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| Permits Committee – Report to BACWA Board | Permits Committee Meeting on: 1/13/15Executive Board Meeting Date: 2/20/15Committee Chair: Meg Herston  |

**Committee Request for Board Action: None**

**21 attendees representing 15 BACWA member agencies**

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| **Adoption of Permits/Permit Amendments:** **January** – *Treasure Island* – There was no change in how toxicity testing was implemented in this permit. The fact sheet contained language about SSOs even though their NPDES permit doesn’t govern sewer systems (which are instead covered by the Statewide WDR). There was discussion about BACWA writing a letter protesting this inclusion, or asking that the SSO data be presented with context, but there was not sufficient time for BACWA to draft and submit it. BACWA may submit a comment letter regarding the same language in FSSD’s permit.**March –** *Fairfield Suisun* – Comments are due January 26, and FSSD is asking BACWA to weigh in on the SSO language in the fact sheet. FSSD is a good test case, since they have very little collection system and no issues with it, so a letter would speak to the general nature of the objection to the language, and not seem like BACWA is trying to protect an individual agency. There was a discussion about whether this is a winnable issue and whether it is worth submitting a letter. FSSD staff will draft a letter for BACWA Board consideration. There is also a reasonable potential analysis for DO in the tentative order, which is unusual and due to the fact that there is a local TMDL in Suisun Marsh.*San Francisco Oceanside Plant –* Most of the special provisions in the Oceanside Plant permit, such as beach monitoring, don’t apply to other POTWs in the Region. Their new permit will cover the new recycled water plant they are developing at their facility. They are under EPA jurisdiction and are being given the TST in their permit, which is advantageous in their case.*Las Gallinas –* The EPA will likely submit an objection letter and require them to replace their numeric chronic toxicity triggers with limits, which will be precedential in Region 2.**April** –*EBMUD –* Robert Schlipf is writing EBMUD’s permit. The administrative draft has been issued and does not contain the SSO language in its Fact Sheet, although EBMUD’s collection systems and its satellites are covered by consent decree. EPA made the same comments about toxicity in EBMUD’s permits as they did in the LACSD permits, but then backed down. However, they are going from semiannual to quarterly chronic toxicity monitoring. There is a permit provision to do an outfall inspection. They are also looking at the Iowa League of Cities case allowing blending to see whether it is a persuasive case law that would limit EPA jurisdiction over blending. |
| **Palo Alto Cease and Desist Order**Palo Alto has been having a problem meeting its pH limit of 6.5. From 2005 to 2014, influent ammonia concentrationhas increased 58 percent, from 24 to 38 mg/L, and influent ammonia loads have increased by 17 percent, from 2,300 to 2,700 kg/day. This is likely due to the increase in tech workers in their service area as well as conservation. Nitrification decreases the pH, and they have very little alkalinity. They are planning to solve their problem with chemical addition, which will cost $1,300 per day. Mike Connor commented that HDR should consider the impact on pH when they’re doing their optimization/upgrade analyses. |
| **Nutrients***Optimization/Upgrade Studies –* HDR has completed the first phase of the contract, and will be continuing with the second, although funds have not yet been authorized. BACWA has presented the Scoping and Evaluation Plans to the Regional Water Board and got a conditional acceptance. The RWB wants the following: 1) Site-specific growth projections. BACWA will propose setting site-specific projections where data already exist, and assuming 15% growth for the rest; 2) A discussion of next steps pertaining to emerging technologies. HDR will list technologies with pros and cons; 3) A lower nitrogen concentration goal of 4 mg/L TN. HDR will likely change the lower goal from 6 mg/L, at least for some facilities, rather than add an additional level of treatment in order to not increase the scope. *Survey –* The survey to get information about plant infrastructure, operation and water quality is due in two parts. There were three webinars to describe how to fill out the survey. Committee members felt that Part A is fairly straightforward, and Part B is trickier since it requests information that isn’t readily available. For example, some information needs to be gathered from operator logbooks since it is not entered into LIMS. There was a question about whether this data will be made public, especially since it’s not certified. It probably won’t be – although technically it is all public data. |
| **Toxicity**BACWA joined with CASA and others in a petition asking the State Water Board to remand two LACSD facilities’ permits where the EPA stepped in to include numeric limits measured using the TST. CASA is waiting to set up a meeting with State Water Board staff about how the Toxicity Plan will be impacted by the EPA’s requirements in LACSD’s permit. However, the meeting can’t directly address the petition due to *ex-parte* rules. Currently, State Water Board counsel is conferring with EPA to see what authority they have over toxicity rules. There is not known timing on the petition. The State Water Board already has five or six petitions pertaining to toxicity and has not yet taken action on any of them. |
| **Report Out from Executive Board Meeting on 12/20/14*** + *Presentations –* Sunnyvale discussed their plans for going to zero discharge. There was a discussion of six pilot studies on nutrient reduction in the Region. Jim Ervin gave a [presentation](https://bacwa.box.com/s/bk679degg0n8iyoori1v8btwvonsycjz) on the extent of sea level rise and how it impacts facilities planning. Jim’s point is that agencies can go on the web and look up local or global tide gage data.  The methodology for taking tide data and projecting future risk is available from US Army Corps and CALTRANS.  Most people have already planned for the 100-year Base Flood Elevation anyway, and in most cases, the projected 100 year flood is above the IPCC worst case projections of sea level rise by 2150 or 2100.
* *Bimonthly meeting with the Water Board –* Two of the main topics will be toxicity and recycled water permitting. There was a discussion about the benefit of regional uniformity in recycled water permitting. Cheryl Munoz provided a [comparison](http://bacwa.org/Portals/0/Committees/WaterRecycling/Library/Comparison%20of%20RW%20Genl%20Order%20Requirements2-08132014-2.pdf) of two Recycled Water General Permits: Region 2 96-011 and State 2014-0090, which is generally seen as more onerous. San Francisco is looking to permit a new project, and while they may lean toward coverage under the State Permit, Amy reports there won’t be any action in the near term. Benicia will likely put in a NOI for a new small project and will ask for coverage under 96-011, which will serve as a test case in the Region.
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| **Committee Webpage**The BACWA website is being updated, and there is an opportunity to improve the permits committee website. There was a discussion about security and the committee decided against password protecting any of the committee materials.  |
| **Informational Items/Announcements*** + *Annual Members Meeting –* Meeting is January 30 at the Elihu M. Harris State Building in downtown Oakland. Please RSVP to Sherry Hull.
	+ *Dental Amalgam Rule –* Tim Potter is working on draft letters with CASA and BACWA workgroups. The comment period was extended to February 20.
	+ City of San Jose received NOI from BayKeeper on trash in stormwater.
	+ CASA needs input on their resource alignment/cost of compliance effort – Amanda has asked Adam Link for more information.
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| **Next BACWA Permits Committee Meeting:** Tuesday, February 10, 2014, at EBMUD Plant Library |