



KEY REGULATORY ISSUE SUMMARY

Updated JANUARY 29, 2014

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Action items for member agencies are in **bold**

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
PERMITS COMMITTEE			
NUTRIENTS IN SAN FRANCISCO BAY - REGULATORY			
<ul style="list-style-type: none"> The SF Bay Nutrient Strategy is part of a statewide initiative, supported by the U.S. EPA Region IX and the State Water Board, to establish water quality standards to prevent or mitigate nutrient impairment. Water contractors and Baykeeper have been encouraging regulators to tighten nutrient limits in Bay Area permits as they are renewed. Because of the complexity of the science behind nutrient impacts in the SF Bay, stakeholders in the region are embarking on a collaborative process to ensure that future regulations are based on sound science. 	<ul style="list-style-type: none"> BACWA is working with the Regional Water Board on developing a Nutrient Watershed permit. Adoption is targeted for April 2014, with an effective date of July 1, 2014. BACWA representatives from each subembayments and the Regional Water Board have been meeting regularly since Fall 2013 to negotiate the details of this permit. Elements of the watershed permit are: <ol style="list-style-type: none"> Continued monitoring of nutrients in effluent and receiving water. Robust reporting and tracking of effluent nutrient trends. Funding for studies of possible impacts of nutrients on SF Bay. An investigation of nutrient removal technology alternatives for POTWs. The Regional Water Board has provided BACWA with an Administrative Draft of the Watershed Permit and is accepting comments 	<ul style="list-style-type: none"> BACWA has provided comments on the Administrative Draft and will continue to work with the Regional Water Board. BACWA hosted a Nutrient Technology Symposium for its members in October 2013, and is considering topics for future nutrient symposia. 	<p>SF Bay Regional Water Board NNE page: http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planning_tmdls/amendments/estuaryne.shtml</p> <p>BACWA Nutrient page: http://bacwa.org/nutrients</p> <p>Presentations from 10/14 BACWA Nutrient Technology Symposium: http://bacwa.org/meetings/conferences-and-workshops</p>

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NUTRIENTS IN SAN FRANCISCO BAY – SCIENCE			
<ul style="list-style-type: none"> SF Bay has historically been resilient to nutrient impacts because of tidal mixing, clam grazing, and high turbidity. However, the turbidity is decreasing due to capture of sediment by upstream dams, and clam populations are on the decline. There is concern that SF Bay may become nutrient over-enriched in the future. Ammonia discharged from POTWs has been suggested to be disrupting the food-web in Suisun Bay, and ultimately contributing to the decline of pelagic fish populations in the Bay-Delta estuary. 	<ul style="list-style-type: none"> BACWA and the Regional Water Board are working to establish a governance structure that will be the body guiding which studies are funded and used for making policy decisions. A facilitator has been interviewing stakeholders and is helping to develop a charter. BACWA has committed \$675K in funding for nutrient studies in fiscal year 2014. The watershed permit will specify a funding level for the next five years. Agencies are continuing to collect nutrient loading data per the Regional Water Board's 13267 letter and will continue monitoring under the watershed permit when it is adopted. 	<ul style="list-style-type: none"> Continue to participate in governance structure, and help develop its charter. 	<p>Sample decision trees for nutrient studies: http://bacwa.org/Portals/0/Nutrients/Sample%20Decision%20Tree.pdf</p> <p>Central Valley Regional Water Board Ammonia Webpage: http://www.swrcb.ca.gov/RegionalWaterBoard5/water_issues/delta_water_quality/ambient_ammonia_concentrations/index.shtml</p>
SELENIUM – EPA CRITERIA AND SF BAY TMDLs			
<ul style="list-style-type: none"> EPA is developing ambient water concentration criteria for the SF Bay/Delta based on a previously developed fish tissue objective. EPA has been sued by an NGO for taking too long to release CTR criteria, and are currently in settlement negotiations. While the EPA was planning on releasing the criteria this year, this has been put on hold indefinitely pending the outcome of the lawsuit. The Regional Water Board is restarting the North Bay Selenium TMDL process. The South Bay TMDL will be developed in the future, but the timeframe has not yet been determined. 	<ul style="list-style-type: none"> The Regional Water board has developed a methodology, with EPA approval, for translating the fish (white sturgeon) tissue objective. Initial calculations of target dissolved ambient concentrations are above concentration in the North Bay, but below effluent concentrations of some POTWs. The Regional Water Board has invited BACWA to provide input into their methodology for translating selenium fish tissue objective to ambient dissolved concentrations. Additionally, they are seeking input on implementation strategies. 	<ul style="list-style-type: none"> Investigate ways to contribute to the development of the ambient dissolved concentration and eventual wasteload allocations. 	<p>North Bay Selenium TMDL page: http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/TMDLs/seleniumtmdl.shtml</p> <p>Regional Water Board Presentation on Selenium TMDL: https://bacwa.box.com/s/xwyof61mvjas8r5e0rc7</p>

