

### A COMPILATION OF STORMWATER AND OTHER RELATED WATER NEWS

By S. Wayne Rosenbaum, Foley & Lardner LLP

#### NATIONAL NEWS

##### **U.S. Navy Agrees to Restrict Its Sonar Use**

(CalCoast Update, July 10, 2006) LOS ANGELES – Four days after a federal judge halted the Navy's use of high-intensity sonar in Pacific warfare exercises because of concerns that marine mammals may be harmed, the Navy and environmental groups agreed yesterday on terms under which the sonar may be used.

[http://www.signonsandiego.com/uniontrib/20060708/news\\_1n8sonar.html](http://www.signonsandiego.com/uniontrib/20060708/news_1n8sonar.html)

##### **Proposed CAFO Rule Public Meeting**

(EPA, 7/24) **August 3.** ["US EPA is convening six public meetings around the country on the Proposed CAFO Rule published in the Federal Register on June 30, 2006. The revised NPDES permitting requirements for CAFOs respond to the February, 2005 Second Circuit Court of Appeals Waterkeeper Decision. The purpose of these meetings is to enhance public understanding of the proposed rule. On August 3, US EPA will hold it's California meeting in Sacramento see attached announcement."](#)

##### **EPA Announces New Draft Guidance Document on NPS Pollution**

(Calcoast Update, July 25, 2006) EPA has announced the availability of a new draft guidance document: National Management Measures to Control Nonpoint Source Pollution from Hydromodification. The draft guidance enhances and updates the technical information contained in EPA's 1993 Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters Whereas the 1993 guidance was regulatory, this document does not set new or additional standards for either CZARA section 6217 or Clean Water Act section 319 programs.

You can get more information about the guidance or download the document (in PDF format) at <http://www.epa.gov/owow/nps/hydromod/index.htm>. EPA is requesting public comments on the draft document (See Federal Register Notice at <http://www.epa.gov/fedrgstr/EPA-WATER/2006/July/Day-17/w11248.htm>).

For more information on the matters discussed in this issue of the **Stormwater News** please contact the following Foley & Lardner LLP professional, or the member of the firm who normally handles your legal matters.

■ **S. Wayne Rosenbaum**  
Foley & Lardner LLP  
402 West Broadway  
Suite 2300  
San Diego, CA 92101  
Phone: 619.685.6413  
Fax: 619.234.3510  
[rosenbaum@foley.com](mailto:rosenbaum@foley.com)

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## **Stormwater Strategies and Solutions**

(Land Development Today, July 2006) Ten top strategies for determining and implementing the most effective stormwater management solutions are clearly outlined. [Full story](#)

## **Proposed "Stormwater Enforcement and Permitting Act of 2006" – Federal Legislation Would Change General Permits –**

(Water Quality Newsflash, July 17, 2006) The proposed bill, H.R. 5558, is primarily intended to reduce storm water requirements on residential home builders when they discharge into municipal separate storm sewer systems (MS4s) or are building on a site with minimal potential for soil erosion. However, the bill also would change all NPDES general permits by establishing that permitting agencies are "not required to specifically review, approve, or provide notice and an opportunity for a public hearing and comment on, any application for a discharge under a general permit issued under this section." States are currently struggling to incorporate state and public review provisions into their general permits as required by court decisions (see *NewsFlash 05-39*). Draft bill: <http://thomas.loc.gov/> (Search H. R. 5558)

## **Report on Rapid Microbial Testing Methods Available Online**

(Calcoast News, July 17, 2006) A recent study, conducted by the Southern California Coastal Water Research Project (SCCWRP) with support from the UNH/NOAA Cooperative Institute for Coastal and Estuarine Environmental Technology (CICEET), has tested and compared innovative rapid microbial testing methods with the potential to make same-day health risk warnings at swimming beaches possible. The study's findings have been compiled in a report "Evaluation of Rapid Microbiological Methods for Measuring Recreational Water Quality," now available online.

