

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

A Monthly Report to the Board and Public

**January 2007**

*The next regular scheduled Board meeting is January 23, 2007.*

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

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**State Board Dismissal of Petitions Challenging Water Board Actions**  
(Max Shahbazian and Wil Bruhns)

In 2006, there were a number of petitions filed to the State Board challenging the Water Board's action and inaction. Late in December, the State Board dismissed a handful of these petitions, including the following:

TWC Storage

On December 14, the State Board dismissed a petition filed by TWC Storage, thereby upholding this Water Board's enforcement action against TWC. The Water Board in May 2006 imposed administrative civil liability (ACL) of \$25,000 against TWC. The ACL was the result of a July 2005 release of the solvent PCE from an abandoned transformer on a former federal Superfund site in Sunnyvale that was being redeveloped by TWC. The solvent release caused substantial impacts to groundwater and created a vapor intrusion concern at a nearby daycare center. TWC argued against imposition of the ACL, alleging, among many other things, that it did not cause or permit the release, it took reasonable

precautions during demolition activities, that the prior owner failed to disclose the transformer and its contents, and that the Water Board prosecutorial staff were improperly applying the Water Code. Following Water Board imposition of the ACL, TWC petitioned this action to the State Board and raised these and other objections. In response, Water Board prosecutorial staff spent considerable time, including legal staff time, defending the imposition of the ACL. After careful consideration, the State Board dismissed the petition and found that the petition failed to raise substantial issues that were appropriate for State Board review. TWC has 30 days from the dismissal to file a writ lawsuit in superior court if it wishes to challenge the Water Board's action.

Edward Schulz

Also on December 14, the State Board dismissed a petition from Mr. Edward Schulz of Napa County. Mr. Schulz had petitioned the inaction by Water Board staff in response to complaints he had made regarding stormwater issues in Napa County. He alleged that there was inadequate stormwater regulation by Napa County and that Water Board oversight of the County Program was inadequate. In our response to the petition, Water Board staff pointed out that we had considered Mr. Schulz's complaints and conducted an inspection at his site. Based on this, we determined the complaints were a low priority. While we did not enforce the particular issues raised by Mr. Schulz, we did significant other stormwater regulatory activities throughout Napa County, including inspections, staff enforcement actions, and oversight of the County Program. After careful consideration, the State Board dismissed the petition and found that the petition failed to raise substantial issues that were appropriate for State Board review.

**Green Gardens Protect Endangered Fish (Dale Hopkins, Susan Gladstone)**

With a lot of hard work, local support, and creative thinking, a small grassroots community group in Marin County has completed a model stormwater capture project that protects Coho salmon streams, reduces bank erosion, saves water, and educates the local school children about how to protect the earth we all share. The project was completed by SPAWN, the Salmon Protection and Watershed Network ([www.SpawnUSA.org](http://www.SpawnUSA.org)), a community-based environmental non-profit in San Geronimo Valley. SPAWN's mission is to protect and restore creek and riparian habitat within the Lagunitas Creek Watershed and to protect and restore endangered coho salmon and steelhead. In 2003 SPAWN was awarded a \$130,000 grant to do citizen water-quality monitoring, nonpoint source pollution awareness outreach, and to implement an on-the-ground project to address nonpoint source pollution. One of the achievements was the rainwater catchment project completed by SPAWN in the summer of 2006.

The model project, a rainwater-harvesting system, captures rainfall from the roof of a playground lunch-shelter at the local Lagunitas Elementary School, collecting rainwater during the stormy winter months and diverting it into a cistern that will be used to irrigate the School's Organic Garden Project during the dry, summer period. Left un-captured, the runoff would have drained onto a concrete pad and into a storm-drain that empties out onto an already eroded bank on Larsen Creek, a salmon-bearing creek that flows into San Geronimo Creek, one of the major tributaries to Lagunitas Creek. Excess captured

stormwater will be diverted into a vegetated swale where it will be allowed to percolate into the groundwater.

Between October and December, San Geronimo Valley received twelve inches of rainfall (half of last year's rainfall to date), which has resulted in capturing 11,922 gallons of stormwater runoff from the 1,600 square foot lunch-shelter roof. Roughly, for every one inch of rainfall, the cistern captures 1,000 gallons of roof runoff!

