October 18, 2012 Meeting

MATERIALS FOR REVIEW AND DISCUSSION

II. October 18, 2012 MC Meeting Agenda

III. September 20, 2012 MC Meeting Minutes

IV. September 20, 2012 Action Items

VII.A. Program Manager’s Report

3. Update on State Wetland and Riparian Area Protection Policy, October 18, 2012

VIII. MRP Implementation

1. Memorandum to Management Committee, from Jill Bicknell, Program Staff, re: Management Committee Briefing on Priority Discussion Items for the October 18, 2012 Meeting

2. Highlights of BASMAA Committee Meetings, September and October 2012

VIII.E. Outreach Activities


2. Watershed Watch Campaign Partner Report, September 2012

2. Watershed Watch Web Stats, September 2012

5. IPM Workshop for Nurseries and Garden Centers, October 30, 2012

VIII. F. Watershed Management Activities


IX. Other Business

2. Letter to Debbie Raphael, California Department of Toxic Substances Control, from Richard Boon, CASQA, re: Comments on Draft Regulations for Safer Consumer Product Alternatives (July 2012), October 11, 2012
AGENDA

MANAGEMENT COMMITTEE MEETING

October 18, 2012, 9:30 - 11:00 am

Sunnyvale Civic Center, West Conference Room
456 West Olive Avenue, Sunnyvale

9:30 I. Management Committee Meeting Call to Order/Introductions

II. Additions or Revisions to Agenda; Announcements

III. Approval of Minutes (September 20, 2012 meeting)

IV. Review of Action Items from Last Meeting

9:40 V. Time Open for Public Comment on Any Subject Not on Agenda (2 minutes)

VI. Regional Water Board Staff Comments

9:45 VII. Program Business

A. Program Manager’s Report
   2. BASMAA Update – information.
   3. Other Items – information.

B. Program Management
   No items.

10:05 C. Program Budget

10:15 VIII. MRP Implementation

A. New Development and Redevelopment
   2. C3PO AHTG and Work Group – status report.
   3. Regional Tasks (BASMAA Development Committee) – status report.
B. Trash Controls
   2. Trash AHTG – status report.
   3. Regional Tasks (BASMAA Trash Committee) – status report.

C. Monitoring / Pollutants of Concern
   1. Priority Program and Co-permittee Tasks
   3. Regional Tasks (BASMAA Monitoring Committee) – status report.

D. Municipal Operations
   3. IND/IDDE AHTG – status report.
   4. Regional Tasks (BASMAA Municipal Operations Committee) – status report.

E. Outreach Activities
   1. WEO AHTG – status report.
   2. Watershed Education and Outreach Campaign – status report.
   3. Regional Advertising / BASMAA PIP Committee – status report.
   4. Workshops – status report.

F. Watershed Management Activities
   1. WMI Steering Committee – status report.
   2. WMI Trash Subgroup (Zero Litter Initiative) – status report.
   3. WMI Land Use Subgroup – status report.

G. Other Permit-Related Activities
   No items.

10:55 IX. Other Business

1. External Meeting Summaries - key issues/action items from external meetings not previously discussed.
2. Miscellaneous – information from MC members.
3. AHTG Status – status report.

11:00 X. Adjourn
I. MANAGEMENT COMMITTEE CALL TO ORDER / INTRODUCTIONS
Ann Draper (Chair, SCVWD) called the meeting to order at 9:40 a.m. Management Committee (MC) members introduced themselves.

II. ADDITIONS OR REVISIONS TO THE AGENDA; ANNOUNCEMENTS
There were no changes to the Agenda. No announcements were made.

III. APPROVAL OF MINUTES
Jill Bicknell (Program staff) informed the MC that the minutes from the August 23, 2012 MC meeting include the incorrect ZLI meeting date. Program staff will correct the date.

Motion: Cheri Donnelly (Cupertino) moved to approve the minutes from the August 23, 2012 MC meeting with edits. Second: Kelly Carroll (West Valley Communities). Vote: Motion passed unanimously.

IV. REVIEW OF ACTION ITEMS FROM LAST MEETING
Action Items from the August 23, 2012 Meeting
- Jill reported that Action Item 8-12-1 (Attend the October 24, 2012 RWRC meeting and make a presentation on the Short-term Trash Reduction Plans) will be completed in October. Chris Sommers (Program staff) will make the presentation.

Action Items from the Previous Meetings:
- Action Items 4-12-1 (Provide an overview of the Wetland and Riparian Area Protection Policy at a future MC meeting), 2-12-1 (Provide information on tasks that Co-permittees will be expected to implement if funding for the BASMAA Prop 84 Trash Tracking Grant Proposal is approved), and 1-12-1 (Develop a fact sheet on Trash Load Reduction Plans) will be completed in fall 2012.

V. TIME OPEN FOR PUBLIC COMMENT ON ANY SUBJECT NOT ON AGENDA
No members of the public were present at the meeting.

VI. WATER BOARD STAFF COMMENTS
Water Board (WB) staff did not attend the meeting and no comments were provided.
VII. PROGRAM BUSINESS

A. PROGRAM MANAGER’S REPORT

1. Grants Update

Jill reported that the Handout Packet includes a memorandum updating the MC on the Bay Area Integrated Regional Water Management Plan (IRWMP) update process. Jill worked with SFEP staff on the development of a project concept called “Regional Green Infrastructure Capacity Building Program” which was submitted on September 7, 2012 for inclusion in the Bay Area IRWMP. Two San Jose green infrastructure projects were also submitted for inclusion in the IRWMP. The Capacity Building Program may be packaged with the San Jose projects and other green infrastructure projects for submittal of the IRWMP grant application.

Chris informed the MC that Program and BASMAA staff have started meeting with State Board staff about implementing the Prop 84 funded “Tracking Trash Trends” project. Project implementation will likely begin in early 2013. State Board staff have asked BASMAA to approve an Authorizing Resolution for execution of the grant award agreement. The BASMAA Board will consider approving the resolution at its September 27 meeting.

3. CASQA Update

Jill informed the MC that the CASQA Executive Program Committee met on September 12, 2012 and received updates on the Unfunded Mandate Test Claims, Receiving Water Limitations Language, Statewide Permitting Group, State Board’s Trash Policy (now called Trash Amendment), Bio-objectives Policy, and recent legislation. A meeting summary is included in the MC Handout Packet.

Jill also attended the CASQA General Meeting on September 13, 2012 and provided meeting notes in the Handout Packet. The topic was an overview of new statewide permits and policies.

B. PROGRAM MANAGEMENT

1. FY 11-12 Program Manager Self-Audit report

Jill reminded the MC that the Program’s Final FY 11-12 Self-Audit Report was sent to them for review on September 9, 2012. Ann asked the MC to consider approving the Final Self-Audit Report.

Motion: Joe Teresi (Palo Alto) moved to approve the Final FY 11-12 Program Manager Self-Audit Report. Second: Napp Fukuda (San Jose). Vote. Motion passed unanimously.

2. FY 11-12 Program and Co-permittee Annual Reports

Adam Olivieri (Program staff) reported that hard copies of the Program and Co-permittee Annual Reports were submitted to Water Board staff on September 14, 2012 and electronic files posted to the Water Board’s FTP site.
C. PROGRAM BUDGET

1. Acceptance of FY 11-12 Audit

Adam reported that Maze and Associates (Program auditors) have completed auditing the Program's financial statements for FY 11-12. As was done last year, the MC Chair needs to sign an accompanying letter to the audit, prepared by Maze and Associates. The Maze and Associates Memorandum on Internal Control and Communications for FY 11-12 and the draft SCVURPPP letter to the auditor were distributed to the MC on September 17.

Motion: Melody Tovar (Sunnyvale) moved to approve the FY 11-12 Program financial audit and direct the MC Chair to sign the Program letter to Maze and Associates on behalf of the MC. Second: Eric Anderson (Mountain View). Vote. Motion passed unanimously.

2. FY 11-12 Annual Budget Compilation (ABC) Report

Jill reported that the FY 11-12 ABC Report was e-mailed to the MC on September 9, 2012 for information. It is a compilation of all Program budget related discussions and decisions during FY 11-12.

VIII. MRP IMPLEMENTATION

Due to earlier Agenda Items taking more time, only a few MRP Implementation items were discussed.

A. NEW DEVELOPMENT AND REDEVELOPMENT

1. Priority Program and Co-permittee Tasks

Jill provided the following updates:

- LID Feasibility Implementation – A work group of the BASMAA Development Committee developed an outline for the LID feasibility status report due December 1, 2013, based on consideration of MRP requirements and the data collection effort and analyses to be conducted over the next 18 months. The outline was approved by the BASMAA Board on August 23, and submitted to the Water Board on September 14 as part of the BASMAA FY 11-12 Regional Submittal. The work group will meet again to discuss in-kind tasks and responsibilities to complete the report and provide a revised project profile to the BASMAA Board for approval at its September 27 meeting.

- Small Project/Single Family Home LID Specifications – A work group of the BASMAA Development Committee completed its work with Geosyntec Consultants to adapt a series of fact sheets on site design measures for small projects and single family homes. Four fact sheets on pervious paving, landscape dispersion, rain barrels and rain gardens were completed and approved by the Development Committee. The final versions of the fact sheets are posted on the SCVURPPP internal website and can be modified for local use.

- Qualified Consultants List – Program staff received Statements of Qualifications from 26 firms in response to the RFQ for Qualified Consultants to Design and/or Certify Storm Water Treatment Measures and Hydromodification Control Facilities. Based on Co-permittee feedback, Program staff are planning to ask these firms to submit their qualifications for inspecting treatment measures.
B. TRASH CONTROL

1. Regional Tasks (BASMAA Trash Committee)

Chris reported that the Water Board meeting on September 12, 2012 included an informational item on the Trash Load Reduction Plan. Representatives from BASMAA, permittee agencies, environmental NGOs and the plastics industry provided statements. The MC Handout Packet includes the Water Board Staff Summary Report for the item.

Chris added that a sub-group of the BASMAA Trash Committee is planning a series of six meetings with Water Board staff to discuss their concerns about the Short-Term Trash Load Reduction Plans. The first meeting will be held on October 1, 2012.

IX. OTHER BUSINESS

2. Miscellaneous

MC members provided the following updates:

- The Silicon Valley Watershed Summit will be held on Saturday, September 22, 2012. Jill will present information in the “Watersheds 101” panel.
- City of Sunnyvale staff went on a field trip to see the City of Santa Clara’s trash nets. Melody Tovar (Sunnyvale) thanked Dave Staub (Santa Clara) for the tour.
- The City of San Jose is organizing a media event on September 22, 2012 at the “Inspiration Gardens” at Guadalupe River Park Conservancy. The construction of these pesticide-free native gardens was funded through a DPR grant.
- The ZLI Roundtable will be held on October 24, 2012 at the Campbell Community Center. The flyer is included in the Handout Packet.

X. ADJOURN

The MC meeting adjourned at 11:05 am.
Santa Clara Valley
Urban Runoff
Pollution Prevention Program

Meeting Attendance Record
DATE Sep 20, 2012

Campbell • Cupertino • Los Altos • Los Altos Hills • Los Gatos • Milpitas • Monte Sereno • Mountain View • Palo Alto
San Jose • Santa Clara • Saratoga • Sunnyvale • Santa Clara County • Santa Clara Valley Water District

CO-PERMITTEE REPRESENTATIVES
(voting members)

Bill Helms – Campbell
Alternate: Kelly Carroll, WVCWP Manager

Cheri Donnelly – Cupertino
Alternate: Glenn Goepfert

Larry Lind – Los Altos
Alternate: Aida Fairman

Richard Chiu – Los Altos Hills
Alternate: John Chau

Todd Capurso – Los Gatos
Alternate: Kelly Carroll, WVCWP Manager

Kathleen Phalen – Milpitas
Alternate: Paramjit Uppal, Howard Salamone

Brian Loventhal – Monte Sereno
Alternate: Kelly Carroll, WVCWP Manager

Eric Anderson – Mountain View

Joe Teresi – Palo Alto
Alternate: Ken Torke

Napp Fukuda – San Jose
Alternate: Elaine Marshall

Dave Staub – Santa Clara
Alternate: Mark Gervacio

John Cherbone – Saratoga
Alternate: Kelly Carroll, WVCWP Manager

Melody Tovar – Sunnyvale
Alternate:

Clara Spaulding – Santa Clara County

Ann Draper – SCVWD
Alternate: Brett Calhoun

Kelly Carroll – West Valley Communities

SIGNATURE

[Signatures]

111 West Evelyn Avenue, Suite 110 • Sunnyvale, CA 94086 • tel: (408) 720-8811 • fax: (408) 720-8812
1410 Jackson Street • Oakland, CA 94612 • tel: (510) 832-2852 • fax: (510) 832-2856
1-800-794-2482
URBAN RUNOFF PROGRAM STAFF
Adam Olivieri
Jill Bicknell
Chris Sommers
Vishakha Atre

REGIONAL BOARD REPRESENTATIVE
Sue Ma

INTERESTED PARTIES/AGENCY REPRESENTATIVE
Trish Mulvey – Clean South Bay

ADDITIONAL ATTENDEES
Santa Clara Valley Urban Runoff Pollution Prevention Program
Management Committee Meeting Action Items

Action Items from September 20, 2012 Meeting

None

Action Items Remaining from Previous Meetings

<table>
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<tr>
<th>Action</th>
<th>Description</th>
<th>Responsibility</th>
<th>Due Date</th>
<th>Status</th>
<th>Comments</th>
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<td>8-12-1</td>
<td>Attend the October 24 RWRC meeting and make a presentation on the Short-term Trash Reduction Plans</td>
<td>Program staff</td>
<td>October 24</td>
<td>In Progress</td>
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<tr>
<td>4-12-1</td>
<td>Provide an overview of the Wetland and Riparian Area Protection Policy at a future MC meeting.</td>
<td>Program staff</td>
<td>October</td>
<td>In Progress</td>
<td></td>
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<td>2-12-1</td>
<td>Provide information on tasks that Co-permittees will be expected to implement if funding for the BASMAA Prop 84 Trash Tracking Grant Proposal is approved.</td>
<td>Program staff</td>
<td>November</td>
<td>In Progress</td>
<td></td>
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<tr>
<td>1-12-1</td>
<td>Develop a fact sheet on Trash Load Reduction Plans.</td>
<td>Program staff</td>
<td>November</td>
<td>In Progress</td>
<td></td>
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TO: Management Committee

FROM: Jill Bicknell, Program Staff

DATE: October 18, 2012

SUBJECT: Update on State Wetland and Riparian Area Protection Policy

The Management Committee (MC) requested Program staff to provide an overview of the State Water Resources Control Board’s (State Water Board’s) efforts to develop a Wetland and Riparian Area Protection Policy (Policy) at a future MC meeting. This memorandum provides an overview of the background and progress to date on this policy.

Background

In April, 2008, the State Water Board adopted Resolution No. 2008-0026 directing staff to develop a statewide policy to protect wetlands and riparian areas. The purpose of the policy, in addition to protecting and enhancing existing wetlands, is to establish consistency among regulatory efforts among State and Regional Water Boards and provide a common framework for monitoring and reporting the quantity and quality of wetlands. In addition, the State Water Board was concerned that some waters of the State have lost protection under the Clean Water Act due to recent U.S. Supreme Court decisions reducing the scope of federal jurisdiction.

