



WATER RESOURCES CONTROL BOARD

*Executive Director: James L. Easton
Chairperson: W. Don Maughan
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The Water Resources Control Board (WRCB), established in 1967 by the Porter-Cologne Water Quality Control Act, implements and coordinates regulatory action concerning California water quality and water rights. The Board consists of five full-time members appointed for four-year terms. The statutory appointment categories for the five positions ensure that the Board collectively has experience in fields which include water quality and rights, civil and sanitary engineering, agricultural irrigation and law.

Board activity in California operates at regional and state levels. The state is divided into nine regions, each with a regional board composed of nine members appointed for four-year terms. Each regional board adopts Water Quality Control Plans (Basin Plans) for its area and performs any other function concerning the water resources of its respective region. All regional board action is subject to state Board review or approval.

Water quality regulatory activity includes issuance of waste discharge orders, surveillance and monitoring of discharges and enforcement of effluent limitations. The Board and its staff of approximately 450 provide technical assistance ranging from agricultural pollution control and waste water reclamation to discharge impacts on the marine environment. Construction grants from state and federal sources are allocated for projects such as waste water treatment facilities.

The Board administers California's water rights laws through licensing appropriate rights and adjudicating disputed rights. The Board may exercise its investigative and enforcement powers to prevent illegal diversions, wasteful use of water and violations of license terms. Furthermore, the Board is authorized to represent state or local agencies in any matters involving the federal government which are within the scope of its power and duties.

MAJOR PROJECTS:

San Diego Regional Board Complaint Against Whelan Dairy. At the direction of the WRCB, the San Diego Regional Water Quality Board will reconsider its July 1986 order against the Whelan Dairy, which resulted in an

assessment of administrative civil liability totaling \$264,000.

The regional board's 1986 order followed a determination that the dairy was in violation of waste discharge requirements and of a clean-up and abatement order previously issued by the board. The size of the Whelan herd had grown far beyond the size permitted by the waste discharge requirements.

In April 1986, the regional board issued Clean-up and Abatement Order No. 86-42, ordering the dairy's herd size to be reduced or that alternatives be proposed which would result in discharge no greater than would be expected from a smaller herd. The dairy failed to comply with either portion of the order, which resulted in the assessment.

Jeanne McBride, public administrator of the Whelan estate, seeks review of the administrative civil liability order and questions whether it was proper to assess any fine and whether the amount assessed was too high under the circumstances. The status of the underlying clean-up and abatement order is also in doubt. A superior court has vacated Order No. 86-42 and required the regional board to conduct further hearings toward a schedule of compliance with applicable standards.

At WRCB's October meeting, the issue of administrative civil liability was remanded to the regional board for further consideration. The WRCB identified some of the factors the regional board should consider in its review of the matter. The Board stated the regional board had given improper weight to the nature, extent, and gravity of the offense; the ability to pay; voluntary clean-up efforts; and the prior history of violations. The Board felt that a remand may facilitate settlement of the litigation over the clean-up and abatement order, as representatives of both the regional board and the dairy have indicated a desire to settle the matter.

Final Report on PCBs. In 1983, the WRCB allocated funds to the Central Valley Regional Board for a study of polychlorinated biphenyls (PCBs). (See CRLR Vol. 3, No. 1 (Winter 1983) p. 93 for background information.) PCBs have been detected in fish taken from several priority water bodies in the Central Valley Region, with levels of PCBs in fish tissue approaching, and at times exceeding, federal guidelines for protection of aquatic life and human consumption. The study was to identify sources of PCBs entering waterways and to develop programs to abate the problem.

The study area included the watersheds of the American, Bear, Feather, Kings, Merced, Mokelumne, Pit, Sacramento, San Joaquin, Stanislaus, and Tuolumne Rivers.

The study area was divided into urban and non-urban areas. PCB levels in urban areas, mainly the Sacramento area, were found to be significantly higher than in non-urban areas. However, with the exception of only two sites, PCB concentrations found in both types of area were considered relatively low.

The regional board's final report recommends that PCB management plans be developed and implemented to prevent future discharges, using guidelines outlined. The state Board accepted the study at its November meeting, and directed the final report to be forwarded to the Environmental Protection Agency (EPA).

Russian River Project. At its January 7 meeting, WRCB accepted a final report from the North Coast Regional Board regarding a Toxic and Hazardous Substance Control Study started in May 1983. The workplan budget in 1983 was over \$226,000, including a 25% match from the regional board and \$169,000 in federal funds. The project was created to identify and implement measures to reduce or prevent toxic or hazardous waste discharges into the Russian River Basin. The final report identified seven problem areas including above- and below-ground storage tank facilities; cleaning and disposal of hazardous material containers; and hazardous spill contingency planning. In accepting the final report from the regional board, WRCB recommended that the regional board implement its findings through Basin Plan amendments, and modify and execute these amendments through the appropriate local agencies. The state Board also directed staff to transmit the final report to the EPA to complete the workplan project contract.

Discharge Prohibition Extended. Also at its January 7 meeting, the Board adopted an amendment (under section 13245 of the Water Code) to the Santa Ana River Basin Plan, pursuant to a request and recommendation by the Santa Ana Regional Board. The amendment extends the effective date of a discharge prohibition from individual disposal systems from July 1987 to July 1990, to accommodate slower-than-expected progress in developing new sewer system projects in affected areas of Homeland-Green Acres and Romoland. These areas are located southeast of



REGULATORY AGENCY ACTION

Riverside and affect roughly 7,500 residents.

