

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

EXECUTIVE OFFICER SUMMARY REPORT
MEETING DATE: August 12, 2015

ITEM: 6

SUBJECT: **Overview of Regional Water Board Priorities - Workshop on the Board's Programs and Their Priorities for the 2015-2016 Fiscal Year**

DISCUSSION: This item is a workshop to present the priorities for the Board in fiscal year (FY) 2015-16 in carrying out its mission of preserving, protecting, restoring, and enhancing the waters of the San Francisco Bay Region for the benefit of the entire region. These priorities have been developed by management of each of the Board's divisions based on the budget allocated to the division for FY 2015-16 and reviewed by Board management and the Board. It is the intent of this workshop to provide an opportunity for the Board, Board staff, and stakeholders to discuss these priorities in open session.

The Board's key priorities for FY 2015-16 can be summarized as follows:

- Reissue the Regional Municipal Stormwater Permit (MRP) with emphasis on updating trash and reporting requirements;
- Develop Total Maximum Daily Loads (TMDLs) for impaired waters while continuing to implement TMDLs for pathogens, sediment, pesticides, mercury, and PCBs by issuing or reissuing permits for dairies and vineyards, implementing the MRP's requirements for TMDL constituents, and directing grants towards watershed restoration actions consistent with TMDLs;
- Continuing to develop and implement a nutrient management strategy for San Francisco Bay, focusing on the science to support nutrient objective development, monitoring, modeling, and load reductions;
- Prioritize site cleanup site oversight to address the transfer of 20% of the Site Cleanup Program's (SCP) positions to the new SB445 site cleanup program subaccount and the transfer of two Department of Defense (DoD) Program positions to another region in response to the transfer of DoD sites to the SCP Program in this region.
- Continue to pursue aggressive enforcement with emphasis on sewage spills, trash and debris discharges, and illegal fill of wetlands and streams.

Appendix A is a division-by-division summary of more specific priorities and activities each division will carry out consistent with the above key priorities. These specific priorities and activities in turn are concise statements of anticipated work that staff may undertake and may not fully describe all the activities the division intends to do. Each division summary is matched with a description of the staff funding it is allocated for FY 2015-16 and the source of

that funding as well as a description of each of the water quality programs the division oversees.

Setting the priorities shown in Appendix A has required identifying the highest water quality concerns facing the Board on a program-by-program basis, recognizing any legal mandates that drive implementation of the programs, and ensuring that each division's funding is appropriately applied based on the source of that funding. In other words, while the water quality concerns of all programs vary, we are limited in our ability to move funds between funding sources. This is evident in the State Board's recent transfer of two positions out of the DoD Program without an equivalent transfer of two positions into the SCP Program. Additionally, we recognize that we need to address new and evolving water quality issues, such as sea level rise and the need to address gaps in regulatory oversight where local agencies no longer can provide that oversight, but our funding sources may limit how we address those issues in the near term.

Appendix A does not detail the role of the 11.1 staff positions in the Board's Executive Management (the Executive Officer, two Assistant Executive Officers and the Executive Assistant) and the Board's Management Services Division (7.1 positions), which are largely funded by "indirect" cost funding. Besides overseeing all programs and staff work, these staff prepare for and manage Board meetings and activities and manage, for all staff, human resources, personnel/ budgeting, and public file review and storage. The Board also has two attorneys assigned to it; both are part of State Board staff and officially report to the Deputy Director of Office of Chief Counsel.

As part of summarizing our priorities, it also becomes clear that our funding limits our ability to fully address all known water quality issues at one time. Budget cuts since 2000 have exasperated this situation. We have implemented many initiatives aimed at improving staff and discharger efficiency, especially in an ever broader use of electronic reporting. However, we recognize that, as our funding from the General Fund has been cut, our reliance on funding from discharger fees has grown with no ability for us to increase our service to dischargers. While new initiatives statewide have increased funding to other regions for this fiscal year, we have received no new funding.

This is the third year we have compiled all priorities for a fiscal year with associated funding and program descriptions in one document. We expect to continue compiling similar documents each fiscal year and holding this workshop annually, so we welcome comments on the utility of this process and how it can be improved.