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COMPOUNDS OF EMERGING CONCERN			
<ul style="list-style-type: none"> Pharmaceuticals and other trace compounds 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 an Ecosystems Advisory Panel to determine next regulatory steps. Region 2's CEC strategy focuses on monitoring/tracking concentrations of constituents with high occurrence and high potential toxicity and source control. Much of what the SWRCB CEC Panel recommended are already being implemented in Region 2 through the RMP. 	<ul style="list-style-type: none"> Pulse of the Bay 2013 focused on CECs. The San Francisco Bay CEC strategy will expand to include some degree of POTW effluent monitoring. Studies are ongoing to test the use of bioanalytical assays. SWRCB CEC panel reconvened in September to begin the process of developing an Implementation Plan for its recommendations which will likely include a pilot monitoring study. POTW representative is Phil Friess from LACSD, and Regional Board Representative is Tom Mumley from Region 2. 	<ul style="list-style-type: none"> Continue to participate in the RMP CEC Workgroup. Continue to engage in State CEC Panel on implementation through the designated POTW representative, Phil Friess. BACWA's aim is that collaboration in any future monitoring study will be fulfilled through participation in existing RMP programs. Put together a list of volunteer POTWs to have their effluent monitored for CECs by the RMP. This monitoring would be for informational and not for compliance purposes. 	<p>Presentations from September 2013 State Workshop: http://ftp.sccwrp.org/pub/download/PRESENTATION_S/CEC_Panel/CECKickoffMtg_12Sep2013_presentations.pdf</p> <p>Regional Monitoring Program CEC Workgroup: http://www.sfei.org/rmp/ecwg</p> <p>Pulse of the Bay 2013: http://www.sfei.org/sites/default/files/Pulse%202013%20CECs.pdf</p>
EPA ELECTRONIC REPORTING			
<ul style="list-style-type: none"> EPA has issued a NPR that would make all federal and state reporting electronic for NPDES permittees. Since California NPDES permittees already report through CIWQS, this will hopefully be a seamless transition. Dischargers in states that have not fully implemented an electronic reporting tool will be required to report directly to the EPA. 	<ul style="list-style-type: none"> State Board is working on eSMR 2.5, which will allow for electronic submittal of EPA required self-monitoring data through an extension to CIWQS. Electronic submittal will also be required for biosolids and pretreatment reporting, which CIWQS does not currently handle. Errors are often propagated when the data are made public, and they are also often presented out of context (e.g. presenting exceedences as violations) and are difficult to correct. BACWA worked with Tri-TAC on a December 2013 comment letter. 	<ul style="list-style-type: none"> Track State Water Board's efforts to implement eSMR2.5 for all dischargers, as well as develop a reporting tool for biosolids and pretreatment, by the time EPA requires electronic reporting in 2016. Wait for EPA's response to the comments submitted to their NPR. 	<p>EPA Fact Sheet on NPR: http://www2.epa.gov/sites/production/files/2013-08/documents/npdes-electronic-reporting-rule-factsheet.pdf</p> <p>State Water Board's page on eSMR2.5 http://www.swrcb.ca.gov/ciwqs/esmr25.shtml</p> <p>CASA/Tri-TAC Comment Letter: http://www.casaweb.org/documents/2013/dms-2740611-tri-tac_npdes_electronic_reporting_rule_letter.pdf</p>

