

STATE OF CALIFORNIA

**REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

MEETING DATE: April 13, 2016

ITEM: **4**

SUBJECT: **EXECUTIVE OFFICER'S REPORT**

EXECUTIVE OFFICER'S REPORT: *April 2016*

A Monthly Report to the Board and Public

NEXT MEETING: April 13, 2016

WEBSITE: <http://www.waterboards.ca.gov/sanfranciscobay/>

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Completion of Soil Cleanup at the Pacific Rod and Gun Club (Alan Friedman)

The Pacific Rod and Gun Club (Club) operated a skeet and trapshooting range at a 10-acre site at Lake Merced in San Francisco from 1928 to 2015. The Club operated its facility on property owned by the City of San Francisco and overseen by the San Francisco Public Utilities Commission (SFPUC). In the past, lead pellets from shotguns were discharged toward Lake Merced, but after issuance of the Board's 1994 Site Cleanup Requirements (SCRs), only steel shot was used. Clay targets containing polycyclic aromatic hydrocarbons (PAHs) were used prior to 2000, when they were replaced with non-PAH biodegradable targets (Photos 1 and 2).

In June 2013, the Board revised the SCRs to require additional remedial actions for meeting human health standards in upland soils at the Club, where a potential risk to human health associated with exposure to lead and PAHs in the upland soils was identified. The SCRs also required further evaluation of the potential risks to ecological receptors in Lake sediments and, if warranted, remediation of these sediments.

Lead concentrations in upland soils at the Club ranged up to 10,000 mg/kg and PAH compound concentrations up to 1,200 mg/kg. Pursuant to the 2013 SCRs, SFPUC proposed (and Board staff approved) cleanup goals of 80 mg/kg for lead and 0.21 mg/kg for total PAHs. The Remedial Action Plan (RAP) for the upland soil included the removal of soil containing contamination in excess of these cleanup goals, conducting excavation area soil confirmation sampling, and offsite disposal of the excavated material followed by backfilling with imported soil to restore site topography.

Following approval of the RAP, Club members vacated the Club site and excavation started in the spring 2015. A total of 88,000 tons of contaminated soil was excavated and removed (Photos 3 and 4). Confirmation sampling showed that in all locations, except for two where further excavation was not feasible, the cleanup goals were met. The cleanup cost \$22 million.



Photos 1 and 2. Before cleanup – clay remnants and shooting range area.



Photos 3 and 4. After cleanup – excavation sites.

SFPUC also conducted an ecological risk assessment and determined that while there are no unacceptable risks to benthic organisms in Lake Merced, waterfowl (diving ducks in particular) ingesting lead shot pellets may be at risk. The California Department of Fish and Wildlife concluded in 1995 that only a limited number of waterfowl were feeding in the Lake. SFPUC is currently gathering data to update the waterfowl survey to inform the final risk assessment.

Currently, the City is soliciting proposals for future site tenants and expects to make a selection by summer 2016.

State Board Approves North Bay Selenium TMDL (Barbara Baginska)

On March 15, the State Board unanimously approved the North San Francisco Bay Selenium TMDL Basin Plan amendment that you adopted in November 2015. During the State Board's public review period, the San Francisco Baykeeper and other environmental groups sent letters contesting the TMDL based upon similar concerns that were raised during our Board hearing.

They requested that adoption be delayed until U.S. EPA adopts selenium criteria for the Bay. Their main concerns were about selection of the fish tissue target, protection of green sturgeon, and use of white sturgeon in the monitoring program. As we described to the Board last November, we expect that the fish tissue target proposed in the TMDL will be identical to the fish tissue criteria that U.S. EPA expects to propose as criteria this June. The TMDL still needs to be approved by the State Office of Administrative Law and U.S. EPA, which we anticipate will happen before the end of the year.

U.S. EPA Approves Lagunitas Creek Sediment TMDL (Mike Napolitano)

On March 11, U.S. EPA approved the Lagunitas Creek Sediment TMDL Basin Plan amendment. This is the last step in making the TMDL fully effective. The amendment establishes a sediment TMDL, expressed as 120 percent of natural background sediment, and an implementation plan to achieve the TMDL and substantial habitat enhancement in channel reaches that provide habitat for coho salmon, steelhead, and/or California freshwater shrimp.

