters targeted for August 2011.
A-11*	Ocean Plan Amendment: model monitoring provisions	Staff drafting Substitute Environmental Documentation. Public Hearing targeted for September 2011.
A	Ocean Plan Amendment: desal provisions	Stakeholder workshop held on April 18, 2011. Workshop also addressed disposal of brackish water. Results of stakeholder workshop will inform a future Board Workshop.
P	Ocean Plan Amendment: vessel provisions	Pending completion of other Ocean Plan Amendments.

Division of Water Quality		
Status Code	Policy/Significant General Permit	Status
A	Off-Highway Vehicle (OHV) WDRs/Waiver	Developing concepts for WDRs/waiver for OHVs at State Parks.
A-12*	Onsite Waste Water Treatment Regulations/Waiver	Staff are working with a focused stakeholder group to develop a draft OWTS Policy and in March 2011 completed kick-off meetings to discuss the new approach. A CEQA scoping document for the Substitute Environmental Document was release for public comment on April 4, 2011 and public scoping meetings were held in Sacramento and Riverside on May 2 and 9, 2011, respectively.
A	Rapid Diagnostic Tests for Bacterial Indicators in Coastal Waters	Results and lessons learned transmitted to U.S. EPA for consideration in national standards setting work for a new Rapid Method. Task Force preparing final results report. Task Force working with City of Los Angeles as next possible pilot testing location.
A-11	Sanitary Sewer System (SSS) WDR Update	Information Item presented to Board on September 21, 2010. Draft revised SSS WDR was released on March 24, 2011. Public Hearing to be scheduled at a later date. The comment period was extended until 12:00 noon on Friday, May 13, 2011.
P	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase III	Pending completion of Phase II and availability of funding
A-11*	Storm Water CalTrans Permit	Released on January 7, 2011. Reviewing comments, which were due on March 14, 2011. Board consideration in October 2011.
A-11*	Storm Water Industrial General Permit	Released on January 28, 2011. Staff workshops held February 14 and 23, 2011. Additional on-line staff workshop scheduled for March 15, 2011. Public Hearing conducted on March 29, 2011. Reviewing comments, which were due on Friday, April 29, 2011. Board consideration in September 2011.
A-12*	Storm Water MS4 Phase II Permit	Revising to incorporate similar provisions to Construction General Permit and to incorporate TMDLs. Administrative draft released on February 22, 2011, with comments due on March 18, 2011. Planned release on June 6, 2011 with consideration in January, 2012.

Division of Water Quality		
Status Code	Policy/Significant General Permit	Status
P	Suction Dredge General Permit	On hold, and working instead with Dept of Fish and Game (DFG) to coordinate with their suction dredge regulation and permit revision. On February 28, 2011, DFG released the SEIR/draft regulation and permit revision package for public comment. State Water Board staff has now received scientific peer reviewers' comments on the water quality portions of the SEIR. State and Regional Water Board staff comments, along with the scientific peer reviews, were submitted to DFG by the comment deadline.
A-11*	Timber Activities on National Forest System Lands	Drafting Statewide Waiver for USFS, based on Region 1 waiver. May: Release draft waiver and CEQA docs for 45-day public review. Mid-June: SWRCB public workshop, then prepare response to comments.
P	Timber Activities on Non-federal Lands	Work with California Board of Forestry, Department of Forestry and Fire Protection, and Regional Water Boards. Work delayed pending the outcome of a petition.
A-11*	Toxicity Control Provisions for the SIP	Staff are responding to comments and preparing alternatives for policy revisions to be presented at staff workshop. Board directed "test-drive" of policy in progress. Staff-level workshop targeted for August 2011. Public hearing targeted for December 2011.
A-11*	Trash Policy	CEQA Scoping Meetings held on October 7, 2010 in Rancho Cordova and October 14, 2010 in Chino. Targeting staff-level workshop in Summer 2011.
A-11	UST Low-Threat Case Closure Policy	Staff has convened a small work group to develop recommendations regarding low-threat UST sites. Targeting Board consideration for 2011.
A-11	Wetlands and Riparian Areas (Dredge and Fill) Policy – Phase I	Request for scientific peer review for the Technical Advisory Team's (TAT's) wetland definition. Initial Study released for public comment on January 5, 2011. CEQA Scoping Meetings held on January 31, 2011 and February 8, 2011. Comment deadline extended until 12:00 noon on May 20, 2011.

