

**California Regional Water Quality Control Board  
San Francisco Bay Region  
EXECUTIVE OFFICER'S REPORT**

A Monthly Report to the Board and Public

**January 2005**

*The next regularly scheduled Board meeting is January 19, 2005.*

*See <http://www.waterboards.ca.gov/sanfranciscobay/> for latest details and agenda*

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**Board Meeting Dates for Calendar Year 2005**

We have again reserved the Oakland State Building Auditorium for monthly Board meetings on the third Wednesday of each month for calendar year 2005. The dates for planning purposes are:

January 19	July 20
February 16	August 17
March 16	September 21
April 20	October 19
May 18	November 16
June 15	December 21

As in past years, I expect that several of the meeting dates (e.g., August, November and December, etc.) can again be deleted or combined to fit the Board members' personal schedules and allow for maximum attendance.

**Mercury TMDL Update (Tom Mumley)**

As followup to concerns expressed during the November Board meeting's public forum, we met with representatives of the Region's petroleum refineries on January 7. The meeting resulted in agreement on two items. First, we agreed to issue an information request (13267) letter to the petroleum refineries focusing on air emissions of mercury from the refineries to the atmosphere. This is consistent with the Basin Plan amendment for the mercury TMDL as adopted at last September's Board meeting. Second, the petroleum refineries committed to work with us to provide information on other pathways by which any mercury originating from the refineries could reach the Bay, but this additional work will not be included in the upcoming request letter. This is because the refineries need time to develop a strategy for collecting the information on non-air pathways. We will present the request letter regarding air emissions to the Board at the February meeting for its approval.

**Mercury Watershed Permit (Lila Tang)**

Board staff has drafted a watershed permit for all sewage treatment facilities discharging to San Francisco Bay. The draft provisions in this permit are to implement the Basin Plan amendment for the mercury TMDL the Board adopted last September. This is a "first of its kind" permit in California where an entire group of dischargers will be assigned both joint and individual responsibility for compliance.

The draft permit proposes to hold this group of dischargers to the waste load allocation of 17 kilograms per year (kg/y) of mercury specified in the TMDL, with triggers requiring more aggressive pollution prevention efforts for those dischargers who exceed their individual waste load allocations. Should the group as a whole exceed 17 kg/y, those who caused the exceedance by being above their individual allocations will be held individually in violation of the permit and subject to enforcement action.

We've shared a preliminary draft of the permit with the Bay Area Clean Water Agencies (BACWA), who was generally supportive of the provisions in the draft. We will continue to work with BACWA to develop appropriate language on the draft's risk management component. Once this is completed, we plan to release the draft to a wider audience, likely in the next couple of months. We also plan to draft a similar watershed permit for the industrial dischargers' mercury waste load to the Bay within this same timeframe.

**Wetland Restoration Continues at Former Zeneca Site, Richmond (Curtis Scott)**

The former Zeneca site along the shore of San Pablo Bay in Richmond continues to receive significant attention due to the public's concerns about its potential development and misstatements about the site's potential to affect public health. These factors lead to a separation of regulatory oversight last November with the Department of Toxic Substances Control (DTSC) regulating and monitoring ongoing work, primarily air impacts, on the upland part of the site. Regulatory oversight of the ongoing wetland restoration remains with the Board.

The wetland restoration project, scheduled to begin last September, was delayed until the end of November to resolve community concerns. Work is presently proceeding with a scheduled completion date of February 1 when work must stop to allow for the clapper rail nesting season. A number of events, including the recent heavy rains, have added to project completion delays.

Just recently, DTSC determined that some of the sediments excavated from the wetlands must be disposed at a hazardous waste facility. This determination has subsequently raised public concern

about the remaining unexcavated sediments. In reality, the original project plan anticipated the placement of all excavated sediments in short-term storage on the upland part of the site. Evaluation of the wetland sediments was made on this assumption. With the division of responsibility, DTSC pushed for removal of excavated sediments from the site without such short-term storage. This was initiated after several thousand cubic yards of the most highly contaminated sediments were already placed in upland storage to dry before removal next spring. The sediments analyzed by DTSC were those in the storage area and are not representative of the wetland sediments overall, although the developer has now agreed to immediately dispose off-site all remaining sediments excavated.