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MERCURY/PCB WATERSHED PERMIT			
<ul style="list-style-type: none"> Watershed Permit adopted on 12/12/12 with 1/1/13 effective date. Aggregate PCB and mercury loads for 2012 were well below wasteload allocations. Method 1668c for PCB congeners has still not been promulgated by EPA. 	<ul style="list-style-type: none"> Dischargers no longer sample effluent for methylmercury. Dischargers no longer participate in a BACWA group mercury annual report. Agencies now need to report mercury data independently. Reduced mercury source control efforts and no mercury special studies. Continued requirement of risk reduction program funding and annual reporting of effort (BACWA submits letter) . Quarterly PCBs monitoring by method 1668C now only has to evaluate the 66 congeners that the TMDL is based on versus the 209 previously required. Laboratory committee updated BACWA's sampling, analysis and reporting protocol for Method 1668C for PCBs in December 2013. 	<ul style="list-style-type: none"> BACWA is convening meetings with partners in the public health and regulatory community to develop work plan for risk reduction during the current permit term. Member agencies immediately begin using the updated Monitoring, Analysis and Reporting Protocol 	<p>2013 Mercury/PCB Watershed Permit: http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2012/R2-2012-0096.pdf</p> <p>Updated PCBs Protocol: https://bacwa.box.com/s/bws7iil34xradh5xdyc7</p>

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STATE WATER BOARD TOXICITY PLAN			
<ul style="list-style-type: none"> • Draft State Toxicity Policy issued in June 2012 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 (with concerns it will lead to more false positive results); ○ Regional Water Board discretion on inclusion of acute toxicity in permits and whether to allow for dilution. 	<ul style="list-style-type: none"> • The new rules will now be released as a SIP amendment, rather than a stand-alone policy, with the goal that all water quality regulations will be part of a single implementation plan document. • State Water Board has released a Fact Sheet outlining proposed revisions, and has invited stakeholders to weigh in on the proposed updates. • Next draft of policy expected in Spring 2014 or later. • BACWA submitted a comment letter to the State Water Board outlining our response to the Fact Sheet and proposing language to reduce monitoring requirements. • BACWA representatives have met with Regional Water Board Staff to discuss the Region 2 implementation of acute toxicity testing and instream waste concentrations. 	<ul style="list-style-type: none"> • BACWA will comment on the next draft of the toxicity plan once it is released. • Key issues to discuss with the State Water Board continue to be the enforceable limits, monitoring frequency, reasonable potential analysis methodology, and instream waste concentration. 	<p>State Board Page: http://www.swrcb.ca.gov/water_issues/programs/state_implementation_policy/t_x_ass_cntrl.shtml</p> <p>Fact Sheet: https://bacwa.box.com/s/m7dcmzeugfwylwsusl74</p> <p>BACWA Comment Letter: https://bacwa.box.com/s/bws7iil34xradh5xdyc7</p>
COLLECTION SYSTEMS COMMITTEE			
SSS WDR MRP			
<ul style="list-style-type: none"> • The MRP for the SSS WDRs were recently revised by the State Water Board and became effective 9/9/13. 	<p>Revisions include:</p> <ul style="list-style-type: none"> • New 2-hr notification for SSOs > 1K gallons • New SSO categories • New water quality sampling requirements for SSOs > 50K gallons • New technical report for SSOs > 50K gallons 	<ul style="list-style-type: none"> • Agencies will need to put together a water quality monitoring plan that dictates sampling protocols after SSOs. • Agencies should update their SSMPs to reflect these changes. 	<p>Revised MRP: http://www.swrcb.ca.gov/board_decisions/adopted_orders/water_quality/2013/wqo2013_0058exec.pdf</p> <p>Presentation on changes: http://bacwa.org/Portals/0/Committees/CollectionSystems/Library/2013%20BACWA%20CSC%20Revised%20MRP%209-12-13A.pdf</p>