Learn more about the study and read the report on the CICEET web site:

<http://ciceet.unh.edu/news/releases/sccwrpReport/sccwrpReport.html>

## **EPA Orders Phase-Out of Dry Cleaning Chemical**

(Associated Press, 7/17) "[Dry cleaners operating in residential buildings will have to begin phasing out their use of a suspected cancer-causing chemical.](#)"

## **DESALINATION ACROSS THE GLOBE**

### **SDCWA Deep-Sixes Seawater Desalination Plan**

(NC Times, 7/28) "[In an abrupt move Thursday, San Diego County's regional water supplier deep-sixed its dreams of turning seawater off Carlsbad's coast into drinking water, refusing to certify its own \\$1.8 million environmental study, and choosing to end five years of haggling with the private company studying the idea.](#)"

## County Drops Desalination for Carlsbad

(San Diego Union Tribune, 7/28) "[The San Diego County Water Authority yesterday abandoned its four-year effort to build a desalination plant in Carlsbad that would have converted seawater into drinking water.](#)"

## Desal Project Draws Environmental Challenge

(Stockton Record, 7/27) "[A coalition of environmental groups has filed a lawsuit to stop a proposed Carlsbad seawater desalination plant, arguing that its environmental study doesn't do enough to show the harm the project could cause.](#)"

## Encina Plant Causes Ripple in Desalination Plan

(NC Times, 7/27) "[The company that has dreamed of building a plant at Carlsbad's Encina power plant to turn seawater into drinking water said Wednesday that news that parts of Encina could be torn down won't affect or change their plans.](#)"

## Power Plans Could Change Desalination

(SD Union Tribune, 7/24) "[As developers forge ahead with plans to build a seawater desalination plant, the stream of water they expected to tap could be drying up.](#)"

## Beattie Commits \$80 million to Coast Desal Plant

(Queensland Business Review, 7/19) "[Premier Peter Beattie today announced a further \\$80 million to help south-east Queensland in the fight against drought and climate change, with the funding to help bring forward 'early works' on the proposed new desalination plant at Tugun on the Gold Coast.](#)"

## Jordan Desal Plant to Open

(AME Info, 7/18) "[A water treatment and desalination plant with a potential capacity of 40m cubic meters of water annually will open in Jordan by August 2006, according to the Jordan Times.](#)"

## Australia's Prime Minister Enters Desal Debate

(Border Mail, 7/18) "[The Prime Minister believes nothing less will haul Australia out of its water crisis and he will urge the states to recycle and trade with each other while ignoring desalination.](#)"

## Supplier May Cut Off Water for Lapu-Lapu

(Sun Star, 7/18) "[Vital installations and establishments like the Mactan-Cebu International Airport, Mactan Economic Zones \(MEZ\) 1 and 2, and Waterfront Airport Hotel and Casino Mactan, however, won't be affected as they have their respective desalination plants.](#)"

## **Middle East Centre to Tackle Desalination Research**

(SciDev.net, 7/17) "[The Oman-based Middle East Desalination Research Center is preparing to conduct research for the first time since it was set up in late 1996.](#)"

## **Orange County Tries New Approach to Desal**

(Sacramento Bee, 7/11) **COLUMN.** "[The Municipal Water District of Orange County, an umbrella agency that plans and manages the county's water supply, is researching the possibility of building a \\$140 million desalination plant that would take its water not directly from the ocean but from the groundwater table below.](#)"

## **CALIFORNIA NEWS**

### **State Water Board Extends Deadline for Public Comment on Blue Ribbon Report**

(Wayne Rosenbaum, July 28, 2006) The State Water Board has extended the deadline for the public to comment on the Storm Water Panel Recommendations on the Feasibility of Numeric Effluent Limits Applicable to Storm Water Discharges. The deadline to receive comments has been extended until September, 1, 2006 (5 pm).

### **Water Issues Stymie Housing in Colusa**

(CBIA News Summary, July 27, 2006) Chronic water supply problems have prompted Colusa County to rein in construction at a remote community outside Stonyford. The Board of Supervisors voted 4-1 Tuesday to repeal an earlier order to issue a building permit to John Jimerson, a landowner at Century Ranch, a housing subdivision along the East Park Reservoir six miles from Stonyford. The county faced \$200 daily fines from the state Department of Health Services for violating a ban on new water connections in the development, which has been plagued for years by low water pressure. "We are playing with fire if we issue any building permit," warned Henry Rodegerdts, the county counsel, as he explained the threat by state regulators before the vote. [http://www.appeal-democrat.com/articles/2006/07/27/news/local\\_news/news7.txt](http://www.appeal-democrat.com/articles/2006/07/27/news/local_news/news7.txt)