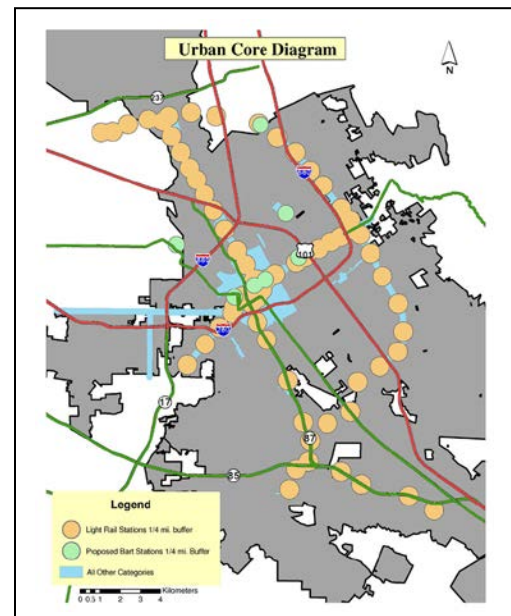
Despite our significant ongoing oversight and control of the project and close coordination with DTSC, the developer, and concerned citizens, we expect continuing public concerns to be voiced in the press and to others from the nearby community. We will continue to provide updates to the Board on the status of the site.

### New and Redevelopment Control Measure Implementation Update (Sue Ma)

At the November Board Meeting, staff presented background information on a proposed amendment to Provision C.3., "New and Redevelopment Performance Standards", of the Santa Clara countywide stormwater permit. One major issue discussed in November was the City of San Jose's Post-Construction Urban Runoff Management Policy. Board staff raised concerns that San Jose's Policy renders very few new and redevelopment projects subject to Provision C.3. requirements. Likewise, the City of Milpitas's Stormwater C.3. Compliance Waiver Program also exempts many new and redevelopment projects from C.3. requirements. Board staff informed you that we are in the process of discussing a permit amendment to clarify the Board's intent that some of the projects exempted outright by San Jose's Policy and Milpitas's Waiver Program, should include stormwater treatment. In December, Board staff met with staff from the Cities of San Jose and Milpitas to discuss our concerns with their Policy and Waiver Program, respectively.

*San Jose:* The December meeting was the fifth time that Board staff has met with San Jose staff regarding their Policy. San Jose's City Council adopted the Policy in October 2003; shortly after that, Board staff expressed concerns to San Jose staff that the Policy did not meet C.3. requirements. Previous meetings on San Jose's Policy between Board and San Jose staff last year took place in May, July, August, and September. At the end of the December meeting, San Jose staff provided us with a revised Policy that they plan to take to their City Council on February 15. The revised Policy adheres more closely to Provision C.3. and meeting the minimum requirements that the Board intended. The revised Policy has narrowed the definitions of Smart Growth and Urban Core, both used as criteria for exempting projects from C.3.

The adjacent diagram/map shows the areas that comprise the Urban Core. Tan circles represent light rail stations with a ¼ mile radius buffer, green circles represent proposed BART stations, also with a ¼ mile radius buffer, and the blue areas represent all other categories. (Note: a color version of the diagram can be found on the Water Board's WWW site in the January 2005 Board meeting agenda as item #5.) The revised Policy now states that Smart Growth Projects only include



Significant Redevelopment Projects within the Urban Core; low- and moderate-income, or senior housing; and brownfields projects. These narrower definitions decrease the number of Group 1 projects that may be exempted from C.3. requirements. Board staff provided San Jose with comments on the revised Policy the first week of January. The comments raise questions regarding some remaining ambiguity in the Policy's language and which projects are exempted outright. Board staff will continue to work with San Jose staff and hope to bring closure to the issue in March for your approval.