Key elements of the plan include controlling fine sediment discharges from unpaved roads, voluntary habitat restoration projects to enhance large woody debris loading in all channels, and restoring floodplain connectivity in channel reaches located within public parks. One of the actions called for in the TMDL will be addressed this summer when the Marin Municipal Water District, working in partnership with the Golden Gate National Recreation Area, will be constructing several large-scale floodplain reconnection projects in the Tocaloma Reach of Lagunitas Creek. Funding for these projects comes from a Clean Water Act, section 319, grant administered through our agency and California Department of Fish and Wildlife grants.

East Bay MUD Urban Runoff Diversion Project Update (Robert Schlipf)

The East Bay Municipal Utility District (EBMUD) is on schedule to implement its Urban Runoff Diversion Project that will treat about 0.5 million gallons per day of dry weather storm system flows from Alameda County's Ettie Street pump station at its main wastewater treatment plant. The pump station is located adjacent to the treatment plant in Oakland. EBMUD finalized an agreement with Alameda County, the owner of the pump station, on March 29.

This Project is a requirement of a 2014 Consent Decree between EBMUD, this Board, the State Board, and U.S. EPA, for discharges from EBMUD's three Wet Weather Facilities (WWFs). During extreme wet weather when inflows exceed the treatment capacity of EBMUD's main treatment plant, these WWFs provide primary wastewater treatment through physical removal of solids and chemical disinfection prior to discharge. The Consent Decree requires cessation of WWF discharges starting in 2027 at the smallest WWF and then by 2035 at the last WWF. This Project mitigates for WWF discharges until those discharges cease.

As its next steps on the Project, EBMUD plans to award a construction contract in April 2016, with construction completion in November 2016. Construction will consist of installing a diversion pump, electrical systems, and a six-inch diameter force main of about 1,200 feet in length. Allowing for a period of startup testing, the Consent Decree requires full operation of the diversion system by no later than September 30, 2017. We will keep the Board updated on progress.

North Richmond Stormwater Diversion Project Wins Award (Bruce Wolfe)

On February 25, I attended the annual awards luncheon of the American Public Works Association's Northern California Chapter. At the luncheon, the Contra Costa County Public Works Department received the "Environment Project of the Year" award for the North Richmond Pump Station Stormwater Diversion Project. The Water Board was recognized as an "Essential Partner in the Development and Construction of this Innovative Project."

The Project is a pilot project to test the feasibility of treating stormwater through a wastewater treatment plant. The initial Municipal Stormwater Regional Permit, adopted by the Board in October 2009, required each county to develop such a pilot project. The Contra Costa County Clean Water Program chose the North Richmond Pump Station for its pilot project due to the local watershed having historic heavy industrial uses and the Pump Station's close proximity to the West County Wastewater District's treatment plant. The County Public Works Department owns and operates the Pump Station and was the project lead agency.

After a multi-year study and approval period, which included my presentation to the Wastewater District's board on the Project's need and benefits, the Project was approved by all parties and design work began. In April 2015, the County awarded the construction contract, which included modifying the Pump Station to install two new pumps and new discharge piping to facilitate stormwater diversion from the Pump Station to a nearby sanitary sewer manhole. In fall 2015, stormwater was finally diverted to the treatment plant and has been monitored under two conditions: low flow dry weather conditions and first flush winter storm conditions.

Since startup, the treatment plant has experienced no overflows, treatment system upsets, or other disruptions to operations as a result of the Project. The new stormwater diversion infrastructure provides the Pump Station much-needed new operational flexibility. However, given the relatively small flow diverted to the treatment plant (approximately 250 gallons per minute), monitoring indicates there has been minimal loadings of PCBs and other constituents captured for treatment to date. Nonetheless, the partnership now established between the County and the Wastewater District, with new infrastructure now in place and the pilot successfully completed, provides an opportunity for the agencies to pursue future grant funding to support stormwater harvest and use projects. Further, the Wastewater District is upgrading its treatment plant so that it can provide more recycled water to the adjacent Chevron Refinery and now recognizes that, by accepting the diverted stormwater, it can provide more recycled water to the Refinery and save more potable water. We will continue to update the Board on this and other stormwater diversion projects.

