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| Permits Committee – Report to BACWA Board | Permits Committee Meeting on: 7/14/15 and 8/4/15Executive Board Meeting Date: 8/14/15Committee Chair: Amanda Roa  |

**Committee Request for Board Action: None**

**Attendees:**

**7/14 - 21 attendees representing 13 member agencies (Regional Water Board Staff in attendance)**

**8/4 - 19 attendees representing 12 member agencies**

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| **Adoption of Permits/Permit Amendments:** **July** - *Novato –* BACWA provided a [comment letter](http://bacwa.org/wp-content/uploads/2015/06/BACWA-Comment-Letter-%E2%80%93-Tentative-Order-for-Novato-Sanitary-District-Wastewater-Treatment-Plant-NPDES-No.pdf) proposing an alternative justification for WQBELs for ammonia, rather than the original rationale which was that human waste contains ammonia and its precursors. Regional Water Board agreed with BACWA’s proposed changes and updated the language in the permit. The new dry weather discharge language is incorporated into the Novato permit.**October** – *St Helena –* no updates |
| **Regional Water Board staff report-out 7/14*** Claudia Villacorta is moving to Region 1. Region 2 is recruiting her replacement.
* EPA Region 9 is asking for volunteers to assist in developing potential permit language and implementation practices for incentivizing asset management. The stated intention is encourage asset management through NPDES permits to maintain and elevate levels of service for wastewater and stormwater systems and planning system renewal and upgrades. The committee discussed the possibility of BACWA holding a workshop on asset management. (8/4 update: Central San has volunteered to be a Case Study in this effort. Lila Tang directed them to work directly with EPA).
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| **Toxicity*** + *Statewide efforts –* State Water Board member Tam Doduc attended the Las Gallinas permit adoption hearing and has been reportedly unhappy with how the Regions are being forced to forge ahead with their own toxicity implementation policies by the EPA objecting to toxicity provisions in their draft permits. She is interested in restarting the State Toxicity Plan process. CASA arranged meetings between State Water Board members and POTW representatives to discuss three key points: 1) There should not be a maximum daily effluent limit, i.e., a single sample exceedance; 2) There should be protection from repeat violations while agencies are making a good faith effort to do a TRE/TIE; 3) There needs to be guidance about how to invalidate a spurious test result, including using the 5-concentration test and establishing a minimum level. CASA is recommending convening an expert panel to provide statistical guidance for point 3. State Board members were generally sympathetic to the POTW position, but they are busy with the drought and are not expected to prioritize this effort. Staff indicated that we are not to expect a new draft before the end of the year. If the State Water Board does not take action either with the Toxicity Plan or the petitions filed by LACSD regarding their new permits that incorporate the TST, then toxicity policy will likely be addressed through litigation.
	+ *Las Gallinas Permit –* Las Gallinas was given chronic toxicity triggers and limits, including an MDEL. The probable cause of toxicity observed in Las Gallinas’ effluent is pyrethroids, which is not something that can be addressed by the agency, except through pollution prevention educational efforts since agencies don’t have jurisdiction over pesticide use. The Regional Water Board staff wanted to make an enforcement exception so that if they could show that toxicity was due to pyrethroids it wouldn’t constitute a violation, but the legal staff would not approve this exception.
	+ *Acute Toxicity Testing –* Because the Basin Plan establishes limits, the minimum frequency of acute toxicity testing is once per year. BACWA is in discussions with the Regional Water board to reduce acute toxicity testing as part of the monitoring reduction effort (below).
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| **North Bay Selenium TMDL**The Regional Water Board has released a draft [Selenium TMDL](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/northsfbayselenium/SeTMDL_DraftReport_PublicReview_July24-2015.pdf). POTWs are given waste load allocations but not effluent limits. They are required to calculate their load once per permit term to ensure they are not exceeding their allocation. Total loads were calculated without consideration of dry weather discharge prohibitions. Regional Water Board staff will share the calculations with BACWA, so that agencies can look at the calculations that were used to determine their loads. |
| **Triennial Review**The Regional Water Board has issued a [Preliminary Issue List](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/docs/Triennial_Review/Brief%20Issue%20Description%202015%20Triennial%20Review%207-3-15.pdf) which was discussed at their meeting held 8/4. BACWA will weigh in with a comment letter (due 8/18). The issues that the letter will address will likely be as follows:1. ***Establish site-specific objectives for dissolved oxygen based on work being conducted in the nutrient management strategy (RWB Issue 3.1)***
2. ***Change instantaneous chlorine residual objective of 0.0 mg/L (New Issue)***
	* Specify a route to compliance that minimizes the risk of a momentary exceedance, to reduce sodium bisulfite overdosing.
	* Alternatives include providing a relationship between chlorine concentrations at the plant and end-of-pipe concentrations, changing the compliance period, or changing the objective, which is itself an interpretation of narrative toxicity objective.
	* Offer BACWA resources?
3. ***Update Regional Board Wastewater Wetlands Policy Resolution 94-086 (RWB Issue 4.3)***
	* Develop near-shore permitting strategies for discharges to wetlands and sloughs that could recognize and possibly harness natural marsh processes as a means to achieve enhanced water quality attainment.
4. ***Recognize near shore discharges as an environmental benefit* (Related to RWB Issue 4.4)**
	* Consider environmental benefit of freshwater discharges to margin habitats when considering exemptions to discharge prohibitions
5. ***Update the Basin Plan’s Toxicity Testing Requirements (RWB Issue 3.2)***
	* This item can’t be defined until a final State Toxicity Plan is adopted. However, BACWA can state support for removing acute limits and dropping triggers where there are limits.
6. ***Provide clarity for managing reverse osmosis concentrate resulting from recycled water projects***