Division of Water Quality		
Status Code	Policy/Significant General Permit	Status
P	Wetlands and Riparian Areas Policy – Phase II	Pending completion of Phase I.
P	Wetlands and Riparian Areas Policy – Phase III	Pending completion of Phase II.

Note: * indicates Board Priority

Status Code Key:

White = Active effort (A)

Green = Targeted for completion in 2011 (A-11)

Orange = Targeted for completion in 2012 (A-12)

Blue = Completed (C)

Grey = Suspended or No statewide effort at this time or Pending (P)

Policies/General Permits Completed in 2011

C	Aquatic Pesticide General Permit – Aquatic Animal Invasive Species	Adopted by State Water Board on March 1, 2011.
C	Aquatic Pesticide General Permit – Vector Control, (Adulticide/Larvicide)	Adopted by State Water Board on March 1, 2011.
C	Ocean Plan Triennial Review	Adopted by State Water Board on March 15, 2011.
C	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase II	Adopted by State Water Board on April 6, 2011. Staff submitted the administrative record to the Office of Administrative Law on April 27, 2011. Staff will submit to U.S. EPA after OAL review.
C	Spray Applications Permit (CDFA and USFS Eradication Programs)	Adopted by State Water Board on March 1, 2011.
C	Storm Water MS4 Effectiveness Assessment Document (AB 739, Ch. 610, Statutes of 2007)	On October 27, 2010, staff issued a revised Notice of Staff Workshops and Opportunity for Public Comment on draft document. Workshops scheduled for November 4 in Sacramento and November 9 in Rancho Cucamonga. Comments were due 12:00 noon on November 30, 2010. Information Item presented to the Board on April 19, 2011.

Policies/General Permits Completed in 2010

C	Integrated Report Adoption (2010)	Board approved 303(d) list on August 4, 2010. Transmitted to USEPA on October 13, 2010, and awaiting their approval.
C	Leaking Underground Fuel Tank (LUFT) Manual	The LUFT manual was drafted as a guidance document with state-of-the-art information on the cleanup of leaking UST sites. The LUFT manual is considered a draft/evergreen document that will be updated periodically in response to comments.
C*	Once-Through Cooling (316b) Policy	Approved by Office of Administrative Law (OAL) on September 27, 2010. Effective date October 1, 2010.

C*	Once-Through Cooling (316b) Policy Limited Revisions	Adoption Hearing held on December 14, 2010. No changes made to Policy.
C	South Bay Power Plant	Notice of Cancellation of Public Hearing issued on November 2, 2010 due to permit application withdrawal.
C	Storm Water Construction General Permit Limited Revisions	Adopted on November 16, 2010.
C	UST Regulatory Program Task Force	Final task force recommendations submitted to the Board in January 2010. DWQ staff updated the Board at the May 18 Board meeting in conjunction with DFA staff report on the UST Cleanup Fund.

Division of Water Rights		
Status Code	Policy/Significant General Permit	Status
(A)	Draft WQCP update for San Joaquin River flows and southern Delta salinity objectives	Draft SED science chapter was released October 29, 2010. Workshop held on SED science chapter January 6 and 7, 2011. Draft plan amendment to be brought to the Board for a spring 2012 hearing.
(A)	Russian River Frost Protection Regulation	Public Scoping Meeting on draft EIR held on November 17, 2010. A Board Workshop to receive comments on the draft regulation is scheduled for April 6, 2011. The Rulemaking Notice package for the Office of Administrative Law and a draft EIR will be released on May 15, 2011.
(C)	Delta outflow recommendations (SBX7 1)	The Board adopted the final report on August 3, 2010, and provided it to the Delta Stewardship Council on August 25, 2010.
(C)	Instream Flow Policy (AB 2121)	The Board adopted the Policy on May 4, 2010. The Division delivered the administrative record to OAL on August 11, 2010. OAL approved the administrative record in September 2010. The Division filed a Notice of Decision with the Secretary for Resources on September 28, 2010. The policy is now effective.