### **Pesticides – DPR to Re-evaluate Pyrethroids**

(Water Quality News Flash, July 30, 2006) Pesticides are one of the leading causes of toxicity in urban runoff. Most urban uses of previously popular organophosphate pesticides such as diazinon and chlorpyrifos have been phased out and many users have switched to pyrethroid pesticides. In the Bay area, for example, pyrethroid use doubled between 2001 and 2003. While pyrethroids rarely cause toxicity in the water column, they do appear to cause toxicity in sediments. CASQA has urged EPA to consider urban runoff impacts when EPA completes risk assessments for the pyrethroid insecticides (see *NewsFlash 05-47*). Now the California Department of Pesticide Regulation (DPR) has begun an effort to more closely regulate the pyrethroid

insecticides. The DPR intends to consult with the Water Boards and the pyrethroid review could potentially result in restrictions or bans. The DPR director said it would be the state's largest pesticide regulation effort to date. More on pyrethroids: [http://www.berkeley.edu/news/media/releases/2006/07/27\\_pyrethroid.shtml](http://www.berkeley.edu/news/media/releases/2006/07/27_pyrethroid.shtml)

### **Beach Bacteria Sicken Over a Million Annually**

(Calcoast Update, July 27, 2006) Bacteria pollution at many Southern California beaches is responsible for illnesses in up to 1.5 million swimmers and bathers annually as well as tens of millions of dollars in healthcare and other related costs, a new study shows. <http://www.calcoast.org/news/waterq.htm>

### **DPR Surface Water Website**

(DPR Surface Water Update, July 25, 2006) The following publications are now posted to the DPR Surface Water Protection Web site. <http://www.cdpr.ca.gov/docs/sw/>

1. Final dormant spray regulations pertaining to the use of dormant spray insecticides and focuses on mitigating surface water contamination. This regulatory action adopts section 6960 and amends section 6000 of Title 3, California Code of Regulations (3 CCR). The regulations will be effective on August 17, 2006.  
[http://www.cdpr.ca.gov/docs/ds/05\\_004final.pdf](http://www.cdpr.ca.gov/docs/ds/05_004final.pdf)
2. Study 237 : Sullivan, J., and Spurlock, F., 2006. Development and Use of QSARs for Regulatory Screening and Prioritization of Chemicals: Evaluation of Environmental and Toxicological Endpoints. (PDF, 71kb)  
<http://www.cdpr.ca.gov/docs/empm/pubs/protocol/study237protocol.pdf>
3. Weichun Yang, Frank Spurlock, Weiping Liu, and Jianying Gan. Inhibition of Aquatic Toxicity of Pyrethroid Insecticides by Suspended Sediment. Journal Environmental Toxicology and Chemistry 25 (7) 1913-1919. For abstract:  
<http://entc.allenpress.com/entonline/?request=get-abstract&doi=10.1897%2F05-616R.1>

### **Lawns May Cause New Water Issue for State**

(CBIA News Summary, July 24, 2006) ELK GROVE - A new front has opened on the longtime war between the North and the South over water, the very lifeblood of California. It lies generally to the east of the Bay Area, where explosive growth in the Central Valley - with its sprawling single-family homes surrounded by expansive lawns and greenery - is consuming water at an alarming rate, according to concerned experts and legislators. For instance, Elk Grove, a southern Sacramento suburb, has become the nation's fastest-expanding city, with a 10 percent growth rate, according to recent U.S. Census Bureau estimates. Some residents like it so much they commute to work as far as the Bay Area. "Lawns," in particular in the hot Central Valley, are creating a "giant sucking sound in California," says a new study by the independent Public Policy Institute of California in San Francisco. [http://www.insidebayarea.com/localnews/ci\\_4085813](http://www.insidebayarea.com/localnews/ci_4085813)

## **CASQA – Annual Conference Scheduled –**

(Water Quality Newsflash, July 24, 2006) The goal of the California Stormwater Quality Association (CASQA) is to assist the U.S. EPA, the State, municipalities, special districts, and businesses in developing and implementing effective stormwater quality management. Their annual conference is scheduled for September 25 – 27 in Sacramento:

<http://stormwaterconference.com/>

## **Rapid Microbial Testing – Report Assesses Current Methods**

(Water Quality Newsflash, July 24, 2006) A recent study by the [Southern California Coastal Water Research Project](#) assessed six approaches for rapid microbial indicator detection. The goal is to have same-day results for indicator bacteria used to identify health risks at beaches. The report identified several promising methods and beta testing will begin this year in Orange County.