The water quality benefit of the model project is a reduction of excess soil eroding from stream banks, which in turn will help to protect salmon and other aquatic life. Lagunitas Creek is listed as impaired for sediment, pathogens, and nitrates. Over the next 10 years, it is estimated that 350,000 gallons of stormwater runoff will be retained on site and diverted from the Larsen Creek stormdrain. SPAWN's goal is to leverage this project to encourage a heightened awareness of stormwater issues related to impervious surfaces on the School District property, and to implement further projects at both the school and other facilities. Since the project was completed in August 2006, it has already received extensive local press coverage and has garnered widespread community interest. SPAWN has taken at least 100 creekwalkers to tour the project to educate them about stormwater runoff, impacts of urban runoff on creeks, and designs for mitigating for impervious surfaces. The project is highly visible and will be used over future years as part of science school curricula (calculating rainfall runoff from roofs and parking lots, and associated physical principles) and a watershed tour to demonstrate methods in creek care, sustainable water-use and stormwater runoff mitigation.

#### **Petroleum Refineries' Investigation of Mercury (Thomas Mumley)**

We await a detailed status report expected in February from the five Bay Area petroleum refineries describing all work conducted to date and a proposed revised schedule on their investigations of mercury in the crude oil they process. Investigations include mercury emitted directly to the atmosphere from the refineries and consideration of other pathways for mercury to reach the Bay from other (non-air) pathways. As we indicated in our previous status report in November 2006, after reviewing the February report, we will issue a revised requirement letter to the petroleum refineries in order to: update the due dates for reports; require submission of information about mercury from pathways other than air emissions (i.e., solid wastes); and ensure the thoroughness of the air emission sampling relative to crude oil sources and refining processes to adequately assess potential mercury loads from this pathway. We continue to explore options for improving the estimate of the amount of mercury entering the refineries in crude oil. We will report to the Board again after we review the status report and prepare the revised letter.

#### **Development of List of Impaired Waters Underway (Naomi Feger)**

The biennial process to update the list of impaired waters has begun with the release of a data solicitation letter. Section 303(d) of the federal Clean Water Act requires each state to prepare a list every two years of waters that do not meet water quality standards (commonly called the 303(d) List of Impaired Waters). In addition, Section 305(b) of the Clean Water Act requires each state to assess the condition of all waters, including those that are

meeting standards. The next 303(d) list and 305(b) report are due April 2008. In California, the State Board is responsible for completing the updated list and report. The State Board intends to combine the two into an integrated report. The data solicitation letter, which can be found at <http://www.waterboards.ca.gov/sanfranciscobay/TMDL/303dlist.htm>, contains more information on the integrated report and instructions on submittal of data required by February 28, 2007.

Water Board staff will consider all data submittals and other existing readily available data, such as the San Francisco Estuary Regional Monitoring Program and our Surface Water Ambient Monitoring Program data sets, to prepare the 305(b) assessment and recommended updates to the 303(d) list for Region 2. We expect to release our assessment results and recommendations this summer and present them to the Board for approval this fall. Subsequent to action by all regional boards, the State Board will compile the regional lists into a statewide list and consider it for adoption and submittal to U.S. EPA by April 2008.

### **Non-Regulatory Basin Plan Amendment Approved (Jeff Kapellas)**

On December 22, 2006, the State Office of Administrative Law (OAL) notified the State Board of its approval of the Board's Non-Regulatory Basin Plan Amendment. The amendment, which was approved by the Board in November 2005 and by the State Board in April 2006, represents the broadest revision since 1995 of the Board's primary regulatory and planning document. This revision updates the narrative descriptions of the Board's programs and policies. It also incorporates a hierarchical numbering scheme that facilitates reference and citation of the Plan's chapters, and new maps illustrating the region's watersheds, waterbodies, and regulated facilities.

The approval of the non-regulatory revisions fulfills several priorities identified in the 2004 Basin Plan Triennial Review. Other priority tasks from the review have either been completed or are under development. We are beginning work on the 2007 Triennial Review which will lay out the roadmap for future Basin Plan revisions, and plan on bringing it to the Board by the end of this calendar year.

The up-to-date Basin Plan, with all fully enacted amendments, can be found on-line at <http://www.waterboards.ca.gov/sanfranciscobay/basinplan.htm>.