**RECOMMEN-
DATION:**

This is an information item not requiring action by the Board.

APPENDIX A: Division-by-Division Summary of Priorities, Funding, and Programs

Appendix A

Groundwater Protection and Waste Containment Division

The Groundwater Protection and Waste Containment Division, under Division Chief Terry Seward, is one of two divisions at the Board that focuses on groundwater cleanup and protection. It is responsible for protecting water quality where discharges of waste or contaminants may occur, such as at spill or leak sites, solid waste landfills, and waste ponds. The Division is divided into three sections: two that regulate soil, surface water, and groundwater remedial activities at Department of Defense (DoD), Department of Energy (DoE), and Site Cleanup Program (SCP) sites; and one that regulates solid waste landfills, waste ponds and soil, surface water, and groundwater cleanups at SCP sites. Its FY 2015-16 budget provides for 15 staff positions.

Priorities for the 2015-16 Fiscal Year

- Develop a budget concept proposal for additional resources to continue cleanup of transferred military bases within Region 2 and statewide. Re-prioritize DoD staff workload to identify DoD and SCP projects that can be idled in light of the loss of two positions in our Region's DoD cleanup program.
- Oversee site cleanup at the 40+ DoD and DoE facilities in our region on a cost recovery basis as described in the September 2013 report to the Board
- Oversee cleanup of industrial land disposal facilities, pipeline and petroleum tank spills, abandoned vessels, and sites transferred out of the DoD program via the Site Cleanup Program on a cost recovery basis
- Prioritize work under the new SB 445 site cleanup program subaccount with focus on mercury mines and groundwater management issues
- Oversee Land Disposal and Refinery Oversight programs

Funding for the 2015-16 Fiscal Year

The Groundwater Protection Division consists of 15 technical staff and 3 Scientific Aids. Funding has dropped from the previous fiscal year, as the State Board recently reallocated two Region 2 DoD positions and moved them to another region. This reallocation is due to the large number of DoD sites that have been privatized and shifted to the SCP program in our Region, which has increased our charging to the SCP program and decreased our charging to the DoD program. We will seek to replace these critical positions with SCP positions in order to continue to support the ongoing redevelopment of former DoD sites in the cities of Alameda, Concord, Mountain View, Oakland, Richmond, San Francisco, and Vallejo. Division funding comes from the following sources for the indicated programs: *Cal Recycle*: landfills (2.4); *Waste Discharge Permit Fees*: landfills (0.8); *federal funds*: DoD and DoE site cleanup (8.1); *Cost Recovery*: SCP site cleanup (3.2); and *Underground Storage Tank Cleanup Fund*: SB445 site cleanup subaccount (0.9).

Division Programs

The Division is focused on the protection of human health and the environment and is tasked with assuring that contaminated sites are cleaned up and any waste material left in place is safely contained.

Department of Defense and Energy Programs - Staff in the DoD and DoE programs predominately oversee the cleanup of groundwater and soil contaminated by historic releases at federal sites. Staff also address the ecological and surface water-related impacts caused by these releases where they exist.

There are 40 facilities in the DoD program in our region. Most are former U.S. Navy, Army, and Air Force bases that were closed as a result of the congressionally-mandated Base Realignment and Closure Program first instituted in 1991. The DoD Program also includes Formerly Used Defense Sites (FUDS), which are facilities that were owned, operated, or leased by a branch of the DoD for various uses such as missile silos, gun batteries, listening posts, and radar stations. Some former military bases – such as the Presidio of San Francisco, Pt. Molate in Richmond, Moffett Field in Mountain View, and a large portion of both Mare Island Naval Shipyard and Alameda Naval Air Station– are considered *privatized military facilities* because they were transferred to the cities for civilian reuse but are still undergoing cleanup. In the next two years we anticipate large portions of the Hunters Point Naval Shipyard, Treasure Island Naval Station, and the Concord Naval Weapons Station to transfer to the cities. We expect that redevelopment of these former bases will generate a significant amount of cleanup work associated with known and unknown petroleum fuel and solvent spills. In most transfer agreements the military will retain liability while the city or its redeveloper will undertake the actual cleanup work.