<http://ciceet.unh.edu/news/releases/sccwrpReport/sccwrpReport.html>

## **Water Resource Management – Report Projects More Variable Precipitation**

(Water Quality Newsflash, July 24, 2006) The Department of Water Resources (DWR) report – *Progress on Incorporating Climate Change into Management of California's Water Resources* – is an adjunct to an executive order issued last year by the governor. Among other conclusions, the report projects more variable precipitation and extreme weather events. This would include larger direct runoff from individual storm events. The report also notes a historical increase in 10, 50 and 100-year return period peak flows for the six California basins that were studied. These potential future changes may need to be taken into account in planning storm water control and treatment facilities. Posted:

<http://baydeltaoffice.water.ca.gov/climatechange/DWRClimateChangeJuly06.pdf#pagemode=bookmarks&page=1>

## **Geese – Threat to Lake Tahoe**

(Water Quality Newsflash, July 24, 2006) In recent years, many Canada geese have ceased migrating and become “resident” in areas throughout the U.S. These resident geese can become a nuisance in the waterways they now inhabit year-round. Lake Tahoe is one such waterway. Up to two inches of goose feces have accumulated in some areas of the lake and contribute nitrates and phosphates to a lake already at risk from excessive nutrients. The U.S. Department of Agriculture Wildlife Services is planning to capture some of the Tahoe geese and move them elsewhere. Canada geese are protected by the Migratory Bird Treaty Act and can only be legally taken during hunting season. Last year, the U.S. Fish and Wildlife Service issued a final Environmental Impact Statement as part of an effort to establish a regulatory mechanism to allow Federal, State and local agencies, to respond to damage caused by resident geese.

Article: <http://www.tahoedailytribune.com/apps/pbcs.dll/article?AID=2006106140029>

## **Background: Factsheet on Low Impact Development: A Sensible Approach to Land Development and Stormwater Management**

(OEHHA, July 19, 2006) The Ecotoxicology Program at the Office of Environmental Health Hazard Assessment (OEHHA), in collaboration with the California Water and Land Use Partnership (CA WALUP), is in the process of developing a series of fact sheets addressing the relationship between land use, water resources, and the aquatic ecosystem to be used as educational tools for local land-use decision makers municipal staff and the general public.

This fact sheet on low impact development (LID) provides a solution to minimize or eliminate the impacts on the water cycle caused by paving over large areas of land; a topic reviewed in a previous fact sheet, "The Effect of Urbanization on the Water Cycle." Recognizing a lack of general familiarity with LID, this new fact sheet reviews the basic principles of LID, its benefits and implementation challenges, its use in new and re-development, and provides examples of its application in urban and suburban environments. The information should be useful to local decision-makers and their staff, as well as homeowners, to provide development options and landscaping alternatives that protect water quality and natural resources.

The fact sheet was developed by UCD intern Dianna Gillespie and UCSB intern Emily Ruby at OEHHA. Comments and questions are welcome.

## **Warming Seen Wiping Out Calif. Wine Industry**

(MSNBC, 7/12) "[Climate warming could spell disaster for much of the multibillion-dollar U.S. wine industry. Areas suitable for growing premium wine grapes could be reduced by 50 percent — and possibly as much as 81 percent — by the end of this century, according to a study Monday in Proceedings of the National Academy of Sciences.](#)"

## **Areas of Special Biological Significance (ASBS) – SWRCB Schedules Meetings on Proposed ASBS Special Protections –**

(Water Quality News Flash, July 10, 2006) Currently, the Ocean Plan bans storm water discharges into ASBS. The proposed protections would allow these existing discharges to continue. The protections would be included as conditions of an exception to the Ocean Plan granted by the SWRCB. Existing storm water discharges to an ASBS would be allowed as long as they are "composed of natural precipitation runoff," which is defined as discharges that do not cause a statistically significant increase in pollutant concentrations in the receiving water as compared to a designated reference stream. It also appears that pollutant concentrations in the storm water runoff itself could not exceed those in the reference stream. Other requirements would also apply.

Stakeholder meetings will be held to seek input on the scope and content of the environmental information to be included in a mitigated negative declaration for the special protections. The stakeholder meetings will be on August 1 (Santa Rosa), August 8 (Los Angeles), August 15 (Monterey). Comments are due August 15.

