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| Permits Committee –  Report to BACWA Board | Permits Committee Meeting on: 3/08/16  Executive Board Meeting Date: 3/18/16  Committee Chair: Amanda Roa |

**Committee Request for Board Action: None**

**19 attendees, representing 12 member agencies**

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| **Adoption of Permits/Permit Amendments:**  **April -** *Calistoga –* Calistoga’s permit has been pushed from March until April because the Water Board is recalculating mixing zones and the resultant dilution credits.  *Petaluma –* Petaluma received an Administrative Draft of their permit which included reduced BOD and TSS limits, similar to the Napa River dischargers. The rationale given was that Petaluma has advanced secondary treatment, and this reflects a performance-based approach to setting limits. However, the Tentative Order (released in February) did not reflect these reduced limits. They are happy with their TO and only have a few minor comments.  **May -** *Mt. View –* The TO contains requirements for extra nutrients monitoring in their marshlands due to concerns about algae and odors. It also requires enhanced reporting via a Marsh Management Plan. |
| **Monitoring Reductions**  The Regional Water Board plans to adopt the Alternative Monitoring TO at the March 9 Board meeting as an uncontested item. In their response to comments, they noted the following:   * In response to BACWA’s comment, an agency’s surcharge will be held steady for their five-year opt-in period * The date to opt in will be September 30, consistent with the RMP’s fee deadline. This means that agencies that choose to opt in will receive 6 months of reduced monitoring credit, beginning April 1, before needing to pay the surcharge. * Agencies with more frequent monitoring requirements due to effluent limits will not be given credit for current frequencies, since the surcharge is based on effluent characterization monitoring, not compliance monitoring * Agencies should use code “9” in their DMR reporting to indicate they have been waived from the monitoring requirement. CIWQS does not track required monitoring frequencies. * Constituents that are required to be monitored twice per year, i.e. once between January and June, can be waived for that monitoring period in 2016   There was a question about whether any agencies had taken advantage of the Attachment H allowance to reduce pretreatment monitoring if the results had been mostly ND for eight years. Benicia, Burlingame and Delta Diablo all have done so. |
| **Microplastics and CECs**   * *Update from microplastics workgroup –* The NOAA method does not fully digest natural fibers such as toilet paper. They are looking to develop a more robust protocol. * The State Water Board has developed a pilot monitoring plan for CECs that is based on the 2012 recommendations from the SCCWRP Expert Panel. The cost for these studies is more than $400K over two years for the San Francisco Bay Region. State Board staff did not consult the RMP CECs program when developing the pilot plan. BACWA and BASMAA submitted a [letter](http://bacwa.org/document/bacwabasmaa-comments-state-cec-pilot-monitoring-plan-03-08-16/) to the State Water Board insisting that they work within the framework of the RMP CECs program. * *RMP CECs Meeting –* BACWA members are invited to participate in the RMP CECs meeting on April 15 to help guide the direction of future research. It was noted that this is the same day as the April Executive Board meeting. |
| **Toxicity**  LACSD was given chronic toxicity limits via the TST in their permits. They get no dilution credit. Seven out of eight of their facilities are now in violation for toxicity. They suspect there is a problem with the test since they sent split samples to different labs and got different results, but there is no recourse allowed by their Regional Water Board. For example, they are not allowed to use the five-concentration test to invalidate test results. |
| **Nutrients**   * + *SAG Meeting - O*n February 9, the Regional Water Board hosted a [Stakeholder Advisory Group](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/estuarynne_sag.shtml) meeting to present the findings of the report entitled ***Scientific Basis to Assess the Effects of Nutrients on San Francisco Bay Beneficial Uses***. This report proposes an Assessment Frameworkfor the Bay which could serve as a decision tool for determining whether the Bay is impaired due to nutrients. [Appendix C](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/estuarineNNE/SAG-Feb-2016/Appendix%20C%20Sutula%20et%20al%20%2012152015.pdf) of the report contains a manuscript that the authors intend to submit to a peer reviewed journal for publication. The Assessment Framework was developed outside of the Nutrient Management Strategy governance structure, and the manuscript contains policy statements about the future of nutrient objectives in the San Francisco Bay. BACWA has submitted a [comment letter](http://bacwa.org/?post_type=document&p=3801&preview=true) to the Regional Water Board and the manuscript's authors highlighting data gaps, and requesting that the manuscript's publication be delayed until it is peer reviewed as part of the Nutrient Management Strategy. BACWA also requested that it be involved in future "test driving" of the Assessment Framework's assumptions.   + *Optimization/Upgrade Studies –* The CMG is working with the consultant on the assumptions used and the structure of the individual facility reports. They are also performing sensitivity analyses on their assumptions to ensure that the outcome won’t be wildly different depending on the interest rate used, flow assumptions, etc. One issue that has come up is that in some cases when reducing nitrogen, phosphorus increases. The cost associated with then reducing the phosphorus makes the project extremely expensive. There was a discussion about decoupling nitrogen and phosphorus reductions for these analyses.   + *Recycled Water –* The consulting team will be requesting information from agencies about their 2015 recycled water use, as well as plans to increase recycled water use in the future. The information will be used to estimate nutrient loads removed through consumptive use. Future recycled water plans will be categorized as either “budgeted”, “master planned”, or “conceptual”. The Recycled Water Committee is working on refining the data request so that it can be used to satisfy the nutrient effort, the DWR request for information, as well as Urban Water Management Plans.   + *Nutrient Strategy Team –* The team that negotiated the Nutrient Watershed Permit is being reconvened to begin strategizing for the Watershed Permit reissuance. |
| **Announcements**   * + *Private Sewer Lateral Repair/Replacement Ordinances* - Respond to sewer lateral ordinance [survey](https://docs.google.com/forms/d/18HdjETVP7yyvvUI1ZemAcZ9cxQZZcHCA9jcZCHrj5EU/viewform?usp=send_form)   + *Third Party Lawsuits* - Mariposa CWA case may limit use of MMPs as defense against third party lawsuits. The Collection Systems Committee is working with the Regional Water Board to explore ways to protect “well-performing” collection systems against third party lawsuits, and the Mariposa case calls this effort into question.   + *CASA Regulatory Workgroup meeting in San Leandro 3/10* – CASA Leadership will be meeting with EPA and will set up regular meetings between Workgroups and EPA when the Workgroup meets in San Leandro twice a year   + *North Bay Selenium TMDL* – Set for adoption March15 |
| **Report out from the 2/19 Executive Board meeting, and 2/29 Joint meeting with the Regional Water Board**   * Annual Members Meeting – Notes from Regulator Priorities have been distributed ([Notes](https://xa.yimg.com/kq/groups/1068882/1470945371/name/BACWA%20Annual%20Meeting%20Regulators%202016.docx)) * 2/19 Executive Board Meeting (Agenda) – Most items covered above. BACWA will participate in the Bay Area Region Reliability taskforce to give the wastewater community’s input into recycled water and conservation planning. * 2/29 Joint meeting with Regional Water Board ([Agenda](http://bacwa.org/wp-content/uploads/2016/02/Jt-RB2-Mtg-Agenda-Feb-29-2016.pdf)) – Most items discussed above. Also, BACWA is working with SFEI on a possible Prop 1 grant project related to recycled water concentrate management. |
| **Next BACWA Permits Committee Meeting:** Tuesday, April 12, 1-3pm, at EBMUD Plant Library. The committee chair will distribute a poll on alternative meeting venues and conference call-only meetings to plan the future of permits committee meetings. |