There are four facilities in the DoE Program (Lawrence Livermore National Lab, Sandia National Lab, Lawrence Berkeley National Lab, and the Stanford Linear Accelerator Center). The DoE Program utilizes a federal grant to pay our regulatory oversight costs. The Division also oversees the cleanup of the Mothball Fleet and abandoned vessels.

Site Cleanup Program (SCP) – Staff in SCP oversee the cleanup of impacts from current or historic unauthorized discharges to soil and groundwater, but in some cases also to surface waters or sediments. Some of the SCP sites include: aboveground storage tank facilities, oil refineries, power generation plants, contaminated wetlands, abandoned and active mines, privatized military sites, and former and active gun clubs. Staff prepare site cleanup orders that require investigations, source removals, final cleanup, and treatment and monitoring.

Land Disposal Program - The Land Disposal Program oversees the treatment, storage and disposal of waste within waste management units. Waste management units include active and closed municipal landfills, waste piles associated with mining operations, surface impoundments or ponds, and industrial landfills such as those found at refineries and chemical manufacturing plants.

Our primary objective while regulating waste disposal sites is to ensure that wastes are properly contained and do not impact surface water or groundwater. Staff enforces regulations, such as CCR title 27, that consist of design standards for liners, covers, environmental monitoring, and cleanup, when necessary. The Board implements the regulations through the issuance of waste discharge requirements (WDRs). WDRs contain specifications and provisions that prevent impacts to water quality and require reporting mechanisms that validate the functionality of the measures taken to contain the waste. As we update WDRs, we are including provisions directing site owners to regularly review and update their long-term flood protection plans to ensure any climate change impacts are addressed in assuring long-term waste containment.

NPDES Wastewater and Enforcement Division

The NPDES Wastewater and Enforcement Division, under Division Chief Lila Tang, oversees permits for discharges of treated wastewater to surface waters pursuant to the federal Clean Water Act and the California Water Code. The Enforcement Section within the Division assists other Water Board divisions primarily with enforcement that involves the assessment of penalties. The Division's FY 2015-16 budget provides for 15.3 staff positions.

Priorities for the 2015-16 Fiscal Year

- Reissue NPDES permits according to online schedule and work plan provided to U.S. EPA
- Monitor progress of treatment upgrade and optimization evaluations required by regionwide permit on nutrients
- Audit wastewater collection systems' adequacy of maintenance and capital improvement rates, and increase enforcement where warranted, to reduce sewage spills and inflow/infiltration
- Pursue and track enforcement for all the Board's programs consistent with the priorities specified in the November 2014 enforcement report to the Board (posted online)

Other 2015-16 Fiscal Year Division Activities

- Implement anticipated new State Toxicity Plan requirements
- Continue assistance to the State Water Board to develop a program plan to improve quality of electronically-reported discharge data
- Inspect wastewater facilities according to work plan provided to U.S. EPA
- Review discharge monitoring reports to verify compliance with permit requirements
- Work with the Bay Area Pollution Prevention Group on regional pollution prevention efforts
- Work with stakeholders to simplify reporting requirements

Funding for the 2015-16 Fiscal Year

NPDES Division funding of 15.3 staff positions is constant from the previous fiscal year. It comes from the following sources for the indicated programs: *Waste Discharger Permit Fees*: NPDES permitting and oversight (12.2) and enforcement (1.9); *General Fund*: site cleanup and compliance (1.1); and *federal funds*: State Revolving Fund (0.1).

Division Programs

Managing Permits – Facilities the Board permits under the Division's oversight include municipal wastewater treatment plants, their associated sanitary sewage collection systems, and industries that directly discharge treated wastewater to surface waters. Smaller industries that discharge to sewer systems are regulated by the municipalities that we permit under a pretreatment program. (Related, but regulated separately, are wastewater discharges to land and NPDES stormwater permits. These are both managed by the Watershed Management Division.)

The Division oversees about 65 individual federal NPDES permits covering about 75 facilities. About two-thirds are municipal wastewater facilities, which together discharge about 600 million gallons per day of treated wastewater within the region. NPDES permits contain specific requirements that limit pollutants in discharges. They also require "self-monitoring" to ensure that discharges meet permit requirements. We review monitoring reports and routinely inspect treatment facilities and enforce permit requirements.