As directed by Resolution 2008-0026, a Development Team of State and Regional Water Board staff will develop the Policy using a collaborative process and considering relevant plans, policies and technical documents that have already been developed by the Regional Water Boards, including the Stream and Wetland Systems Protection Policy Basin Plan Amendments being prepared by Regions 1 and 2. The Development Team is developing the Wetland and Riparian Area Protection Policy in three phases:

- Phase 1 – Protection of wetlands from dredge and fill activities;
- Phase 2 – Protection of wetlands from all other activities impacting water quality; and
- Phase 3 – Protection of riparian areas.

The Phase 1 effort is now called the “Wetland Area Protection and Dredge and Fill Permitting Policy.” The purpose of Phase 1 is to protect all waters of the State, including wetlands, from dredge and fill discharges. Phases 2 and 3 have not yet begun.
**Status of State Water Board Efforts**

Current efforts on Phase 1 are focused on developing a Draft Program Environmental Impact Report and accompanying draft Policy and draft regulation text.

On March 9, 2012, the State Board released a Preliminary Draft Wetland Area Protection Policy (Policy) for informational purposes. This preliminary draft Policy includes four elements: (1) a wetland definition; (2) a wetland delineation method; (3) a wetland assessment and monitoring framework; and (4) authorization procedures for dredge and fill discharges to waters of the state. To date, the Policy development effort has included informal input from various stakeholder groups and technical experts. A formal notice and comment period is expected to commence with the release of the draft Policy with an environmental review document later this year.

**Action Items for SCVURPPP**

Program staff will continue to track the progress of the Policy and determine if and when the Program should provide comments.

**References**

State Water Board's Clean Water Act Section 401 – Certification and Wetlands Program website:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.shtml

State Water Board Resolution No. 2008-0026:

Preliminary Draft Wetland Area Protection Policy (March 9, 2012):

“Wetlands: Frequently Asked Questions” (attached)"
Wetlands: Frequently Asked Questions

The State Water Resources Control Board (State Water Board) is considering a new policy on wetlands. The new policy is designed to protect and enhance California’s wetlands, bring consistency to regulatory efforts by the State Water Board and nine Regional Water Quality Control Boards (Water Boards collectively), and to provide a common framework for monitoring and reporting water quality.

What is a wetland?
As defined in the State Water Board's proposed new policy, a wetland is:

- An area that is covered by shallow water or where the surface soil is saturated, either year round or during periods of the year;
- Where that water coverage has caused a lack of oxygen in the surface soil;
- And has either no vegetation or plants of a type that have adapted to shallow water or saturated soil. Some examples are fresh water marshes, bogs, riparian areas, vernal pools, coastal mud flats and salt marshes.

Why are they important?
Wetlands have long been misunderstood, and frequently were considered wasted land. They have been subjected to excavating (dredging) and filling to create urban development, harbors, or farm land, and governments have even offered incentives to fill in wetlands.

In recent decades, however, scientists, government regulatory agencies and policy makers have come to appreciate the huge environmental and economic benefits they offer to the state.

Wetlands are among the most biologically productive areas on earth, nurturing a vast array of life, from microscopic bacteria, insects and worms to migratory birds, otters, reptiles and amphibians. They provide food and cover for migrating fish such as salmon and steelhead as well as other fish species. Marshes, vernal pools, tidal flats and other wetlands provide an oasis for a variety of endangered species, from fairy shrimp to the salt marsh harvest mouse to young Chinook salmon on their way to the ocean.

Wetlands provide flood and storm water control, temporarily storing flood water and detaining water flow in storm events. Wetland vegetation acts as a filter, capturing pollutants that would otherwise degrade groundwater and surface water.

By stabilizing the banks of rivers, lakes and coastal areas, wetlands provide erosion control. They capture carbon dioxide, a greenhouse gas, and they promote nutrient cycling by up-taking and storing nutrients from the soil, which are then processed through the food chain during their life cycle.
Finally, wetlands provide public enjoyment, a place where people can view the variety of plant and animal life, hunt and fish or quietly contemplate the complex ecological interactions that make up a marsh or coastal mud flat.

California has lost more than 90 percent of its wetlands since European discovery, more than any other state. The losses are primarily due to human land uses, including urban and port development, and agriculture. The remaining wetlands are threatened by population growth, land development, sea level rise and climate change.

Why is a new policy needed?
The State Water Board is considering the policy for several important reasons. First, certain waters of the state have lost protection under the federal Clean Water Act due to U.S. Supreme Court decisions that reduced the scope of federal jurisdiction.

Second, the Water Boards do not have a single accepted definition of wetlands that would capture the rich diversity of wetland types throughout the state. That’s led to a lack of consistency in wetland regulation and management.

Finally, current regulation of wetlands has not prevented loss in the quantity and quality of wetlands. A policy goal of the State Water Board is to achieve no overall net loss and a long-term net gain in the quantity, quality and diversity of waters of the state, including wetlands.

What will the proposed new policy do?
The policy is expected to add consistency and transparency to the determination of wetland areas, and help resolve potential conflicts in areas of overlapping regulatory jurisdiction. Federal regulation of waterways is through the U.S. Army Corps of Engineers (Corps), and the proposed policy aligns state requirements with the Corps’ regulations.

It would add certainty for permit applicants on defining wetlands and requirements for obtaining permits. The policy would also allow consistent monitoring and tracking of trends in state waters, including wetlands, making it easier to protect and manage them.

How does it go about doing that?
By the State Water Board establishing its statewide definition of a wetland, the policy would bring a uniform regulatory approach between the State Water Board and the nine Regional Water Quality Control Boards and quicken permit coordination activity with other agencies involved in protecting wetlands.

It would establish procedures and criteria for the application, review and approval of permits to discharge dredged or fill material to state waters, and it would provide a common framework for wetland and riparian area monitoring and assessment. This will aid in making regulatory decisions and ensure consistency with statewide environmental reporting programs.
Does the policy create a new regulatory program?
No. The Water Boards have been regulating wetlands since the State Legislature established the agency in 1967. The Water Boards protect the water quality of our state’s rivers, lakes, wetlands and coastal ocean areas by issuing permits for activities that may pollute, degrade, alter or destroy waterbodies. One such permit is for projects that include dredging or filling waterbodies with dirt or other construction material. In reviewing these projects, the Water Boards work jointly with the Corps since both agencies regulate dredge and fill activities. Section 404 of the federal Clean Water Act requires the Corps to regulate dredge and fill discharges to waters of the United States, and further directs the Corps, in section 401, to obtain a state water quality certification. In California, the Water Boards issue the water quality certifications for Corps permits to ensure that the projects comply with the state’s water quality control plans. The policy adjusts the regulatory program to make permitting for dredging and fill consistent across all the Water Boards. The requirements in the proposed policy are essentially the same as those required by the Corps.

What is the difference between the wetlands definition proposed by the State Water Board and that used in the federal Clean Water Act Section 404 regulation of dredged or fill material?
Both the State Water Board definition and the federal definition include indicators of wetland soil and hydrology. The federal definition also includes an indication of wetland vegetation other than in certain special circumstances.

The proposed State Water Board definition also considers vegetation when present, but it does not require the occurrence of vegetation to call an aquatic resource a wetland. For example, mud flats and playas are ecologically like wetlands, but are not typically vegetated. They will be considered wetlands under the State Water Board definition.

Why does the proposed State Water Board definition not require an indication of vegetation to call an area a wetland?
Mud flats and playas in California can provide the same benefits and services as vegetated wetlands. They also function in ways that are similar to vegetated wetlands. The proposed definition clarifies that vegetated and unvegetated wetlands will receive comparable environmental protection.

Will the different State Water Board and federal definitions complicate the process used to delineate wetlands? Will it lengthen the time needed to determine whether a federal permit and state certification are required?
No to both questions. The Water Boards and the Corps will require use of the same federal wetland delineation methods. At the end of the delineation process there will be some situations where an assessed aquatic resource is labeled “other waters” for federal delineation purposes and “wetlands” for state delineation purposes.
Will the difference in definition expand the area under federal and Water Board jurisdiction of dredged and fill material?
No. The extent of both federal and Water Board jurisdictions will remain the same as they are today. As mentioned above, there will be circumstances where the type of aquatic resource under federal jurisdiction is given a different name, but the spatial area will not change.

Given the fact that the spatial extent of wetlands under existing regulatory authority will remain unchanged, what is the practical purpose for changing the definition?
The federal Clean Water Act section 404(b)(1) Guidelines list both wetlands and mud flats as types of “special aquatic sites” deserving focused attention in regulatory permitting. However, in the federal permit process unvegetated aquatic areas like mud flats sometimes receive less rigorous attention, and especially in regards to mitigation needs. For the reasons outlined above, and because California has lost so many of its wetlands, the Water Boards generally regulate unvegetated wetlands.

For clarity purposes the Water Boards propose to refine the wetland definition. The proposed change will provide the regulated community greater certainty about the need to avoid impacts to unvegetated wetlands. Also, there will be greater predictability about the requirements to compensate for unavoidable impacts and degradation of that aquatic resource by replacing what is lost.
MEMORANDUM

TO: Management Committee  
FROM: Jill Bicknell, Program Staff  
DATE: October 11, 2012  
SUBJECT: Management Committee Briefing for October

New Development and Redevelopment

- **Regional Standard Specification for Small Projects** – Program staff worked with the BASMAA Development Committee on developing regional standard specifications for lot-scale site design and treatment measures for small projects and single family homes (per Provision C.3.i). Four fact sheets on pervious paving, landscape dispersion, rain barrels and rain gardens have been completed and approved by the Development Committee, the MC, and the BASMAA Board. The final fact sheets have been posted on the SCVURPPP “members only” web page in both Word and PDF versions for use by Co-permittees as a resource. Co-permittees need to prepare to begin implementation of Provision C.3.i by **December 1, 2012**. Implementation approaches and issues will be discussed at the October 22 C3PO AHTG meeting.

A regional report containing standard specifications for small projects and single family homes must be submitted to the Water Board by December 1, 2012. A draft transmittal letter that will be used to submit the fact sheets to the Water Board in fulfillment of this requirement was approved by the BASMAA Development Committee and will go to the BASMAA Board for approval on October 25.

- **LID Feasibility** – Program staff led a BASMAA Development Committee work group to develop an annotated outline for the LID Feasibility Status Report due December 1, 2013. (See BASMAA Development Committee meeting summary.) The outline was approved by the MC as well as the BASMAA Board on August 23, and was submitted to the Water Board on September 14 as part of the BASMAA FY 11-12 Regional Supplement for New Development and Redevelopment. The work group completed a project profile describing tasks and responsibilities for completion of the Status Report which was approved by the BASMAA Board on September 27. Program staff will contribute in-kind services consistent with the tasks approved by the MC in the FY 12-13 C.3 Budget and Work Plan.

- **Qualified Consultants List** – Program staff sent out the Request for Qualifications (RFQ) for Qualified Consultants to Design, Review, and/or Certify Storm Water Treatment Measures and Hydromodification Control Facilities on July 17. The RFQ asks for specific experience with design of LID treatment measures as well as with inspection of constructed treatment and HM
measures. The Statements of Qualifications were due August 15, and 26 SOQs were received. Program staff has completed review of the SOQs and has requested additional information on interest and experience with third party inspections from qualified applicants. Program staff anticipates having a draft updated Qualified Consultants List completed by mid-October and will bring the draft list to the C3PO AHTG for review and approval.

- **C3PO AHTG Meetings** – The next meeting will be held on October 22, 1:30-3:30 pm, at Cupertino City Hall.

**Municipal Maintenance**

- A Municipal Maintenance AHTG will be scheduled for mid-November.

**Industrial/Illicit Discharge**

- The IND/IDDE AHTG will likely meet at the end of October (a date is being determined). The AHTG will be discussing priorities for FY 12-13.

**Water Utility**

- The Program Annual Report transmittal letter informed the Regional Water Board that the SCVURPPP members who are also Water Utilities would be implementing the new conditionally exempt category for “Low Impact Planned Potable Water System Release” on November 15th, absent objection by the Executive Officer. To date, there has been no response from the Regional Water Board.

**Trash Controls**

- **Trash Load Reduction Tracking** – On June 7th, Program Managers received comments from Water Board staff on the Preliminary Trash Generation Rates memorandum and the Trash Load Reduction Tracking Method, both of which were submitted on February in compliance with the MRP. Comments specific to Short-Term Plans were not provided at this time. Comments were forwarded to SCVURPPP Permittees via email on the day they were received from Water Board staff. Comments pertain to both policy and technical related items/issues. Water Board staff requested that a time schedule to address the comments be submitted by July 6, 2012. On behalf of all Co-permittees, BASMAA submitted a response letter and time schedule to the Water Board staff. This letter was reviewed and discussed at the June 27th Trash AHTG meeting and by the Budget AHTG. BASMAA convened a meeting between Water Board staff and Permittee staff on August 15, 2012 to discuss the comments and attempt to agree on next steps. Based on the discussion, it appears that the time schedule submitted by BASMAA is agreeable to Water Board staff. BASMAA is currently in the process of scheduling a set of meetings with Water Board staff to refine the Tracking Method. The first meeting occurred on October 1, 2012 and meetings will likely continue through February 2013. Version 2.0 of the tracking method is currently scheduled for completion in spring 2013.

- **Trash Generation Rates and Baseline Loads** – The Preliminary Trash Generation Rates Technical Memorandum was submitted to the Water Board on February 1, 2012 by BASMAA on behalf of all MRP Permittees. The technical memo includes the results of two characterization events conducted in May and September 2011. Water Board staff provided comments on the technical memo in their June 7th comments. Program staff believes that all comments on the trash generation rates can be resolved. As such, the technical memo will be revised into a final report based on the third and fourth events completed in January and April, and in consideration of Water Board staff comments. The final report will include an analysis of factors other than land use, which along with requested revisions by Water Board staff, may result in refinements to preliminary generation rates. Based on these revisions, trash baseline loads presented in Permittee Short-Term Trash Load Reduction Plans will need to be revised and resubmitted to the Water Board by September 15, 2013. The results of these analyses will be fully documented in a draft technical report that will be available for comment in October.
The goal is to complete the final technical report and submit to the Water Board in the fall 2012.

- **Grant Applications** -- In January 2012, BASMAA submitted an application for funding from the State Water Board’s Proposition 84 Stormwater Monitoring and Planning grant for a project entitled “Tracking California’s Trash”. The project includes three major tasks – trash flux and loading trends monitoring, BMP effectiveness monitoring, and creek hotspot and on-land cleanup data management and website development. Project partners include the Five Gyres Institute and the San Francisco Estuary Partnership (SFEP). BASMAA received notice in late June that the project was awarded $870,000 in funding. In October and November, Program staff will be working with BASMAA to better define the project scope. Updates will be provided at the Trash AHTG and Management Committee meetings.

- **Trash AHTG Meetings** – The Trash AHTG met on September 18, 1-4 pm at San Jose City Hall. A meeting summary is included in the handout packet. The next meeting will be held on November 20, 2012.

**Monitoring / Pollutants of Concern**

- **Regional Monitoring Coalition (RMC)**
  - **Creek Status Monitoring** - The first year (October 1, 2011 – September 30, 2012) of creek status monitoring is complete. Creek status monitoring included water and sediment toxicity testing, sediment and water chemistry, bacteria, algae and benthic macroinvertebrate bioassessments, and continuous temperature and general water quality monitoring. Additionally, stream surveys were conducted using the California Rapid Assessment Method (CRAM). All monitoring was conducted consistent with MRP requirements and in coordination with the Monitoring AHTG and the BASMAA Regional Monitoring Coalition (RMC). Program staff are currently reviewing data for quality assurance and preparing to enter data into a new regionally consistent information management system developed as a BASMAA regional project. Program staff is also conducting site reconnaissance and beginning to collect data for the second year of monitoring under the MRP.

