



KEY REGULATORY ISSUE SUMMARY

Prepared JANUARY 25, 2012

Background Highlights	Recent Updates	Next Steps	Links/Resources
PCBs			
<ul style="list-style-type: none"> March 9, 2011 – PCBs were incorporated into the Watershed Permit, including effluent limits Permit requires analyzing effluent samples using Method 1668c Method 1668c has not been formally approved by EPA 	<ul style="list-style-type: none"> Agencies have begun sampling for PCB congeners; data available to BACWA indicate members' effluent are below watershed permit limit One concern with the sample protocol is contamination of sample blanks. It is difficult to prevent contamination by air deposition, especially when detection limits are extremely low, as they are in Method 1668c. This means that PCBs are measurable even when they are actually present below the detection limit. BACWA worked with RWQCB to prepare a Sampling, Analysis and Reporting Protocol Member agencies are to submit PCBs 1668c data to CIWQS by uploading a pdf version of the lab reports 	<ul style="list-style-type: none"> Need to address how agencies will report the results, including qualifiers, for each of the 209 congeners (input into database, include lab sheets, etc.) after 2012 EBMUD is requesting that agencies submit spreadsheets of their data via Amy Chastain to assess compliance with existing limits 	Permit amendment adding PCBs: http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2011/R2-2011-0012.pdf BACWA SARP: http://bacwa.org/Portals/0/PCB%20Reporting%20Protocols%2005-17-11.pdf
SELENIUM			
<ul style="list-style-type: none"> EPA is developing new site-specific selenium criteria for the Bay-Delta Ecosystem USGS has completed a selenium fate and transport model North and South San Francisco Bay are listed for Selenium - North Bay TMDL is on hold until final EPA criteria adopted, and South Bay TMDL effort has not begun 	<ul style="list-style-type: none"> EPA will release the criteria in the "near future" and will solicit comments on the criteria and USGS study BACWA is collecting data on the speciation of selenium in effluent; results expected in 2012 	<ul style="list-style-type: none"> Track EPA criteria development and comment when available 	EPA page on Selenium in California: http://www.epa.gov/region9/water/ctr/

EMERGING CONSTITUENTS			
<ul style="list-style-type: none"> • Pharmaceuticals and other trace constituents of emerging concern (CECs) are ubiquitous in wastewater at low concentrations and have unknown effects on aquatic organisms • The State Board, along with Southern California Coastal Water Research Project (SCCWRP), has been working with the Ecosystems Advisory Panel to determine next regulatory steps. The panel will likely recommend monitoring wastewater for CECs, and possibly bioanalytical assays to test for toxic effects • The Regional Monitoring program is preparing a synthesis of data on CECs in the Bay, expected in 2012 • BACWA, CASA and others are participating in DTSC's Green Chemistry regulation development and in DPR pesticide registration 	<ul style="list-style-type: none"> • Ecosystems Advisory Panel expected to release draft report Feb 22, 2012 with 30 day comment period • DTSC is aiming for Fall 2012 for adoption of new regulations • BAPPG commented on DTSC's draft Green Chemistry regulations in December 30, 2011 	<ul style="list-style-type: none"> • February 2012 - Review and provide comments on draft Ecosystem Advisory Panel report • Comment, as appropriate, on pesticide registration and related efforts • Participate in the RMP CEC Workgroup 	<p>Ecosystems Advisory Panel: http://www.sccwrp.org/ResearchAreas/Contaminants/ContaminantsOfEmergingConcern/EcosystemsAdvisoryPanel.aspx</p> <p>Draft DTSC Regulations: http://www.dtsc.ca.gov/SCPRegulations.cfm</p> <p>Regional Monitoring Program CEC Workgroup: http://www.sfei.org/rmp/ecwg</p>