### **Municipal Regional Stormwater Permit (Sue Ma, Dale Bowyer, Shin-Roei Lee)**

#### Status Update

In October, staff distributed an administrative draft of provisions of the proposed Municipal Regional Stormwater Permit (MRP). Two large workshops were held with all interested stakeholders on November 15 and 20, in addition to receipt of many comments in two batches in November and December. In addition, the Bay Area Stormwater Management Agencies Association (BASMAA) revealed that it had been working with 76 Permittees on its own version of a draft of the MRP, which we are also studying in our production of a second administrative draft, planned for distribution this month.

### Trash Management Workshop

In early December, in response to requests at the November 20 workshop, we held a focused discussion meeting with all interested parties on the trash management provision of the MRP. The meeting began with questions from BASMAA as to whether trash reduction in creeks and the Bay was to be a priority for the MRP reissuance. After assuring all present that all components of the MRP draft are there to address significant water quality issues, we spent the balance of the workshop discussing the details of assessment approaches for trash and litter impacts to creeks, including the extensive experience of the Santa Clara Urban Runoff Program in performing trash-in-creeks assessments. We also discussed the use of assessment data to set action or trigger levels and to focus management actions, such as structural retrofit of trash removal equipment, and increased trash reduction management measures.

### Meetings with Local Agencies, Water Utilities, and Save the Bay

Upon requests, staff met with staff from the cities of Oakland and San Jose on December 4 (mainly on transit definition) and with staff from the Town of Los Gatos and cities of Campbell, Monte Sereno, and Saratoga on December 19 (mainly on new and redevelopment provisions). Staff also met with major water utilities in the region on December 12 (mainly on reporting and monitoring thresholds for potable water discharges to the storm drains and the creek). In addition, staff met with Save the Bay on January 8 with regard to trash. The purpose of these meetings was to discuss specific concerns by the cities, water utilities and Save the Bay with regard to specific draft provisions proposed for the MRP. Staff tried to clarify our expectations, and listened to specific concerns from the stakeholders on specific provisions that would impact them. These small group discussions were productive in fostering understanding between Board staff and diversified stakeholders and will assist in producing subsequent drafts of the MRP.

### **Recent Industrial Stormwater Permit Court Decision (Yuri Won)**

On November 29, 2006, the California Court of Appeal issued a decision in *Divers' Environmental Conservation Organization v. State Water Resources Control Board, et al.*, (2006) 145 Cal.App.4<sup>th</sup> 246, upholding the San Diego Regional Water Board's industrial stormwater permit issued to the U.S. Navy. The lawsuit's primary point of contention was whether federal regulations under the Clean Water Act (CWA) mandate a numeric analysis of individual pollutants in stormwater discharges and numeric water quality based effluent limitations (WQBELs) for pollutants which would cause exceedances of water quality standards. The Court held that the San Diego Regional Water Board could conclude that the Navy's stormwater discharges had a reasonable potential to cause or contribute to water quality standard exceedances without having to do a numeric analysis of all the potential pollutants in the Navy's stormwater discharge. More importantly, the Court did not narrowly interpret the CWA to authorize the use of best management practices (BMPs) only in the municipal stormwater context. The Court held that the CWA affords permitting authorities wide discretion in regulating stormwater, including the use of non-numeric BMPs where the permitting authority believed they were appropriate. In reaching its

decision, the Court held that BMPs are a form of WQBELs and followed prior precedent that WQBELs do not always have to be numeric.

Finally, the Court held that the San Diego Regional Water Board could implement the water quality standards in the California Toxics Rule (CTR) through the use of BMPs and benchmarks for certain chemicals set at levels higher than the applicable water quality standard to ensure that the Navy will monitor the toxicity of its discharges and take appropriate action when the benchmarks are exceeded. The Court found that the use of benchmarks in such a manner was not tantamount to authorizing discharges that violated the CTR.

The published opinion is final. The petitioners have decided not to seek California Supreme Court review.

**Britannia Oyster Point II Project, South San Francisco** (Randy Lee)

In last month's report, I explained how Board staff has responded to dust complaints received from houseboat owners near a construction site located at 333 Oyster Point Boulevard in South San Francisco, known as the Britannia Oyster Point II Project. Since then, we have continued to monitor construction activities to make sure that site contaminants are properly handled. The houseboat owners continue to be concerned about potential health threats, but we and the other involved agencies find the developer is fully compliant with our respective requirements.