  - **POC (Loads) Monitoring** – Through a combination of RMP and BASMAA member agency funding, a total of six POC monitoring stations will be sampled regionwide in fall/winter of 2012/13. These include the Guadalupe River and Sunnyvale East Channel (Santa Clara County), Lower San Leandro Creek (Alameda County), Pulgas Creek Pump Station (San Mateo County), and North Richmond Pump Station and Lower Marsh Creek (Contra Costa County). The Program is again managing the Guadalupe River station in FY 12-13, with assistance from Balance Hydrologics (subcontractor). SFEI is managing the Sunnyvale Channel station through RMP funding.

  - **Monitoring Projects** – The Program is continuing to implement two stressor identification projects this fall/winter. The Coyote Creek and Guadalupe River projects are being implemented in coordination with the City of San Jose and the SCVWD. The goal of the Coyote Creek project is to identify the sources of low dissolved oxygen in a reach of the creek. The goal of the Guadalupe River project is to better understand the stressors responsible for fish kills in the river and Alviso Slough in 2008, 2009 and 2010. Continuous monitoring equipment is currently deployed in both water bodies and will log data through November/December 2012.

  - **Submittals to Water Board** - Electronic data submittals are due on January 15, 2013 and an Urban Creeks Monitoring Report is due by March 15, 2013 to the Water Board. Drafts of the local and regional portions of the report will be available for internal review in early December 2012.
• **Clean Watersheds for a Clean Bay (CW4CB)** — Program staff is working with the City of San Jose to complete a pilot drainage area investigation and enhanced sediment management project in the Leo Avenue watershed. Both are regional collaborative projects, in support of compliance with MRP provisions C.11/12.c and C.11/12.d. The first round of sediment sampling for the pilot drainage area investigation was conducted the first week of October. The goal is to further identify properties that may be contributing PCBs to the storm drainage system. A second round of sampling will occur following analysis of the first set of data. Additionally, the CW4CB Project Management Team (PMT) has selected 10 pilot stormwater treatment retrofit projects for implementation and compliance with MRP provisions C.11/12.e. Construction of retrofits is moving forward via CW4CB grant funding. One of the ten projects is located in the Santa Clara Valley (Leo Avenue – San Jose). Monitoring of the San Jose retrofit project will begin in the winter of 2012/13. A monitoring plan is currently under development for all retrofit projects. The CW4CB PMT and the retrofit work group met in September. The CW4CB Technical Advisory Committee is scheduled to meet on October 26, 2012 in Oakland.

• **Stormwater Pump Station Diversions to POTWs** — The MRP requires the diversion of dry/wet weather flows at five sites region-wide. The locations of five primary and five alternate diversion sites region-wide were identified and provided to the Water Board with the FY 10-11 Annual Report. For SCVURPPP, the site is located in the City of Palo Alto. A project-specific work plan has been submitted to the Water Board. Initial monitoring is scheduled to begin in late October 2012 and continue through the 2012-13 wet weather season.

• **Monitoring & Pollutants of Concern AHTG Meetings** – The next Monitoring AHTG meeting will occur in November 2012. The date for the next POC AHTG meeting is TBD.
Highlights of BASMAA Committee Meetings
September-October 2012

**BASMAA PIP Committee, September 26, 2012**

*Chair* – Tim Swillinger (SMCWPPP)

*SCVURPPP representatives* – Vishakha Atre (SCVURPPP), Elaine Marshall (San Jose), Lauren Tacke (Cupertino), Jacqueline Besoyan (Sunnyvale)

1. **Youth Litter Outreach – “Be the Street” Campaign** – The Committee agreed to extend the video contest deadline to January 7, 2013 and discussed options for promoting the winning video. The Be the Street displays were also distributed.

2. **Media Relations** – The Committee received an update on the status of 2012-13 efforts, and brainstormed new pitches. A press release on new regulations from DPR on spraying pesticides around building perimeters was pitched in July. O’Rorke is developing a joint pitch with EPA to promote the new Greener Pesticides for Cleaner Waterways grant project (relates to IPM Advocates for Retail Stores). Committee members generally agreed to do a pitch on the municipal agency cost of picking up litter and trash via pump stations, cleanups, etc

3. **OWOW Program** – The new Greener Pesticides for Cleaner Waterways project will further the IPM Advocates work. Starting this fall, Advocates will work closely with 14 existing OWOW stores for two years to create less-toxic displays, train store employees etc. The OWOW program is planning to increase its engagement with Home Depot and Lowes.

4. **Other Updates** – The Committee received updates on the “Got Ants?” project and the voting process for the Bay Protection and Behavior Change regional brand.

5. **Next meeting:** October 24, 2012.

**BASMAA Development Committee, October 4, 2012**

*Chair* – Jill Bicknell (SCVURPPP)

*Vice Chair* - David Swartz (Contra Costa County)

*SCVURPPP representatives* – Jill Bicknell (SCVURPPP), Juan Borrelli (San Jose), Michael Rhoades (San Jose), Cheri Donnelly (Cupertino)

1. **LID Feasibility Implementation** – A work group developed an outline for the LID feasibility status report due December 1, 2013, based on consideration of MRP requirements and the data collection effort and analyses to be conducted over the next 18 months. The outline was approved by the Committee at the August 2 meeting, along with a draft project profile describing in-kind work to be divided among the Santa Clara, San Mateo and Contra Costa programs. The outline was approved by the BASMAA Board on August 23, and submitted to the Water Board on September 14 as part of the BASMAA FY 11-12 Regional Submittal. The work group met to discuss in-kind tasks and responsibilities and provided a revised project profile, which was approved by the BASMAA Board at its September 27 meeting. At today’s meeting, the Committee
discussed and agreed on changes to the draft approach to a survey to collect information on permittees’ application of the feasibility/infeasibility criteria to approved projects.

- **Small Project/Single Family Home LID Specifications** – A work group of the Committee has completed its work with Geosyntec Consultants to adapt a series of fact sheets on site design measures for small projects and single family homes. Four fact sheets on pervious paving, landscape dispersion, rain barrels and rain gardens were completed and approved by the Development Committee, and approved as a final product by the BASMAA Board on August 23. The fact sheets were distributed to Permittees in early September so they can prepare for implementation of Provision C.3.i before the compliance date of December 1, 2012. At today’s meeting, the Committee reviewed, provided comments on, and approved a draft transmittal letter that will be used to submit the fact sheets containing standard specifications for small and single family home projects to the Water Board by December 1, 2012. The fact sheets will be submitted on behalf of all permittees except Contra Costa Clean Water Program permittees, who are preparing a separate submittal.

- **Green Streets Pilot Projects** – Committee representatives are continuing to provide data and status updates on the green street pilot projects. (Program staff are continuing to work with the Cities of Campbell, Los Altos, and Palo Alto to complete the forms for their projects.) At least 10 projects have been identified and are being tracked. The BASMAA Board approved funding the next phase of the Geosyntec contract to conduct pre- and post-project modeling of pollutant loads from the pilot projects and prepare the summary report to the Water Board due September 15, 2013.

Next meeting – November 1, 2012

**BASMAA Municipal Operations Committee**

*Chair:* Elisa Wilfong (CCCWP)

*SCVURPPP representatives* – Lori Pettigrew (SCVURPPP), Jordan Ciprian (San Jose), Cathy Hoang-Mendoza (San Jose)

Next meeting – October 18, 2012 (September meeting cancelled).

**BASMAA Trash Committee, September 20, 2012**

*Chair* – Chris Sommers (SCVURPPP)

*SCVURPPP representatives* – Chris Sommers (SCVURPPP), Paul Ledesma (San Jose), Dustin Clark and Melody Tovar (Sunnyvale), Brett Calhoun (Water District)

- The Committee was updated on the Tracking California’s Trash application that was submitted by BASMAA to the State Board for funding under Proposition 84. BASMAA received notice in late June that the project was awarded $870,000 in funding. In October/November, Program staff will be working with BASMAA and State Board staff to define the project scope. The project is likely to begin in early 2013.

- The Committee spent most of the meeting receiving and discussing additional information on the Draft Refined Trash Generation Rates that are based on the four trash characterization events conducted by BASMAA on behalf of all Co-permittees. Refined generation rates will be presented in a Draft Technical Report scheduled for release in October.

Next meeting – November 2012 (exact date to be determined).

**BASMAA Monitoring/POC Committee, October 3, 2012**

*Chair* - Arleen Feng (ACCWP)

*SCVURPPP representatives* – Chris Sommers (SCVURPPP) and James Downing (San Jose)

- Committee members discussed the status of POC Loads Monitoring conducted in compliance with MRP provision C.8.e. Through a combination of RMP and BASMAA member agency funding, a total of six POC monitoring stations will be sampled region wide in fall/winter of 2012/13. These
include the Guadalupe River and Sunnyvale East Channel (Santa Clara County), Lower San Leandro Creek (Alameda County), Pulgas Creek Pump Station (San Mateo County), and North Richmond Pump Station and Lower Marsh Creek (Contra Costa County). The Program will again manage the Guadalupe River station in FY 12-13, with assistance from Balance Hydrologics (subcontractor). SFEI will manage the Sunnyvale Channel station through RMP funding.

- Committee members continued to discuss the completion of the local and regional portions of the urban creeks monitoring report due to the Water Board by March 15, 2013. The regional portion of the report is being developed through a BASMAA regional project managed by Program staff (via in-kind contributions) and Armand Ruby. Each countywide program is developing their portion of the local report. The first draft of the regional portion of the report is scheduled for internal review in early December.

- Committee members spent the majority of the meeting also discussing the development of the Integrated Monitoring Report (IMR) due to the Water Board by March 15, 2014. Committee members have agreed on the conceptual scope of the IMR and are currently in the process of developing an outline and defining the timeline for development of the IMR, in coordination with the Clean Watersheds for Clean Bay project and RMC monitoring. Additional information on the IMR development will be presented at the November MPC meeting.

- **Next meeting** – November 14, 2012 (one week later due to the CASQA conference).
October 10, 2012

To:  Jill Bicknell; SCVURPPP
     Vishakha Atre: SCVURPPP

From: Sandi Manor

Re: FY 12-13 Watershed Watch Campaign
    September 2012 Activity

Task 1: Creative Development
- Event Display
  - Purchased tabletop display; delivered to Program office.
  - Developed IPM themed panels, center panel; work in progress.
- Telemundo Spanish 2-minute Segment production
  - Translation of Spanish VO for creating Spanish versions of seven (7) 2-minute KNTV segments from 2011-12; Submitted to Ricardo Barajas for review.
  - Obtained editable KNTV-produced segments for dubbing.
- ESPN Desportes Interviews
  - Compiled previously approved Univision interview content for use in ESPN radio interviews; edited to remove visual references.
- Watershed Watch Discount Cards
  - Update Jiffy Lube discount code
- KNTV “Class Action” Segments
  - Developed talking points for approved themes for 9/24 shoot.
  - Coordinated shoot / logistics.
  - Co-directed Alviso shoot with KNTV team.

Task 2: Media Campaign
- KRTY Radio
  - “Hire a Green Gardener” :60 radio spot August 27-31
    - 77 spots; 26 paid, 26 PSA, 25 streaming
    - 5 :10 second tips announcements and referrals to the tips web page
    - Featured link and logo on KRTY.com home page and featured web page linked to MyWatershedWatch.org week of 8/27
- ESPN Desportes Radio
  - “Green Gardener Classes” :60 Spanish radio spot September 3-10
    - 21 paid spots
    - 5 PSAs

- Chinook Book Mobile Sponsorship (ongoing)
  - IPM / Gardening pages sponsorship for mobile application

Task 3: Partner Development
- History San Jose
Declined invitation for Haunted History (same day as Haunt the Hollow at Happy Hollow).

Will coordinate with History San Jose for promotion of the “Shaped By Water: Past, Present, Future” coming in January; request “Solution to Water Pollution” brochure distribution.

Will also see how we might partner for their World Water Day and Earth Day activities, pending more information from them.

- TeamWorks
  - 2nd request for promotion of Green Gardener Program via TeamWorks and Sacred Heart.

- Capitol Premier Car Wash
  - Resolved problem regarding discount being honored for the published amount.

**Task 4: Added-Value Development**

- KNTV “Class Action”
  - Shoot on 9/24 (videographer, field director, production assistant)

- KNTV “Bay Area Proud”
  - Production of 10-second “Bay Area Proud” PSA to promote Creek Connections Action Group “Coastal Cleanup Day” events
  - Event description and link to cleanacreek.org on KNTV community page
  - 10 (10-second) PSAs September 7-14, 2012

- KBAY/KEZR 2012 Summer Made Simple Guide
  - Ongoing through Summer 2012: online Day Plan and inserting Discount Cards into book for distribution

- KRTY Radio “Tips”
  - Week of 8/27: Featured link and logo on KRTY.com home page and featured web page with IPM tips, linked to MyWatershedWatch.org week of 8/27
  - 26x PSAs

- ESPN Desportes Radio
  - 5x PSAs
  - Followed up on additional (missing) PSAs and received confirmation for makegoods in our future schedule.

**Task 5: Web Maintenance**

- Ongoing maintenance to site (English and Spanish)
  - Updates to events, links, refreshing/replacing content, uploading linked files (downloads)
  - Update Google Events calendar

- Facebook.com
  - Posted news and events

**Task 6: Events**

- Stormwater Summit - Delivered large WW display to Program office

**Task 7: Public Relations**

- Water Environment Federation’s Annual Technical Exhibition and Conference (WEFTEC) 2012
Sent broadcast-quality file of “Chapter 4” Class Action video production featuring City of San Jose Citizen Creek Monitoring Volunteer program. Video featured in the Innovation Pavilion during the 2012 Conference Sept 29-Oct 3, 2012 (New Orleans, LA) w/18,000 in attendance.