In fiscal year 2003-04, San Jose processed/approved 34 Group 1 Projects. Of these, 30 were exempted from the requirement to install numerically-sized stormwater treatment BMPs because their applications were all deemed complete prior to October 15, 2003. Four projects had applications deemed complete after October 15, 2003; however, they were all exempted because they were either not "land uses of concern" or "may meet Alternative criteria" under San Jose's current Policy. One of the four projects will have a detention basin that will be sized; Board staff needs more detail on this project to determine whether it will meet required numeric sizing criteria. The sizes of these 34 projects vary greatly, from 1.2 to 578 acres and the new impervious surface area created ranges from 1.07 acres to 30.8 acres. Finally, on the upside, among the 30 projects exempted outright, 11 projects do include treatment BMPs such as biofiltration swales, detention basins, and sedimentation ponds. These projects seem to confirm that the Board and San Jose's public outreach efforts have resulted in some project applicants "voluntarily" proposing and implementing treatment BMPs.

*Milpitas:* The December meeting was the first meeting with Milpitas staff regarding our concerns with their Waiver Program. Milpitas staff clarified that although their Waiver Program had been approved by the City Manager in February 2004, it had not yet been adopted by the Milpitas City Council. In response to our concerns, Milpitas's staff agreed to provide Board staff with a revised Waiver Program soon after the meeting. They also agreed to delay taking their Waiver Program for adoption by the City Council until they received our comments. Board staff provided Milpitas with formal comments on their revised Waiver Program early this month.

Based on Board staff's review of Milpitas's Annual Report, no Group 1 project has applied for an exemption from C.3. requirements under Milpitas's Waiver Program. At the December meeting, Milpitas staff confirmed that, to date, they have not received any applications nor approved any Group 1 Projects under its Waiver Program. In fiscal year 2003-04, several Group 1 Projects were processed but their applications were all deemed complete prior to October 15, 2003; hence, C.3. requirements did not apply. Milpitas already anticipates that at least three Group 1 Project applications will be processed in fiscal year 2004-05. Therefore, it is imperative that these projects not be waived outright from C.3. requirements under Milpitas's current Waiver Program.

*Other Santa Clara Permittees:* All other permittees plan to require treatment BMPs in accordance with C.3. for Group 1 Projects. Many of the projects are still in the approval stage and only two were deemed complete prior to October 15, 2003 and exempted. The number of Group 1 Projects processed by each permittee in fiscal year 2003-04 ranges from zero (City of Palo Alto) to seven (City of Santa Clara). These permittees do not plan to pursue any sort of C.3. waiver program.

**Potrero Power Plant Permit Reissuance (Alexa La Plante)**

We plan to bring for your consideration in February the permit reissuance for Mirant's Potrero Power Plant. Though we have attempted to proactively resolve all local concerns through a stakeholder process, this item is likely to be still very contentious because there are members of the community who would prefer closure of the Plant.

We previously reported (August 2004 EO Report) that Cal-ISO would be considering releasing Mirant from its contract to operate the Plant. Cal-ISO is the entity charged with the impartial operation of the State's wholesale electricity power grid. In November 2004, Cal-ISO did approve the release from contract, which may occur as soon as January 2007. This release is contingent upon completion of a series of other projects to ensure that San Francisco has sufficient electricity without power from Potrero. These projects include transmission line improvements and new power sources. However, there could be delays in completing all the projects on time. Also, the release of Mirant from its contract does not mean that Potrero will close. Mirant has the option of continuing to operate Potrero independently. Because of these uncertainties, we believe that permit reissuance is appropriate, as it will establish new requirements to replace the very outdated requirements currently in the Plant's permit.

