

# **DIAZINON AND PESTICIDE-RELATED TOXICITY IN BAY AREA URBAN CREEKS**

## **Water Quality Attainment Strategy and Total Maximum Daily Load (TMDL)**

PROJECT PLAN  
January 11, 2005

In the Bay Area, 37 urban creeks are listed as impaired waters as a result of pesticide-related toxicity attributed to diazinon. In March 2004, Water Board staff completed a Final Project Report that described this problem, contained TMDL-related analyses, and included a proposed plan to solve the problem of diazinon and pesticide-related toxicity in Bay Area urban creeks. Our approach is three-pronged: proactive regulation, education and outreach, and research and monitoring. The core strategy is to eliminate and *prevent* water quality impairment by encouraging pest management strategies less harmful to water quality and discouraging those that threaten water quality.

A number of stakeholders commented on our proposal, and we responded to the comments in December 2004. The following plan describes how we intend to go about drafting a Basin Plan Amendment to establish the strategy and TMDL, engaging stakeholders early in the process, subjecting our draft Basin Plan Amendment to scientific peer review, and completing a formal public review process. Our goal is to submit our proposal for Water Board action in September 2005.

### **Draft Basin Plan Amendment and Permit Language**

We will circulate a draft Basin Plan Amendment for internal review, seeking input from Planning/TMDL Division staff, Watershed Division staff, and legal council. The outcome will be a draft Basin Plan Amendment suitable for stakeholder review. To facilitate the stakeholder review, we will also prepare draft language for a regional storm water permit and circulate the draft permit language internally along with the Basin Plan Amendment.

*Anticipated Completion Date: January 21, 2005*

### **Stakeholder Process**

We can most easily address stakeholder concerns if we know about them early in the process. As soon as we have internally reviewed the draft Basin Plan Amendment and permit language, we will distribute them to stakeholders and seek their feedback through a series of informal face-to-face meetings. We will work with urban runoff management agencies (e.g., Bay Area Stormwater Management Agencies Association and the Clean Estuary Partnership pesticides workgroup), environmental advocates, the State Water Resources Control Board, the California Department of Pesticide Regulation, County Agricultural Commissioners, and the Structural Pest Control Board. We will meet with each of these groups individually, and meet with all stakeholders together at the March 15 Urban Pesticide Committee meeting. The Urban Pesticide

Committee is the primary forum for coordinating development and implementation of the proposed strategy.

Our schedule assumes we can complete this stakeholder process within about two months. After considering stakeholder feedback, we will complete a staff report based on the Final Project Report and new information collected since March 2004. The staff report will support the draft Basin Plan Amendment, and together these documents will comprise a package suitable for scientific peer review.

*Anticipated Completion Date: April 25, 2005*

### **Scientific Peer Review**

To ensure that peer scientists are available to review our Basin Plan Amendment and supporting staff report, we will notify the State Board of our need for scientific peer review roughly three months before we expect the review to begin. We assume the scientific peer review will require about four weeks to complete. When we receive the scientific peer review comments, we will prepare written responses and revise the Basin Plan Amendment and staff report as necessary. We will release the revised version for formal public review and comment prior to Water Board action.

*Anticipated Completion Date: June 23, 2005*

### **Public Review and Board Action**

Before the Water Board considers the draft Basin Plan Amendment, we will publicly circulate it and its accompanying staff report for 45 days. We will then respond in writing to all comments received. An Urban Pesticide Committee meeting is scheduled for July 19. Stakeholders can discuss the proposal with Water Board staff at that time, although it will not be a forum for formally commenting on the proposal.

We anticipate presenting the Basin Plan Amendment to the Water Board as a two-stage hearing to be held during the August and September Water Board meetings. We will introduce the Basin Plan Amendment at the August meeting, hear public testimony, and summarize written comments. We do not expect to have written responses ready in time for the August meeting. At the September meeting, we will provide responses to the written comments and prepare a draft resolution for the Water Board to consider adopting at its September meeting.

*Anticipated Completion Date: September 21, 2005*

### **Project Completion**

After adoption, we will compile the administrative record for the Basin Plan Amendment and forward it to the State Board for consideration. If approved, the State Board will send it to the California Office of Administrative Law. If approved, the State Board will send the Basin Plan Amendment to the U.S. Environmental Protection Agency for final approval.