Vapor Intrusion Mitigation at Xtra Oil Site in Castro Valley (Barbara Sieminski)

The Xtra Oil site is an operating gasoline station on Castro Valley Boulevard in Castro Valley. Per our direction, the discharger at this leaking underground fuel tank site has installed mitigation systems at several offsite homes that have been impacted by vapor intrusion.

Soil and groundwater beneath the site have been significantly impacted by petroleum leaks from former underground storage tanks, which were replaced in 1992. Up to four feet of petroleum free product was initially present on groundwater beneath the site's former

dispenser area. Free product has been removed, and, currently, only traces of free product remain beneath the site. In 2007, a groundwater extraction system was started as an interim measure and to control plume migration. However, some hydrocarbons had already migrated offsite to the southwest of the gasoline station beneath a residential area at Redwood Court. In August 2015, free product was encountered in shallow groundwater in the Redwood Court residential complex. Approximately 30 gallons of free product were removed from the wells located near the houses.

We required the discharger to evaluate vapor intrusion in the Redwood Court complex; vapor intrusion is the migration of volatile chemicals from soil or groundwater into indoor air. This evaluation found elevated levels of gasoline, benzene, ethylbenzene, and naphthalene in indoor air at two residences that exceeded the Board's Environmental Screening Levels for residential land use but within Cal-EPA's acceptable cancer risk range (excess cancer risk of 10^{-6} to 10^{-4}). In 2015, the discharger installed vapor barriers in the crawl space beneath several houses to mitigate the potential human health risks from vapor intrusion. In mid-March, we required the discharger to install air purification systems in ground floor residences with slab-on-grade foundations, including the two with elevated indoor air levels. The discharger will also conduct followup indoor air sampling to confirm the systems' effectiveness.

The indoor air sampling also detected elevated levels of chlorinated solvents, including tetrachloroethene and trichloroethene. However, the solvent contamination does not appear to be related to the petroleum release from the Xtra Oil site. Most likely, these solvents migrated to the Redwood Court complex from an unknown upgradient source via preferential pathways (e.g., the backfill around buried utility lines). We are coordinating with our sister agency, the State Department of Toxic Substances Control, which oversees a dry cleaner case in the vicinity that could be the source of the chlorinated solvents. In the interim, the vapor intrusion mitigation systems will address both the petroleum and solvent contamination in indoor air.

In-house Training

We had no in-house training in March. Our April training will be on team building, to improve the way we use teams in our regulatory programs. Brownbag seminars included a March 30 brownbag on lab chemical analysis and review, provided by our own Ross Steenson.

401 Water Quality Certification Applications Received (Keith Lichten)

The table below lists those applications received for Clean Water Act, section 401, water quality certification from February 20 through March 18. A check mark in the right-hand column indicates a project with work that may be in BCDC's jurisdiction.

Project Name	City/Location	County	Potential BCDC Jurisdiction
Lake Merritt Channel restoration project at 10 th St.	Lake Merritt Channel, Oakland	Alameda	✓
Fairmont Terrace Park Master Plan	San Leandro	Alameda	
Alhambra Valley Rd. safety improvements	Alhambra Valley Rd. at Ferndale Rd., Martinez	Contra Costa	
Line 200 soil remediation and maintenance project	Holly Drive, Concord	Contra Costa	
Shell Pond (SWMU 4.18) remediation pilot study	McAvoy Rd., Bay Point	Contra Costa	✓
Whispering Creek home construction	Willow Drive, Danville	Contra Costa	
Culvert cleaning at Mitchell Road	GGNRA near Fort Cronkhite	Marin	
Culvert cleaning at Fort Barry	GGNRA near Fort Cronkhite	Marin	
Culvert cleaning near Capeheart Housing	GGNRA near Fort Cronkhite	Marin	
Strawberry Public Dock maintenance	Harbor Cove Way, Mill Valley	Marin	✓
Novato Creek maintenance sediment removal	Novato Creek, Novato	Marin	✓
Gasser Drive at Tulocay Creek new bridge	Gasser Drive, Napa	Napa	
Mission Bay Park pollution prevention program project	S. side of Mission Creek Channel, between 3 rd and 4 th St., San Francisco	San Francisco	✓
St. Francis Yacht Club dock maintenance	San Francisco	San Francisco	✓
Rappaport rock riprap repair	Lake St., San Mateo	San Mateo	
Sand Hill Estates private roadway and driveway bridges	Lawler Ranch Road, Woodside	San Mateo	
Alma Bridge Rd. pipe relocation	Alma Bridge Rd., Los Gatos	Santa Clara	
Barron Creek channel improvement project	Fremont Road, Los Altos Hills	Santa Clara	
Ostwald Dam water line replacement	Los Gatos Creek, Los Gatos	Santa Clara	