<p>WHOLE EFFLUENT TOXICITY</p>			
<ul style="list-style-type: none"> • Draft State Toxicity Policy issued in 2011 would establish/ require: <ul style="list-style-type: none"> ○ numeric limits for chronic toxicity ○ use of Test of Significant Toxicity (TST) as statistical method to determine toxicity replacing EC25/IC25 (concerns it will lead to more false positive results); ○ use of marine organisms in >1,000 mg/L salinity waters which affects current use of flow-through testing for acute-toxicity ○ one toxic permit violation triggers limits and accelerated monitoring ○ RWQCB discretion on inclusion of acute toxicity in permits and whether to allow for dilution 	<ul style="list-style-type: none"> • The WET Policy’s use of the TST is currently under peer review at State Board • Next draft of policy expected in the spring or summer of 2012, after peer review is complete • CASA, along with BACWA and others, have proposed an alternative that mitigates the impact of the TST, and State Board has said that they are considering at least part of the proposal • BACWA Permits and Lab Committees have created a Toxicity workgroup to discuss regional implementation issues 	<ul style="list-style-type: none"> • BACWA will continue to work with CASA and the State Board, and will comment on the draft policy once it is released 	<p>State Board Page: http://www.swrcb.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml</p>
<p>SUISUN BAY AMMONIA</p>			
<ul style="list-style-type: none"> • Ammonia discharged from POTWs has been suggested to be disrupting the food-web, and ultimately contributing to the decline of pelagic fish populations in the Bay-Delta estuary • This rationale was used by the Central Valley RWQCB to support requiring Sacramento Regional County Sanitation District to upgrade to nitrification, at an estimated cost of \$800 million • Various studies to resolve uncertainties related to the impacts of ammonia are underway 	<ul style="list-style-type: none"> • Water Agencies submitted comments on draft permits for CCCSD and Vallejo, citing ammonia research and requesting nitrification • BACWA submitted comments on the CCCSD permit • BACWA and CCCSD are participants in a SWAMP-funded Suisun Bay ammonia workgroup • Permits to be adopted in February 	<ul style="list-style-type: none"> • Participate in the research and regulatory efforts related to ammonia regulation 	<p>CCCSD Tentative Order: http://www.swrcb.ca.gov/sanfranciscobay/board_info/agendas/2011/December/CCC/TO.pdf</p> <p>Central Valley RWQCB Ammonia Webpage: http://www.swrcb.ca.gov/rwqcb5/water_issues/delta_water_quality/ambient_ammonia_concentrations/index.shtml</p>

NUTRIENT NUMERIC ENDPOINTS (NNEs)

<ul style="list-style-type: none"> • This effort is part of a statewide initiative, supported by the U.S. EPA Region IX and the SWRCB, to establish numeric water quality standards, expressed as NNEs, for State Waters • RWQCB staff is working with the SWRCB, the Southern California Coastal Water Research Program (SCCWRP) and the San Francisco Estuary Institute (SFEI) to develop NNEs for the San Francisco Bay Estuary • June 29, 2011 - RMP Nutrient Workshop, sponsored by BACWA 	<ul style="list-style-type: none"> • June 2011 - Literature Review and Data Gaps Analysis Final Report was released • May 20 2011 – Most recent Stakeholder Advisory Group (SAG) meeting • The NNE Work Plan is currently under development • Next SAG meeting is yet to be scheduled, but is expected in late winter or early spring 	<ul style="list-style-type: none"> • BACWA is engaged and working collaboratively with RWQCB to support development of NNEs • BACWA has retained national experts, HDR, to provide technical review and assistance in this process 	<p>RWQCB NNE page: http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/estuaryenne.shtml</p> <p>RMP Nutrient Workshop Presentations: http://www.sfei.org/calendar_events/Workshop-on-Nutrient-Science</p> <p>Literature Review and Data Gaps Analysis Final Report: http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/estuarineNNE/644_SFBayNNE_LitReview%20Final.pdf</p>
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SEDIMENT QUALITY OBJECTIVES