- Provided CA native landscape photos for City of San Jose (Green Gardener before/after landscape design photos)
- PCO outreach
  - Edited newsletter article targeted to PCOs for IPM training/certification;
  - Provided PCO stock photos

**Task 8: FY 13-14 Work Plan Development**

**Task 9: Meetings & Communications**
- Monthly reporting and ongoing communications with Program
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<thead>
<tr>
<th>PARTNER</th>
<th>CONTACT</th>
<th>RESULTS</th>
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<tbody>
<tr>
<td>Capitol Premier Car Wash</td>
<td>Chuck Brassfield (408-979-7811x12)</td>
<td>Hosted June 6, 2012 50% off car wash event. Campaign promoted event in media and staffed event. Changed offer to $3 off Premier car wash for 2012. Consultant followed up on a discount card conflict reported by City of San Jose. Issue resolved.</td>
</tr>
<tr>
<td>KRTY / KLIV Empire Broadcasting</td>
<td>Jan Bell (408-961-0443 <a href="mailto:jbell@empirebroadcasting.com">jbell@empirebroadcasting.com</a>)</td>
<td>Consultant provided traffic, spot, copy for tips, supervised KRTY’s production of a tips page on their site. KRTY provided 26 PSAs plus the web page and home page logo/link as added value.</td>
</tr>
<tr>
<td>KEZT / KBAY</td>
<td>Janna Nathaway (via KBAY) <a href="mailto:janna@kbay-kezr.com">janna@kbay-kezr.com</a></td>
<td>Ongoing promotion of Summer Made Simple with Watershed Watch day plan and inserted Discount Cards for distribution throughout summer 2012. KBAY added value &quot;Planet KBAY&quot; for 2 weeks and 16 PSAs.</td>
</tr>
<tr>
<td>Yamagami’s Nursery</td>
<td>Genie Moore (408-262-5513 x100 <a href="mailto:Genie_Moore@fws.gov">Genie_Moore@fws.gov</a>)</td>
<td>Offered 25% off monthly featured “Green” product with WW Discount Card, and featured WW on their website home page. (Ongoing) Campaign shared a Yamagami’s Facebook special.</td>
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<tr>
<td>Don Edwards SF Bay Wildlife Refuge at Alviso</td>
<td>Phil Cornish (408-298-7657 <a href="mailto:phil@grpg.com">phil@grpg.com</a>)</td>
<td>SCVEUPPP supports education at the Wildlife Refuge. WW refers individuals to the Refuge for volunteer opportunities and promotes events and activities at the Refuge on the Campaign website. Campaign promoted Bird Fest on Facebook page.</td>
</tr>
<tr>
<td>Guadalupe River Park &amp; Gardens</td>
<td>Marty Jensen (408) 371-2414 x 216 <a href="mailto:rainydays@tymark.com">rainydays@tymark.com</a></td>
<td>$4 discounts at all locations throughout the year, confirmed for 2012. Reported results for July-December 2011. Hosted June 13th event: 50% off car washes. Provided feedback.</td>
</tr>
<tr>
<td>Classic Car Wash (corporate)</td>
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<tr>
<td>Creek Connections Action Group</td>
<td>Kate Slama</td>
<td>Featured National River Cleanup Day volunteering for May 3 segment on Univision. Consultant provided info to KNTV to promote FY 12-13 cleanup events in “Bay Area Proud” campaign.</td>
</tr>
<tr>
<td>Santa Clara County HHW Program (co-permittee)</td>
<td>Rob D’Arcy (408) 918-1967 <a href="mailto:Rob.Darcy@deh.sccgov.org">Rob.Darcy@deh.sccgov.org</a> <a href="mailto:jbell@empirebroadcasting.com">jbell@empirebroadcasting.com</a></td>
<td>Campaign promotes hhw.org for proper disposal of household hazardous waste. Promoted City of San Jose’s mercury thermometer exchange event on website and Facebook. Ran HHW radio for March on KBAY/KEZR + mentions of mercury thermometer exchange events.</td>
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<tr>
<td>BASMA</td>
<td>Geoff Brosseau <a href="mailto:geoff@brosseau.us">geoff@brosseau.us</a></td>
<td>Campaign promoted Be the Street on website home page and Facebook page. Reviewed and commented on media outreach content.</td>
</tr>
<tr>
<td>Childrens Discovery Museum</td>
<td>Sandy Derby (408) 298-5437x261 <a href="mailto:gderby@cdm.org">gderby@cdm.org</a></td>
<td>Sandy participated in KNTV segment shooting; received Solution to Water Pollution brochures for distribution at the Museum. Featured Sandy Derby and BioSITE Program on Class Action.</td>
</tr>
<tr>
<td>Happy Hollow Park &amp; Zoo</td>
<td>Vanessa Rogers (408) 794-6404 <a href="mailto:vanessarogier@sanjosecity.ca">vanessarogier@sanjosecity.ca</a></td>
<td>Provides $2 per person admission discount on WW Discount Card; Confirmed Watershed Watch will be part of October 26 Haunt the Hollow event. We promoted their $4 coupon on Facebook.</td>
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<tr>
<td>Mel Cotton’s Sporting Goods</td>
<td>China (Chris) (408) 287-5994 <a href="mailto:china@melcottons.com">china@melcottons.com</a></td>
<td>Offers a 10% discount on purchases with the Discount Card. Promoted their offer on Facebook.</td>
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<tr>
<td>Heavenly Greens</td>
<td>Troy Scott <a href="mailto:troy@heavenlygreens.com">troy@heavenlygreens.com</a> 408-961-0443 (866) 518-7888</td>
<td>Posted Watershed Watch $500 rebate on home page of Campaign website. Follow up conversations/emails.</td>
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<tr>
<td>RainSavers</td>
<td>Brad Daniel <a href="mailto:rain.savas@comcast.net">rain.savas@comcast.net</a> (408) 728-5809</td>
<td>Rain collection/harvesting company offers a 10% discount on installations with the Watershed Watch Discount Card. Confirmed ongoing for 2012. Updated data for RainSavers on website.</td>
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<tr>
<td>Pacific Interlock</td>
<td>Paul Hathaway <a href="mailto:pghath@gmail.com">pghath@gmail.com</a> (831) 637-9163</td>
<td>WW information appears on their &quot;links&quot; page. They distribute Watershed Watch “Solutions to Water Pollution” brochure in their Cupertino showroom. Forwarded Paul information regarding editorial opportunity in Landscape Professionals magazine.</td>
</tr>
<tr>
<td>TEAMWORKS</td>
<td>David Moore <a href="mailto:dsmathers@teamworks.coop">dsmathers@teamworks.coop</a> (650)248-3415</td>
<td>Consultant requested promotion to their members for the Fall Green Gardener classes.</td>
</tr>
<tr>
<td>Pacific Car Wash</td>
<td>Helen Tang (408) 489-5939</td>
<td>Offers $4 off car washes at two locations, and confirmed for 2012. Campaign promotes on website, social networking and on Discount Cards.</td>
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<tr>
<td>KNTV NBC 11</td>
<td>David Trumper <a href="mailto:david.trumper@nbccnc.com">david.trumper@nbccnc.com</a></td>
<td>Discussions for FY 12-13 media and added value. Consultant provided info to KNTV to promote FY 12-13 cleanup events in “Bay Area Proud” campaign; they produced to air in September, plus web page feature on community pages as added value.</td>
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<tr>
<td>GreenTown Los Altos</td>
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<td>Requested brochures for the “Shaped by Water” art/history exhibit. Hosted Watershed Watch for Earth Day event.</td>
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<td>Jiffy Lube</td>
<td>Third party sponsor through KBAY/KEZR</td>
<td>Agreed to provide $10 off Signature LOF service with Discount Card. Campaign revised and reprinted Discount Cards to include their offer for the remainder of the year. Completed discount code change for the next printing of Discount Cards; updated on website.</td>
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<tr>
<td>Lamar Transit</td>
<td>Cheri Thornley (408) 966-8749 <a href="mailto:cthornley@lamar.com">cthornley@lamar.com</a></td>
<td>Provided 10 bus tails as added value.</td>
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<td>Chinook Book</td>
<td>Shaun Beal (510) 550-8280 <a href="mailto:sbbeal@chinookbook.net">sbbeal@chinookbook.net</a></td>
<td>Ongoing sponsorship March 2012 - February 2013 mobile gardening pages. Requested additions / quick links to IPM list and OWOW participating stores (on WW Website).</td>
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<tr>
<td>Premier Car Washes</td>
<td>Stephanie (408) 944-9258 <a href="mailto:stephanie@premiercarwashes.com">stephanie@premiercarwashes.com</a></td>
<td>Forwarded information about the June events.</td>
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<td>work2future Green Cadre</td>
<td>David Lovato</td>
<td>Responded to David's contact form with some initial ideas about partnering.</td>
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<tr>
<td>City of San Jose</td>
<td>(408) 794-1137</td>
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<td></td>
<td><a href="mailto:david.lovato@sanjoseca.gov">david.lovato@sanjoseca.gov</a></td>
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IPM Workshop for Retail Nurseries and Garden Centers

The University of California Integrated Pest Management (UC IPM) and California Association of Nurseries and Garden Centers (CANGC) are co-sponsoring a hands-on workshop, designed especially for retail nursery and garden center employees. Registration is required. Please see information below.

When: Tuesday, October 30, 2012

Where: UCSC Extension in Silicon Valley, Santa Clara, CA

Time: 8:45 AM to 2:45 PM

Cost: $40 per person (lunch and materials included)

Get yourself and your staff up to speed on home and garden pests, pesticides and resources to consult when customers’ pest questions arise! This hands-on workshop, co-sponsored by UC IPM and CANGC, is designed especially for retail nursery and garden center employees, managers, owners, and affiliates. Agenda available at http://ucanr.org/sites/IPMretail/Agenda/

Participants will gain new skills to better serve customers and keep them coming back! Participants will learn about Integrated Pest Management (IPM), pest identification, and how they can direct customers to less toxic pest management tools, both chemical and non-chemical, sold in stores.

Your $40 registration fee includes a set of the popular Landscape Pest Identification cards, lunch, a training certificate, and take home materials.

Send a few, train many! The workshop will be a "train-the-trainer" seminar. That means attendees will receive materials so they can go back to their stores and train others on what they learned.

Don't miss this opportunity! Registration is open exclusively for retail affiliates until midnight on October 15*, so sign up today! Deadline for all registration is 5:00 pm on Monday October 22.

*After October 15, any available space will be open to those on the wait list.

For further information, see http://ucanr.org/sites/IPMretail/
Santa Clara
Valley Urban
Runoff Pollution
Prevention Program

Santa Clara Basin
Watershed Management
Initiative Steering Committee
Meeting Summary Report

Meeting Highlights

- Subgroup Reports

  o Watershed Education and Outreach – As part of its FY 11-12 media advertising, the Watershed Watch Campaign will develop five new educational segments that will run on KNTV’s “Class Action” program. The segments include the following topics: Santa Clara Valley Green Gardener Program, IPM certifications available for structural pest control operators, tours of local wastewater treatment plants, Watching Our Watersheds educational tool, and educational programs offered by the City of Palo Alto. The segments will be presented by Co-permittee staff.

  o The POTW Discussion Forum discussed the schedule for upcoming POTW permit renewals. They also discussed creating educational facilities for public at the three Water Pollution Control Plants. Phil noted that the Palo Alto RWQCP will likely post additional signage instead of creating an educational facility.

  o The Product Action Subgroup has not met recently. Palo Alto and San Jose staff are continuing to collaborate on reducing “styrofoam” packaging from city suppliers.

  o The ZLI “Door to Dump” Summit will be held on October 24 at the Campbell Community Center. This will be the first of two summits focusing on reducing litter associated with garbage/recycling collection transport and processing. The second summit will be held on January 16, 2012 at the Quinlan Community Center in Cupertino.

  o The Land Use Subgroup met on September 19 and discussed activities planned for FY 12-13. Trish distributed copies of the meeting minutes.

- WMI Priorities - Attendees reviewed the “WMI Future Project Ideas” table and discussed topics that have WMI listed as the lead agency for implementation:

  o Implementation of District’s Guidelines and Standards for Land Use near Streams – The Steering Committee discussed appropriate forums for municipalities to discuss how agencies are implementing these guidelines. Attendees suggested that agencies could consider updating their planning staff on this issue during internal trainings.

  o Bag Bans And Product Stewardship – Attendees agreed that the Steering Committee should continue tracking this issue. Phil will contact Lisa Rose (RWRC) to find out the status of local bag bans and product stewardship actions.
- Rainwater Harvesting – Vishakha noted that Jill Bicknell (SCVURPPP) is making a presentation on the feasibility of rainwater harvesting at the CASQA conference. She will ask Jill to share this presentation with the WMI.

- Nutrients and Toxicity - Notes from August POTW Discussion Forum
  - Permit Renewal: Sequence is Palo Alto, San Jose, and Sunnyvale (each spaced about 3 months apart). Review screening will begin for toxicity. San Jose may ask about 120 million gallons per day average dry weather flow trigger. Trish brought up looking also at a minimum-flow-to-bay of oxygenated freshwater effluent that may be needed for ecosystem. Need to update assumptions for current conditions including South Bay Salt Pond Restoration and new understandings about sea level rise.
  - Nutrients – A POTW Discussion Forum subgroup will meet separately this Fall to review existing South Bay data (San Jose collected monthly data until 2009, now quarterly) along with treatment plant data to see what the data tells us and possibly recommend RMP studies. BACWA nutrient workgroup is focused on Suisun Bay. USGS is putting a moored nutrient sensor at the Dumbarton Bridge as a pilot.

- Next WMI Steering Committee Meeting: Friday, November 16, 2012.
Land Use Subgroup Conference Call Highlights

September 19, 2012

Attending
Carrie Jensen  
H. T. Harvey  
Gloria Sciara  
City of Santa Clara  
Juan Borelli  
City of San Jose  
Laura Prickett  
Santa Clara Valley Urban Runoff Pollution Prevention Program  
Trish Mulvey  
CLEAN South Bay

Action Items

- Carrie will forward the four BASMAA site design fact sheets to a group of landscape designers that focus on sustainable landscapes and ask if the group would like the LUS to provide information at a future meeting of the group.
- Carrie will provide information about and a link to the BASMAA site design flyers to the Northern California Chapter of the America Landscape Architects Association.
- Laura will forward a weblink to the fact sheets to the meeting attendees.
- Gloria will mention at a future C3PO meeting the possibility of making the fact sheets available for a broader public than just applicants with projects subject to Provision C.3.i of the Municipal Regional Stormwater Permit.
- Laura will review and prepare comments on the proposed updates to the LEED, Sustainable Sites and Build It Green green building rating systems.
- Laura will send to regular LUS attendees the drafts of her comments on green building rating systems, together with a matrix she previously prepared showing which green building credits in these rating systems are available for stormwater controls.
- Laura will contact Linda Baittie about the possibility of collaborating with Master Gardeners to initiate gray to green demonstration projects.
- Laura will place on a future LUS agenda an item to explore the possibility of proposing a gray-to-green presentation for SPUR-San Jose.
- Laura will ask Jill Bicknell about appropriate forums for municipalities to discuss how agencies are implementing riparian protection.
- Trish will ask the WMI Steering Committee about appropriate forums for municipalities to discuss how agencies are implementing riparian protection.
- Laura will pass along to Jill Bicknell the suggestion that SCVURPPP consider having the 2013 Site Design Awards ceremony at a meeting of the Santa Clara County Association of Planning Officials.
- Laura will send a friendly email to the LUS email list asking people to let her know if they want to remain on the list (while making no threat to remove them if they do not respond).

Summary of Discussion

- **BASMAA Site Design Fact Sheets.** The LUS will help get the fact sheets to an audience that is broader than just project applicants by distributing them to groups of landscape architects and designers, and by suggesting to SCVURPPP and local municipalities that the fact sheets could be provided to members of the general public interested in yard and garden improvements.
- **Planned LUS Activities for Fiscal Year 2012/13.** The Subgroup agreed to implement the following:
  - Review and comment on proposed updates to the following green building rating systems: LEED, Sustainable Sites, Build It Green (GreenPoint Rated).
  - Stay apprised of work SCVURPPP is doing to track changes to the state building code regarding rainwater harvesting for indoor uses of non-potable water.
**Potential Future LUS Activities.** The Subgroup will continue to explore possibilities to implement the following activities in the future:
- Prepare and give a “gray to green” presentation to SPUR-San Jose.
- Coordinate with the Master Gardener program about the possibility of collaborating on gray to green demonstration projects.