General Permits - In addition to individual NPDES permits, the Division oversees five Board-adopted general NPDES permits. General permits are an efficient and equitable way to regulate discharges that are similar. A facility seeking coverage under a general permit files a notice of intent to comply with the general permit. After we verify that the facility qualifies for coverage, we issue a notice of permit coverage that enrolls the facility under the general permit. Currently, there are a total of about 190 general permit enrollees under these regional permits:

Fuels/VOCs Groundwater Pump and Treat

Potable Water Treatment Plants

Brackish Extracted Groundwater

Aggregate Quarries and Sand Mining

Dry Docks and Shipyards

Finally, the Division implements seven statewide general permits issued by the State Water Board. These address sanitary collection systems, community water supply systems, utility vault discharges, and aquatic pesticide, herbicide, and fungicide applications.

All federal NPDES permits, individual and general, must be reissued every five years. With the exception of the statewide permits, we develop updated permit requirements adjusting for any new regulation, plan, policy, and other information. The Board adopts reissued and new permits at public hearings after a minimum 30-day public review process.

Pretreatment and Pollution Prevention - Preventing pollution at its source is often more efficient than the advanced treatment of wastewater. The pretreatment program requires municipal wastewater agencies to reduce industrial pollution before it reaches their treatment plants by directly regulating the industries that discharge to their facilities. Similarly, municipal wastewater agencies implement pollution prevention programs to encourage residents and businesses to reduce wastewater pollution. We conduct routine inspections and audits of pretreatment programs, review program reports to check for compliance, and oversee the Dr. Teng-chung Wu Pollution Prevention Award, presently annually by the Board each fall.

Enforcement – The Enforcement Section within the Division assists other Board divisions primarily with enforcement that involves the assessment of penalties. Other Board divisions lead their own informal and some formal enforcement actions. However, if enforcement expertise is not available in the other divisions, and if violations are significant and/or chronic or involve unregulated discharges, this section enforces those violations.

Enforcement actions taken range from informal (conversations, letters, and notices of non-compliance) to formal (cleanup and abatement orders, cease and desist orders, and administrative civil liability penalties). Orders require the violator to take actions to correct the violation and prevent future violations; penalties assess fines for past violations. The Board has authorized the Executive Officer to take certain formal actions such as issuance of cleanup and abatement orders and assessment of penalties where there is minimal public comment. Many NPDES violations of numeric discharge limits are subject to mandatory monetary penalties prescribed by the Water Code. Other penalty actions must be set in accordance with the methodology specified in the State Water Board's Enforcement Policy.

Planning and TMDL Division

The Planning and TMDL Division, under Division Chief Naomi Feger, is responsible for maintaining our Basin Plan, developing and implementing TMDLs, monitoring the region's waters, providing regulatory oversight for dredging and dredged material reuse projects, overseeing grant programs, and administering the non-point source program. Its FY 2015-16 budget provides for 16.3 staff positions.

Priorities for the 2015-16 Fiscal Year

- Complete the 2015 Basin Plan Triennial Review
- TMDLs anticipated to be considered for adoption this year:
 - Northern San Francisco Bay Selenium TMDL
 - San Francisco Bay Beaches Pathogen TMDL
 - Butano-Pescadero Sediment TMDL
 - St. Vicente Creek/Fitzgerald Marine Reserve Pathogen TMDL
- Bring the Vineyard Regulatory Program to the Board for its consideration. These General WDRs would implement sediment TMDLs in the Sonoma Creek and Napa River watersheds
- Reissue regionwide Confined Animal Facility General WDRs to implement pathogen and sediment TMDLs

Other 2015-16 Fiscal Year Division Activities

- Continue development of other TMDLs according to the schedule submitted to the State Water Board and U.S. EPA (as described in the TMDL Program Update posted online)
- Work towards development of regulatory approaches to adapt to climate change/sea level rise and to implement the forthcoming Science Update to the Baylands Ecosystem Habitat Goals Report
- Continue implementation of Grazing Conditional Waivers for the Tomales Bay, Sonoma Creek, and Napa River watersheds
- Support implementation of all TMDLs
- Oversee SWAMP and continue watershed-based monitoring
- Provide technical support to the Regional Monitoring Program
- Oversee State and federal grants consistent with TMDL implementation and the non-point source policy
- Oversee Long-Term Management Strategy for Dredged Material Placement
- Oversee large landscape scale restoration, flood control, development/redevelopment and public infrastructure projects, such as the Napa River/Napa Creek Flood Protection Project, and provide coordination and technical guidance to internal cross-divisional teams of Board staff for oversight and permitting