Los Gatos Creek watershed maintenance program (San Jose Water Company)	Los Gatos Creek, Los Gatos	Santa Clara	
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Penalty Enforcement Actions Proposed and Final (Lila Tang)

The following tables show recent proposed settlements and final actions. There are also two complaints on which Board staff and the dischargers are in settlement discussions. All complaints and proposed settlements are available at http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml.

Proposed Settlements			
The following are noticed for public comment. If no significant comment is received by the deadline, the Executive Officer will sign an order implementing the settlement.			
Discharger	Violation(s)	Penalty Proposed	Comment Deadline
Lehigh Hanson West Region, in Oakland	Discharge limit exceedances.	\$3,000	April 14, 2016
SMI Holding LLC, Groundwater Treatment System, in Mountain View	For bypass of treatment and late discharge report.	\$15,000 ¹	April 14, 2016
City of Palo Alto, Regional Water Quality Control Plant, in Palo Alto	Discharge limit exceedances.	\$3,000 ²	April 15, 2016

¹ Includes \$7,500 to supplement RMP³ studies.

² Includes \$1,500 to supplement RMP³ studies.

Final Actions			
On behalf of the Board, the Executive Officer approved the following.			
Discharger	Violation(s)	Penalty Imposed	Supplemental Environmental Project
Texas Instruments Inc., Groundwater Treatment at 2900 Semiconductor Drive, in Santa Clara	Bypasses of treatment.	\$39,000	None
City of Pinole, Pinole-Hercules Water Pollution Control Plant, in Pinole	Discharge limit exceedances.	\$3,000	\$1,500 to RMP ³

³ RMP is the San Francisco Bay Regional Monitoring Program managed by the San Francisco Estuary Institute to collect water quality information in support of management decisions to restore and protect beneficial uses of the region's waters.

The State Board's Office of Enforcement includes a statewide summary of penalty enforcement in its Executive Director Report at http://www.waterboards.ca.gov/board_info/eo_rpts.shtml.

State Board Policies and Permits under Development

The following is a list of statewide polices and permits under development. This table is an abbreviated version of what is routinely distributed as part of the State Board Executive Director's Report. The text in the table is largely unedited except for the deletion of extraneous information.

Policy/Significant General Permit ▼	Status
Antidegradation Policy	The State Water Board issued a draft scoping document and held follow-up focused stakeholder meetings in June and July 2015. Comments from these meetings are summarized and posted on the program website. State Water Board staff is not actively working on a statewide policy for implementation of the Antidegradation Policy for discharges to groundwater. The draft Eastern San Joaquin River Watershed Agricultural Order addresses some of the larger issues the stakeholders identified during staff's outreach efforts. Staff and executive management will consider what additional guidance or regulatory action is necessary after the State Board issues a final order in the East San Joaquin matter
Bacteria Standards for Ocean and Inland Surface Waters	State Water Board is developing Statewide bacteria water quality objectives and a control program to protect human health in waters designated for water contact recreation (REC-1) from the effects of pathogens. The bacteria objectives are proposed to be adopted as amendments to the Statewide Inland Surface Waters, Enclosed Bays and Estuaries Plan and the California Ocean Plan. Staff plans to release draft documents for public review and comment in summer 2016. State Board Web site: http://www.waterboards.ca.gov/bacterialobjectives/
Biological Integrity Plan Development	State Water Board staff is developing a proposed Implementation Plan for Assessing Biological Integrity of perennial freshwater streams. The goal is to set biological expectations to ensure protection and restoration of aquatic life beneficial uses and to incorporate additional bioassessment monitoring into the Water Boards' regulatory programs. Staff is revising the existing draft Biological Integrity Plan based on feedback from stakeholders and advisory groups. A revised draft is scheduled to be released for stakeholder input by Spring 2016.
Blue Green Algae Action Levels	State Water Board staff is working with a multi-agency workgroup to update the Draft Voluntary Guidance Document for California CyanoHABs (CCHABs), related to monitoring and posting public notices. Staff is also coordinating with the Monitoring Council to continue to work issues related to CCHABs.
Chlorine Amendment	The draft Total Residual Chlorine and Chlorine-Produced Oxidants Policy of California is being converted into an amendment to the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California. This action is a priority for U.S. EPA.
Industrial General Storm Water Permit Reissuance Implementation	State Water Board staff sent Notice of Non Compliance letters for Regional Water Boards 1, 2, 3, 5, 6, and 9 to dischargers that apparently failed to enroll under the new Industrial Storm Water General Permit. In accordance with Section 13383 of the California Water Code, the notice allows dischargers 60 days to comply by either enrolling or demonstrating that enrollment is no longer applicable to their industrial operation. State Water Board staff are taking calls and emails in response to the notices and following up with individual dischargers as necessary. Enforcement staff will follow-up with