**Ideas to Share with Other Groups.** The Subgroup decided not to pursue the following activities at this time, but will offer suggestions to other groups that may be interested in following up:
- Presentation at a SCCAPO meeting. It was suggested that a SCCAPO meeting might be a good venue for SCVURPPP to present site design awards. This could help inspire planning officials to, in turn, inspire their staffs and project applicants to go beyond strict adherence to C.3.i requirements and implement new exciting, attractive and watershed-friendly projects.
- Obtain input from municipalities about how their implementation of riparian protection and any needs they may have to improve implementation. It was suggested that this may be a suitable discussion for the round table sharing portion of a C3PO meeting. It was also suggested that attendees of a WMI Steering Committee meeting might have ideas about appropriate venues for getting this input from municipalities.

**Reviewing the LUS Email List.** Attendees recognized that there may be people on the email list who are no longer interested in following the activities of the LUS; and at the same time attendees want to encourage involvement. A middle path would be to send out a friendly email asking people to let us know if they want to remain on the list, while making no threat to remove them if they do not respond.

**Next Meeting**
- November 14, 2:30 to 4:00 pm. Conference call only, unless Laura notifies the LUS email list otherwise.
October 11, 2012

Debbie Raphael, Director
California Department of Toxic Substances Control
Office of Legislation & Regulatory Policy
Attn: Krysia Von Burg, Regulations Coordinator; gcregs@dtsc.ca.gov
P.O. Box 806
Sacramento, CA 95812-0806

Subject: Comments on Draft Regulations for Safer Consumer Product Alternatives
(July 2012)

Dear Ms. Raphael:

The California Stormwater Quality Association (CASQA)\(^1\) appreciates the opportunity to review and comment on the proposed Regulations for Safer Consumer Product Alternatives.

We view the regulations as an essential component of our efforts to comply with the federal Clean Water Act and the State Water Code. Controlling problem chemicals at the original source—in consumer products—is often the most cost-effective and for some pollutants is the only effective method of ensuring they do not end up threatening aquatic life and human health. If problem chemicals are addressed in consumer products, then State and local agencies will not be forced to install, maintain, and operate expensive treatment facilities in stormwater systems.

We appreciate the changes that have been made to earlier versions of these regulations, particularly those changes that will allow the program to address degradation and reaction products. The substantial effort by DTSC staff is evident in the increased focus in this latest draft on protecting the environment, especially water quality, and other changes to address our earlier comments.

We strongly support adoption of the regulations and encourage DTSC to move forward with finalization of the rule. Timely implementation is important for California.

To ensure that the regulatory program has the capacity to prioritize the water polluting products that pose the greatest threats to surface water quality—and the greatest challenges to remediate, we recommend two minor modifications to the regulations, which we detail below.

\(^1\) CASQA is comprised of stormwater quality management organizations and individuals, including cities, counties, special districts, industries, and consulting firms throughout California. Our membership provides stormwater quality management services to more than 22 million people in California.
Add Clean Water Act 303(d) list to the Chemicals of Concern list and provide the means to address these water pollution problems in the program’s first phase

In Section 69502.2(a), “Chemicals of Concern Identification,” only pollutants listed under section 303(c) of the Clean Water Act are included. A different list, developed by the Water Boards every few years under Section 303(d) of the Clean Water Act, lays out the state’s priority water pollution problems. While there is significant overlap between pollutants in section 303(c) and pollutants that have resulted in 303(d) impairments, there are some important differences in how these lists are developed. Water bodies may be deemed impaired under section 303(d) for any pollutant, not just those listed under 303(c). Unlike the Section 303(c) list, the Section 303(d) list is updated regularly. The 303(d) list meets all of DTSC’s stated criteria for inclusion among the lists of chemicals of concern. Including both 303(c) pollutants and the 303(d) pollutants in the “Chemicals of Concern Identification” will ensure that the highest priority water pollution problems in the state can be addressed. We request that DTSC include 303(d) pollutants in Section 69502.2(a), Chemicals of Concern Identification.

The proposed regulations constrain the initial list of priority products in a manner that excludes many chemical pollutants commonly associated with water pollution in urban waterways. To address this, we recommend that DTSC modify Section 69503.3(g) to provide the ability to address pollutants on the Clean Water Act 303(d) list, since this is the Water Board’s list of California’s water pollution problems.

Use economic impacts on cities and counties and state agencies as a basis for prioritizing chemicals and products

The costs to public agencies of removing chemicals from stormwater runoff are very high. These costs include complying with stormwater permit requirements, such as TMDL implementation costs, monitoring costs, stormwater conveyance for treatment as well as the treatment itself, and costs for other alternative waste management practices to prevent water pollution. In particular, building end-of-pipe treatment on storm drain systems is very costly. We have estimated the treatment cost for just one pollutant (copper) would be in the billions of dollars.

It is our assessment that DTSC has the legal authority to consider the potential costs to California municipalities, special districts and other agencies in determining which chemicals to list as chemicals of concern, and in prioritizing these chemicals. These are the costs avoided if the regulations effectively address the pollutants in consumer products.

The Green Chemistry statute, AB 1879, allows DTSC to consider these local government costs. AB 1879 was codified as Health and Safety Code section 25252 through 25255. Section 25252(a) states that DTSC “shall establish an identification and prioritization process that includes, but is not limited to, all of the following considerations: (1) The volume of the chemical in commerce in this state. (2) The potential for exposure to the chemical in a consumer product. (3) Potential effects on sensitive subpopulations, including infants and children.” [emphasis added] This language makes clear that the process of listing and prioritizing is required to include, at a minimum, the three listed considerations. However, it implies that DTSC is expected to include considerations beyond those three. The language of AB 1879

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2 See page 29 of 78, line 5, subsection (g): “(g) Initial Priority Products List(s). Prior to January 1, 2016…” Chemicals of Concern limitations prior to 1/1/16 require that all chemicals be human pollutants (human-based lists).
expressly permits DTSC to consider additional factors in determining which chemicals to list as chemicals of concern, and how to prioritize products containing those chemicals of concern.

In fact, in its draft regulations, DTSC recognizes that it is expected to include additional considerations in listing chemicals of concern, and prioritizing products by including additional considerations not described in the statute. Sections 69502.2(b)(1)(A) and (B) include multiple additional factors DTSC is to consider in identifying chemicals to be included as a Chemical of Concern. For example, section 69502.2(b)(1)(A) requires DTSC to consider “The ability of the chemical to contribute to or cause adverse public health and/or environmental impacts, considering reliable information relevant to the following factors: ... 6. The chemical’s environmental fate; 7. The human population and/or aquatic, avian, or terrestrial animal or plant organisms that would be adversely impacted ....” Section 69503.2 of the proposed regulations also includes a lengthy list of factors DTSC must consider in prioritizing a product. DTSC has obviously recognized it may include many considerations beyond those expressly included in the statute.

Finally, the intent of the Green Chemistry statutes is to address the harm of chemicals contained in consumer products prior to those products becoming wastes. Identifying chemicals of concern and prioritizing products involves evaluating the harm of those chemicals and products to people and the environment. The cost to local governments in responding to the physical and biological environmental impacts of chemicals in consumer products in stormwater is an important measure of the harm of that chemical to the environment. Considering these costs in determining which chemicals should be listed as chemicals of concern, and which products to prioritize, is not only contemplated by the language of AB1879, but also furthers the intent of that statute.

To provide for this, we request that DTSC make minor modifications to Sections 69502.2(b) and 69503.2 to include the potential costs to local governments, including those incurred by stormwater programs, as a major factor in determining which chemicals to list as chemicals of concern and which products to prioritize.

We are optimistic that the Green Chemistry Initiative, including these regulations, will constitute a major step forward in protecting the environmental resources of California.

Thank you for the opportunity to provide comments. Please contact Geoff Brosseau, our Executive Director, at (650) 365-8620 if you have any questions or need additional information, or me at (714) 955-0670. We are also available to meet at your convenience to review the issues described in these comments.

Very truly yours,

Richard Boon, Chair
California Stormwater Quality Association

cc: Odette Madriago, Chief Deputy Director, DTSC
    Charles Hoppin, Chair, State Water Board
    Frances Spivy-Weber, Vice Chair, State Water Board
    Tam Doduc, Member, State Water Board
CASQA comments on Proposed Regulations for Safer Consumer Products

Steven Moore, Member, State Water Board
Felicia Marcus, Member, State Water Board
Tom Howard, Executive Director, State Water Board
Jonathan Bishop, Chief Deputy Director, State Water Board
Darrin Polhemus, Deputy Director, State Water Board
Vicky Whitney, Deputy Director, State Water Board
Rik Rasmussen, Acting Assistant Deputy Director, State Water Board
Paul Hann, TMDL Section Chief, State Water Board
Bruce Fujimoto, Surface Water/Permitting Section Chief, State Water Board
Nancy Woo, Acting Water Acting Director, Water Division, USEPA Region IX
CASQA Board of Directors and Executive Program Committee

October 11, 2012
October 16, 2012

Richard P. Keigwin, Jr.
Pesticide Reevaluation Division
Office of Pesticide Programs (7510P)
U. S. Environmental Protection Agency (EPA)
1200 Pennsylvania Ave., NW.
Washington, DC 20460–0001


Dear Mr. Keigwin:

On behalf of the California Stormwater Quality Association (CASQA\(^1\)), we appreciate the opportunity to provide input into U.S. EPA’s “Proposal for Enhancing Stakeholder Input in the Pesticide Registration Review and ESA Consultation Processes and Development of Economically and Technologically Feasible Reasonable and Prudent Alternatives.”

CASQA is interested in this proposal to change stakeholder involvement in the pesticide Registration Review process because on a recurring basis, uses of EPA-approved pesticides result in adverse impacts to water quality and aquatic life in urban runoff and receiving waters. In recent years, numerous studies have documented the presence of pesticides and pesticide-caused toxicity in both surface waters and sediments in California’s urban waterways.\(^2\)

Pesticide-related pollution in surface waters receiving urban runoff has created a multi-million-dollar regulatory burden for our municipality members. When this water pollution occurs, municipalities may be subject to enforcement under National Pollutant Discharge Elimination System (NPDES) permits. Municipalities also face negative publicity and the increasing threat of litigation under the citizen suit provisions of the Clean Water Act (CWA).\(^3\)

Once pesticides are present in urban runoff, it is technically and economically infeasible for municipal stormwater agencies to reduce pesticide levels sufficiently to meet CWA requirements. To avoid this untenable situation, EPA must use its pesticide regulatory authorities to prevent pesticide pollution in urban watersheds.

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\(^{1}\) CASQA is comprised of stormwater quality management organizations and individuals, including cities, counties, special districts, industries, and consulting firms throughout California. Our membership provides stormwater quality management services to more than 23 million people in California.


\(^{3}\) c.f., Natural Resources Defense Council, Inc. v. County of Los Angeles (Filed July 13, 2011), Case No. 10-56017; Coalition for a Sustainable Delta, et al., v. City of Stockton and County of San Joaquin (Filed Feb. 18, 2009), Case No. 2:09-cv-00466-JAM-KJN
EPA’s proposal is intended to facilitate endangered species consultations and coordination during pesticide registration review processes and to improve the transparency of the registration review process overall (Proposal, p. 2). CASQA strongly supports these stated objectives, as well as some specific measures outlined in the proposal, such as publishing time-specific schedules for registration reviews (p. 4). However, CASQA members have strong concerns about several elements of the proposal, as detailed below.

Proposed Process Should Seek to Engage All Stakeholders

CASQA’s primary concern is that the proposal focuses on agricultural interests and does not acknowledge that half of all pesticides use occurs in urban environments. CASQA urges EPA to engage stakeholders that can provide insight on urban pesticide use patterns, fate and transport of pesticides used in urban areas, and potential water quality impacts from urban uses of pesticides.

By routinely engaging a wider array of stakeholders than it has in the past, EPA will be better equipped to focus its limited resources on the greatest risks, and avoid unnecessary delays in the registration review process. Broader stakeholder input will result in preliminary problem formulations and work plans that require fewer revisions, and ultimately are more efficient for EPA, more protective of the environment, and less costly in the long run to registrants.

Proposed “Focus” Meetings. EPA proposes to offer “Focus” meetings in advance of opening a registration review docket to solicit input early in the registration review process. While CASQA supports the concept of early stakeholder input to better inform the registration review process, we can only support “Focus” meetings if EPA offers all stakeholders the opportunity to participate. The registrants and agricultural users that EPA proposes to invite to these meetings often are not fully aware of the urban application locations and the transport of pesticides to surface waters after applications in urban settings. CASQA believes that EPA needs input from a broader range of stakeholders who can offer different types of expertise and bring to light concerns that should be addressed in registration review, such as fate and transport in urban settings and known and potential impacts to water quality.

CASQA requests that EPA specify in its proposal that it intends to engage all interested stakeholders, including specifically persons that meet one or more of the criteria below:

- That are knowledgeable and experienced in urban pesticide use,
- That have data characterizing urban pesticide use and the fate and transport of pesticides used in urban areas,
- That manage one of the two piping systems (sewers and storm drains) or is otherwise responsible for water that transports pesticides applied in urban areas away from application locations, and
- That are responsible for management of the locations where the pesticides move after their use in urban areas, including municipal wastewater treatment plant managers, municipal waste programs, flood control agencies, and water quality protection agencies.

In CASQA’s experience, registrants have not been able to provide pesticide regulators with complete information about urban use patterns nor have registrants been able to identify correctly the potential for pesticides used in urban areas to be washed into storm drains and sewers. For example, registrants were unable to provide California Department of Pesticide
Regulation (DPR) with specific information characterizing outdoor use and off-site transport of pyrethroids in urban areas. To fill this gap, DPR obtained information from a variety of stakeholders, including our organization and our colleagues from municipal wastewater treatment plants and California Water Boards. DPR continues to consult with CASQA to obtain information about transport of pesticides into and through our urban water drainage systems, the fate of pesticides in our systems, and the consequences of their ultimate releases into surface waters.

We enclose letters that provide two additional examples of how information from stakeholders other than registrants and agricultural growers would benefit EPA:

- **Polyhexamethylene biguanide (PHMB).** This letter called EPA’s attention to a critical omission in the Registration Review Work Plan for PHMB, which did not identify the environmental exposures associated with the routine seasonal and maintenance discharge of PHMB-treated swimming pools, nor exposures associated with use in building paint. Consequently, the Registration Review Work Plan did not include a plan for assessing water quality risks associated with PHMB releases into storm drains from these uses. CASQA’s letter provided details about swimming pool use and drainage patterns.4

- **Fipronil.** This letter identified a critical oversight in the development of EPA’s Registration Review Work Plan for fipronil, which did not identify the potential for water pollution from urban fipronil use, and consequently did not include plans to assess water quality risks from urban applications (most importantly applications to impervious surfaces). The CASQA letter provided environmental monitoring data and details about the applications and pathways associated with environmental exposures.5

EPA’s Registration Review process would be much more efficient if EPA obtained this type of information prior to development of its preliminary work plans. Since our budgets are limited, we would also greatly appreciate the efficiency of early communications via “Focus” meetings.

“Focus” meetings could take the form of open forums, open to all stakeholders, or individual stakeholder meetings. In either case, the opportunity to attend “Focus” meetings should be formally noticed in the Federal Register so that all interested stakeholders are informed of the opportunity to provide input and whom to contact to request a meeting. Without such notice, it is impossible for stakeholders to know when meetings should be scheduled and whom to contact to arrange a meeting. Agendas and outcomes of closed meetings held with individual stakeholders should be made publicly available (e.g., in docket) and should clarify the decisions about the scope of the review resulting from the meeting, so that information gaps, miscommunications, or unintentional errors may be addressed quickly before EPA proceeds with work plan development.