Funding for the 2015-16 Fiscal Year

Planning Division funding of 16.3 staff positions is constant from the previous fiscal year. It comes from the following sources for the indicated programs: *Waste Discharger Permit Fees*: stormwater (0.9), trend monitoring (1.0), and basin planning (7.3); *General Fund*: LTMS (1.1) and Delta (0.1); *federal funds*: TMDL (3.4) and non-point source (2.5).

Division Programs

Basin Planning - The Regional Water Board is required to develop, adopt (after public hearings), and implement a Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region. The Basin Plan is the master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the region. The plan must include: a statement of beneficial water uses for all of the region's waters that the Board will protect; the water quality objectives needed to protect the designated beneficial water uses, and the implementation plans for achieving the water quality objectives through the Board's regulatory programs.

Total Maximum Daily Loads (TMDLs) are actions to restore clean water. Section 303(d) of the federal Clean Water Act requires that states identify water bodies that do not meet water quality standards. TMDLs examine these water quality problems, identify sources of pollutants, and specify actions that create solutions. Implementation of TMDLs involves multiple Board programs depending on the actions identified in each TMDL.

SWAMP - Since 1999 our regional Surface Water Ambient Monitoring Program (SWAMP) has been monitoring water quality in the region's watersheds and contaminants in fish from reservoirs, the ocean, and bays other than the Bay at an intensity appropriate for the Office of Environmental Health Hazard Assessment to develop fish consumption advisories. Data collected by SWAMP has an important role in assessing the quality of our region's waters and in supporting TMDL development, as well as to evaluating new potential threats to water quality, such as harmful algal blooms. Our region's SWAMP program has successfully collaborated with stormwater programs to develop a watershed monitoring coalition with to ensure collaborative, consistent, and high-quality watershed monitoring.

Dredging and Disposal/LTMS - Any dredging and dredged material disposal activity in San Francisco Bay, its marshes, and its creeks requires Board approval, usually via waste discharge requirements or a water quality certification. The dredging program is included in the Basin Plan's implementation program. Division staff work with federal, State, and local partners in implementing the Long Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region (LTMS) and applying LTMS as the regional vehicle to manage dredging, disposal, and reuse activities in the region.

Non-Point Source (NPS) - The primary causes of water quality impairment in the region are from activities associated with agriculture, hydromodification and urbanization. We have identified the highest priority areas of focus for NPS management measures to be: 1) runoff from confined animal facilities, 2) runoff from grazing operations, and 3) hydromodification both from agriculture and urban development. The Planning Division has taken the lead on implementing the NPS program as part of its TMDL Implementation activities. The Division also currently manages over 15 federal NPS grants, the majority of which are targeted to address NPS pollution and implement TMDLs. Past and present grants include equestrian facility improvements, dairy and rangeland water management practices, dam removal, creek restoration, and citizen monitoring projects.

Toxics Cleanup Division

The Toxics Cleanup Division, under Division Chief Stephen Hill, is one of two divisions at the Board that focuses on groundwater cleanup and protection. The Division oversees all underground storage tank (UST) cases and most Site Cleanup Program (SCP) cases regulated by our region. It also supports various local agencies that oversee smaller UST and SCP cases. Its FY 2015-16 budget provides for 20.8 staff positions.