BACWA will also recommend that the CECs management strategy not be included in the Basin Plan, since there is a benefit to allowing it to remain adaptable. |
| **Reduction in CTR Constituents Monitoring**BACWA and the Regional Water Board have been exploring the possibility of reduced monitoring of CTR constituents in exchange for increased RMP funding. A [s](http://bacwa.org/?p=3278)ummary table has been developed to look for monitoring reduction opportunities by analytical method. An aide at the Regional Water Board is going through permits to develop a list of current monitoring frequencies for constituents. Regional Water Board staff have also indicated they may be willing to drop monitoring frequency of PCB congeners via method 1668C during the next PCB Watershed Permit reissuance. |
| **State Recycled Water General Order**The State Water Board is revising its 2014 General Order for Recycled Water, which will now be “water reclamation requirements” rather than “waste discharge requirements”. The changes otherwise are fairly minimal. Amanda Roa will collect comments from the committee and coordinate with the Recycled Water committee chair and WateReuse. She is also preparing a spreadsheet comparing aspects of the 2014 and 2015 versions. The draft in circulation is an administrative draft. The order is slated for adoption on October 20. |
| **Nutrients*** Site visits related to the optimization/upgrade studies are going well and will wrap up soon. HDR will be presenting preliminary findings at the Executive Board meeting on 8/14. All BACWA members are invited to attend this meeting
* Additional nutrient analyses on sidestreams were needed for the Optimization/Upgrade studies. BACWA contracted with Alpha Labs to do the analyses, which were paid for by the EPA sidestream treatment grant to EPA. The last sampling round was 7/30.
* The first Group Annual Report for the Nutrient Watershed Permit is due October 1. The data has now been downloaded from CIWQS. There was a discussion that HDR would need the dates of zero discharge from the agencies with dry season discharge prohibitions. Agencies would like the opportunity to review their data prior to report submittal.
* Attendees discussed the WEF Nutrient Symposium that took place in San Jose 7/26-28: <http://wef.org/nutrient/>. One key observation was that anammox is becoming increasingly common and is being used for mainstream treatment at some sites. Resource recovery was another main theme. A team doing ammonia stripping to make fertilizer will be looking to do a pilot project in the Bay Area.
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| **Report-out from 7/17 Executive Board Meetings*** David Senn gave a [presentation](https://drive.google.com/folderview?id=0B1g4fIYKHETSVzZqMlE0bFIwQlE&usp=drive_web) on the Lower South Bay Synthesis
* Phil Trowbridge gave a presentation on the RMP
* Alicia Chakrabarti gave a presentation on a biosolids conference she attended
* Mitch Avalon gave a presentation on an initiative to bring stormwater programs under the proposition 218 process so they can raise funds: <http://www.cccounty.us/stormwaterinitiative>
* There was a discussion about how to increase the time during Executive Board meetings related to Policy Issues
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| **Announcements*** The State of the Estuary meeting will be held in Oakland, September 17/18. The RMP segment will be free for RMP members.
* The Pretreatment committee will be holding workshops on reporting defensibility. An announcement will be posted on the BACWA website and in the Bulletin.
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| **Next BACWA Permits Committee Meeting:** Tuesday, September 8, 2015, at EBMUD Plant Library.  |