Posted: <http://www.waterboards.ca.gov/plnspols/asbs.html>

## **Model Ocean Discharge Monitoring – Workshops Scheduled**

(Water Quality News Flash, July 10, 2006) The SWRCB is considering amendments to the Ocean Plan (Appendix III) to address storm water monitoring as well as monitoring for industrial and municipal (sewage) wastewater. The SWRCB will hold the workshops on the draft proposal in the afternoon at the same locations and dates of the ASBS meetings discussed above. Comments are due August 15. To be posted at: <http://www.waterboards.ca.gov/plnspols/oplans/index.html>

## **Policy for Chlorine – Revision Posted**

(Water Quality News Flash, July 10, 2006) The SWRCB has revised the proposed *Total Residual Chlorine and Chlorine-Produced Oxidants Policy* and accompanying revised Substitute Environmental Document (SED). This statewide policy would pre-empt existing Regional Board policies. Storm water systems are sometimes impacted by chlorinated water when potable water distribution systems are flushed or otherwise drained into storm sewers. The policy requires best management practices but not numeric effluent limits for these situations. Comments are due July 14.  
<http://www.waterboards.ca.gov/iswp/chlorine.html>

## **DFG Unveils New Plans For MPAs**

(CalCoast Update, July 10, 2006) The Department of Fish and Game (DFG) recently unveiled plans for new marine protected areas (MPAs). The department provided the state's Fish and Game Commission with a series of proposals, including a "preferred option," for creating a network of MPAs along California's central coast. The options provided by DFG are the culmination of nearly two years of work by several stakeholder groups, a special Blue Ribbon Task Force, a scientific advisory team and DFG, as well as substantial public input and scientific peer review. DFG's preferred option includes 26 marine protected areas covering more than 200 square miles, or about 18 percent of state waters in the central coast region from Point Conception to Pigeon Point.

The commission will review the department's proposal and alternatives over the next few months and may adopt a final option later this summer. The implementing regulations for the central coast MPAs will be scheduled for commission adoption after the environmental review process is complete. The next step in the MLPA process will be a series of public meetings, starting on Aug. 2 in Sacramento, wherein the commission will discuss and take public comment on the department's preferred option and the alternatives. In addition to the meeting on Aug. 2, the commission has scheduled a second, special meeting for Aug. 15 in Monterey. Additional meetings may be held in accordance with the commission's regular meeting schedule.

For more information on Fish and Game Commission meeting dates and locations, log on to the commission's web site at <http://www.fgc.ca.gov/>.

For more information on MLPA, visit DFG's Web site at [www.dfg.ca.gov/mrd/mlpa/](http://www.dfg.ca.gov/mrd/mlpa/).

## **Environmentalists Buy Trawling Rights, Ships**

(CalCoast Update, July 10, 2006) SAN FRANCISCO – The Nature Conservancy announced last week that it had bought six federal trawling permits and four trawling vessels from fishermen in Morro Bay, located in San Luis Obispo County about halfway between Los Angeles and San Francisco. <http://www.calcoast.org/news/coast.htm>

## **Repeat of Tragedy Feared in San Joaquin Plan**

(KTLA, 7/9) "[More than two decades after toxic farm drainage emptying into a small wildlife refuge stilled the chatter of migrating waterfowl with death and deformity, the federal government is on the verge of deciding what to do with vast amounts of tainted irrigation water still produced by San Joaquin Valley croplands.](#)"

## **Coastal Marine Area Storm Runoff Hearings Set**

(Monterey Herald, 7/9) "[A proposed policy to prevent pollution of protected coastal marine areas by storm water runoff will be the subject of three hearings scheduled next month by state water officials, including a meeting Aug. 15 in Monterey.](#)"

## **Resources Agency Proposes Changes to CEQA Regulations**

(CBIA Reports, July 2006) The California Resources Agency is proposing to update the CEQA Guidelines to reflect legislative changes made to CEQA over the last several years. Among the more notable issues will be updating the regulations to make them consistent with SB 610 (Costa), the law enacted in 2001 to require water supply assessments. The guidelines will also be updated to conform to SB 1925 (Sher), legislation enacted in 2002 that was purported to provide exemptions for affordable housing in urban infill markets but which has yielded virtually no infill units, as CBIA predicted. In all, 21 sections of the guidelines are proposed for amendment, repeal or addition. CBIA will be submitting comments, which are due by July 31. The proposal may be viewed at <http://ceres.ca.gov/ceqa/>

## **SOUTHERN CALIFORNIA**

### **Los Angeles River Trash TMDL – Board Schedules Hearing for Re-Adoption**

(Water Quality News Flash, July 30, 2006) Earlier this year, the California Court of Appeals declared the trash TMDL for the LA River void and ordered the State and Regional Water Boards to set aside the TMDL and not implement it until it had been brought into compliance with the California Environmental Quality Act (see *NewsFlash 06-06*). The Los Angeles Board held a scoping hearing on June 28, 2006 and posted a combined checklist and technical report on July 7 which serves as a CEQA substitute document. The hearing to adopt the TMDL will be September 14. In addition, the Board has also scheduled a *Colloquium* on August 25 “for all interested parties to come together and commence a collegial discussion on the Trash TMDL...”