Our stakeholder process for the permit reissuance included holding two evening meetings in the community in July and August. We also shared an earlier draft of the permit with stakeholders months before we released it for official public comment. After its official release, we accommodated two stakeholders' requests and extended the comment period by another 25 days. Through this process, we have made further changes to the draft in consideration of the comments received. In a further attempt to resolve concerns before the hearing, we will hold a third stakeholder meeting in the community, and will meet individually with several of the key stakeholders.

**Our Children's Earth v. State and Regional Water Boards (Ann Powell, Yuri Won)**

On January 3, Our Children's Earth Foundation (OCEF) filed a lawsuit in San Francisco Superior Court against the State Board and our Board for our alleged failure to timely reissue East Bay Municipal Utility District's (EBMUD) permit for its three wet weather treatment facilities (WWTFs) that treat and discharge wastewater from nine East Bay cities during extreme wet weather events. Last May, OCEF had filed an administrative petition to the State Board claiming that the Water Board had, among other allegations, failed to meet a mandatory duty to reissue the permit prior to expiration. Our position has been that no such mandatory duty exists and that the terms and conditions of EBMUD's expired permit are administratively continued until such time a reissued permit is effective. On December 7, 2004, the State Board dismissed OCEF's petition, which perfected OCEF's right to file the current lawsuit.

With respect to the status of EBMUD's permit reissuance, Board staff has and continues to work on reissuing the permit. A draft permit was circulated on August 11, 2004, and the Board held a workshop on the draft permit at last October's Board meeting. Staff are currently working with various parties, such as EBMUD, U.S. EPA and other interested parties, including OCEF, to resolve outstanding issues, particularly the issue of whether secondary treatment standards apply to the WWTFs and the practicality of achieving secondary standards at these WWTFs. To upgrade the WWTFs to secondary treatment would be extremely expensive, if not cost-prohibitive, and only address discharges that are infrequent, low in volume, and of low threat to beneficial uses.

Staff and interested parties are exploring permit requirements that would be both in keeping with secondary technology standards and result in maximum benefit for water quality and the environment. We plan to bring this item for your action in the spring of 2005.

**Proposed Early Transfer at Naval Fueling Depot Point Molate, Richmond**  
**(Adriana Constantinescu)**

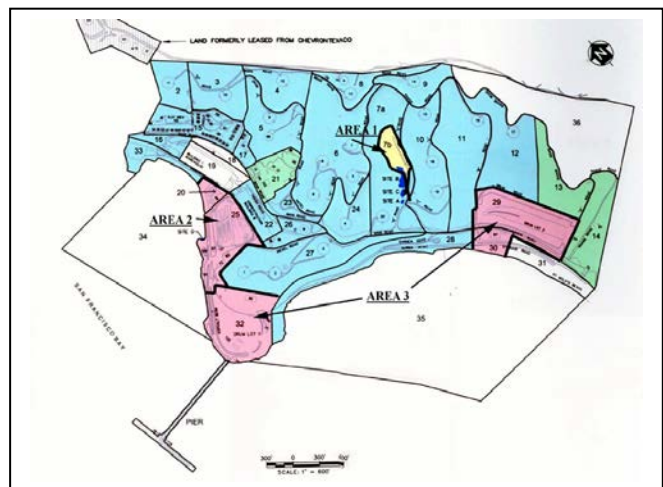
The Water Board is the State's lead agency overseeing the cleanup and transfer of the former Naval Fueling Depot Point Molate in Richmond. This facility is located along the San Pablo Bay shoreline adjacent to the Chevron Texaco Refinery and north of the Richmond-San Rafael Bridge.

By definition, an "early transfer" involves the military transferring property before completion of all investigation and remediation. The transfer is made with certain financial and provisional assurances in place to allow for the ultimate completion of those activities. In many cases, an early transfer utilizes land use covenants and/or deed restrictions to assure that where final cleanup levels are not carried out to unrestricted use, any residual pollutants left in place are managed so as to be protective of human health and the environment, consistent with the proposed land use.