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RECYCLED WATER COMMITTEE			
SALT AND NUTRIENT MANAGEMENT PLAN UDATES			
<ul style="list-style-type: none"> The State Recycled Water Policy, originally adopted in 2009, requires salt and nutrient management plans for every basin in the State. These salt and nutrient management plans are to be adopted by February 2014. There has been no discussion about the consequences if the plans are not adopted by then. 	<ul style="list-style-type: none"> The Regional Water Board has participated in the development of salt and nutrient management plans for high priority basins in Sonoma, Livermore Valley and Santa Clara Valley, but has no plans for lower priority basins due to lack of staff resources. BACWA has proposed putting together a template that would allow stakeholders in low priority basins to comply with the requirement without duplicating efforts. However, Regional Water Board staff is not sure what level of documentation would be required. The guidance document that was developed by Sonoma County Water Agency for the BAIRWMP could inform the template document. 	<ul style="list-style-type: none"> Work with Regional Water Board staff to determine what level of effort would suffice for low priority basins. 	<p>State Recycled Water Policy: http://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/docs/recycledwaterpolicy_approved.pdf</p> <p>Salt/Nutrient Management Plan Guidance (Appendix B-1 in BAIRWMP): http://bairwmp.org/docs/2013-bairwm-plan-update/2013-final-plan/San%20Francisco%20Bay%20Area%20IRWMP%20Final_September%202013.pdf</p>

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BAPPG			
GREEN CHEMISTRY			
<ul style="list-style-type: none"> The Department of Toxic Substances Control (DTSC) developed the “Safer Consumer Products” regulation, effective 10/1/13. Under the regulations, DTSC will identify specific products for regulatory action. After manufacturers examine alternatives for the pollutant in the product, they may redesign products or DTSC may implement regulatory controls to protect human health and the environment, including water quality and POTW operations. 	<ul style="list-style-type: none"> This could be an important tool for POTWs to prevent the discharge of toxic substances to the sewer system. The regulation does not include pharmaceuticals or pesticides, which are regulated by other agencies. It will be important to track alternative assessments to prevent inadvertent creation of water pollution problems when products are reformulated. 	<ul style="list-style-type: none"> Beginning in 2014, BAPPG will look for opportunities to engage in the selection of the priority products and the development of methodologies for alternatives assessment. 	<p>DTSC Safer Consumer Product Regulations page http://www.dtsc.ca.gov/SCPRegulations.cfm</p>
PESTICIDES			
<ul style="list-style-type: none"> Most pesticides, including pyrethroids, are currently unregulated in wastewater other than by narrative toxicity standards. Some pyrethroids are toxic to sensitive organisms at extremely low concentrations. In the future, POTWs could be regulated for pyrethroids, which they cannot control. Engagement at this stage could steer regulators to adopt strategies favoring source control. 	<ul style="list-style-type: none"> POTWs from across the State, including several BACWA agencies, recently worked with pyrethroid manufacturers and DPR on a statewide survey of pyrethroids in POTW influent, effluent, and biosolids. Results of the study showed that pyrethroids are ubiquitous in effluent and biosolids throughout the state, often at concentrations above UC Davis-developed toxicity thresholds. The report was released in January 2014. BAPPG has been active in commenting on product registration at the EPA level, and to California DPR to urge regulators to consider the pathway to the sewer when registering products. 	<ul style="list-style-type: none"> P2 groups will work with EPA, DPR and pesticide manufacturers to prevent pyrethroids from being used in a manner where they are discharged to the sewer. 	<p>Pesticides Working Group Report: https://bacwa.box.com/s/jxhrd2lte3o1aquy7abf</p>