**Adoption of Early Risk Reduction Strategies.** We support EPA’s intent to develop early risk reduction strategies for pesticides entering Registration Review. Because half of all pesticide use occurs in urban areas, without appropriate input from urban water quality agencies and other

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4 See enclosed CASQA comment letter on PHMB Registration Review.
5 See enclosed CASQA comment letter on Fipronil Registration Review.
urban stakeholders, early risk reduction strategies may not be sufficient, appropriate or effective, depending on a given pesticide’s use patterns. For example, a recent Endangered Species Act stipulated injunction prohibiting applications of numerous pesticides within buffer zones around various California urban creeks was not only impractical for professional pesticide applicators and unenforceable for ordinary consumers, but also ineffective in achieving the goal of reducing potential pesticide transport to creeks. In our experience, practical and effective risk reduction strategies can be designed for urban areas, using information from the broader range of stakeholders listed above.

Solicitation of Additional Usage Data. The proposal would allow EPA to solicit additional use data after the final work plan has been completed and while the registrant is conducting toxicity and exposure testing for the preliminary risk assessment (p. 5). Again, in concept, CASQA supports soliciting best available data; however, EPA needs to actively engage a wide variety of stakeholders – not just registrants and agricultural stakeholders – to obtain accurate usage data. It has been our experience that registrants often do not have detailed understanding of the urban uses of the products formulated with their active ingredients, perhaps because they often do not have direct relationship with the users of their products (e.g., facilities managers, structural pest control applicators, landscapers, and consumers). If stakeholders other than registrants are not consulted, EPA will likely find that unintentional inaccuracies and omissions will hamper the registration review process.

In addition to routinely requesting data from a broad range of stakeholders, EPA should also exercise its authority to require registrants to collect more comprehensive usage data, particularly for pesticide use in urban areas. As an example, EPA may look to the California DPR requirement of pyrethroids registrants to conduct a survey of professional structural pest control applicators to obtain data sufficient to characterize application practices around structures.

EPA should also routinely seek data that better captures non-professional product use, such as products used by residents, building facilities managers, and small business owners. California DPR collects sales data on an annual basis, and it can provide important clues as to how, where, and by whom certain pesticides are used.

Opportunity to Prevent Water Quality Impacts

As EPA works to better address endangered species concerns in the pesticide registration review process, we urge EPA to also embrace this effort as an opportunity to prevent water quality impacts. Since the inception of the NPDES stormwater program approximately 20 years ago, numerous studies have documented the presence of pesticides and pesticide-caused toxicity in both water and sediment of California’s urban waterways.

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6 United States District Court Northern District of California (2010). Stipulated Injunction and Order. Case No. 07-2794-JCS. Center for Biological Diversity vs. U.S. EPA.


Because local agencies in most states do not have authority to regulate pesticide uses or application patterns, it is the responsibility of federal and state pesticide regulators to control pesticide uses sufficiently to prevent surface water toxicity. From CASQA’s perspective, an effective registration review process would eliminate the occurrence of pesticide-related aquatic toxicity in waters and sediments of surface waters receiving urban runoff discharges.

Thank you for your consideration of our comments. If you have any questions, please contact Dave Tamayo, CASQA Pesticide Subcommittee Co-Chair, at (916) 874-8024 (tamayod@SacCounty.net); or CASQA Executive Director Geoff Brosseau at (650) 365-8620.

Sincerely,

Richard Boon, Chair
California Stormwater Quality Association

Enclosures:


cc: Steven Bradbury, Director, U.S. EPA U.S. EPA Office of Pesticide Programs
Charles Andrews, Associate Director, California Department of Pesticide Regulation
Donald Brady, Director, U.S. EPA Office of Pesticide Programs, Environmental Fate and Effects Division
Randy Hill, Acting Director, U.S. EPA Office of Water, Office of Wastewater Management
Nancy Woo, Acting Director, Water Division, U.S. EPA Region 9
Debra Denton, U.S. EPA Region 9
Erin Foresman, U.S. EPA Region 9
Patti TenBrook, Life Scientist, U.S. EPA Region 9
Syed Ali, California State Water Resources Control Board
Nan Singhasemanon, California Department of Pesticide Regulation
Tom Mumley, California Regional Water Quality Control Board, San Francisco Bay Region
Janet O’Hara, California Regional Water Quality Control Board, San Francisco Bay Region
Daniel McClure, California Regional Water Quality Control Board, Central Valley Region
Tessa Fojut, California Regional Water Quality Control Board, Central Valley Region
Chris Hornback, Senior Director, Regulatory Affairs, National Association of Clean Water Agencies
CASQA Board of Directors, Executive Program Committee, and Pesticides Subcommittee
September 10, 2012

Rebecca von dem Hagen  
Office of Pesticide Programs (OPP)  
U.S. Environmental Protection Agency (EPA)  
1200 Pennsylvania Ave., NW.  
Washington, DC 20460–0001

Subject: Polyhexamethylenebiguanide Registration Review, Case # 3122 (Docket ID Number EPA–HQ–OPP–2012–0341)

Dear Ms. von dem Hagen:

On behalf of the California Stormwater Quality Association (CASQA\(^1\)), we appreciate the opportunity to provide input into U.S. EPA’s plans for registration review of the biocide polyhexamethylenebiguanide (PHMB).

CASQA is concerned about the registration status of certain pesticide ingredients because on a recurring basis, uses of U.S. EPA-approved pesticides result in adverse impacts to water quality and aquatic life in urban runoff and receiving waters. In recent years, numerous studies have documented the presence of pesticides and pesticide-caused toxicity in both surface waters and sediments in California’s urban waterways.\(^2\)

Pesticide-related pollution in surface waters receiving urban runoff has created a multi-million-dollar regulatory burden for our municipality members. When this water pollution occurs, municipalities may be subject to enforcement under National Pollutant Discharge Elimination System (NPDES) permits. Municipalities also face negative publicity and the increasing threat of litigation under the citizen suit provisions of the Clean Water Act (CWA).\(^3\)

Once pesticides are present in urban runoff, it is technically and economically infeasible for municipal stormwater agencies to reduce pesticide levels sufficiently to meet CWA requirements. To avoid this untenable situation, U.S. EPA must use its pesticide regulatory authorities to prevent pesticide pollution in urban watersheds.

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\(^3\) c.f., Natural Resources Defense Council, Inc. v. County of Los Angeles (Filed July 13, 2011), Case No. 10-56017; Coalition for a Sustainable Delta, et al., v. City of Stockton and County of San Joaquin (Filed Feb. 18, 2009), Case No. 2:09-cv-00466-JAM-KJN
CASQA’s Interest in PHMB Registration Review

CASQA is primarily interested in the registration status of PHMB because its registered uses as a swimming pool fungicide, algaecide and sanitizer can result in discharges to the storm drain system and ultimately surface waters. Several years ago, CASQA members along with our colleagues in the wastewater sector sought to educate US EPA Antimicrobial Division staff about swimming pool discharges and arranged a teleconference in April 2008. As a result of the teleconference, Antimicrobial Division staff had a better understanding of the challenges that swimming pool chemicals like PHMB can pose to stormwater and wastewater agencies. Understanding that staffing has changed in subsequent years, we have enclosed minutes, follow-up correspondence, and briefly summarize below the information we shared with EPA staff at that time.

Background Information Regarding Swimming Pool Discharges

Swimming pools may be drained as frequently as every two to seven years and spas as often as every three months. The water is discharged either to the storm drain system, wastewater facilities, or surrounding landscaped areas. We have enclosed a compilation of local agency practices from across the nation that indicates there is no national norm in terms of where pool water is discharged. Some agencies have ordinance requirements, others have prohibitions, and still others have no guidance at all. On the basis of this information, we recommend that EPA evaluate swimming pool and spa discharges to both sewers and storm drains.

When discharged to the storm drain system, pool water flows untreated to streams, rivers, bays and the ocean. Swimming pool water (and likely that from spas and fountains) can contain numerous constituents of concern, as highlighted in the enclosed report by the Contra Costa Clean Water Program. At the time of the report’s preparation in 2000, chlorine and copper-based algaecides were primary concerns, but the findings are applicable to PHMB, considering PHMB’s resistance to degradation and known toxicity to fish.

For example, a typical swimming pool contains approximately 15,000 gallons of water. A common swimming pool product containing PHMB recommends obtaining a concentration of 50 parts per million, two thousand times the LC50 of 25 parts per billion (ppb) for rainbow trout and 1,400 times the LC50 of 36 ppb for Daphnia magna. In California and the Southwest, small urban creeks often have flows of less than 1 cubic foot per second (cfs); some have flows less than 0.1 cfs (which is on the order of magnitude of the typical flow rate of a swimming pool discharge). In dry weather, a single swimming pool discharge via a storm drain to a small creek or stream could easily result in concentrations that are toxic to rainbow trout and to invertebrates.

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5 See enclosed compilation of responses regarding swimming pool discharge practices from local agencies around the country.
Because many pool algaecides, fungicides and sanitizers have the potential to result in fish kills, CASQA member agencies often direct pool owners to discharge pool water to the sanitary sewer. Agencies post information to their websites and distribute brochures and fact sheets such as those that we have enclosed. But it is virtually impossible for stormwater agencies to reach all the owners of the some 1.2 million swimming pools in California, and the countless others who are responsible for maintaining spas and fountains.

**Evaluate Stormwater Exposure Pathways**

CASQA requests that EPA evaluate any uses that may result in release of PHMB to the storm drain system. In other pesticide risk assessment plans, EPA has made progress in evaluating aquatic exposures from stormwater. However, in the case of PHMB, neither the Summary Document nor the Scoping Document (“Product Chemistry, Environmental Fate, Ecological Effects Scoping Document in Support of Registration Review of PHMB,” US EPA, June 2012) mention this important exposure pathway.

Swimming pool discharges to the storm drain system will require special attention in modeling, because these are one-time discharges that quickly release all PHMB in the pool water to a storm drain, possibly in a as little as an hour, as there are not typically flow volume limitations to the storm drain system. Furthermore, urban storm drainage conveyance systems have distinct physical characteristics that rapidly convey water and pollutants from use sites to receiving waters. To capture their environmental risks appropriately, these discharges need to be modeled as distinct events, rather than on the basis of long-term averages.

We have enclosed a simple formula for use in calculating potential environmental concentrations from swimming pool discharge events to storm drains. USGS flow gauge data can provide typical dry weather flow for the nation’s creeks. A reasonable case to model would be a discharge to a creek in the southwest, where seasonal flows decline during dry weather, which is the most likely time for a pool to be drained for maintenance.

**Include Building Surfaces as Exposure Pathway**

In addition to the exposure risk from swimming pool discharges, PHMB’s use as a preservative in outdoor architectural coatings may also result in discharges to the storm drain system and ultimately the aquatic environment. Since PHMB resists degradation, it will likely remain in paint used on building exteriors. When rain or other water from human activities (e.g. building washing or overspray from irrigation systems) lands on these vertical surfaces and flows down the wall toward ground level, PHMB may be washed into this runoff. Because building walls often connect to horizontal impervious surfaces, such as sidewalks and driveways, contaminated runoff may then flow over these surfaces and into storm drains.

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9 P.K. Data, Inc. (2012). Phone conversation with staff member Joshua Darling, August 15.

10 CASQA (2008). Calculating the concentration of a chemical in a creek when a pool discharges into it.

Two studies of runoff from vertical building walls help highlight the significance of this pathway. In each study, paint containing a metal (nanosilver and titanium dioxide) was applied to building walls and the runoff was analyzed. In both studies, runoff from the walls contained the metals.

**Refine Work Plan**

We encourage the Antimicrobial Division to incorporate specific problem formulations, risk hypotheses, conceptual models and analysis plans similar to those that appear in most Environmental Fate & Effects Division (EFED) environmental assessment work plans. A strong work plan should describe all uses that may result in aquatic and terrestrial exposures and should incorporate a conceptual model that specifies direct pathways from use sites to storm drains that then connect to surface water/sediment and the aquatic environment. For an example, please see the EFED Registration Review Problem Formulation for Bifenthrin (Docket ID Number EPA–HQ–OPP–2010–0384).

**Additional Data Necessary**

CASQA strongly supports EPA’s requirements for acute and chronic freshwater fish and invertebrate studies, as well as data requirements for chronic freshwater and marine/estuarine sediment-dwelling organisms, as noted in the Summary Document ("PHMB Summary Document: Registration Review Initial Docket," US EPA, June 2012 US EPA, pp. 6-7).

In addition to these requirements, we strongly recommend that EPA also require both acute and chronic toxicity tests for estuarine and marine species. We cannot support EPA’s proposal to waive these aquatic toxicity requirements. We believe that these data are necessary because the use of freshwater species data to estimate effects on marine/estuarine species in an acute-to-chronic ratio (ACR) approach is not scientifically justified. In fact, this approach is not approved by EPA—the EPA Office of Water does not allow fresh water ACRs to be used in the development of salt water quality criteria. In this particular case, there are insufficient available aquatic toxicity data to provide a justification that extrapolating data from freshwater species to marine/estuarine species is scientifically sound.

**Require Registrants to Develop Practical Environmental Chemical Analysis Methods**

During the registration process, registrants are required to submit analytical methods for commodity residue measurements; however, they are not currently required to provide sufficiently sensitive analytical methods for the analysis of pesticides at environmentally relevant concentrations for environmentally relevant matrices such as surface water, sediments, wastewater effluent and biosolids. Such methods exist for very few pesticides. Surface water quality monitoring programs, which include surveillance monitoring conducted by state and federal agencies, and compliance monitoring conducted by local agencies subject to NPDES stormwater and wastewater permits, need analytical methods for pesticides with sufficiently low

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detection limits that are practicable in commercial and government analytical laboratories. Where such methods don’t exist, public agencies sometimes are forced to develop them at public expense. Instead, we believe that the manufacturer, at the time of initial registration of its product, should be responsible for development of these methods. If appropriate chemical analysis methods are not available for the above matrices, where pesticides may occur at levels that have the potential to harm ecosystems, they should be required during Registration Review.

CASQA requests that EPA require the registrants to develop water, soil and sediment methods for PHMB with appropriate method detection limits. California DPR has already established specifications for pesticide analysis method development, which EPA may draw from to develop a data requirement:

1. The methods should be routinely executable by commercial laboratories. Reporting limits (RL) are set at 3-5 times method detection limits (MDL). RLs should be no greater than 0.05 µg L⁻¹ [water] and 1 µg kg⁻¹ [sediment]. [Note: U.S. EPA may need to specify a lower RL based on aquatic toxicity data—the RL should be no greater than 10% of the lowest available aquatic toxicity value.] Method detection limits shall be determined as described in 40 CFR Ch.1, Part 136 Appendix B, “Definition and procedure for the determination of the method detection limit.”

2. The method should be gas chromatography (GC) or high pressure liquid chromatography (HPLC)-based methods with mass spectral (MS) detection preferred. Other methods (e.g., HPLC with fluorescence detection; GC with thermionic specific detection) may be used with justification, but the MS-based detection is strongly preferred due to its specificity.

3. Analytical method documentation shall include all method validation data. Method validation shall be conducted as described in DPR’s “Chemistry Laboratory Quality Control: Standard Operating Procedures” (Segawa, 1995). Briefly, water methods shall include triplicate analysis at each of six concentration levels: 0 (blank spike), 0.025, 0.05, 0.1, 0.2, and 1 µg L⁻¹. Soil or sediment methods shall include triplicate analysis at each of six concentration levels: 0 (blank spike), 0.1, 0.2, 0.5, 2, and 10 µg kg⁻¹. These standard validation concentrations should be adjusted as appropriate when lower RLs are required.