The site has been undergoing extensive grading to remove large pieces of metal slag found in the fill material, in order to provide foundation support for future commercial buildings. Slag in one area was also found to contain low levels of naturally occurring radioactive material (NORM), consisting of uranium and its decay products. The NORM-impacted area exists both within and outside the planned grading area. Excavation in this localized area was discontinued in November upon Board staff's request to further evaluate the impact of the NORM on on-site workers, future occupants, and the general public.

In early December, the developer submitted a report providing a technical basis for completing the removal of NORM-containing slag from the planned grading area. Based on a demonstration that excavation and handling of such material presents no significant health risk to on-site workers or the public, Board staff approved the proposed removal action and notified area residents of the proposed removal action (fact sheet #2). Removal of the NORM-containing slag was completed in late December during a two-week period. Currently, the developer is preparing a risk management plan to assure that the remaining NORM-containing slag at the site (i.e., outside the planned grading area) will be managed properly without unacceptable risk to future site occupants and the public.

Additionally, as if this site didn't already present enough unusual features, the developer's contractor unearthed military ordnance during excavation in early December. This find triggered an emergency response by local and military authorities. The site was evacuated and Oyster Point Boulevard was closed to traffic to ensure the safety of on site

workers and area residents. U.S. military personnel investigated, took possession of the ordnance device, and allowed site activities to continue. The ordnance, a torpedo shell, was later determined to be a practice round with no explosive hazards.

We will continue to oversee the developer's compliance with dust monitoring and NORM management procedures, and will update you on any significant findings.

**Concord Naval Weapons Station Transfer Update** (Alan D. Friedman)

Base Realignment and Closure (BRAC) is the process typically used by the Department of Defense to close military bases. In late 2005, it was announced that the 5,170 acre inland portion of the Concord Naval Weapons Station was to be closed.

The inland portion lies entirely within the limits of the City of Concord, and represents about one quarter of the City's current area. The City has already started the process of determining the future reuse of the property, conducting numerous public hearings and establishing a citizen's advisory group to review the property reuse.

The Navy is responsible for completing or funding the completion of the environmental cleanup of the property, which is designated as a National Priority List "superfund site." The first step in the transfer process is to determine if any other DOD or Federal agencies have interests in the land. Next, the military determines that the rest of the land is surplus. This decision was to have been completed this November, but has been delayed several times.

While there are many ways to transfer the surplus land, the preferred method by the Navy would be to transfer property to the City of Concord prior to completion of cleanup. This "early transfer" process would greatly speed up the property transfer to the City. The City would then complete the cleanup itself or retain a private developer to oversee and implement the cleanup. The sales price to the City would be adjusted for the anticipated cleanup costs.

Recently, the Navy announced that it was considering using a different process. This newly considered process occurs under an exchange authority, which allows the transfer of property to a private party in exchange for environmental and construction services. Specifically, the Navy proposed to exchange the base to the Shaw Group, Inc., in exchange for approximately \$1 billion worth of these services.

This exchange authority process came from an unsolicited bid from the Shaw Group and was not anticipated by Concord. The City is concerned that such an exchange would allow the transfer without the preparation of a Local Reuse Plan, and that the exchange would also take place prior to the completion of environmental impact studies required by both Federal and State law.

The Navy has not made a final decision on whether to consider the exchange authority or follow the more typical BRAC process. The Navy has openly engaged in discussions with local officials and Congressional representatives. Despite the City's concerns, it is not

clear what impact the exchange, if it occurred, would have on the environmental cleanup of the base. State and federal oversight and cleanup requirements would remain in place, regardless of the decision made, and the Shaw Group does maintain a local office that has worked with Water Board employees for several other BRAC sites in our region.

**Water Board Meets Second NPDES Permit Milestone (Lila Tang)**

The NPDES Wastewater Division met its second of four milestones established with the U.S. EPA to achieve the national goal of zero permit backlogs. At the January 2006 Board hearing, U.S. EPA strongly urged the Board to commit to achieving this goal. The Board directed staff to develop a plan and schedule. In March 2006, we developed a very aggressive schedule that involves permit actions measured in four semi-annual increments. These are:

March – June 2006	12 permit actions
July - December 2006	15 permit actions
January - June 2007	13 permit actions
July - December 2007	13 permit actions

Nancy Woo, with the U.S. EPA, congratulated the Board and its staff in December 2006 for meeting its commitments and attaining the national goal.