<ul style="list-style-type: none"> • 2008 - Narrative SQOs (for protection of benthic community and human consumers of fish and shellfish) approved by State Board • Sediments in Bay failed to meet un-impacted category, yet was also rare to be <i>severely</i> impacted. Results were highly variable 	<ul style="list-style-type: none"> • April 2011 – State Board approved SQOs for protection of wildlife and resident finfish. Awaiting final approval from EPA • RWQCBs have discretion on how to implement new SQOs; they are exploring how to use sediment information in reasonable potential analyses 	<ul style="list-style-type: none"> • Work with RWQCB through the Regional Monitoring Program to address sediment concerns • Track SWRCB on Phase II, which will provide more prescriptive requirements for human health criteria • Participate in related RMP efforts 	<p>State Board Page: http://www.swrcb.ca.gov/water_issues/programs/bptcp/sediment.shtml</p> <p>RMP SQO webpage: http://www.sfei.org/projects/3100</p>
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SSS WASTE DISCHARGE REQUIRMENTS (WDR)			
<ul style="list-style-type: none"> • The 2006 Sanitary Sewer System general permit is up for renewal • March 2011 draft WDR makes Cities responsible for private laterals and is more prescriptive than current order, with new management practices that are mandated for all systems 	<ul style="list-style-type: none"> • The latest draft was released for comment in March 2011 • A revised draft is expected in April or May 2012, with adoption expected in 2012 • State Water Board is holding a public workshop on Tuesday, January 24, 2012 at 9:00 a.m. to discuss the SSS WDR next steps. They have indicated that the next draft will contain the following revisions: <ul style="list-style-type: none"> ○ Removed some reporting requirements ○ Remove mandatory reporting of Private Lateral Spills, and require enrollees to keep internal records of them ○ Require private collection systems that discharge to private treatment works to enroll, but do not require private collection systems tributary to other sanitary sewer systems to enroll 	<ul style="list-style-type: none"> • Coordinate with statewide efforts to comment on draft WDR when it is released 	<p>Draft SSS WDR: http://www.waterboards.ca.gov/water_issues/programs/sso/docs/pubhrng040511/review_update/2_draft_sss_wdr.pdf</p> <p>BACWA comment letter: http://www.waterboards.ca.gov/water_issues/programs/sso/docs/sss_wdr/cmmnts051311/amy_chastain.pdf</p>
MERCURY - DENTAL AMALGAM, EPA			
<ul style="list-style-type: none"> • October 26, 2011 - EPA released its 2010 Effluent Guidelines Program Plan announcing its intent to adopt guidelines on the use of dental amalgam by dentists • Agencies are concerned that dentists' offices will be regulated as part of POTWs' pretreatment program 	<ul style="list-style-type: none"> • EPA will likely create a new category so that dentists will not be categorized as SIUs • They may also grandfather in existing regional dental amalgam programs 	<ul style="list-style-type: none"> • EPA had planned to propose a rule in 2011 and finalize in 2012, but they appear to be behind schedule 	<p>EPA Effluent Guidelines Program Plan Federal Register Notice - http://www.gpo.gov/fdsys/pkg/FR-2011-10-26/html/2011-27742.htm</p>

MERCURY – DENTAL AMALGAM, REGION 2			
<ul style="list-style-type: none"> The Watershed Permit requires 1) 85% participation target for dental offices after 5 years, and 2) one group report estimating the dental amalgam collected 	<ul style="list-style-type: none"> BACWA reports on behalf of its members compliance with these provisions of the Watershed Permit BACWA submitted an interim report showing that, as of Dec. 2009, 76% of dentists were participating, associated with an estimated 48% decrease in mercury loading to POTWs 	<ul style="list-style-type: none"> Final Report Due showing compliance with the Watershed Permit's amalgam requirements will be submitted on or before June 30, 2012 	Watershed permit: http://www.swrcb.ca.gov/rwqcb2/board_decisions/adopted_orders/2007/R2-2007-0077.pdf
MERCURY RISK REDUCTION			
<ul style="list-style-type: none"> As part of the Watershed Permit, dischargers are required to implement/participate in risk reduction programs. Implementation is required to begin by 2010 Updates required annually. 	<ul style="list-style-type: none"> BACWA has undertaken this effort on behalf of its members. It coordinated with SFEI/ASC, other dischargers and the Regional Water Board to develop a program led by California DPH DPH/SFEI/ASC produce quarterly progress reports focusing on developing materials on human consumption of fish in the SF Bay BACWA submits annual reports updating the Regional Water Board on progress A final report is due in 2012 	<ul style="list-style-type: none"> Determine requirements for the next iteration of the Watershed Permit 	Watershed permit: http://www.swrcb.ca.gov/rwqcb2/board_decisions/adopted_orders/2007/R2-2007-0077.pdf
METHYL MERCURY CRITERIA DEVELOPMENT			
<ul style="list-style-type: none"> State Board is developing methyl mercury fish tissue objective The scientific underpinnings for the criteria development are still under consideration If point source dischargers cannot comply with criteria, then an implementation strategy would be included in permits 	<ul style="list-style-type: none"> State Board plans to restart effort and announce public meeting in spring 2012 They are looking for ways to harmonize efforts with existing TMDLs 	<ul style="list-style-type: none"> Provide input at public meeting when announced 	Draft scoping document: http://www.swrcb.ca.gov/water_issues/programs/ocean/docs/mercury/mehg_scoping.pdf Statewide Mercury Program: http://www.waterboards.ca.gov/water_issues/programs/mercury/