4. Acceptable overall mean method validation recoveries are 70% < recovery < 120% with relative standard deviation (RSD) of <20%.

5. The method shall include a sample storage stability study that will be evaluated in the respective matrix (e.g. water, sediment, wastewater, or biosolids).

**Water Quality Monitoring Data**

EPA has requested submittal of water quality monitoring data for PHMB (Scoping Document, p. 11). We are unaware of any such data. This lack of data is not surprising; as noted above, there is no practical chemical analysis method, and the nation’s water quality surveillance monitoring programs have thousands of pollutants to investigate with their limited funding. We agree that monitoring data would be invaluable for registration review. We encourage EPA to require...
registrants to conduct monitoring for their products in the environment, particularly in urban creeks.

Continued Collaboration with EPA’s Office of Water is Essential

CASQA strongly supports OPP’s commitment to continue to work with U.S. EPA’s Office of Water (OW) on the OPP/OW Common Effects Assessment Methodology project. We urge OPP to work towards implementation of that project expeditiously, in the interest of providing for more consistent, complete, and comprehensive assessments of environmental risk from pesticide exposures. We request that documents for PHMB registration review be modified to indicate OPP’s intent to work with OW and a timeline by which it will utilize the outcomes of the common effects assessment methodology project. To facilitate integration with OW regulatory programs, we request that the PHMB work plan be modified to provide exposure estimates for time periods consistent with those used by OW, in addition to the time periods ordinarily used by OPP.

Use California DPR Sales Data

CASQA would like to ensure EPA is aware of California DPR pesticide sales data that is available for all California-registered pesticides, including PHMB.14 Pesticide sales data includes non-professional products, such as products used by residents, building facilities managers, and small business owners. Since most PHMB uses tend not to require use reporting (e.g. residential swimming pools, cleaners), DPR sales data will provide a more robust data set. For example, while DPR use reports show only 4 pounds of PHMB chemical used in 2010, sales data show 35,631 pounds sold in 2010.

The Registration Process Must Prevent Water Quality Impacts

Since the inception of the NPDES stormwater program approximately 20 years ago, numerous studies have documented the presence of pesticides and pesticide-caused toxicity in both water and sediment of California’s urban waterways.15 When urban receiving water toxicity is discovered, local stormwater agencies are typically required to conduct additional studies and ultimately develop programs to reduce the contribution of urban runoff discharges to the in-stream toxicity.

Because local agencies in most states do not have authority to regulate pesticide uses or application patterns, it is the responsibility of federal and state pesticide regulators to control pesticide uses sufficiently to prevent surface water toxicity.

Although PHMB has not been associated with impaired waters, numerous pesticide-related listings are included on the recently approved 2010 California Clean Water Act section 303(d) list of impaired waters. A number of TMDLs have also been adopted or are in preparation to address pesticide-caused water quality impairments in California. This process will continue as long as pesticides are approved for uses that result in water quality impacts. It is therefore

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essential that pesticide regulatory processes adequately consider potential water quality impacts, so that such impacts are prevented before they result in CWA Section 303(d) impaired waters listings.

The pesticide registration review process should include a thorough assessment of ecological risk, resulting in use restrictions that prevent impacts to urban surface waters. From CASQA’s perspective, an effective registration review process would eliminate the occurrence of pesticide-related aquatic toxicity in waters and sediments of surface waters receiving urban runoff discharges.

Thank you for your consideration of our comments. If you have any questions, please contact Dave Tamayo, CASQA Pesticide Subcommittee Co-Chair, at (916) 874-8024 (tamayod@SacCounty.net); or CASQA Executive Director Geoff Brosseau at (650) 365-8620.

Sincerely,

Richard Boon, Chair
California Stormwater Quality Association

Enclosures
5. Compilation of swimming pool discharge practices from around the country.
8. CASQA (2008). Calculating the concentration of a chemical in a creek when a pool discharges into it.
cc: Stephen Bradbury, Director, U.S. EPA U.S. EPA Office of Pesticide Programs
    Joan Harrigan-Farely, Director, U.S. EPA U.S. EPA Office of Pesticide Programs,
    Antimicrobials Division
    Lance Wormell, U.S. EPA Office of Pesticide Programs, Regulatory Management Branch II
    Mark Hartman, Branch Chief, U.S. EPA Office of Pesticide Programs, Regulatory
    Management Branch II
    Philip Ross, U.S. EPA Office of General Counsel
    Sriniva Gowda, U.S. EPA Office of Pesticide Programs, Risk Assessment and Science
    Support Branch
    Donna Randall, U.S. EPA Office of Pesticide Programs, Risk Assessment and Science
    Support Branch
    Najm Shamim, U.S. EPA Office of Pesticide Programs, Risk Assessment and Science
    Support Branch
    Nader Elkassabany, Branch Chief, U.S. EPA Office of Pesticide Programs, Risk Assessment
    and Science Support Branch
    William Hazel, U.S. EPA Office of Pesticide Programs, Risk Assessment and Science
    Support Branch
    Michelle Centra, U.S. EPA Office of Pesticide Programs, Risk Assessment and Science
    Support Branch
    Timothy Dole, U.S. EPA Office of Pesticide Programs, Risk Assessment and Science
    Support Branch
    Jonathan Chen, U.S. EPA Office of Pesticide Programs, Risk Assessment and Science
    Support Branch
    Rick P. Keigwin, Jr., U.S. EPA Office of Pesticide Programs, Pesticide Re-Evaluation
    Division
    Betsy Southerland, Director, U.S. EPA Office of Water, Office of Science and Technology
    James A. Hanlon, Director, U.S. EPA Office of Water, Office of Wastewater Management
    Betsy Behl, Director, Health and Ecological Criteria Division, U.S. EPA Office of Water,
    Office of Science and Technology
    Mark Corbin, Branch Chief, U.S. EPA Office of Pesticide Programs, Environmental Fate &
    Effects Division
    Alexis Strauss, Deputy Regional Administrator, Water Division, U.S. EPA Region 9
    Nancy Woo, Acting Director, Water Division, U.S. EPA Region 9
    Debra Denton, U.S. EPA Region 9
    Patti TenBrook, U.S. EPA Region 9
    Syed Ali, California State Water Resources Control Board
    Tom Mumley, California Regional Water Quality Control Board, San Francisco Bay Region
    Janet O'Hara, California Regional Water Quality Control Board, San Francisco Bay Region
    Daniel McClure, California Regional Water Quality Control Board, Central Valley Region
    Tessa Fojut, California Regional Water Quality Control Board, Central Valley Region
    Nan Singhasemanon, California Department of Pesticide Regulation
    Chris Hornback, Senior Director, Regulatory Affairs, National Association of Clean Water
    Agencies
    CASQA Board of Directors, Executive Program Committee, and Pesticides Subcommittee
August 26, 2011

Susan Bartow
Office of Pesticide Programs (OPP)
Regulatory Public Docket (7502P)
U.S. Environmental Protection Agency (U.S. EPA)
1200 Pennsylvania Ave., NW.
Washington, DC 20460–0001

Subject: Fipronil Registration Review (Docket ID Number EPA–HQ–OPP–2011–0448)

Dear Ms. Bartow:

On behalf of the California Stormwater Quality Association (CASQA\textsuperscript{1}), thank you for giving us opportunity to provide input into U.S. EPA’s plans for registration review of fipronil. In California, fipronil is only registered for use in urban areas. In response to past restrictions on organophosphate insecticides and increasing concerns about pyrethroid insecticides, fipronil use has grown rapidly in California in the last decade. Like pyrethroids, fipronil is washing away from outdoor urban application locations into urban waterways. Although the transition away from pyrethroids is only just beginning, available monitoring data suggest that fipronil—a common pyrethroid alternative—is already reaching levels (in both water and sediment) that may be harmful to aquatic ecosystems.

CASQA strongly supports U.S. EPA’s review of fipronil. In our comments, we support many elements of U.S. EPA’s preliminary work plan for registration review, particularly the listed data requirements. Our letter includes a summary of monitoring data from urban watersheds showing frequent detections of fipronil and its degradates at levels known to be harmful to sensitive aquatic species. We have also provided information about fipronil’s urban use. On the basis of available scientific information, we request that U.S. EPA make specific changes to the fipronil registration review process to better identify and mitigate urban water quality impacts. We also request that U.S. EPA adopt these changes as part of its overall approach to the registration review process for all pesticides with urban use patterns.

\textsuperscript{1} CASQA is composed of stormwater quality management organizations and individuals, including cities, counties, special districts, industries, and consulting firms throughout California. Our membership provides stormwater quality management services to more than 22 million people in California. CASQA was formed in 1989 to recommend approaches for stormwater quality management to the State Water Resources Control Board.
U.S. EPA Needs to Regulate Pesticides to Prevent Water Pollution

Pesticide-related pollution in surface waters receiving urban runoff has created a multi-million dollar regulatory burden for our municipality members. When this water pollution occurs, municipalities may be subject to enforcement under National Pollutant Discharge Elimination System (NPDES) permits. Municipalities also face negative publicity and the increasing threat of litigation under the citizen suit provisions of the Clean Water Act. There is no practical and cost-effective technology that can reduce pesticides in stormwater runoff to meet regulatory requirements. The only technically and economically feasible way for municipalities to comply with Clean Water Act requirements is for U.S. EPA to use its pesticide regulatory authorities to prevent water pollution in urban watersheds.

Potential Nationwide Costs from Fipronil Water Pollution Are Staggering

We estimate that if fipronil water pollution is left unchecked, response costs could run to the tens of millions nationwide. This nationwide estimate is based on the costs for the activities listed below, our experience that pesticide-related water quality problems associated with urban pesticide use patterns normally are found in multiple urban watersheds, and the recognition that there are tens of thousands of water bodies across the nation that receive urban runoff.

- Complete process for formal designation of a water body as impaired under Section 303(d) of the Clean Water Act. We understand this requires tens of hours of staff time, but do not have a formal estimate. (Either U.S. EPA or a state may incur this cost).
- Preparation of a Total Maximum Daily Load (TMDL) for each water body on the Clean Water Act Section 303(d) list. California estimates that its average cost for preparing a single TMDL is $600,000.3
- TMDL implementation activities to end impairment of the Clean Water Act section 303(d) listed water body. These costs often run into the millions. For example, the California Regional Water Quality Control Board, San Francisco Bay Region estimated that the implementation cost for a pesticide-related TMDL for Bay Area urban creeks would be roughly $7 million annually.4
- Special monitoring and response plans in response to incident of pesticide-related toxicity. It is common for NPDES permits to require increased monitoring, Toxicity Identification Evaluations (TIEs), and Toxicity Reduction Evaluations (TREs)5 when

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toxicity is identified in surface waters receiving urban runoff. These special monitoring and site-specific response costs can exceed $100,000 annually for a single municipality. For example, one of our members recently incurred expenditures of more than $200,000 for special monitoring, TIEs, and a TRE required in response to ongoing pyrethroid-related toxicity in its urbanized watersheds. This municipality anticipates ongoing costs of nearly $100,000 per year for monitoring and TRE implementation. These avoidable costs will continue until pesticide regulations end toxicity in surface waters—toxicity that is caused by U.S. EPA-approved use patterns for pesticides that cannot be regulated at the local level.

Compared to the staggering public costs to respond to water pollution problems, the U.S. EPA and industry costs associated with characterizing pesticide products, assessing environmental risks, and implementing necessary mitigation measures are relatively small.

**In Urban Watersheds, Fipronil Is Reaching Levels in Both Water and Sediments That May Be Harmful to Aquatic Life**

Although fipronil is a relatively new insecticide that is more heavily used in urban areas than in agriculture, it has already been detected in watersheds across the U.S. 6 U.S. Geological Survey National Water-Quality Assessment monitoring found a significant upward trend in fipronil concentrations in the nation’s waterways between 2000 and 2008. 7 In recent years, fipronil and its degradates have been found in urban runoff, 8 urban creeks and rivers, 9 sediments in urban watersheds, 10 and estuarine sediments. 11 We have enclosed a brief summary of monitoring data we identified in a short literature search. This summary shows:

- Numerous water samples from highly urbanized watersheds had fipronil concentrations above U.S. EPA OPP aquatic life benchmarks. 12
- Many sediment samples from highly urbanized watersheds contained fipronil and its degradates at concentrations that may be harmful to sediment-dwelling organisms. 13

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12 http://www.epa.gov/oppefed1/ecorisk_ders/aquatic_life_benchmark.htm#benchmarks
In our review, we did not identify any studies that included toxicity testing with organisms that are sensitive to fipronil. This is probably because recent toxicity testing in urban watersheds has focused on characterization of pyrethroid-related toxicity with *Hyalella azteca*, which is particularly sensitive to pyrethroids.

Since fipronil’s use is growing, these data are very concerning. In the next few years, fipronil use is expected to increase in response to coming restrictions on outdoor pyrethroid use, availability of less costly generic fipronil products, and structural pest control industry preferences. Rapid U.S. EPA action is needed to prevent another nationwide water pollution problem.

**Most Fipronil Use in California Urban Areas Is by Professional Applicators for Structural Pest Control**

California requires professional applicators to report pesticide use. According to California’s pesticide use reporting system, nearly all fipronil applied by professional applicators is for structural pest control. In California, where fipronil has no approved agricultural applications, reported fipronil use approximately equals reported fipronil sales, suggesting that most fipronil is used by professionals and that the over-the-counter market is relatively small.

There are 50 fipronil products with active registrations with both U.S. EPA and the state of California—but only one, a professional structural pest control liquid concentrate product, has significant potential to release fipronil into urban runoff. The other available products are as follows:

- 18 topical pet treatments, 14 containerized baits, 12 gels designed for spot treatments. The manner in which these over-the-counter products are used provides limited potential for fipronil to be washed into surface water via urban runoff.
- Five fire ant lawn/landscaping granular products. These granules may only be used by professional applicators in the Coachella Valley, a desert valley in Riverside County that is home to about 1% of the state’s population. In 2009, applicators reported a total of 400 pounds of fipronil were applied for this purpose, <1.5% of total statewide fipronil use by professional applicators.

We have enclosed a copy of the current label for the professional structural pest control liquid concentrate, Termidor SC. The label provides for three general types of applications:

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16 Pet and indoor treatments may be washed into municipal wastewater treatment plants.
• **Outdoor Applications** - sprays outdoors above ground, e.g., for control of nuisance pests like ants.
• **Pre-Construction Applications** - pre-construction termiticide soil treatments, which are applied just before a foundation is installed.
• **Underground and Indoor Applications** - applications below ground or under buildings, such as soil injection for subterranean termite control.

The first two application types (outdoors above ground and pre-construction) may be exposed to rain or other water flows that can have the potential to wash fipronil off-site and into surface water. We describe these two application types in detail below.

**Outdoor Applications.** The instructions for applications outdoors around buildings are on pages 15-17 of the Termidor SC label. In California, Argentine ant control around buildings is the most common urban insecticide application.\(^{18}\) According to a recent survey (copy enclosed), California professional structural pest control applicators typically follow the label instructions to apply fipronil in a band around the outside of a structure one foot up the building wall and one foot out from the building on the ground surface.\(^{19}\) Following these instructions involves deliberate application of fipronil to impervious surfaces. Condos, offices, restaurants – even homes – commonly have impervious surfaces like walkways, driveways, and patios adjoining buildings. The treated structure wall is, of course, impervious.\(^{20}\) All of these impervious surfaces generate stormwater runoff during rain events.