Status Code Key:

White = Active effort (A)

Yellow = Targeted for completion in 2010 (A-10)

Blue = Completed (C)

Grey = Suspended or No statewide effort at this time or Pending (P)

Division of Financial Assistance		
Status Code	Policy/Significant General Permit	Status
A	Clean Water State Revolving Fund Regulations	Under development. Process has slowed considerably to accommodate getting the ARRA stimulus funds out to projects. Currently project 2010/2011
C	Orphan Site Cleanup Fund (OSCF) Proposed Rulemaking Package	Office of Administrative Law approved the OSCF regulations on September 15, 2009.
A	Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Regulations	Regulations are being drafted to include fiscal considerations and provisional operator. Anticipate being released for public review in Spring 2011.

Status Code Key:

Targeted for completion in 2010

Completed Items

Suspended / No statewide effort at this time

Appendix 2

IRRIGATED LANDS REGULATORY PROGRAM MONTHLY REPORT

This month's Irrigated Lands Regulatory Program (ILRP) report covers the April 2011 period and provides an update on the activities of the North Coast, San Francisco, Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Water Board ILRPs.

Future monthly reports will alternate between the status of the ILRP from the Central Valley Water Board for one month, and the status of other Regional Water Boards for the alternate month. Current and past ILRP monthly reports can be found on the State Water Board ILRP website: http://www.waterboards.ca.gov/water_issues/programs/agriculture/

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

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

ILRP contact information for each Regional Water Board is found at the end of each report below.

DIVISION OF WATER QUALITY ILRP STAFF REPORT:

On March 15, 2011, Division of Water Quality (DWQ) staff presented an ILRP information item to the State Water Board. The information item focused on ILRP enrollment. For various reasons, not all growers are enrolling in the ILRP. This has created concerns that growers that have enrolled in the ILRP are paying fees and incurring compliance costs that non-enrollees are not incurring, which is diminishing the effectiveness of the ILRP.

During the presentation, a State Water Board member asked DWQ staff to report on the following questions:

1. What is the effectiveness of the Regional Water Boards' enforcement efforts in addressing ILRP enrollment?
2. Are growers now in compliance?
3. Are more administrative civil liabilities needed?

The enforcement analysis below is for the Los Angeles Water Board ILRP. Central Coast Water Board staff is in the process of renewing their conditional agricultural waiver and have not had the resources to develop an enforcement analysis at this time. However, the Central Coast Water Board enforcement analysis should be available for the next ILRP bi-monthly report. The enforcement analysis for the Central Valley Water Board ILRP was presented in the Executive Director's Report for the previous month.

Enforcement Analysis

Los Angeles Water Board:

Of the 1100 Notice of Violations (NOVs) issued, approximately 150 growers enrolled after receiving the NOV. In addition, about 250 NOVs were rescinded based on updated land use information provided by NOV recipients. Staff is following up with the remaining 700 non-responders with ACLs and additional outreach.

Of nine Administrative Civil Liabilities (ACLs) issued so far, all recipients have enrolled or are in the process of enrollment. The Los Angeles Water Board has not tracked the increased enrollment among non-filers who did not receive ACLs, but who may have heard of the ACLs issued to others. The first five ACLs issued did not attract much attention, but Los Angeles Water Board staff suspect that the next four ACLs issued attracted more attention. Los Angeles Water Board staff should know by late spring 2011 the number of additional growers enrolled.

NORTH COAST REGION AGRICULTURAL REGULATORY PROGRAM Update to the State Water Board – April 2011

Water Quality Compliance Program for Discharges from Irrigated Lands

As of March 2011, staff has reconsidered the scope of the agriculture program. In June 2010, the proposed scope included a focus on discharges associated with both irrigated agriculture and grazing in the Klamath River Basin. Staff has since decided to recommend expansion of the geographic scope of the program to include all of the North Coast Region, while at the same time limiting the types of discharges covered to those associated with irrigated lands.