	<p>dischargers who have not appropriately responded to the Notice of Non Compliance.</p>
<p>Mercury TMDL and Water Quality Objectives (Reservoirs)</p>	<p>Staff from Regional Water Boards 2, 5, and the State Water Board are developing a TMDL and implementation plan to address fish mercury impairments in about 150 reservoirs around the state. Staff is preparing the scientific and technical analysis (source analysis, linkage, targets, allocations, and implementation plan considerations), and regulatory provisions for the objectives, implementation plan, and TMDL staff held focused stakeholder group meetings in 2014. In addition, staff met with a reservoir operator focus group four times to discuss and develop ideas and criteria for water chemistry and fisheries management pilot studies. Staff is preparing a staff report for peer review.</p>
<p>Mercury Water Quality Objectives & Implementation</p>	<p>In coordination with the Reservoir Mercury TMDL team, staff is preparing mercury water quality objectives and a plan of implementation. Focus group meetings began in June 2014 and continued through October 2014. The purpose of the meetings was to collect feedback from tribes and other stakeholders on the project framework. In October 2014, staff met with regional board staff and conducted additional outreach. The draft staff report and the draft regulatory language are expected to be sent for peer review in February or March 2016.</p>
<p>Nonpoint Source (NPS) Implementation and Enforcement Policy Amendments</p>	<p>The NPS Implementation and Enforcement Policy (NPS Policy) is being updated as directed by Resolution 2012-0004 to reflect the current funding mechanisms for State Water Board and Regional Water Quality Control Board regulation of nonpoint source wastewater discharges. Staff anticipates releasing a draft of the NPS Policy amendments in late May 2016.</p>
<p>Nutrient Numeric Endpoints Tools</p>	<p>Staff is working with technical advisory groups to produce an implementation strategy document. U.S. EPA contracted to have the nutrient numeric endpoint protocol updated based on case studies. Staff plans to continue outreach efforts by having Focus Group meetings from February to July 2016. An outreach document is available for public review at the State Board's website on the nutrient objectives webpage. Southern California Coastal Water Research Project (staff are still researching and developing the biological condition gradient model that will be used in the assessment of the effects of nutrients on stream biological conditions. Scientific Peer Review (Public Release) is anticipated for late 2017.</p>
<p>Phase I update of the Bay-Delta Plan: San Joaquin River flows and southern Delta salinity</p>	<p>A Revised Draft SED will be recirculated for public comment early 2016. A Draft plan amendment to be brought to the Board for consideration by summer of 2016.</p>
<p>Phase II Small Municipal Separate Storm Sewer System (MS4) Permit Amendment</p>	<p>State Water Board staff is working with Regional Water Board staff to develop the proposed amendment to Attachment G (titled Region-specific Total Maximum Daily Loads Implementation Requirements) of the existing Small MS4 Permit to include TMDL implementation requirements. State Water Board staff is preparing a draft permit amendment with input from Regional Water Board, stakeholder, and OCC. Staff is reviewing applicable Regional Board TMDLs for additional information to include within Attachment G and the Fact Sheet.</p>

