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| Permits Committee – Report to BACWA Board | Permits Committee Meeting on: 4/7/15Executive Board Meeting Date: 4/17/15Committee Chair: Meg Herston  |

**Committee Request for Board Action: None**

**16 attendees representing 13 BACWA member agencies**

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| **Adoption of Permits/Permit Amendments:** **May –** *Las Gallinas Valley Sanitation District (LGVSD)* – At the behest of EPA, LGVSD was given numeric chronic toxicity limits, in addition to triggers in their tentative order. BACWA submitted a [comment letter](http://bacwa.org/Portals/0/Committees/Permit/Library/BACWA%20Comment%20Letter%20to%20RWQCB%20-%20Las%20Gallinas%203-9-15.pdf) which suggested changes in implementation, including how limits are calculated, how reasonable potential is determined, mixing zones, removal of triggers, and removal of acute toxicity limits where no reasonable potential is found. BACWA also suggested that a watershed permit for toxicity may make sense in the San Francisco Bay area. Bill Johnson has reported that he will implement BACWA’s recommendations where they are allowed by the Basin Plan and Federal Regulations.*EBMUD* – There was no representative present, but it was mentioned that they were happy with their TO.**June –** SFPUC – No representative was presentYountville – The TO will come out soon. The Administrative Order did not contain changes to their discharge prohibition dates (see below). |
| **Dry Season Discharge Prohibitions**Nine shallow water dischargers in the North Bay are prohibited from discharging during the dry season. However, there is inconsistency in how this prohibition is implemented in terms of the dates of the dry season, criteria exceptions, and methods to obtain approval to discharge. Each agency’s dates are reflective of the circumstances at their facility and recycled water customers’ demand. Lila Tang called a meeting on March 24 to solicit feedback on different alternatives for developing consistency. Most agencies do not see the need for this project and fear unintended consequences, even though Lila has said the intent is not to change operations. The most popular alternative of those discussed that the meeting is that BACWA can offer to develop a template to allow agencies to provide justification for the length of their discharge prohibition, which would be used in the Fact Sheet. Lila will contact the group by April 22 to let us know which alternative the Regional Water Board will pursue. |
| **Toxicity**1. Numeric limits in Region 2 – See Las Gallinas TO, above. Bill Johnson will deliver a draft Response to Comments to BACWA before it is published online, and would be open to meeting with BACWA representatives. Novato’s draft administrative order did not contain numeric limits, since chronic toxicity hits were explained by pathogen interference. It is unknown whether EPA will object. At the joint meeting with the Regional Water board, Tom Mumley reported they are not ready to spend staff resources on a toxicity Watershed Permit or similar initiative, since the State Water Board is still working on the Toxicity Plan.
2. Toxicity data request - Lorien Fono requested that all agencies send her their toxicity data, as the shallow dischargers already have. These data will be used in discussions with the Regional and State Water Boards. She will send out an email that will include a link to the State Water Board’s TST calculator so agencies can see whether their chronic toxicity samples would have passed or failed when measured via the TST.
3. Region 4 Update – Region 4 is continuing to require the TST in LACSD permits. EPA has rescinded their alternative test procedure approval for the 2-concentration TST, which would have allowed regional water boards to assess violations without considering the dose-response curves of a sample that fails the TST. LACSD is negotiating with Region 4 how the 5-concentration test will be interpreted, as well as how they can be protected from continuing assessments of violation while they are in a TRE.
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| **North Bay Selenium TMDL Scoping Meeting**Barbara Baginska held a scoping meeting on April 3 for the North Bay Selenium TMDL. She reported that the Regional Water Board used the EPA’s draft freshwater selenium fish tissue objective, which is conservative for the San Francisco Bay, and translated it to a water column objective of 0.52 ug/L. The [presentation](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/northsfbayselenium/BB_CEQA_Meeting_April3-2015-final.pdf) is available online. There are no requirements for POTWs to reduce loads, and refineries’ loads are capped at present levels. There is some concern about what will happen if the BDCP causes an increase in selenium loads from the San Joaquin River. The Regional Water Board reports that they are working with the BDCP to make sure that responsibility for any increased loads are not externalized to the San Francisco Bay. |
| **Resource Alignment/Cost of Compliance**CASA is working with the State Water Board to provide information about potential monitoring surrogates and reporting that could be eliminated. They provided a [template](https://bacwa.box.com/s/grbe63eme72c3i6aa9fpfd2tmy7ulpp8) for agencies to use. BACWA members should send their ideas for potential monitoring/reporting reductions to Amanda Roa. Ideas that were floated at the meeting included eliminating acute toxicity monitoring where chronic toxicity monitoring is required, as well as eliminating multiple bacteriological indicators. |
| **Nutrients*** Optimization/Upgrade Studies – The site visits began this week, and each visit will range from two to six hours depending on the complexity of the facility. The consultant team will be bring the presentation from the Annual Meeting to the site visits to familiarize staff with what is being asked of them. One piece of feedback resulting from initial meetings is that we shouldn’t constrain our options with concerns about regulatory constraints, since those are negotiable.
* The next Nutrient Technical Workgroup meeting is scheduled for April 22, at SFEI. More info will be sent out via the Permits mailing list. There will be discussion of the Assessment Framework, which seems to exist outside of the purview of the steering committee structure.
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| **Report out from March 13 Joint Meeting with Regional Water Board and March 20 Executive Board Meeting*** SSO Enforcement Options – The collection systems committee developed alternatives to protect agencies from third party lawsuits in response to SSOs. The preferred alternative was that “good actors” would fill out a template and pay a fine that would constitute enforcement action by the Regional Water board and preclude future lawsuits. While the Regional Water Board staff was open to this at the meeting, they later responded that they were concerned that it looked like too close a relationship with the regulated community. Denise Connor reported that the Regional Water Board did develop a CDO for one of her client agencies but this did not preclude a Riverwatch lawsuit, which alleged that the enforcement action did not cover the full extent of the lawsuit.
* Recycled Water Permitting - BACWA asked the Regional Water Board if new projects could continue to be permitted under 96-011, which is less onerous than the new State general order, 2014-0090. Lila Tang sent an email after the meeting that her reading of the new order is that the Regional Water board should not continue to provide coverage under 96-011 for new (or expanded) projects. Dave Williams suggests that an agency that is starting a new recycled water project or expanding a project can apply under 96-011, forcing the Regional Water board to develop a defensible permitting strategy.
* IRWMP funding – BACWA will be submitting a nutrient themed project concept submittal as well as a package of recycled water projects to the Bay Area IRWM Project Screening Committee. That committee will select projects to be part of a Regional application to DWR for the final round of Proposition 84 funding.
* RMP Status and Trends – The RMP would like to put off sampling CTR constituents due to cost. Some agencies are upset about being given limits based on data collected in the 1990s. Robert Schlipf at the Regional Water Board is looking into what would be required to truncate the list of constituents moving forward.
* Fees – BACWA dues will be going up 2% and the nutrient surcharge will be doubling.
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| **Announcements/Informational Items*** Risk reduction RFP – BACWA is required to contribute to risk reduction programs per the Hg/PCB watershed program. BACWA has posted an RFP inviting community-based organizations to apply for grants.
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| **Next BACWA Permits Committee Meeting:** Tuesday, May 5, 2015, at EBMUD Plant Library. |