A large 218-acre portion, or about 85 percent, of the facility was transferred to the City of Richmond in September 2003 as shown in the accompanying figure. This transfer included 29 of 35 parcels of which two of the parcels are submerged in the Bay and are not polluted. Most of the land transferred at that time is located upland and is not immediately adjacent to the Bay. Of the 29 parcels transferred, seven have deed restrictions in place, and five preclude residential reuse.

Recently, during a November 2004 meeting of the Richmond City Council, the City requested the Navy enter into talks for early transfer with the City's selected developer of the site, Upstream Investments, LLC. The request was for the remaining 15 percent of the facility not yet transferred, most of which lies immediately adjacent to San Pablo Bay. Since that request, the Navy has made it clear that the City must be the lead entity for negotiation discussions on the early transfer. Upstream has made known its intention to develop Point Molate as an Indian casino recreational property. This proposal would involve moving ownership of the land to an Indian tribal group.

The adjacent figure of Pt Molate identifies the main areas for the proposed early transfer, with the rest of the facility already transferred in 2003. *(Note: a color version of the diagram can be found on the Water Board's WWW site in the January 2005 Board meeting agenda at item #5.)* Area 1 (yellow) is a former on-site waste disposal area/landfill where waste oil and leachate discharge to down slope wetlands and emissions of methane gas remain a concern. Area 2 (pink) is a treatment pond area of about 30 acres in size. Corrective actions remain to be implemented for free petroleum product and volatile organic chemicals in groundwater along with heavy metals in soils. Area 3 (also pink), about ten acres in size and historically a drum storage area and railroad spur, contains an existing TCE plume.



The cleanup proposals we have received from the Navy to date are not satisfactory. They are piecemeal and primarily focus only on long-term residual pollutant management as opposed to full remediation.

The early transfer of the remaining 15 percent is of concern because of the potential future loss of regulatory authority and possible unrestricted land use. If the lands of Point Molate are transferred to the Indian Nation with a condition that requires ongoing and long-term management to assure protection of water quality and beneficial uses, the State may no longer have sovereignty to readily enforce its environmental laws should that long-term management not be implemented, is terminated, or proves inadequate. Arrangements through other assurance mechanisms could be difficult at best.

In general, the Board normally desires full site cleanup where practical as opposed to monitoring and/or managing residual pollutants where the potential for ongoing or future releases to the Bay or public health and environmental impacts are likely. A physical removal effort is appropriate before an evaluation of long-term management in place should be considered. With the addition of uncertainty or complexity involved with remediation after transfer, Board staff may not be able to recommend or concur with an early transfer without resolution of our cleanup concerns.

**Vessel Waste Disposal Facilities (Karen McDowell, Dale Hopkins)**

The State Board contracted with the Department of Boating and Waterways (DBW) to conduct pilot studies to assess the need for vessel waste disposal facilities at marinas and harbors in our Region and the Los Angeles Region. Three studies were conducted under this contract: 1) Tomales Bay (by DBW), 2) San Francisco Bay Region, excluding Tomales Bay (by the San Francisco Estuary Project), and 3) the Los Angeles Region (by the Santa Monica Bay Restoration Foundation). Studies included surveys of the numbers of boats and disposal facilities, as well as recommendations for installing additional pumpout and dump stations.

The reports for Tomales and San Francisco Bays were submitted to the State Board in 2004. The Tomales Bay study confirmed that there are currently no vessel pumpout stations or dump stations located in the Bay, although there are boats berthed in the Bay that require these facilities. Board staff is currently developing a TMDL for pathogens in Tomales Bay and is moving forward with soliciting public comments on the recommendations for vessel waste disposal facilities at marinas and harbors in Tomales Bay as part of the overall TMDL implementation strategy. Board staff, in cooperation with the Gulf of the Farallones National Marine Sanctuary, Point Reyes National Seashore, California State Parks, and local environmental groups, will hold a public workshop at Point Reyes Station on January 24 to discuss vessel waste disposal facility needs and vessel mooring regulations.