<p>Phase II update of the Bay-Delta Plan: Comprehensive Review</p>	<p>State Water Board staff is in the process of a phased review and update of the 2006 Water Quality Control Plan for the Bay-Delta (2006 Bay-Delta Plan). The second phase of the review focuses on the following issues: (1) Delta outflow objectives, (2) export/inflow objectives, (3) Delta Cross Channel Gate closure objectives, (4) Suisun Marsh objectives; (5) potential new reverse flow objectives for Old and Middle Rivers; (6) potential new floodplain habitat flow objectives; (7) potential changes to the monitoring and special studies program, and (8) other potential changes to the program of implementation. The Scientific Basis Report is expected to be released for public review in early 2016. Staff is also developing a Substitute Environmental Document that will provide an evaluation of the potential environmental impacts of the proposed changes to the Bay-Delta Plan. This document is expected to be released for public review in 2017.</p>
<p>Statewide General Waste Discharge Requirements Order for Wineries</p>	<p>State Water Board staff have prepared a concept paper for developing a statewide general order for wineries. A draft requirements matrix is in preparation with stakeholders. Initial meeting with wine industry representatives completed.</p>
<p>Statewide Storm Water Construction General Permit Reissuance</p>	<p>State Water Board staff is planning to prepare a draft permit for the reissuance of the existing Construction General Storm Water Permit, also referred to as the CGP. The CGP reissuance will include proposed implementation of total maximum daily loads (TMDLs). State Water Board staff is allowing TMDL implementation issues to first be resolved through the State Water Board's consideration of TMDLs implementation in the existing Industrial General Storm Water Permit prior to proceeding with consideration of the CGP reissuance.</p>
<p>Storm Water Industrial General Permit Amendment for TMDL Implementation</p>	<p>State Water Board staff is developing TMDL implementation language for the Storm Water Industrial General Permit in collaboration with the Regional Water Boards that have adopted TMDLs that include industrial storm water discharges as a source (Regions: San Francisco Bay, Los Angeles, Santa Ana, and San Diego regions). The Regions will publicly notice the draft TMDL language in late 2016.</p>
<p>Water Recycling Requirements for Recycled Water Use</p>	<p>This statewide general order is intended to replace General Waste Discharge Requirements for the use of Recycled Water (2014-0090-DWQ). Recycled water covered under this General Order is primarily treated municipal wastewater. The general order will be used to streamline permitting non-potable recycled water projects. Potable reuse projects are not eligible for permitting under this general order. Staff posted the draft permit for public comment on January 21, 2016. The public comment period ended on February 22, 2016. Staff received a total of 39 comment letters. Staff is working on response to comments. A separate 30-day public comment period will be scheduled in late April 2016 to address transition of existing enrollees under other Regional Board recycled water use orders. Tentatively, Board adoption is scheduled for August 2016.</p>
<p>Toxicity Amendments to the Inland Surface Waters, Enclosed Bays, and Estuaries Plan</p>	<p>Staff prepared draft toxicity amendments and a staff report. Staff released the draft documents for public review and received comments in summer 2012. Those comments are currently under review. Considering these comments and the Water Board's mandates, staff is preparing a revised draft staff report and environmental document. Once the draft documents are revised, staff will initiate additional stakeholder outreach and circulate the draft documents for public review. Staff expects to release the draft documents in July 2016.</p>

Underground Storage Tank Electronic Reporting	<p>State Water Board staff is preparing a formal rulemaking package which updates the California Code of Regulations, title 23 to require electronic reporting of data from the underground storage tank regulated community to the certified unified program agency (CUPA) and from the CUPA to the State. These regulations are consistent with Health and Safety Code section 25404(e)(4) requiring the submission of Unified Program data electronically through the California Environmental Reporting System (CERS). The proposed regulatory changes to title 23 will bring the regulations in-line with statutory requirements. No new requirements are being introduced other than requiring submission of data electronically instead of on paper. Staff will initiate the formal rule making process and present it to the Board for adoption early January/February 2016.</p>
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