Due the nature of these application locations, outdoor structural pest control applications are probably the primary source of fipronil in urban runoff.

A common practice for commercial and multifamily building property managers—as well as individual residential property owners—is to establish a contract with a professional applicator for monthly or bimonthly building perimeter applications to control ants. The Termidor label appears to allow two treatments per year.

**Pre-Construction Applications.** The Termidor label includes language (page 8) requiring that the treated area be covered with a waterproof barrier, such as polyethylene sheeting, if the foundation slab is not to be poured the same day as the treatment occurs. This existing language

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\(^{20}\) Pesticides wash off walls by the same mechanisms that they wash off other impervious surfaces; see Kaegi, R. et al. (2010). “Release of silver nanoparticles from outdoor facades.” *Environmental Pollution* 158: 2900-2905.
is similar to language that will soon be in place on most pyrethroid product labels. We encourage U.S. EPA to require that this language appear on all future fipronil product labels.

This simple practice may be sufficient to prevent post-application washing of fipronil off site should a light rain occur in the short time period before the foundation is poured; however, it might not prevent losses of fipronil into rainwater that ponds treated foundation excavations. When foundation excavations fill with water, the water is ordinarily pumped out, often into a nearby gutter that flows into the municipal storm drain system. We request that U.S. EPA examine the risks associated with pumping out water that has collected in fipronil-treated foundation areas. Estimating environmental concentrations from discharges associated with pumping events is relatively straightforward. We have enclosed a handout describing a simple computational method (this handout uses the pumping out of a swimming pool as an example).

**Comments on the Ecological Risk Assessment Preliminary Problem Formulation**

1. **Conceptual Model Needs Additional Elements for Urban Areas.** Both the risk hypothesis (p. 23) and conceptual model (p. 24) need to identify fipronil applications on impervious surfaces and transport to surface waters in urban runoff via impervious storm drain systems as having the potential to cause reduced survival, growth, reproduction, and other adverse effects to non-target aquatic organisms. The extensive scientific literature regarding pollutant transport in urban runoff documents clearly the importance of impervious surfaces to total runoff volume and total pollutant quantity washed into surface waters from urban watersheds.\(^{21}\) Runoff flow volumes relate directly to watershed impervious surface area. More importantly, impervious surfaces and paved/piped urban storm drainage systems facilitate expedient wash-off and transport of pollutants like fipronil, carrying them quickly and efficiently away from application locations and into receiving water.

To facilitate U.S. EPA’s next steps in addressing modeling of fipronil in urban runoff, we enclose a more detailed conceptual model linking urban pyrethroid application locations to receiving waters.\(^{22}\) Elements of this model are also applicable for fipronil; most importantly those elements related to professional structural pest control applications. The organization of this model matches actual application patterns and breaks out transport pathways on the basis of pollutant transport efficiency. Using the approach reflected in this model, we are working with California Department of Pesticide Regulation (DPR) and other stakeholders to identify mitigation strategies to end pyrethroid-related toxicity in California urban waterways. We believe that information developed through the pyrethroid mitigation strategy development process will also be helpful for identifying appropriate management strategies for fipronil.

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U.S. EPA’s recent ecological risk assessment problem formulations for pyrethroids (e.g., gamma and lambda cyhalothrin) provide examples of risk hypotheses and conceptual models that appropriately recognize impervious surface applications and storm drain transport pathways.

2. **Include an appropriate exposure assessment for urban uses of fipronil.** Documents in the fipronil registration review docket do not properly characterize fipronil’s urban uses, particularly its use for structural pest control, which seems to have been omitted from Biological and Economic Analysis Division Chemical Profile-for Registration Review. This omission, which is particularly striking in that it is likely the major use of fipronil nationwide, is reflected in the overview of fipronil usage in the preliminary problem formulation for the ecological risk assessment (p. 11). The problem formulation does not correctly recognize outdoor building perimeter treatments as an existing registered use, nor acknowledge that this use is intended to control a variety of nuisance insects (not just termites). Full descriptions of fipronil’s urban use will facilitate development of an appropriate approach for the exposure assessment.

It is essential for U.S. EPA to expand its workplan to address all outdoor urban uses of fipronil, including but not limited to broadcast applications on impervious surfaces around buildings. This should involve inclusion of urban land uses and applications to impervious surfaces in the pesticide runoff model, and use of a modeling approach appropriate for urban areas.

Urban runoff modeling should account for the elevated washoff of fipronil from treated impervious surfaces. A recent paper by Jiang et al. (2010) specifically examined washoff of fipronil from urban impervious surfaces. Two findings of this paper are notable: the high fraction of fipronil that could be washed off in the first few days after application and the long period of time during which residual wash-off persisted (>100 days). A copy of this paper is enclosed.

We understand that U.S. EPA prefers to use its existing PRSM/EXAMS model rather than a model that is specifically designed to address pollutants in urban runoff. We agree that this model has potential to be implemented in a manner that would provide meaningful information for pesticide ecological risk assessments. However, U.S. EPA needs to work on the way the model is set up to make the modeling exercise more informative for its risk assessments and risk management decisions. As we have previously explained in detail, we suggest that U.S. EPA consider alternatives to the “impervious scenario” used in its model, as we believe there are better ways to represent urban watersheds that will generate more realistic and useful modeling results for U.S. EPA risk managers. U.S. EPA has several years (while it awaits receipt of data required for the environmental risk assessment) to develop its urban modeling approach. We

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recommend that U.S. EPA take the same approach for addressing urban areas on a national scale as it did for agricultural areas—develop a suite of urban example scenarios.

U.S. EPA Region 9 is involved in a research project that should provide valuable insights as to how PRSM/EXAMS can be set up to model pesticides in urban runoff. This project, which comes out of the CalFED Bay-Delta Science Program, is modeling pesticides in stormwater runoff from the urbanized portions of the California Bay/Delta region. Information from product labels and applicator surveys (including the enclosed Meta Research, Inc. and Pyrethroid Working Group (2010) report) was used to allocate pesticide applications to buildings, lawns, and other impervious and pervious surfaces. Washoff studies similar to the enclosed Jiang et al (2010) study were used to develop model input parameter values for pesticide washoff from impervious surface applications. The urban portion of the project will be presented at this week’s American Chemical Society meeting and will be described in detail in the soon to be published project report. We encourage OPP to contact Debra Denton, U.S. EPA Region 9 for more information.

Risk management measures to protect urban waterways are very likely to be necessary. U.S. EPA should ensure that its registration review documentation provides a solid basis for their selection, implementation, and assurance that adopted measures will fully mitigate fipronil’s unreasonable adverse impacts.

3. **Environmental monitoring data demonstrate that fipronil is likely transported to surface waters through both water and sediment transport.** The environmental fate and transport sections of the problem formulation (pp. 12 and 18) needs revision to reflect fipronil’s environmental mobility, urban application patterns, and both water and sediment transport pathways.

4. **We support the inclusion of fipronil degradates in the ecological risk assessment; however, the basis for selection of only three of fipronil’s degradates for inclusion in the ecological risk assessment is unclear.** Might other degradates contribute to fipronil’s aquatic toxicity? The lack of monitoring data for other degradates may reflect that they have not been on the list of analytes, and should not necessarily be taken to mean that they are not environmentally meaningful.

5. **Three fipronil degradates are persistent in aquatic sediments.** Lin et al. (2009) determined that fipronil degradates are very persistent in aquatic sediments, where they have half-lives of hundreds of days. A copy of this paper is enclosed. The problem

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25 Denton.Debra@epamail.epa.gov

formulation should be revised to recognize this unusual persistence. Because aquatic sediments differ from rice fields, the “aquatic field dissipation” data in the problem formulation (p. 17) should not be used to represent fipronil degradation rates in surface water sediments.

6. **The risks to aquatic ecosystems from concurrent exposure to fipronil and multiple degradates must be evaluated cumulatively.** Monitoring data demonstrate that organisms are exposed to all compounds together. The actual risks of fipronil can only be assessed if the ecological risk assessment accounts for cumulative exposures to all compounds at once. U.S. EPA could use a conservative approach to estimate the cumulative risk by comparing the sum of the estimated concentrations of fipronil plus degradates in surface water to the most sensitive aquatic toxicity values.

7. **Assessment endpoints (p. 22) should include sediment-dwelling aquatic organisms in both fresh water and salt (“marine and estuarine”) water.** Maul et al (2008) found that *Chironomus tentans* is extremely sensitive to the presence of fipronil and its degradates in aquatic sediments, as summarized in the table below (a copy of the full paper is enclosed).29

<table>
<thead>
<tr>
<th>Parameter</th>
<th>LC50 (µg/g organic carbon, dry weight)</th>
<th>EC50 (immobilization)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fipronil</td>
<td>0.13</td>
<td>0.10</td>
</tr>
<tr>
<td>Fipronil sulfone</td>
<td>0.12</td>
<td>0.04</td>
</tr>
<tr>
<td>Fipronil sulfide</td>
<td>0.16</td>
<td>0.06</td>
</tr>
</tbody>
</table>

Although aquatic sediment monitoring has been relatively limited, concentrations exceeding the levels in this table have been found in both fresh water (central Texas creeks)30 and estuarine sediments (Ballona Creek Estuary, Los Angeles).31 We support proposed data requirements for whole sediment freshwater and estuarine marine invertebrate toxicity. These requirements should be expanded to include chronic toxicity to ensure that U.S. EPA has the information necessary to complete its risk assessment for this endpoint, which may be the most sensitive aquatic toxicity endpoint due to the persistence of fipronil degradates in aquatic sediments.

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8. **U.S. EPA should evaluate sublethal endpoints other than growth and reproduction quantitatively.** Other endpoints that merit consideration are swimming performance (see Beggel et al. 2010)\(^{32}\) and immobilization (see Maul et al. 2008).\(^{33}\) As Beggel et al (2010) and Maul et al (2008) note, these sublethal effects can significantly affect organism populations. The fish deformities observed by Beggel et al (2010) also merit investigation. We strongly prefer quantitative assessments of these endpoints, instead of the qualitative assessment indicated in the problem formulation (p. 28) to ensure that they are fully considered in risk mitigation design and have equal weight in management decisions.

9. **Product formulation should be fully considered in the risk assessment.** Product formulation affects the amount of a pesticide that is washed off of treated impervious surfaces when it rains.\(^{34}\) When the product is washed off, and flows to surface waters (where it can arrive in minutes when transported through urban storm drain systems), the formulation can also modify toxicity. Beggel et al. (2010)\(^{35}\) recently demonstrated that exposure to the most heavily used fipronil product, Termidor, affected fish swimming performance much longer than exposure to fipronil by itself.

10. **Integration of exposure and effects (p. 29) should involve the Office of Water (OW).** U.S. EPA’s OPP is working with OW to establish a common effects assessment methodology. This effort should be far along—if not complete—before U.S. EPA initiates its fipronil environmental risk assessment. We request that the workplan be modified to indicate OPP’s intent to work with OW and to utilize the outcomes of the common effects assessment methodology project in fipronil registration review.

To facilitate integration with OW regulatory programs, we request that the work plan be modified to provide exposure estimates for time periods consistent with those used by OW in addition to the time periods ordinarily used by OPP.

11. **Please utilize the substantial information available in the scientific literature to inform the environmental risk assessment.** While we support the plan to use information from U.S. EPA’s agency-wide ECOTOX database, we recommend that U.S. EPA also do literature searches and keep an eye out for upcoming publications because a great deal of scientific work related to fipronil is currently underway—including environmental transport and monitoring studies that would not be captured in the ECOTOX database.

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12. We strongly support U.S. EPA’s proposed environmental fate and aquatic toxicity data requirements, which are essential for U.S. EPA to avoid underestimating fipronil’s risks in urban watersheds. We particularly support data requirements for environmental fate and toxicity data for fipronil’s environmentally relevant degradates (at a minimum fipronil sulfide, fipronil sulfone, and fipronil desulfinyl). As monitoring data show, all three of these degradates commonly occur in aquatic ecosystems. If any data requirement decisions are based on the incorrect assumption that fipronil sulfone is not a major degradate in aquatic environments (p. 32), these should be revised.

We appreciate the recent conversation with California stakeholders including ourselves about U.S. EPA’s fipronil review. We look forward to continued open communication and information sharing. We anticipate that U.S. EPA will be able to use information that we and our colleagues are generating toward completing fipronil registration review in a manner that meets the nation’s need to address fipronil water pollution fully and to identify effective measures to ensure that fipronil will not be a costly urban water pollution problem.

Thank you for your consideration of our comments. If you have any questions, please contact Dave Tamayo, CASQA Pesticide Subcommittee Co-Chair, at (916) 874-8024 (tamayod@SacCounty.net); or CASQA Executive Director Geoff Brosseau at (650) 365-8620.

Sincerely,

Scott Taylor, P.E. D. WRE Chair, California Stormwater Quality Association

Enclosures

(1) Brief Summary of Available Fipronil Monitoring Data
(3) Termidor SC Product label (approved by U.S. EPA May 8, 2009)
(5) Handout: Calculating the concentration of a chemical in a creek when a pool discharges into it


cc: Steven Bradbury, Director, U.S. EPA Office of Pesticide Programs
Rick P. Keigwin, Jr., U.S. EPA Office of Pesticide Programs, Pesticide Re-Evaluation Division
Kevin Costello, U.S. EPA Office of Pesticide Programs, Pesticide Re-Evaluation Division
Eric Olson, U.S. EPA Office of Pesticide Programs, Pesticide Re-Evaluation Division
Nancy Andrews, Branch Chief, U.S. EPA Office of Pesticide Programs, Environmental Fate & Effects Division
Edward Odenkirchen U.S. EPA Office of Pesticide Programs, Environmental Fate & Effects Division
Stephen Wente U.S. EPA Office of Pesticide Programs, Environmental Fate & Effects Division
Mah Shamim, Branch Chief, U.S. EPA Office of Pesticide Programs, Environmental Fate & Effects Division
Donald Brady, Director, U.S. EPA Office of Pesticide Programs, Environmental Fate & Effects Division
Jack Housenger, Director, U.S. EPA Office of Pesticide Programs, Biological and Economic Analysis Division
Ephraim King, Director, U.S. EPA Office of Water, Office of Science and Technology
James A. Hanlon, Director, U.S. EPA Office of Water, Office of Wastewater Management
Jacqueline Guerry, U.S. EPA Region 3
Alexis Strauss, Director, Water Division, U.S. EPA Region 9
Debra Denton, U.S. EPA Region 9
Patti TenBrook, U.S. EPA Region 9
Syed Ali, California State Water Resources Control Board
Tom Mumley, Assistant Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region
Janet O'Hara, California Regional Water Quality Control Board, San Francisco Bay Region
Daniel McClure, California Regional Water Quality Control Board, Central Valley Region
Charles Andrews, Associate Director, California Department of Pesticide Regulation, Pesticide Programs Division
Ann Prichard, Chief, California Department of Pesticide Regulation, Pesticide Registration Branch
John Sanders, Chief, California Department of Pesticide Regulation, Environmental Monitoring Branch
Nan Singhasemanon, California Department of Pesticide Regulation
Kelly D. Moran, Urban Pesticides Pollution Prevention Project
Chris Hornback, Senior Director, Regulatory Affairs, National Association of Clean Water
CASQA Executive Program Committee and CASQA Pesticides Subcommittee