Discharges associated with dryland grazing activities have been removed from the scope of the regional program due to a recent decision to develop a statewide approach to address grazing activities on non-federal lands. North Coast Water Board staff will be actively involved in the process to ensure the statewide program adequately addresses the water quality concerns and the unique nature of dryland grazing within ranching communities in the North Coast Region.

There are several reasons for the expansion in geographic scope to the entire North Coast Region for irrigated lands. Developing a region-wide program utilizes staff resources more efficiently by consolidating program development efforts and precluding the need for separate programs around the region. Expanding the scope also provides an opportunity for all the agriculture-based stakeholders to participate in the development of this key program at the same time. Having a region-wide program will create a level playing field, while maintaining the flexibility for growers to form watershed or commodity-based groups and develop management plans specific to their area.

North Coast Water Board staff has contracted with the Center for Collaborative Policy (CCP) to assist with stakeholder involvement throughout the development of the North

Coast Water Boards ILRP. A stakeholder involvement strategy is currently under development. The initial steps in the strategy are as follows:

1. Discuss program development concepts with key stakeholders;
2. Survey stakeholders to gauge interest in participating in program development, likely via a stakeholder advisory group;
3. Develop a mailing list and distribute outreach materials;
4. Create stakeholder advisory group(s), which may be multiple geographically-based or commodity-based focus groups throughout the region or, alternatively, one large group of 50 or fewer stakeholders; and
5. Initiate workgroup process and draft a working group charter.

The specific timeline for the stakeholder process will be determined based on the results of the initial stakeholder outreach effort. The initial outreach will continue through the summer of 2011 with the first stakeholder advisory group meetings planned to begin before the end of 2011. Aside from changes to the timeline due to the shift in scope, staff are maintaining the same timeline and workplan tasks, including the endpoint of a Board adoption hearing in December 2012.

For additional information on the North Coast Water Board's water quality compliance program for discharges from irrigated lands, please see the following website or contact Ben Zabinsky at BZabinsky@waterboards.ca.gov or (707) 576-6750:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/agriculture_and_irrigated_lands/

SAN FRANCISCO BAY REGION
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR VINEYARDS IN
THE NAPA RIVER AND SONOMA CREEK WATERSHEDS (VINEYARD WAIVER)
Update to the State Water Board – April 2011

Overview

San Francisco Bay Water Board staff is currently developing a Vineyard Waiver to require effective management practices to be implemented to control human-caused discharges of pollutants from vineyard facilities. Potential pollutants from vineyard facilities include sediment, erosive forces (that cause excessive erosion and sedimentation), heat (human-caused effects on channel or riparian conditions that may cause increases to stream temperature), nutrients, pesticides, and pathogens.

Stakeholder Outreach

Staff is soliciting input from stakeholders during development of the Vineyard Waiver. The stakeholder outreach plan includes multiple phases, including formation of a Technical Advisory Committee (TAC), as well as a broader Stakeholder Advisory Group (SAG). The mission of the TAC is to vet focused technical issues with local experts, while the SAG will cover a broader suite of issues, including implementation and policy. Staff has held two meetings with the TAC, and it anticipates convening the SAG this summer.

Vineyard Waiver Public Workshop and CEQA Scoping Meeting/ Key Elements

On April 14, staff convened a public workshop and California Environmental Quality Act (CEQA) scoping meeting for the [Vineyard Waiver](#). The event, which was held at the Napa Main Library, was well attended with approximately sixty people in the audience.

San Francisco Bay Water Board staff opened the public workshop by providing an introduction and overview of the regulatory framework associated with agriculture and nonpoint source pollution. Staff then presented the key elements of the proposed Vineyard Waiver, including the proposed conditions, which would require vineyard owners and operators to:

1. Enroll in the Vineyard Waiver program by submitting a Notice of Intent form;
2. Develop a farm water quality plan (Farm Plan) that addresses erosion control, attenuation of increases in peak runoff, roads, pesticide and fertilizer applications, and sediment delivery sites such as gullies, rills, and landslides;
3. Implement and maintain management practices in accordance with the Farm Plan;
4. Conduct compliance monitoring and undertake corrective action as necessary; and
5. Report annually on the status of their current and anticipated management practices.