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AIR COMMITTEE			
GREENHOUSE GAS REPORTING			
<ul style="list-style-type: none"> Greenhouse gas reporting is mandated at the State level by AB 32, Global Warming Solutions Act and is implemented by CARB's GHG Reporting Regulation. Reporting is required for dischargers >10,000 MT CO₂e/yr, with abbreviated reporting for up to 25K MT CO₂e/yr. At Federal Level reporting is governed by EPA's Greenhouse Gas Mandatory Reporting Rule, EPA Prevention of Significant Deterioration and Title V GHG Tailoring Rule. Reporting is required for facilities above 25K MT CO₂e/yr. 	<ul style="list-style-type: none"> The EPA plans to update GWPs and apply them retroactively to reporting years 2010 to 2012: <ul style="list-style-type: none"> Methane: 21 to 25 CO₂e Nitrous Oxide: 310 to 298 CO₂e The increase in the methane GWP would put some agencies over the reporting threshold of 25,000 MT CO₂e/yr. Proposed amendments to CARB GHG Reporting Regulation would require facilities with > 25K MT/yr CO₂e to maintain a GHG Monitoring Plan. Abbreviated reporters will be required to enhance their reporting of fuel consumption and emissions. An updated AB32 Scoping plan is expected at the end of January 2014. The scoping plan lays out the approach for the State to meet its emissions reductions targets through 2050. 	<ul style="list-style-type: none"> CWCCG is leading the POTW effort related to reporting and response to the AB32 scoping plan. 	<p>CARB Mandatory Reporting Page: http://www.arb.ca.gov/cc/reporting/ghg-rep/ghg-rep.htm</p> <p>CWCCG Presentation to AIR: http://bacwa.org/Portals/0/Users/142/42/142/BACWA%20AIR_CWCCG_Nov%202013.pdf</p> <p>CARB AB32 Scoping Page: http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm</p>
<ul style="list-style-type: none"> Note: AIR Committee publishes a regularly updated matrix of issues impacting air regulations available at: https://bacwa.app.box.com/s/6q1bsagr38n76v06eq7h 			

“Parking lot” issues with no update since the [January 2013 issues summary](#):

- Recycled Water Policy Update
- Climate Change Adaptation and Mitigation
- EPA Disinvestment from biosolids
- Solano County Land Application Ordinance
- BAAQMD amendments to Regulation 2

ACRONYMS

AIR Committee	Air Issues and Regulations Committee	SCCWRP	Southern California Coastal Water Research Project
BAAQMD	Bay Area Air Quality Management District	SF Bay	San Francisco Bay
BAIRWMP	Bay Area Integrated Regional Water Management Plan	SFEI	San Francisco Estuary Institute
BAPPG	Bay Area Pollution Prevention Group	SIP	State Implementation Plan
CARB	California Air Resources Board	SSMP	Sewer System Management Plan
CASA	California Association of Sanitation Agencies	SSO	Sanitary Sewer Overflow
CECs	Compounds of Emerging Concern	SSS	Sanitary Sewer System
CIWQS	California Integrated Water Quality System	WDR	Waste Discharge Requirements
CO ₂ e	Carbon dioxide equivalent	TMDL	Total Maximum Daily Load
CTR	California Toxics Rule	TST	Test of Significant Toxicity
CWCCG	California Wastewater Climate Change Group		
DPR	Department of Pesticide Regulation		
DTSC	Department of Toxic Substances Control		
EPA	United States Environmental Protection Agency		
eSMR	Electronic Self Monitoring Report		
GHG	Greenhouse Gas		
GWP	Global Warming Potential		
MRP	Monitoring and Reporting Program		
MT	Metric Tons		
NPR	Notice of Proposed Rulemaking		
P2	Pollution Prevention		
PCB	Polychlorinated Biphenyl		
POTW	Publically Owned Treatment Works		
RMP	Regional Monitoring Program		