This TMDL places substantial requirements on storm water runoff: the numeric goal is zero trash and the implementation plan requires a 10 percent reduction in trash loading per year over a 10-year period. Caltrans developed its own treatment units - called *gross solids removal devices* (GSRD) – which it has begun to install to comply with the TMDL. The construction costs for individual installations average \$211,000 per site. Caltrans has estimated the total construction costs to comply with this TMDL at 2,197 highway outfalls will be approximately \$465,000,000. This is the cost to address Caltrans share (“allocation”) which is approximately 14% of the total trash load to the LA River.

Caltrans submitted comments for the scoping meeting expressing concern that the GSRDs currently being installed may not be compatible with the structural controls required for subsequent TMDLs developed for the river, particularly in physically constrained locations. The recently adopted metals TMDL and upcoming bacteria TMDL, in particular, will potentially result in the need for large structural devices or perhaps collection systems and centralized treatment in order to achieve TMDL allocations. Caltrans noted that the piecemeal issuance of the TMDLs means that permittees are required to implement controls prior to being aware of the total pollutant control requirements to comply with all TMDLs.

More information on the TMDL: [http://www.waterboards.ca.gov/losangeles/html/bpaRes/bpa\\_td/bpa\\_50\\_New\\_td.html](http://www.waterboards.ca.gov/losangeles/html/bpaRes/bpa_td/bpa_50_New_td.html)

Article on GSRDs: <http://www.pubs.asce.org/ceonline/ceonline05/1005feat.html>

### **Divisive San Diego Water Proposal Advances**

(San Diego Union-Tribune, 7/27) "[A proposal to turn wastewater into drinking water drew both support and questions yesterday from members of a San Diego City Council committee.](#)"

### **Proposal Calls for Recycled Water for San Diego**

(NC Times, 7/27) "[Treated sewage would be used to augment reservoirs used to supply drinking water to San Diego's increasingly growing population in a plan presented to a City Council committee today.](#)"

### **San Diego Should Flush “Toilet to Tap” Plan**

(SD Union Tribune, 7/24) **EDITORIAL:** "[Your golden retriever may drink out of the toilet with no ill effects. But that doesn't mean humans should do the same.](#)"

### **Sanders Against Sending Treated Sewage to Tap**

(SD Union Tribune, 7/20) "[San Diego Mayor Jerry Sanders said yesterday he opposes a proposal to turn wastewater into drinking water – after the city's staff has spent more than two years and about \\$1 million researching the option.](#)"

## Water Reuse

(SD Union Tribune, 7/20) "[Turning wastewater into drinking water is one proposal highlighted in a report about water reuse that will be considered Wednesday by the San Diego City Council's Natural Resources Committee.](#)"

## Here's a Primer on Water, Power Supplies

(San Diego Union-Tribune, 7/27) **COLUMN:** "[During this run of Luciferian weather, perhaps it's fitting that public attention, always seasonal, has been riveted on the two sources of survival in a coastal semidesert.](#)"

## U.S. EPA Settles with Los Angeles Plating Firm

(EPA, 7/27) **NEWS RELEASE.** "[The U.S. Environmental Protection Agency is proposing a \\$43,000 settlement with Excello Plating, Inc. and the firm's president, Glen Harleman, for investigation costs surrounding alleged hazardous substance releases from the Los Angeles facility.](#)"

## Hydro Plant to Loom Large in Water Board Election

(NC Times, 7/24) "[In what promises to be an intense run-up to this November's water district elections, the hottest issue likely facing the candidates will be a massive hydroelectric power plant and a high-voltage transmission line proposed for the hills southwest of Lake Elsinoe.](#)"

## LA Clean Water Act Workshops – Public Education the Goal of Baykeeper

(Water Quality Newsflash, July 24, 2006) Baykeeper is putting on a series of eight workshops extending through February that are intended to educate the public on a variety of water quality topics including TMDLs, dry and wet weather runoff, water conservation, and recycling. The first workshop on July 19<sup>th</sup> featured a presentation by the Executive Officer of the Regional Board.