The audience was very interested in the Vineyard Waiver, and a productive question/answer/comment session followed.

Immediately following the public workshop, San Francisco Bay Water Board staff opened the CEQA scoping meeting by describing the Board's role as "lead agency" and the environmental review of the project's potential impacts. The audience provided informative comments on the scope of the environmental review, which staff will consider in the CEQA evaluation. We are accepting written CEQA scoping comments through May 17, 2011. Comments can be sent to Tina Low, TLow@waterboards.ca.gov.

For additional information on the San Francisco Bay Water Board's Agricultural Regulatory Program, please contact Tina Low at 510.622.5682 or tlow@waterboards.ca.gov.

CENTRAL COAST REGION AGRICULTURAL REGULATORY PROGRAM Update to the State Water Board – April 2011

March 17, 2011 Board Meeting – Agricultural Order Renewal

On March 17, 2011, the Central Coast Water Board held a panel hearing to consider the staff recommendation for an updated Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Draft Agricultural Order). The Central Coast Water Board heard a staff presentation and many hours of comments on the recommended Draft Agricultural Order. The Board continued the hearing to allow all members of the public who came to the meeting an opportunity to present their oral comments (The Chair provided an opportunity for anyone at the March meeting to come to the podium and address the Board if they would not be able to attend the next meeting in San Luis Obispo.). The hearing will be continued at a Board meeting on Wednesday, May 4, 2011, beginning at 10:00 a.m. in San Luis Obispo. Members of the public who submitted testimony cards in Watsonville on March 17, indicating their intent to provide oral comments at the March 17 Board Meeting, but who did not address the Board, will be able to provide their oral comments at the May 4, 2011 Board meeting. Since the Board established a written comment deadline of January 3, 2011, it is not accepting additional written comments. By April 15, 2011, the Board will post the agenda notice for the May 4, 2011 meeting. Information related to the March 17, 2011 Board Meeting is available on the Internet at:

http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2011/march/Item_14/index.shtml

Enforcement Actions – Failure to Comply with Monitoring and Reporting Requirements

Central Coast Water Board staff recently issued approximately 200 enforcement letters to dischargers for failure to comply with the Monitoring and Reporting Requirements of the *Conditional Waiver of Waste Discharge Requirements for Discharges From Irrigated Lands, Order No. R3-2010-0040*. Detailed information follows below.

On April 4, 2011, Central Coast Water Board staff issued 183 enforcement letters to dischargers who failed to pay fees for participation in the cooperative monitoring program (CMP). The enforcement action issued is an expedited payment letter, which is an offer of a settlement. The settlement amount ranges from \$250 to \$1050, depending on the size of the operation and the number of years out of compliance. In addition to the settlement offer, dischargers must also pay past due monitoring fees. Dischargers must settle within 45 days and for those dischargers who choose not to settle, enforcement action will progress to an administrative civil liability complaint.

In addition, on April 12, 2011, Central Coast Water Board staff issued 22 enforcement letters to dischargers who selected the individual monitoring and reporting option for meeting the mandatory monitoring and reporting requirements and failed to submit individual quarterly and annual monitoring reports since January 1, 2007, and a Quality Assurance Project Plan and Sampling Plan. The enforcement action issued is a NOV letter, which informs the dischargers that since they failed to comply with reporting requirements, the Central Coast Water Board may now assess discretionary administrative civil liabilities beginning with the date that the violations first occurred. However, the NOV letter explains that Central Coast Water Board staff will temporarily withhold its recommendation for enforcement action to allow them to respond to the NOV letter and return to compliance by submitting the requested information. Dischargers must respond to the NOV letter and submit the past due reports within 30 days. Dischargers that submit partial and/or incomplete individual monitoring reports remain subject to formal enforcement action, although staff will recommend consideration of partial compliance in any such actions.

For additional information on the Central Coast Water Board's Agricultural Regulatory Program, please contact Angela Schroeter at (805-542- 4644) or ASchroeter@waterboards.ca.gov .