The report for San Francisco Bay noted that there are numerous pumpout facilities available, but more would be useful. Los Angeles Water Board staff is moving forward with a formal public comment period on their Region's study, with plans to present recommendations to their Board on January 27. We do not anticipate the need for immediate Board action on either the Tomales Bay or San Francisco studies at this time, pending further public workshops and discussion. Staff continues to work with the State Board and other water boards through an interagency Marina Workgroup that will be exploring statewide options for addressing vessel waste disposal needs.

**New Pollution Prevention Guidance and Tools (Linda Rao)**

To promote excellence in pollution prevention (P2) programs Region-wide, we have developed new guidance and tools for P2 programs in coordination with the Bay Area Clean Water Agencies (BACWA). This collaboration began with the Water Board's 2003 resolution supporting long-term coordination on P2 with BACWA, and adopting eleven guiding principles for future efforts. A P2 Steering Committee comprised of staff from the Board, BACWA, and the Bay Area Pollution Prevention Group (BAPPG) spearheads this collaborative effort.

The first products from the P2 Steering Committee are: 1) a "Pollution Prevention Guidance and Tools" document; and 2) pollutant-specific P2 "menus." These products will be presented at BACWA's annual meeting February 24.

The "Pollution Prevention Guidance and Tools" document describes a successful P2 program and steps recommended to achieve success. It also provides guidance in establishing priorities and setting goals, strategies to achieve them, and general guidance to evaluate overall program effectiveness.

P2 menus were developed for mercury, copper, pesticides, and fats/oils and grease. P2 tasks listed in each menu came from a survey of current practices used at Bay Area wastewater treatment plants. For each pollutant type, a pollution prevention strategy and tasks are listed by source (residential or commercial). Tasks can be chosen based on partnering opportunities, costs, and benefits to the environment. To illustrate menu use for a specific pollutant, say that a P2 manager of a medium-sized wastewater treatment plant needs to reduce the amount of copper entering her plant. In her service area, the manager has identified a large number of commercial printing businesses as the plant's primary copper source. The copper P2 menu lists possible strategies (e.g., encourage alternate inks, develop a zero discharge policy, etc.) and tasks that can be chosen for each. For example, if the manager chooses to encourage the use of alternate inks, she may implement this strategy several ways, such as educational outreach to businesses, incentive programs for product substitution, or local permit requirements, all depending on the resources and goals of her program.

The new guidance and menus are intended to build on existing P2 programs at the discretion of P2 managers. In the next phase, the P2 Steering Committee will develop menus for more difficult pollutants, such as dioxin.

To further encourage improvements in P2 programs, and recognize excellence in current programs, Board staff will bring to the Board candidates for Water Quality Excellence Awards. We plan to nominate the first program soon.

**Marin Water Quality Certification Project Coordination (Marla Lafer)**

Early intervention and coordination among regulatory agencies and the applicants for projects requiring water quality certification facilitate better projects and ultimately save both agencies and applicants time and frustration. Liz Lewis of the Marin Stormwater Pollution Prevention Program (MCSTOPPP) and Marla Lafer of the Water Board have teamed up to facilitate an ongoing forum, Marin Water Quality Certification Project Coordination (MPC), for regulatory staffs from the Army Corps of Engineers, National Oceanic and Atmospheric Administration (NOAA) Fisheries, Department of Fish and Game, and the Board to meet with prospective permit applicants for fill or dredging projects, consultants, and local officials to provide early comment and recommendations on projects that may result in adverse water quality impacts to Marin creeks. The meeting format is



fashioned after the Corps' pre-construction conference meetings that are typically convened for large dredge and fill projects throughout the Region. The MPC meetings however, focus on small fill projects, such as the numerous bank stabilization projects that pose significant adverse impacts to Marin creek habitats. MPC meetings are held in Marin monthly each second Friday.