There is still much work ahead to maintain this because permits continue to expire. Though the total number of actions for 2007 is slightly lower, the schedule is actually more aggressive for several reasons. There will be fewer permit rescissions than in 2006. Rescissions take far less staff time to complete. Also, there appear to be new issues from U.S. EPA and others on recent permit reissuances, which will take staff time to resolve. An additional challenge stemming from these new issues will be an increase in the number of permits appealed to the State Board (see December 2006 EO Report, Potrero Power Plant Permit Challenged). Such appeals can take a significant amount of staff response time, which in turn causes delays in future draft permit preparation.

In an attempt to minimize delays, we have met regularly with U.S. EPA and discharger groups, together and separately, to identify issues and work towards resolving them in a proactive way months in advance of Board hearings. We hope to include interested environmental groups in future meetings as their time allows. Thus far, these meetings have been very productive. Despite this, not all issues can be resolved in this way given the aggressive permit reissuance schedule. In fact, the Board will consider some of these issues with the draft permits at the January 2007 Board meeting.

A complete schedule of permit issuances and reissuances, updated monthly, is available at <http://www.waterboards.ca.gov/sanfranciscobay> under Water News.

**Construction Stormwater Program (Keith Lichten)**

Under its construction stormwater program, the Water Board oversees more than 1,800 separate facilities in our Region. These facilities are comprised of construction projects



disturbing an acre or more of land. Owners of these projects must seek coverage under and comply with the Statewide NPDES Construction Stormwater Permit, which requires implementation and maintenance of effective erosion and sediment control measures, as well as site management measures (e.g., concrete washouts and trash control), plus periodic monitoring and reporting.

Board staff relies on municipal stormwater staff as the primary line of defense to ensure construction sites are inspected and water quality problems are appropriately addressed. As an example, the City of Pleasanton sends letters to its developers during the summer and then again immediately prior to the rainy season, reminding them of the need to ensure their sites appropriately protect water quality. City staff then inspects the sites at the beginning of the rainy season, and "red-tags" sites do not have effective measures either installed or available.

Board staff assists municipal staff with problem and recalcitrant sites, and also separately inspects sites we have identified as potentially significant threats to water quality (e.g., hilly residential construction projects with significant mass grading and sites that discharge to sensitive creeks or wetlands). This winter, staff has worked with municipal staff and responded to citizen complaints across our Region. Between October and May, staff will also inspect 3 to 10 priority construction sites in each of our Region's nine counties.

To date, these inspections have resulted in informal enforcement, including letters, Notices to Comply, and Notices of Violation. Inspections conducted immediately prior to the rainy season at sites including Caltrans' Devils Slide project and the City of Berkeley's Gilman Street Playfields Project were able to identify needed additional erosion and sediment controls in time to allow their installation prior to the first rains.

In other cases, such as the Schaefer Ranch project in Dublin and Lennar Hunters Point residential project in San Francisco, immediately above the Hunters Point Superfund cleanup site, inspections identified significant absences of effective erosion and sediment controls. Staff has issued enforcement notices and continues to work with the Dischargers and municipal stormwater staffs to ensure effective controls are implemented. Staff will consider additional enforcement, including Cleanup and Abatement Orders or recommending Administrative Civil Liability (i.e., fines) if remedial measures are not completed in a timely manner and/or are ineffective.

Finally, citizen complaints and Alameda County staff efforts identified that Caltrans was no longer effectively overseeing its contractors who have construction sites supporting Caltrans projects, when those sites are not located on Caltrans right-of-way (ROW). Caltrans is governed by its own Statewide NPDES stormwater permit, and that permit requires Caltrans to ensure its contractors are operating clean sites regardless of whether they are on the ROW. The standard used is compliance with the substantive requirements of the Statewide Construction Stormwater Permit.

For four Caltrans project sites in unincorporated Alameda County, Board staff inspected the sites, met with members of the public living near one of the sites, and met with County environmental health, stormwater, and zoning staff, and Caltrans staff. After issuance of

Notices of Violation to the contractors, property owners allowing the contractors to operate, and Caltrans, and with the efforts of County staff, Board staff was able to ensure the cleanup of the four sites, and to obtain Caltrans' commitment that it would return to the effective oversight of its off-ROW contractor work. This commitment was particularly important, because it helped ensure a consistent level of protection is applied between municipal and Caltrans projects.

