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State Water Resources Control Board

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Gray Davis
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at <http://www.swrcb.ca.gov>.*

NOTICE OF PUBLIC HEARING

DRAFT

CONSOLIDATED TOXIC HOT SPOTS CLEANUP PLAN AND FUNCTIONAL EQUIVALENT DOCUMENT

Tuesday, November 4, 2003 - 10:00 a.m.*
Coastal Hearing Room – Second Floor
Joe Serna, Jr. Cal/EPA Headquarters Building
1001 "I" Street, Sacramento, CA 95814

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (SWRCB) will hold a public hearing to seek comments on the proposed Consolidated Toxic Hot Spots Cleanup Plan (Cleanup Plan). The amendments consist of the substitution of three pesticide cleanup plans adopted by the Central Valley Regional Water Quality Control Board (CVRWQCB) in 1999 by replacement plans adopted in 2003. The SWRCB will also receive comments on the draft Functional Equivalent Document (FED) for the draft Cleanup Plan. The SWRCB will not take final action at the hearing. SWRCB staff anticipates that the draft Cleanup Plan will be considered for adoption and the draft FED will be considered for approval at a future Board Meeting.

BACKGROUND

In 1989, the California Legislature established the Bay Protection and Toxic Cleanup Program (BPTCP). The principal components of the BPTCP are the identification and characterization of toxic hot spots and the development of toxic hot spot cleanup plans. In April 1999, the CVRWQCB approved a Regional Toxic Hot Spot Cleanup Plan that identified three toxic hot spots related to two pesticides: diazinon and chlorpyrifos. Previously, the CVRWQCB requested a variance that would allow the CVRWQCB to address pesticide regulation for the three pesticide toxic hot spots under the federal Clean Water Act (CWA) section 303(d) Total Maximum Daily Load (TMDL) process instead of through the BPTCP. In June 1999, the SWRCB adopted the Consolidated Statewide Toxic Hot Spot Cleanup Plan and approved the three site-specific variances to allow the CVRWQCB to address pesticide regulation under the CWA section 303(d) TMDL process.

*This issue may not be heard exactly at 10:00 a.m. due to the SWRCB Workshop.

California Environmental Protection Agency

Following the SWRCB's approval of the variances, a lawsuit was filed by the San Francisco Baykeeper (now Deltakeeper) and related parties challenging, among other things, the site-specific variances for pesticides. On October 11, 2001, the Sacramento County Superior Court entered a judgment in favor of the petitioners and issued a writ of mandate directing that the site-specific variances for the pesticide toxic hot spots be vacated and set aside. The writ also directed CVRWQCB and SWRCB to undertake the necessary actions to prepare and submit to the Legislature an amended Cleanup Plan for the pesticide toxic hot spots. The SWRCB vacated and set aside the site-specific variances in the Cleanup Plan on November 15, 2001.

On March 13, 2003, the CVRWQCB adopted draft cleanup plans for the three pesticide toxic hot spots. The three plans address the following issues:

- Diazinon throughout the Delta as a result of discharges from orchards that apply diazinon as a dormant orchard spray in the winter;
- Diazinon and chlorpyrifos in storm water runoff in the Stockton and Sacramento urban areas primarily as the result of residential and commercial uses; and
- Chlorpyrifos in several sloughs and upland creeks in the Delta during the spring as a result of discharges of irrigation return flows containing chlorpyrifos.

AVAILABILITY OF THE DRAFT FED AND DRAFT PESTICIDE CLEANUP PLANS

Copies of the draft FED and draft pesticide cleanup plans may be obtained via the Internet on the SWRCB web site at <http://www.swrcb.ca.gov/bptcp>. You may also receive a copy by writing or calling: Jan Hisao, Division of Water Quality, State Water Resources Control Board, P.O. Box 100, Sacramento, CA 95812-0100, (916) 341-5568, FAX: (916) 341-5584, hisaj@dwq.swrcb.ca.gov.

SUBMISSION OF COMMENTS

The SWRCB will accept both written and oral comments on the draft Cleanup Plan and FED at the hearing. Comments must be limited to the three draft pesticide cleanup plans and to the draft FED. In order for the SWRCB to adequately consider written comments prior to the hearing, all participants are requested to submit their comments to the SWRCB, no later than 5:00 p.m., October 28, 2003. Comments will be accepted via mail or facsimile; however, electronic submissions via email are preferred. Written comments should be submitted to: Chris Beegan, Environmental Scientist, Ocean Standards Unit, Division of Water Quality, State Water Resources Control Board, P.O. Box 100, Sacramento, CA 95812-0100, FAX: (916) 341-5584, beegc@swrcb.ca.gov.

At the hearing, participants may briefly summarize their written comments. Time limitations may be imposed on oral presentations at the hearing in order to allow all participants the opportunity to be heard. Persons with similar views are encouraged to make joint presentations. The SWRCB will consider all comments before taking final action on the amended draft Cleanup Plan and FED.

PARKING AND ACCESSIBILITY

There is a parking garage across the street from the Joe Serna, Jr. Cal/EPA Building with entrances on 10th and 11th Streets between "I" and "J" Streets, and metered parking spaces are in the vicinity of the building. For a map, see our website at <http://www.calepa.ca.gov/EPABldg/location.htm>. The facilities are accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Adrian Perez at (916) 341-5880 at least five working days prior to the public hearing date. Persons with hearing or speech impairments can contact us by using the California Relay Service TDD. TDD (Telecommunications Device for the Deaf) is reachable only from phones equipped with a TDD Device. HEARING IMPAIRED RELAY SERVICE: TDD to voice 1-800-735-2929, Voice to TDD 1-800-735-2922.

All visitors are required to sign in and receive a badge prior to attending any meeting. The Visitor and Environmental Services Center is located just inside and to the left of the Cal/EPA Building's public entrance. Valid picture identification may be required due to the security level, so please allow up to 15 minutes.



Debbie Irvin
Clerk to the Board

August 29, 2003