More information: [http://www.smbaykeeper.org/index.php?func=programs&program\\_id=0001](http://www.smbaykeeper.org/index.php?func=programs&program_id=0001)

## EPA Pans Plan for Power Plant

(Riverside Press-Enterprise, 7/26) "[The U.S. Environmental Protection Agency has found major flaws with a plan to build a hydroelectric power plant in the Inland region that would flood one of two canyons in the Cleveland National Forest.](#)"

## Putting Urban Runoff on the Run

(OC Register, 7/19) "[The ocean water quality off Orange County's beaches needs to be improved. There isn't much debate about that. Whether you are a surfer who has experienced sickness after catching rights on a Saturday morning; or a](#)

[businessperson suffering losses after another summer day with the beach closed by high bacteria levels in the ocean; or someone who just believes it's the right thing to do, there is agreement that our economic and environmental health is well-served by dealing with the problem of urban runoff polluting our beaches."](#)

### **Meeting Planned on San Luis Rey Issues**

(NC Times, 7/18) "[A meeting planned for Wednesday will give the public another chance to comment on how the environment could be affected if the San Luis Rey Municipal Water District becomes a full-service retail water and sewer provider.](#)"

### **LA MS4 Permit – Regional Board Delays Decision to Reopen Permit to Implement Dry Weather Bacteria TMDL**

(Water Quality Newsflash, July 17, 2006) As discussed in NewsFlash 06-23, the Los Angeles Regional Board is proposing to reopen the storm water permit regulating LA County and the associated cities. The Board's intent is to include provisions from the Santa Monica Bay Beaches Bacteria Total Maximum Daily Load (TMDL). Federal regulations require that NPDES permits be consistent with the waste load allocations in TMDLs. For the dry weather TMDL, the waste load allocations are expressed as the number of allowable days that the beaches may exceed the bacteria standards specified in the Basin Plan. During *summer* dry weather, the TMDL requires that there be no exceedances at the point where the storm drain effluent initially mixes with the receiving ocean water (this mixing zone is called the "wave wash").

The Board has requested "suggestions on how the summer dry weather waste load allocation of no exceedance days ...should be translated into enforceable permit requirements..." This TMDL, as well as other Southern California TMDLs, are being developed to comply with deadlines set in a federal court consent decree. The new hearing date is September 14. A workshop will be held July 20 at the Board to receive comments and suggestions. Written comments are due July 19. See related public notices: [http://www.waterboards.ca.gov/losangeles/html/meetings/public\\_notices.html](http://www.waterboards.ca.gov/losangeles/html/meetings/public_notices.html)

### **Stricter Santa Monica Bay Standards Postponed**

(LA Times, 7/15) "[State officials will miss a key deadline today to impose tougher enforcement of clean-water standards to protect swimmers and surfers at popular Santa Monica Bay beaches.](#)"

### **Can a Dead River Rise Again?**

(LA Times, 7/13) **OPINION.** "[Few rivers have as glorious a beginning as the San Joaquin. The headwaters are on the flanks of the Ritter Range a few miles from Mammoth Mountain in the Sierra Nevada. Anyone who has taken an upper-mountain chairlift at Mammoth instantly recognizes the jagged Minarets and the hulks of Mt. Ritter and Banner Peak on the skyline.](#)"

## **Algae 'Eradicated' from Carlsbad Lagoon**

(NC Times, 7/13) "[The vivid green, rampantly invasive algae that launched a multimillion-dollar eradication effort in Agua Hedionda Lagoon is officially gone.](#)"

## **Lake Elsinore Water Quality Improving**

(Riverside P/E, 7/9) "[A group of local agencies is banking that water quality and stabilization, elusive throughout the history of the lake, could become a reality as it prepares to implement the last phase of an effort to cure recurring algae blooms and fish kills.](#)"

## **Rainbow District Hopes to Keep Customers**

(NC Times, 7/9) "[As the small San Luis Rey Municipal Water District works to become a full-service water and sewer-service provider, district representatives have offered their services to homeowners in a mid-sized Fallbrook subdivision currently served by the larger Rainbow Municipal Water District.](#)"