### **Online Basin Plan (Jeff Kapellas)**

At its November meeting, the Board approved the prioritized Basin Plan Triennial Review Task List. One of the priority tasks on the List is the development of a hyperlinked, web-accessible Basin Plan that incorporates all the fully approved Basin Plan amendments adopted since the Basin Plan was last published in 1995. This month we will place a web-based Basin Plan on the Basin Plan webpage, which will improve public access to the Board's main regulatory and informational document. The draft web Basin Plan can be viewed at:

<http://www.waterboards.ca.gov/sanfranciscobay/Basin%20Plan/bp2004/index.htm>

The release of the Online Basin Plan is an important step both in increasing staff efficiency and in fulfilling its mission of serving the public. The Basin Plan not only provides an overview of the Board's programs, but also details the water quality goals and objectives for the Region's waters.

The Online Basin Plan also includes the following features:

- links to relevant laws (e.g., federal Clean Water Act, California Water Code, etc.), regulation sections and policies (such as the State Antidegradation Policy and other policies listed in Chapter 5 of the Basin Plan);
- is viewable in any web browser without need of Adobe Acrobat or other plug-ins;
- links between chapters and between the table of contents for easy navigation; and
- incorporates all fully approved Basin Plan amendments since 1995.

To make the Basin Plan more user-friendly, we are working on introducing hierarchical chapter/section numbering to aid reference and citation. The Online Basin Plan was developed by the Basin Plan Editorial Team: Steve Moore, Sarah Raker and Jeff Kapellas.

### **Staff Hiring and Promotions**

We've been blocked to do any hiring or promotions since Fall 2001. The Governor lifted the statewide hiring freeze at the end of June 2004, allowing hiring where agency funding is shown to be sustainable. However, even though the majority of our funding is from fees, cost recovery, U.S. EPA or other special funds, it has taken until now to convince the State Water Board that our funding is sustainable for the balance of this fiscal year and in future fiscal years.

As such, we have finally been able to initiate interviewing for three line staff positions, one each in our Toxics, Groundwater, and NPDES Divisions. We are also pleased that we have received approval to promote Dyan Whyte to Senior Engineering Geologist in our Planning & TMDL Division. Congratulations to Dyan!

**Jean Auer**

Jean Auer, a former member of the Central Coast and the State Water Boards, passed away the weekend of January 9. Jean was one of the most active and knowledgeable people on California water issues, a winner of the National Conservation Service Award, and was long involved in the San Francisco Estuary Project, housed in our offices, and other water management boards and commissions. She was an elegant lady of great energy, intelligence, and wit. She will be very much missed.

***PRESENTATIONS & OUTREACH***

**Erosion Control Workshops (Carol Thornton)**

The 2004 (6<sup>th</sup> annual) series of Erosion Control Workshops, sponsored by the Board and the San Francisco Estuary Project, were held throughout the Region from September to December 2004. These workshops are presented for members of the construction industry as well as local agency inspectors and planners. The workshops cover federal and state stormwater regulations, the water quality certification process, erosion and sediment control best management practices at active construction sites, and the most current post-construction control measures. Board staff, under the direction of Elizabeth Morrison and Keith Lichten, gave presentations on the Board's requirements and expectations for the development community and local agencies. I would like to thank the following Board staff for their enthusiastic participation: Marla Lafer, Tina Low, Christine Boschen, Jan O'Hara, Carmen Fewless, Elizabeth Morrison, and Keith Lichten.

Hossain Kazemi, former Water Board staff, conducted the workshops under contract and with administrative assistance from the San Francisco Estuary Project. Over 600 people attended 8 workshops, 7 of which were open to all and one which was held specifically for Contra Costa County staff.