SOLANO COUNTY LAND APPLICATION ORDINANCE

<ul style="list-style-type: none"> • Solano County Code, Chapter 25, states that by Oct 15, 2012, agencies that land apply Class B solids must produce some Class A solids or divert some of their biosolids to energy or other uses • The quantity that must be diverted is not specified • Major BACWA land appliers in Solano County are SFPUC, Union Sanitary District and Fairfield Suisun. Many other agencies apply smaller quantities of biosolids • BACWA provides annual report of biosolids practices and alternative treatment technologies to Solano County Supervisors 	<ul style="list-style-type: none"> • There may be changes once the ordinance is renewed • The decision will likely be made at Solano County Board meeting in June 2012 	<ul style="list-style-type: none"> • BACWA members who land apply in biosolids in Solano County will continue to participate in the workgroup led by Synagro 	<p>Solano County Code: http://www.co.solano.ca.us/civicax/filebank/blobdload.aspx?blobid=4767 2010 BACWA Report to Solano County Supervisors: http://www.co.solano.ca.us/civicax/filebank/blobdload.aspx?blobid=5415</p>
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GREENHOUSE GAS REPORTING (CARB / USEPA)

<ul style="list-style-type: none"> • Mandatory Reporting of Greenhouse Gas Inventories are due to CARB on April 1 of every year for facilities with emissions of CO₂e (carbon dioxide equivalent) > 10,000 Metric Tons per year • EPA issued a final rule that extends the deadline for reporting 2010 data to September 30, 2011, for >25,000 Metric Tons CO₂e per year 	<ul style="list-style-type: none"> • June 1, 2013 (recently extended one year) is first time reporting for facilities emitting between 10,000 and 25,000 Metric Tons CO₂e per year. These emitters will also be able to file an abbreviated report. • CARB has passed the amended MRR that harmonizes the California rule with the EPA one. For the reporting period 2011, to be filed in 2012, the entities will be able to use CARB or EPA methodologies. Starting from the 2012 reporting period, to be filed in 2013, CA MRR methods need to be used 	<ul style="list-style-type: none"> • CWCCG is leading the effort related to reporting 	<p>CARB Mandatory Reporting Page: http://www.arb.ca.gov/c/reporting/ghg-rep/ghg-rep.htm</p> <p>EPA Mandatory Reporting Page: http://epa.gov/climatechange/emissions/ghgrulemaking.html</p>
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GREENHOUSE GAS CAP AND TRADE			
<ul style="list-style-type: none"> December 13, 2011 - Cap and trade adopted and applies to facilities emitting >25,000 Metric Tons CO₂e per year (fossil fuel-derived emissions only) Facilities that are part of the program will be able to buy and sell rights to emit CO₂e First cap reduction will begin 2015, with 30% reduction by January 1, 2020 	<ul style="list-style-type: none"> There will be two compliance instrument auctions in August and November 2012 	<ul style="list-style-type: none"> Enforcement deferred from January 1, 2012 to January 1, 2013 Covered entities must register for the Cap and Trade Program by January 31, 2012 	<p>CARB Fact Sheet: http://www.arb.ca.gov/newsrel/2011/cap_trade_overview.pdf</p> <p>Cap and Trade Registration: http://www.arb.ca.gov/c/capandtrade/registration/registration.htm</p>

“PARKIING LOT” ISSUES

Background Highlights	Recent Updates	Next Steps	Links/Resources
WATERSHED PERMIT			
<ul style="list-style-type: none"> The Mercury and PCBs Watershed Permit expires on December 31, 2012 	<ul style="list-style-type: none"> POTWs currently meet mercury and PCB limits 	<ul style="list-style-type: none"> Evaluate how permit could be improved in next permit renewal. Elements to consider include: effluent limitations, monitoring requirements, reporting requirements, risk reduction, and timing of reissuance 	<p>Current Watershed Permit for mercury: http://www.swrcb.ca.gov/rwqcb2/board_decisions/adopted_orders/2007/R2-2007-0077.pdf</p> <p>Amendment adding PCBs: http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2011/R2-2011-0012.pdf</p>