## **Carlsbad Beaches Generate \$26 Million in Summer Business**

(CalCoast Update, July 10, 2006) CARLSBAD ---- The typical visitor at Carlsbad's beaches spends \$66 whiling away a day in the sand and surf, according to a new study commissioned by city officials. <http://www.calcoast.org/news/beachrest.htm>

## **Study: Bacteria Beaches Takes Economic Toll**

(Associated Press, 7/18) "[As many as 1.5 million people who flock to Southern California's beaches each year are sickened by bacterial pollution, resulting in millions of dollars in public healthcare costs, a new study has found.](#)"

## **Contamination Alert Posted for Imperial Beach**

(SD Union Tribune, 7/17) "[Rain-driven pollution out of Baja California prompted a contamination alert Monday encompassing miles of ocean shoreline from the international border to the northern limits of Imperial Beach.](#)"

## **ANNOUNCEMENTS**

### **CASQA Conference: September 25-27**

(CASQA, 7/13) "[The CASQA 2006 conference in Sacramento offers a full program of training workshops, presentations and exhibits for holders of municipal, industrial and construction NPDES stormwater permits.](#)"

## San Diego County Water Authority

- Wednesday, August 9
- 5:30 pm Registration, 6:30 pm Dinner & Presentation
- Town & Country, San Diego, CA
- Parking - \$5 per car

**Guest Speaker:** John Economides Director of Engineering

### Learn Valuable Information About:

The Water Authority's Capital Improvement Program (CIP)

- What projects are in it
- When will they be built
- How is the Water Authority structured to implement its CIP
- What opportunities are there to do business with the Water Authority
- What are some recent trends affecting the Water Authority's CIP

Pre-registration is encouraged to guarantee seating.

Flier and event information is available on the Chapter's Event Calendar at <http://chapters.cmaanet.org/chapters/sdc/>.

## Southwest Wetlands Interpretive Association Seeks Volunteer Coordinator

(CalCoast Update, July 10, 2006) The Southwest Wetlands Interpretive Association is hiring a Volunteer Coordinator to work at the Tijuana River National Estuarine Research Reserve in Imperial Beach, California. Resumé due July 18. See <http://tijuanaestuary.com/> for more information or call (619) 575-3615.

## Stars of the Future: Reuse and Desalination

(WateReuse, 7/10) **Sept. 10-13.** ["21st Annual WateReuse Symposium to Focus on Water Reuse and Desalination. The latest information on water reuse and desalination applications, technologies, health and safety, funding, and legislative and regulatory activities will be on display September 10-13, 2006 at the Renaissance Hollywood Hotel during the 21st Annual WateReuse Symposium."](#)

### WaterReuse Symposium Golf Outing

(WBMWD, 7/17) **September 10** "[The WaterReuse Second Annual Golf Outing offers attendees of the 2006 WaterReuse Annual Symposium the opportunity to mingle with water professionals, enjoy fresh air at the historic Brookside Golf Club and support Water for People, a charitable organization.](#)"

### Join Coastkeeper in a Beach Cleanup in Carlsbad

- Saturday, August 12<sup>th</sup>
- Beach Cleanup at Tamarack, 9am – 11am

Join San Diego Coastkeeper for a beach cleanup in Carlsbad. Meet at the end of Tamarack Street.

[Click here for Details](#)

### Coastal Cleanup Day Is Coming

- **When:** Saturday, September 16, 9-11 am

On Saturday, September 16th Coastkeeper will partner with I Love A Clean San Diego and California Coastal Commission to host the 22nd Annual California Coastal Cleanup Day (CCD), presented by the County of San Diego. Last year, 4,685 volunteers participated in the cleanup at nearly 60 coastal and inland sites, removing 209,789 pounds of trash and recyclables from San Diego County and Baja California beaches. Please join us at CCD 2006. If you are interested in becoming a Site Captain for this event or learning more about CCD sponsorship opportunities, please contact Danielle Miller at 619-758-7743 or [danielle@sdcoastkeeper.org](mailto:danielle@sdcoastkeeper.org). To learn more about CCD please visit [www.cleanupday.org](http://www.cleanupday.org).

*Foley & Lardner LLP bulletins are intended to provide information (not advice) about important new legislation or legal developments in the Stormwater area. The great number of legal developments does not permit the issuing of an update for each one, nor does it allow the issuing of a follow-up on all subsequent developments. This newsletter is not legal advice and should not be construed as legal advice. If you need legal advice please contact your attorney.*

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