LOS ANGELES REGION CONDITIONAL WAIVER FOR IRRIGATED LANDS

Update to the State Water Board – April 2011

Enrollment in Renewed Conditional Waiver

The Los Angeles Water Board renewed the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Conditional Waiver) at its October 7, 2010 meeting as Order No. R4-2010-0186. The renewed Conditional Waiver requires dischargers to enroll by April 7, 2010. In the previous waiver term, the Los Angeles County discharger group, headed by the Nursery Growers Association (NGA), struggled with low enrollment. Los Angeles County is confronted with unique challenges, such as the small amount of irrigated acreage and the difficulties in identifying and communicating with small growers. In response to these challenges, staff held two enrollment workshops in March in Los Angeles County with NGA and Southern California Edison (SCE), who leases its land to growers. These enrollment workshops were aimed at enrolling growers in the new waiver by the April 7, 2011 enrollment deadline. At the workshops, staff made a presentation about the waiver requirements, enrollment options, and the status of the program so far. The University of California Cooperative Extension, the Natural Resources Conservation Service, NGA, and the Los Angeles and San Gabriel Rivers Watershed Council also made presentations at the workshops about the assistance and resources they could provide. Approximately 80 growers attended the workshops and came prepared with questions about the program. NGA enrolled numerous growers into its discharger group on the spot.

Staff believes that the workshops, especially with the cooperation of SCE, will increase the enrollment percentage in Los Angeles County. Staff is also working with the Ventura County Agriculture Irrigated Lands Group (VCAILG) to plan workshops to maintain the high levels of enrollment in Ventura County and increase implementation of best management practices (BMPs). Staff is having ongoing meetings with VCAILG to discuss these workshops. Staff will continue to meet with stakeholders in both Los Angeles and Ventura Counties on an ongoing basis to ensure successful implementation of the Conditional Waiver program.

Grant Management

Additionally, staff continues to manage a Clean Water Act section 319(h) grant for grower education and outreach in the Calleguas Creek and Santa Clara River Watersheds. Staff is working with the grantee to ensure that the grant effectively implements the renewed Los Angeles Region Conditional Waiver for Irrigated Lands and the BMPs included in the VCAILG's Water Quality Management Plan. Staff is also working to negotiate a final grant agreement for Proposition 84 funding for a mobile irrigation laboratory to improve irrigation efficiency on farms in Ventura County. The grant will be overseen by the Ventura County Resource Conservation District (RCD). Under the proposed grant, RCD staff would travel to farms, evaluate irrigation efficiency, recommend improvements, and provide cost share funding to implement the recommended improvements. The goal of the grant is to reduce dry-weather loading of agriculture-related pollutants.

For additional information on the Los Angeles Region Conditional Waiver for Irrigated Lands, please contact Jenny Newman at (213) 576-6691 or jnewman@waterboards.ca.gov.

COLORADO RIVER BASIN CONDITIONAL PROHIBITION FOR AGRICULTURAL DISCHARGES

No Report Submitted in April 2011

For additional information on the Colorado River Basin Conditional Prohibition for agricultural discharges, please contact Doug Wylie at (760) 346-6585 or dwylie@waterboards.ca.gov.

SANTA ANA REGION
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR AGRICULTURAL
DISCHARGES (CWAD PROGRAM)
Update to the State Water Board – April 2011

Santa Ana Water Board staff is proposing that all operators of irrigated land, dry-farmed land subject to inundation by flooding, and of other agricultural operations not already regulated by the Board, enroll in a conditional waiver of waste discharge requirements. Board staff is calling this the Conditional Waiver (of waste discharge requirements) for Agricultural Discharges (CWAD). Board staff proposes that the CWAD program be developed and implemented with a watershed-based phased approach. The first phase of this program is being developed for waste discharges from agricultural operations in the Lake Elsinore / San Jacinto Watershed. The Board adopted separate nutrient Total Maximum Daily Loads (TMDLs) for Canyon Lake and Lake Elsinore, and the CWAD program is being designed to be part of the implementation program for these TMDLs.