Finally, staff has assisted with outreach events, speaking recently at construction stormwater seminars organized by the San Mateo and Santa Clara Valley municipal stormwater programs.

Staff will continue its inspections of stormwater sites and cooperation and communication efforts with municipal stormwater staff. We may consider additional enforcement as warranted by conditions in the field.

### **Workshop on Health Risks due to Contaminated Bay Fish (Dyan Whyte)**

On December 19, Dyan Whyte, Naomi Feger, and I participated in a Clean Estuary Partnership (CEP)-sponsored stakeholder workshop aimed at exploring ways we can better protect the health of people who consume San Francisco Bay fish. While this effort is part of early implementation of the SF Bay mercury TMDL, the scope is much broader. In addition to mercury, Bay fish may contain harmful amounts of PCBs, dioxins, PBDEs, mercury, and pesticides, and we need to reduce health risks associated with all of these.

The day-long workshop was attended by close to 30 people representing community based organizations, non-governmental agencies, discharger groups, and other state and local agencies. The discussion was constructive and illuminating, and we enjoyed hearing from such a diverse group of stakeholders.

A wide range of outreach approaches were suggested in addition to ideas related to food replacement. A few things I noted include recognition that we still need to improve on Water Board communication. Although the workshop focused on developing short-term risk reduction actions, it was clear to everyone there that all of us – including the Water Board -- need to do a better job of telling the public that safe consumption of fish from in the Bay is a goal we share, and also get the word out that actions are underway to clean up the Bay for future generations.

Some of the specific recommendations to the CEP included partnering more closely with community based organizations for future activities, including developing grant proposals, expanding the ethnic-diversity of those who participate in future efforts, and instituting a small grants program that would generate incentives for participation. A number of the participants emphasized that effective risk management campaigns and initiatives need to be culturally-sensitive and include variety of options, as there's no one-size-fits-all solution.

The CEP will be posting copies of the meeting presentations, a paper developed by Environmental Justice Coalition for Water, and meeting minutes. As part of a focused CEP workgroup effort, we are now in the process of reviewing our discussion notes and

determining how best the CEP can move forward. I will keep you apprised of the outcome of this next step.

**Mercury Offset Policy Workshop (Thomas Mumley)**

The State Board has announced that it will hold a California Environmental Quality Act scoping meeting in Sacramento on February 7 to seek input on the scope and content of the environmental information that should be considered in the development of an offset policy for mercury in San Francisco Bay and the Sacramento-San Joaquin River Delta and tributaries. Under the policy, individual dischargers may obtain offsets: to help meet a wasteload or load allocation; to allow an increase above a wasteload or load allocation as a result of expansion that would otherwise result in additional mercury loading to the Bay-Delta system; or to initiate a new discharge that would result in new mercury loading to the Bay-Delta system. The San Francisco Bay mercury TMDL adopted by our Board in August 2006 envisioned such a policy and recognized that some dischargers may have difficulties meeting their wasteload allocations set by the TMDL. An informational document on the scoping meeting for the proposed policy is available on line at <http://www.waterboards.ca.gov/plnspols/index.html#policies>.

**Dental Amalgam Training Workshop (Thomas Mumley)**

Dental amalgam is a source of mercury in municipal wastewater, and its control is a high priority for municipal wastewater pollution prevention programs. In December 2006, the Bay Area Pollution Prevention Group (of municipal wastewater pollution prevention programs) and California Water Environment Association (of wastewater industry professionals) organized a successful one-day workshop on "Creating a Dental Amalgam Program". The overall goal of the workshop was to provide wastewater agencies with the tools and knowledge to start their own dental amalgam program, which included:

- Summary of the Mercury TMDL,
- How to work with your dentists,
- Information on setting up a program,
- Compliance options,
- Inspector training, and
- Highlights and lessons learned from existing programs.

The Board's Tom Mumley set the stage for the workshop, informing agencies that dental amalgam programs will be necessary to meet upcoming discharge requirements outlined in the San Francisco Bay Mercury TMDL. Representatives from the City of Palo Alto, East Bay Municipal Utility District, and San Francisco Public Utilities Commission presented lessons learned and the success of their Dental Amalgam Programs.

