

Attachment 4-5

## **Future CAP/NAP Approach**

On December 9, 2003, the Bay Modeling and Monitoring (BMM) subgroup met and collectively determined that further efforts at fine-tuning the CAP baseline activities would likely be unproductive due to certain remaining inherent challenges with the original CAP/NAP language. To assist in the identification of key baseline copper control activities that are most effective in the removal of copper, the CEP prepared a document entitled *Copper Sources in Urban Runoff and Shoreline Activities: Information Update* (dated November 2004). This report, which was prepared as part of North of Dumbarton Cu/Ni site-specific objective (SSO) project funded through the CEP, summarizes urban runoff and shoreline activity copper source load estimates and the uncertainties in these estimates.

On November 10, 2004, the subgroup reviewed the current CAP using the adaptive management process built into the CAP. This process involved reviewing tables which described how each baseline activity had either been completed or been incorporated into another on-going Program or POTW activity. The tables also contained proposed revised CAP activities reporting approaches, describing where and how annual CAP activity information could be found within other reports. The goal of the effort was to reduce the increasingly voluminous and generally duplicative CAP reporting by changing reporting by reference to other reports to the greatest extent possible. The tables also included a column with recommendations on whether or not each baseline activity would be appropriate to implement (or continue to implement) Bay-wide and how reporting might best be conducted. The subgroup agreed that the majority of baseline activities are being addressed by on-going stormwater program required activities or on-going POTW required activities. Agreement was not reached on what activities could be considered "completed" or how to move towards CAP reporting by reference. It was suggested that an actual Bay-wide Copper Action Plan would not necessarily need to be developed if all the pertinent CAP activities were otherwise included and conducted as stormwater and POTW NPDES permit conditions (e.g., pursuant to pollutant reduction plans). Water Board staff is in the process of reviewing the proposed revised CAP activities reporting approach tables and providing comments on the recommendations.

On April 22, 2005, the subgroup continued discussions about how the transition would likely occur to a bay-wide Copper Management Strategy (CMS). Water Board staff would like a uniform level of effort bay-wide (by agencies) and an effectiveness level at least as great as that achieved in the CAP/NAP. Ambient monitoring and trigger criteria need to be revisited so that there is a consistent and equivalent level of effort expended North and South of the Dumbarton Bridge. The proposed approach North of the Dumbarton Bridge is to rely on RMP data that is collected once per year versus the monthly dry season data collected south of the Dumbarton Bridge. The City of Palo Alto proposed to convert its Copper Indicators Report to a model for a bay-wide indicators report, if provided the necessary information. New funding mechanisms will need to be identified for on-going implementation of these bay-wide CMS components (stormwater and POTW annual reporting, indicators reporting and ambient monitoring). CMS requirements may be implemented through a blanket (watershed) permit. Currently, timing is uncertain. It is believed that the Basin Plan Amendment adopting the North of Dumbarton Bridge Copper/Nickel (Cu/Ni) site-specific water quality objectives (SSOs) and the CMS would likely be completed and adopted before the Stormwater Regional General Permit.

In January 2006, the CEP started work to support development of the stormwater-related sections of the Copper Management Strategy (CMS). The work will consist of developing CMS elements ("expert write-up") from sources categories identified and discussed in the *Copper Sources in Urban Runoff and Shoreline Activities: Information Update*. The elements to be developed, as identified by the CEP Copper-Nickel workgroup or subgroup designated by the workgroup, include architectural copper, vehicle brake pads, copper pesticides and marine antifouling coatings. In addition, a write up regarding incorporation of existing permit requirements and public outreach into the CMS will be prepared. The CMS elements are scheduled to be completed by June 30, 2006.