Santa Ana Water Board staff has developed a “CWAD Program Advisory Group”, which consists of about 15 members including agricultural farmers, local growers, industry groups, and major stakeholders.

On April 18, 2011, the fourth CWAD Program Advisory Group meeting was held at the Riverside County Farm Bureau’s Moreno Valley meeting room. During the meeting, the status of CWAD program was discussed. Board staff updated the CWAD Program Advisory Group members about its CWAD program draft schedule, which contained major milestones. The draft schedule included initiation of a CEQA process, preparation of an initial study, preparation of a CEQA checklist, a scoping meeting with interested parties and stakeholders, a group review of the CWAD waiver requirements, and an internal review process. Board staff anticipates that this process will lead to adoption of the waiver requirements, sometime in the second quarter of the year 2012.

At the April 18, 2011 meeting, group members also discussed project watershed area flooding during the wet season and its possible implications on application of fertilizers, pesticides and herbicides during crop growing seasons. Staff from the Riverside County Flood Control District gave a presentation on the typical wet season situation in the project area. The group also discussed the dust control BMPs requirements during the crop seasons, and agreed that Local AQMD’s PM10 dust control and BMP requirements will be adequate.

A staff member from the Western Riverside County Agricultural Coalition (WRCAC) gave a brief presentation on “coalition forming”. Further discussion and feedback from the CWAD Program Advisory Group on this topic will be continued at the next meeting.

The next CWAD Program Advisory Group meeting is to be held on July 28, 2011, at the Riverside County Farm Bureau office. Board staff will solicit the advisory group’s general consensus on choosing specific conditions and prohibitions on application of fertilizers and herbicides during the wet season in view of the flooding situation in the project area during and after the rain events. During this meeting, the CWAD Program Advisory Group decided to include the following proposed topics for the next meeting:

- Coalition forming, monitoring program and pollutants trading project-by WRCAC staff
- Recycled water use in the project watershed and the Boron issue-by Eastern Municipal Water District (?)
- Wet season and flooding season clarification-by Riverside County Flood Control staff
- CWAD program schedule updates

- CEQA updates
- Manure application prohibition in the project area based on the high TDS levels in local groundwater.

For more information, please contact Athar Khan at (951) 782-3219 or akhan@waterboards.ca.gov ; or Mark Adelson at (951) 782-3234 or madelson@waterboards.ca.gov

**SAN DIEGO WATER BOARD IRRIGATED LANDS REGULATORY PROGRAM
(CONDITIONAL AG WAIVER)
Update to the State Water Board – April 2011**

Barry Pulver, Engineering Geologist, has assumed the role as project manager for Conditional Waiver No. 4 – Discharges from Agricultural and Nursery Operations (Ag Waiver). The sudden departure of the former manager caused a brief, but significant delay, in the San Diego Water Board efforts to maintain the implementation of the Ag Waiver. Mr. Pulver's transfer to this position resumes the San Diego Water Board's proactive work on the conditional Ag Waiver.

The San Diego Water Board will resume meetings with representatives of the Monitoring Groups in early May 2011 to assist them with development of their monitoring plans.

In late May 2011, San Diego Water Board staff will issue warning letters to approximately 4,000 property owners of irrigated agricultural parcels who did not submit a Notice of Intent (NOI) for the Ag Waiver, or enrolled with an established Monitoring Group by the January 1, 2011 deadline. The purpose of the letter is to determine whether or not these growers qualify as commercial growers as defined in the Ag Waiver, and to inform them of the requirement to enroll if they do qualify. These letters request that commercial growers notify the San Diego Water Board of the following: they are/ are not required to enroll; and that they intend on submitting an individual NOI, join an existing Monitoring Group, or create a new monitoring group. A plan is being developed to ensure that the San Diego Water Board has sufficient resources to issue the letters and provide a timely response to questions and concerns raised by property owners who receive these letters.

For additional information on the San Diego Water Board Conditional Waiver for Irrigated Lands, please contact Barry Pulver at (858) 467-2733 or bpulver@waterboards.ca.gov .