The workshop was well attended by eighty-eight people who represented forty-five agencies and businesses in Northern California; 60% of the BAPPG agencies were represented at the workshop. The overall workshop received an excellent/very good based on the evaluation forms. Copies of a CD prepared for the workshop "Creating a Dental Amalgam Program", which contains the most complete reference material put together to

date nationally on this subject, are available by contacting Margaret Adkins at 650-329-2598 or at [Margaret.Adkins@cityofpaloalto.org](mailto:Margaret.Adkins@cityofpaloalto.org).

### **Stream Protection Policy Rescheduled Public Workshop (Ben Livsey)**

Water Board staff will hold its next Stream and Wetlands System Protection Policy (Policy) stakeholder public workshop on Tuesday, February 6th from 9:00 a.m. to 12:00 noon in room 2 at the Elihu Harris State Building. This workshop has been rescheduled from the date originally posted in the December Executive Officer's Report—January 24<sup>th</sup>. At the public workshop Board staff will present an overview of the scientific and technical principles underlying the Policy and will discuss potential elements that are being considered, including new water quality standards and an implementation plan to achieve these standards. This public workshop will offer stakeholders an opportunity to learn about the current status of the Policy and to provide comments on all aspects of the Policy, including implementation planning. More information on this upcoming public workshop will become available on the Policy website at <http://www.waterboards.ca.gov/sanfranciscobay/streamandwetlands.htm>.

### **Toxics Cleanup Division Reorganization (Stephen Hill)**

Effective January 2, we reorganized the Toxics Cleanup Division to create a fourth section. Mary Rose Cassa was selected to head the new section. Previously, she worked in the Toxics Cleanup Division, managing a caseload in the North Bay counties. The main purpose of the reorganization is to reduce section size. The division has grown from 20 to 23 staff over the last two years, taking advantage of stable funding in the site cleanup programs and in response to oversight requests at Brownfield sites. Recent hires include geologists, engineers, and a toxicologist. In addition to reducing section size, the reorganization will have the following additional benefits:

- help us to meet annual workplan commitments in the site cleanup programs, particularly in the Underground Storage Tank program
- help us to focus more attention on Brownfield sites proposed for cleanup and redevelopment
- help us to focus more attention on key cleanup issues: prioritizing our efforts on dry cleaners cases, vapor intrusion into occupied buildings, emerging contaminants, and tracking of risk management activities at sites

### **In-house Training**

Our December training comprised an 8-hour health and safety refresher for those staff whose work involves hazardous waste sites or emergency response (about 45 staff). Our January staff will be on the topic of "turning data into information"; we receive large volumes of environmental data from dischargers and others each year, and it's essential that we know how to derive useful information from all this data and present it to decision makers. Brownbag seminars included a January 10 session on "no purge" groundwater sampling devices.

### **Staff Presentations and Outreach**

Carrie Austin and Dave Drury (Santa Clara Valley Water District) addressed the Santa Clara Basin Watershed Management Initiative (WMI) Core Group on December 7. They were responding to the WMI's request for information that will make them better advocates for mercury TMDL implementation actions, as well as future grant applications supporting mercury reduction in the South Bay. Carrie presented an update on the Guadalupe River watershed mercury TMDL and its integration with the San Francisco Bay mercury TMDL approved by the Water Board in August. We expect to bring this TMDL before the Board in Spring 2007. Dave Drury informed the group of the effectiveness of the solar-powered mixer in Lake Almaden in reducing concentrations of methylmercury, the most toxic form of mercury. In fact the mixer has been so effective that the District will be installing additional mixers in Lake Almaden and upstream in Almaden Reservoir. This past September the Board awarded the District our first-ever Watershed Stewardship Excellence award, partly in recognition of this early mercury TMDL implementation action.

On January 24, Stephen Hill and Michael Rochette will present a regulatory update to the Bay Area branch of the Groundwater Resources Association (GRA) at Spenger's Restaurant in Berkeley. They will focus on seven topics: the Brownfield memorandum of agreement (MOA) between the Water Boards and DTSC; Water Board efforts to shift from paper to electronic documents; implementation of the Water Board's public participation tools; the pending update of the Water Board's environmental screening levels; vapor intrusion to indoor air; Basin Plan amendments regarding groundwater; and Water Board staff's groundwater committee activities.