The original waste discharge prohibition against the use of subsurface leaching or percolation systems was adopted in September 1982 (Resolution No. 82-267) (see CRLR Vol. 3, No. 2 (Spring 1983) p. 94). This resolution was further amended to require elimination of these systems entirely by July 1, 1987, unless specifically granted an exemption by the regional board (Exemption Criteria in State Board Resolution No. 83-43). To date, 75 exemptions have been granted and five denied.

The need for alternatives to individual septic tank systems was apparent during the "wet" years of 1980-82. Due to the high level of groundwater and a shallow soil mantle (making for low permeability), the failure of septic systems is common, sometimes causing drainage of effluent over public rights of way into the San Jacinto River and Canyon Lake Reservoir. These septic failures will increase with urbanization and displacement of agriculture in the area, which contributes to depletion of historic high groundwater levels.

A local group called Homeowners Action Association (HAA) opposes the prohibition and the requirement of new sewer systems. Contending the new sewer systems are expensive and forced on local residents, HAA would like the Board to consider possible alternatives. The Board has stated that there are no alternatives for treatment and discharge of residential sewage because individual or community subsurface leaching and percolation systems are ineffective due to small lot size and high groundwater levels.

Acceptance of Report on Coastal Lagoons. On October 22, the Board adopted a resolution to accept a final report concerning coastal lagoons, thereby authorizing final payment to San Diego Association of Governments for work performed under Standard Agreement No. 5-135-250-0.

In March 1986, the WRCB allocated funds to conduct a study into southern California coastal lagoons. These funds were provided to the state Board under a grant from the EPA pursuant to the federal Clean Water Act.

The study indicated that water quality in southern California coastal lagoons has been adversely impacted by watershed modifications, including upstream damming of lagoon tributaries and urbanization. Nutrient-enriched runoff, past sewage discharges, and occasional breakdowns in sewage transport systems

have resulted in high concentrations of nutrients entering the lagoons. Reduction in freshwater influence and absence of tidal flushing have degraded water quality in many southern California coastal lagoons.

The objective of this study was to determine the adequacy of existing water quality standards for coastal lagoons. The study was designed to determine the effects of the primary limiting nutrients, nitrogen and phosphorus, on the algal community.

The study recommends that the regional boards characterize the present and future condition goal for each lagoon; adopt measures to reduce nutrient loading from developed and disturbed portions of tributary watersheds; and require buffer strips of riparian and wetland vegetation around the lagoon to reduce the volume of nutrient-enriched water entering the lagoon.

At its November 1987 meeting, the Board accepted the report and directed the staff to transmit the study to the EPA.

LEGISLATION:

AB 260 (Jones), a two-year bill which would have amended Proposition 65, has been dropped. (See CRLR Vol. 7, No. 2 (Spring 1987) p. 97 for details.)

AB 734 (Johnson, Vasconcellos), concerning transfer of water rights, has died in the Assembly. (For more information, see CRLR Vol. 7, No. 3 (Summer 1987) p. 122.)

AB 682 (Kelley). No further action is planned on this measure, which concerned waste discharge requirements. (See CRLR Vol. 7, No. 2 (Spring 1987) p. 97 for details.)

AB 637 (Hauser), which was signed by the Governor, prohibits a person from selling or using tributyltin (TBT)-based marine anti-fouling paint or coating, and from selling any vessel intended to be immersed in water which has been painted with TBT paint. The bill allows the use of TBT-coated vessels until 1993.

The bill also requires the San Diego Regional Water Quality Control Board to conduct a study to determine the impact on divers and the marine environment of underwater cleaning of vessel hulls and bottoms and to report to the legislature by June 30, 1988.

FUTURE MEETINGS:

Workshop meetings are generally held the first Wednesday and Thursday of the month. For exact times and meeting locations, contact Maureen Marche at (916) 445-5240.



INDEPENDENTS

AUCTIONEER COMMISSION

Executive Officer: Karen Wyant (916) 324-5894

The Auctioneer and Auction Licensing Act was enacted in 1982 (AB 1257, Chapter 1499, Statutes of 1982) and established the California Auctioneer Commission to regulate auctioneers and auction businesses in California.

The Act was designed to protect the public from various forms of deceptive and fraudulent sales practices by establishing minimal requirements for the licensure of auctioneers and auction businesses and prohibiting certain types of conduct.

The Auctioneer and Auction Licensing Act provided for the appointment of a seven-member Board of Governors, composed of four public members and three auctioneers, to enforce the provisions of the act and to administer the activities of the Auctioneer Commission. Members of the Board are appointed by

the Governor for four-year terms. Each member must be at least 21 years old and a California resident for at least five years prior to appointment. In addition, the three industry members must have a minimum of five years' experience in auctioneering and be of recognized standing in the trade.

The Act provides assistance to the Board of Governors in the form of a council of advisers appointed by the Board for one-year terms. In September 1987, the Board disbanded the council of advisers and replaced it with a new Advisory Council (see CRLR Vol. 7, No. 4 (Fall 1987) p. 99 for background information).

MAJOR PROJECTS:

Public Hearing on Commission. On December 7, the Senate Business and Professions Committee held a hearing on SB 84 (Boatwright), a two-year bill which would, in its present form, repeal the Auctioneer and Auction Licensing