Priorities for the 2015-16 Fiscal Year

- Oversee the Underground Storage Tank Cleanup Program, specific to leaking underground fuel tanks, according to priorities and performance measures as described in the January and July 2015 reports to the Board (posted online)
- Oversee cleanup of sites enrolled in the Site Cleanup Program's cost recovery program, primarily solvent, dry cleaner, and other industrial spill sites, according to priorities and performance measures as described in the January and July 2015 reports to the Board (posted online)
- Implement new SB445 (site cleanup subaccount) projects including (i) identification and oversight of high-threat, under-funded dry cleaner sites, (ii) identification and oversight of high-threat, under-funded mine sites, (iii) screening of inactive cases, and (iv) groundwater management (e.g., local agency support on salt and nutrient management plans)

Funding for the 2015-16 Fiscal Year

Toxics Division funding of 20.8 staff positions is similar to the previous fiscal year. The only change involves shifting 20% of the SCP cost recovery positions and funding into the new SB445 (site cleanup subaccount) program. Division funding comes from the following sources for the indicated programs: *Underground Storage Tank Cleanup Fund*: UST cleanup (7.2), SB445 site cleanup subaccount (1.9); *General Fund*: UST cleanup (3.1); *Cost Recovery*: SCP cleanup (7.8); and *federal funds*: UST cleanup (0.8).

Division Programs

The Division is responsible for protecting human health, water quality, and the environment in its oversight of various contamination sites. These contamination sites result from unauthorized waste discharges, as opposed to permitted disposal sites such as landfills or permitted discharges from wastewater treatment plants. Division staff issue Water Code section 13267 directives and prepare Water Code section 13304 cleanup orders to require necessary site investigation and cleanup.

Underground Storage Tank Program - The UST program focuses on the cleanup of impacts from leaking underground storage tanks. Most leaking USTs have released petroleum products to soil and groundwater although some have released solvents such as trichloroethylene. Most releases occurred before the 1998 State and federal deadline for upgrading USTs. At petroleum UST sites, we work with the State Water Board, which reimburses eligible cleanup costs through its UST Cleanup Fund. We also interact with local agencies, such as county environmental health departments, that oversee many of the petroleum UST sites in our region.

Site Cleanup Program - The SCP program covers all unauthorized waste discharge sites that are not covered by the UST program. These include spills and historic releases from industrial facilities, dry cleaners, petroleum pipelines, bulk fuel terminals, and various smaller sites. Many of these sites are

discovered as a result of property transfer or redevelopment and the resulting cleanup work dovetails with site reuse. We often collaborate with local government on Brownfield restoration – the cleanup and reuse of properties where site utilization is complicated by contamination. We also interact with U.S. EPA, which has delegated to us the responsibility for overseeing several federal Superfund sites.

New for this fiscal year is the shift of 20% of the SCP program positions and funding into the SB445 site cleanup subaccount to allow for work on un- or under-funded inactive sites that have not been covered by either the SCP or UST programs. As a part of this shift, we plan to screen and prioritize all of our inactive SCP sites to ensure we are working on sites likely to have impacts to water quality and/or public health.

Watershed Management Division

The Watershed Management Division, under Division Chief Keith Lichten, oversees stormwater runoff control, which includes developing and overseeing large municipal stormwater permits and implementing the statewide permits for: industrial stormwater; construction stormwater; Caltrans stormwater; and small-municipality stormwater. In addition, the Division oversees the stream and wetland protection, recycled water, and onsite wastewater treatment programs. Its FY 2015-16 budget provides for 17.6 staff positions. It has an additional 5 staff dedicated to work for specific agencies, such as Caltrans and flood control agencies, whose positions are indirectly funded by those agencies.

Priorities for the 2015-16 Fiscal Year

- Work with BASMAA, environmental NGOs, and the public on reissuance of the Municipal Regional Stormwater Permit (MRP)
- Bring before the Board general waste discharge requirements (WDRs) for wineries
- Review, coordinate with other regions, and approve county-based Local Agency Management Programs for Onsite Wastewater Treatment Systems, per State Water Board policy
- Review applications and approve water recycling projects pursuant to the Board's general water recycling requirements
 - Consider update to the Board's existing 1996 Water Recycling Requirements Order to incorporate Title 22's water recycling criteria