**Chinese Visitors**

On December 16 we received a six-person delegation from the Chinese national environmental protection agency. Our guests were interested in California's system for regulating water pollution, for both surface and groundwater. One thing they found odd was the notion of having one government agency like ours to regulate other government agencies like cities, especially in a structure that has room for public controversy. The session was mutually enlightening. Thanks to Shin-Roei Lee and Roger Brewer, both of who speak Chinese, for leading the briefings.

**Mercury TMDL (Richard Looker)**

On December 2, Richard Looker gave a presentation titled "San Francisco Bay Mercury TMDL – I Love Stakeholders" at the 3<sup>rd</sup> Annual Environmental and Regulatory Issues Conference and Exposition. The Industrial Environmental Association and the California Manufacturers & Technology Association organized the conference. Richard's presentation covered how regulators and stakeholders can better work together during the TMDL process. The themes discussed included better mutual communication, early stakeholder participation in the TMDL process, and proactive early problem solving. Conference attendees included industry representatives, storm water program managers, city planning managers, and local agencies.

**Statewide Screening Levels for Site Cleanup (Stephen Hill)**

On January 4, Stephen Hill helped brief Cal/EPA agency heads on the nearly-completed California Human Health Screening Levels (CHHSLs). Attendees included new Cal/EPA Secretary Alan Lloyd, DTSC Director B.B. Blevins, OEHHA Director Joan Denton, and State Board

representatives. The screening levels are mandated by recent brownfields legislation (SB 32, Escutia). The CHHSLs were prepared by the Office of Environmental Health Hazard Assessment and were based on existing screening levels, including this Board's Environmental Screening Levels (developed by Roger Brewer of our staff). Stephen's briefing focused on the CHHSLs guidance document, prepared by Roger Brewer, to aid consultants and other users of the screening levels. Stephen noted that the CHHSLs will be most useful for relatively immobile contaminants (e.g., benzo(a)pyrene) where cleanup standards are "driven" by human health concerns. Conversely, the CHHSLs will be less useful for mobile contaminants (e.g., benzene) where cleanup standards are "driven" by other concerns such as leaching to groundwater. He noted that Water Board staff are working on broadening the scope of the statewide screening levels to address groundwater concerns.

**Underground Storage Tank Program (Chuck Headlee)**

On January 18, Chuck Headlee will give a presentation to the Pacific Industrial and Business Association entitled *Status of the Underground Storage Tank Program*. The talk is focused on the many recent developments in California's underground storage tank (UST) program. Chuck will give an overview on new regulations in leak prevention, innovative ideas for investigation and cleanup of leaking UST sites, and new requirements for tank owners and operators. Topics include the new requirement for designated UST operators, electronic submittal of data and reports, and tank tightness testing.

**Emerging Contaminants (Keith Roberson)**

On January 18, Keith Roberson will give a presentation at the Industrial Associates Forum on the regulation of emerging contaminants. Keith will discuss how the Water Board is regulating emerging contaminants, with particular emphasis on how we have addressed perchlorate. The United Technologies Corporation solid rocket motor plant in San Jose will be used as a case study.

**Regulatory Update for Groundwater Resources Association (Sarah Raker)**

On January 19, Board staff will deliver an update on regulatory issues affecting groundwater in our Region to the San Francisco Bay Chapter of the Groundwater Resources Association. Sarah Raker will present an overview of upcoming Basin Plan amendments for groundwater to improve the current 1995 plan. These include updating program descriptions, regulatory requirements, and revising out-of-date text; modifying the groundwater basin boundaries to be consistent with the Department of Water Resources and updating basin beneficial use designations; and proposing new policies that address groundwater - surface water interactions, institutional controls, risk management plans, and public participation. Chuck Headlee will present an update on the interagency brownfields program, and recent trends in the underground storage tank and the Spills, Leaks, Investigation, and Cleanup (SLIC) programs. Stephen Hill will present an overview of emerging issues in groundwater cleanup in the Bay Area. These include the Governor's California Performance Review and its possible impacts on the water boards, the use of environmental screening levels, vapor intrusion from groundwater plumes, and public participation in the cleanup process.