COPPER			
<ul style="list-style-type: none"> • The Bay was delisted for copper as much of the copper in the Bay was determined not to be bioavailable and concentrations are below WQOs • Site-specific objectives (SSOs) for copper were developed in 2007, establishing criteria for various segments within the Bay • A Copper Control Plan is required of Bay Dischargers that includes further study to “reduce copper pollutant uncertainties” • Additional control measures required if ambient concentrations exceeds Bay segment-specific triggers 	<ul style="list-style-type: none"> • SFEI and NOAA are studying the effects of copper on the olfactory system of salmonids in marine environments. Preliminary work has begun, project to fully start in 2nd Qtr 2012 • Ambient copper concentrations measured through the RMP • Rolling average for 2011 did not exceed trigger. BACWA reported on status on January 17, 2012 • BAPPG has undertaken regional P2 efforts 	<ul style="list-style-type: none"> • Report the status of these research efforts, along with other action plan items, to the Regional Water Board annually 	<p>Summary of SFEI study on the Olfactory Effects of Copper on Salmonids: http://www.sfei.org/projects/3680</p> <p>BACWA 2012 Letter: http://bacwa.org/committees/permit/documents</p>
CYANIDE			
<ul style="list-style-type: none"> • Resolution R2-2006-0086 - Site specific objectives (SSOs) and an action plan are in effect for cyanide in the San Francisco Bay • Additional control measures required if ambient concentrations exceeds 1ug/L 	<ul style="list-style-type: none"> • Ambient cyanide concentrations measured through the RMP • BACWA reported on the status on January 17, 2012 	<ul style="list-style-type: none"> • Continue to undertake actions on a regional level to identify and abate cyanide sources responsible for any elevated ambient concentrations 	<p>Cyanide Action Plan Fact Sheet: http://bacwa.org/Portals/0/Cyanide%20Action%20Plan%20Fact%20Sheet.pdf</p> <p>BACWA 2012 Letter: https://bacwa.box.com/s/894it9h5zct7h2f4el3g</p>

DIOXIN			
<ul style="list-style-type: none"> • Dioxin had been included as a permit limit in Bay Area permits. • Blanket Permit Amendment Order No. R2-2010-0054 adopted February 10, 2010, allows use of BEF/TEFs, and changes the minimum level used for compliance determination, which results in all dischargers becoming in compliance with their dioxin limits • Dischargers must continue to implement dioxin action plans in permits 	<ul style="list-style-type: none"> • Dioxin is 303(d) listed and a TMDL will be developed by RWQCB in 2019 	<ul style="list-style-type: none"> • Continue to undertake actions on a regional level to identify and abate dioxin sources where possible 	<p>2008 Expert Panel Issue Paper: http://www.waterboards.ca.gov/sanfranciscobay/publications_forms/documents/Dioxin_Panel/Dioxin_Panel_Final_Report.pdf</p>
E-SMR/CIWQS			
<ul style="list-style-type: none"> • Dischargers required to transition from RWQCB's Electronic Reporting System (ERS) to State Board's e-SMR system • No permittees still using ERS, most permittees are reporting directly to e-SMR – final group transitioned in January 2012 	<ul style="list-style-type: none"> • Still need to work out issues related to retaining historical data, RMP fees, correcting errors, and conducting RPAs 	<ul style="list-style-type: none"> • Working with State Water Board and SFEI to iron out issues • Participating in State Board CIWQS User Group 	

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ACRONYMS

ASC	Aquatic Science Center
BAPPG	Bay Area Pollution Prevention Group
BEF	Bioaccumulation Equivalency Factor
CARB	California Air Resources Board
CASA	California Association of Sanitation Agencies
CCCSD	Central Contra Costa Sanitary District
CIWQS	California Integrated Water Quality System
CECs	Compounds of Emerging Concern
DPH	Department of Public Health
DTSC	Department of Toxic Substances Control
eSMR	electronic Self Monitoring Report
ERS	Electronic Reporting System
NNE	Nutrient Numeric Endpoint
NOAA	National Oceanic and Atmospheric Administration
POTW	Publically Owned Treatment Works
RMP	Regional Monitoring Program
RWQCB	Regional Water Quality Control Board
SCCWRP	Southern California Coastal Water Research Project
SFEI	San Francisco Estuary Institute
SIU	Significant Industrial User
SSO	Site Specific Objective
SSS WDR	Sanitary Sewer System Waste Discharge Requirements
SWAMP	Surface Water Monitoring Program (State Board)
TEF	Toxicity Equivalency Factor
TMDL	Total Maximum Daily Load
TST	Test of Significant Toxicity
USGS	United States Geological Survey
WET	Whole Effluent Toxicity