Other 2015-16 Fiscal Year Division Activities

- Review, inspect, and approve requests for WDRs, primarily related to small municipal and rural wastewater discharges to land
- Implement MRP: Continue to work with permittees, NGOs, and members of the public, as appropriate, on the implementation of specific MRP provisions, including measures to control PCBs, mercury, and trash; and the development of green infrastructure plans
- Statewide stormwater permits for industrial, construction, and Caltrans activities
 - Inspect facilities, track compliance, and recommend enforcement as appropriate for permittees enrolled in the statewide general permits
 - Recommend enforcement as appropriate for late annual reports (industrial and construction permittees)
 - Ensure facilities have re-enrolled under the reissued industrial general permit
- Creek and wetland fill projects
 - Review applications and issue water quality certifications
 - Oversee and permit regional wetland restoration projects and habitat conservation plans
 - Develop a general permit for in-Bay pile placement/replacement
 - Continue the Wetland Mitigation Compliance/Success Inventory for North Bay counties

Funding for the 2015-16 Fiscal Year

Watershed Management Division funding of 17.6 staff positions is the same as the previous fiscal year. It comes from the following sources for the indicated programs: *Waste Discharger Permit Fees*: stormwater (9.7), water quality certifications (4.2), and waste discharge requirements (2.5); and *General Fund*: regional wetland planning (1.2).

Division Programs

Municipal Stormwater – Under the federal Clean Water Act, the “Phase I” program for Municipal Separate Storm Sewer System (MS4s) requires municipalities that serve populations of 100,000 or greater to implement a stormwater management program as a means to control polluted stormwater discharges from the MS4s. In 2009, our Board adopted the Municipal Regional Stormwater Permit (MRP) to regulate stormwater discharges from 76 municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo. The MRP must be reissued every five years; we plan to bring “MRP 2.0” before the Board for reissuance in fall 2015.

Caltrans – In addition to the MRP, the California Department of Transportation is covered under a statewide Phase I stormwater permit. This year, we are focusing on implementation requirements in that permit for Caltrans’ road crossings related to the Napa River and Sonoma Creek sediment TMDLs and on that permit’s trash reduction requirements, including ensuring that Caltrans is working appropriately with Phase I municipalities.

The Clean Water Act’s “Phase II” program for MS4s requires municipalities that serve populations of 100,000 or less, as well as non-traditional permittees, such as BART, UC Berkeley, and the Port of Oakland, to implement a stormwater management program as a means to control stormwater polluted discharges from the MS4s. In early 2013, the State Water Board issued a statewide general permit for the discharge of stormwater from small MS4s. The following municipalities in our region are covered under this general permit: Marin County and its cities, Napa County and its cities, the City and County of San Francisco (in selected areas of the City), Solano County and the City of Benicia, and Sonoma County and the cities of Petaluma and Sonoma. The permit also covers 21 non-traditional permittees.

Industrial Stormwater - Facilities that involve a variety of industrial activities must be covered under the State Water Board’s statewide industrial stormwater general permit. Facilities covered under the industrial general permit include manufacturing operations, transportation facilities where vehicles are maintained (including fueling and washing), landfills, hazardous waste sites, and other similar operations. A facility seeking coverage under the general permit must file a notice of intent (NOI) to comply with the general permit with the State Water Board. At the time it files its NOI, the facility must have prepared and be implementing a Stormwater Pollution Prevention Plan (SWPPP) and regularly monitor the effectiveness of the SWPPP. Covered facilities must submit annual reports on SWPPP implementation to the Regional Water Board. The Water Code requires the Board to enforce against facilities that do not timely submit their annual reports. There are approximately 1,300 facilities covered under this general permit in our region.

For the first time since 1997, The State Water Board has adopted have a new version of this general permit, which went into effect on July 1. Its significant changes include:

- A requirement for appropriate training and certification via the State Water Board's Qualified Industrial Storm Water Practitioner (QISP) process
- Web-based enrollment and report submittal, which will enable staff to easily access Stormwater Pollution Prevention Plans (SWPPPs) and mine annual report data
- A requirement that permittees complete exceedance response actions when monitoring results are above specified Numeric Action Levels

Construction Stormwater - Construction activities that disturb one acre or more of land, including construction activities on smaller sites that are part of a larger project, must comply with the statewide construction stormwater general permit that regulates stormwater leaving construction sites. A construction site owner/operator seeking coverage under the general permit must file an NOI to comply with the general permit with the State Water Board. At the time it files its NOI, the owner/operator must have prepared and be implementing a SWPPP and regularly monitor the effectiveness of the SWPPP. Each covered site must submit an annual report on the implementation of its SWPPP to the Regional Water Board. There are approximately 1,200 facilities covered under this general permit in our region.

Stream and Wetland Protection Program – The Division oversees the regulation of discharges of fill and dredged material under federal [Clean Water Act section 401](#) and the [Porter-Cologne Water Quality Control Act](#), with the exception of dredging activities consistent with the Long Term Management Strategy for the Placement of Dredged Material, which are overseen by the Planning Division. The Stream and Wetland Protection Program addresses non-wastewater discharges and impacts to all waters of the State in our region, but focuses especially on minimizing impacts to wetlands, riparian areas, and headwaters because these water bodies have high resource value, are vulnerable to being filled, and are not systematically protected by other State and federal regulatory programs. Our implementation of the Program gets us involved with the protection of special-status species, the regulation of hydromodification impacts, and the restoration of creeks and wetlands, such as the South Bay Salt Pond Restoration Project. The Program encourages watershed-level analysis and protection, because some functions of wetlands, riparian areas, and headwater streams—including pollutant removal, flood water attenuation, and habitat connectivity—are better protected at the watershed than project-specific level.

Implementation of the Program focuses on the issuance and oversight of water quality certifications under Clean Water Act section 401 and of waste discharge requirements (WDRs) under the Water Code. Certifications can be issued by the Executive Officer, while WDRs must be adopted by the Board. Thus, WDR issuance is usually reserved for projects that are long-term, have significant impacts, and/or have significant public interest. The Division issues approximately 250 certifications annually. The hiring this fiscal year of a new full-time staffer to complete certifications, as well as two part-time scientific aids, should allow us to improve our responsiveness to the large number of certification applications received annually and the increasing public interest in the projects proposed for certification.

Recycled Water - The purpose of the State Water Board's Recycled Water Policy is to increase the use of recycled water from municipal wastewater sources that meets the definition in Water Code section 13050(n) in a manner that implements State and federal water quality laws. When used in compliance with the Recycled Water Policy, water recycling criteria in CCR title 22, and all applicable State and federal water quality laws, our Board has found that recycled water is safe for the approved uses. The Division oversees recycled water projects largely through the Board's 1996 general WDRs for water recycling. The 1996 general WDRs served as the model for statewide general WDRs adopted by the State Water Board in 2014. This year, we intend to update the 1996 general WDRs to reflect Title 22 water recycling criteria based on input from the State Water Board's Department of Drinking Water staff, which will streamline the permitting process.

We also intend to prepare a non-potable reuse order for San Francisco to provide a permitting mechanism for their cutting-edge reuse program that utilizes all available water flows in the city (rain water—falls on roofs, stormwater—falls on sidewalks and streets, groundwater, gray water, and onsite-treated black water).

Onsite Wastewater Treatment – The Division oversees the Board's program for regulating discharges of treated wastewater to land via WDRs. Onsite wastewater treatment systems (OWTS) are useful and necessary systems that allow habitation at locations that are removed from centralized wastewater treatment systems. The Board has delegated oversight of most OWTS to counties under memoranda of understanding but must update these delegations consistent with the State Water Board's OWTS Policy. The mechanism laid out in the OWTS Policy for this delegation is the development, by each county, and approval, by the Regional Water Board, of a Local Agency Management Program (LAMP). LAMPs describe how local agencies will review, approve, and oversee septic systems consistent with the OWTS Policy, but in a way that is appropriate for their local soil and groundwater characteristics, demographics, and planning policies.

LAMPs are due to us by May 2016, and we have already received the LAMP for Santa Clara County. More information on LAMPs and our process is in the Information Item in the [November 2014 Board Agenda Package](#).

The Board also periodically issues WDRs prepared by Division staff to facilities such as wineries, camps, or agricultural processing facilities that are not connected to centralized wastewater treatment systems. We issue WDRs for systems with design flows over 10,000 gallons per day or that contain high strength waste (per requirement by the OWTS Policy) and for any other system that, per our professional judgment, requires direct oversight by the Water Board. Existing WDRs are reviewed by Division staff on a periodic basis to determine whether they need to be updated or revised.