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| Permits Committee –  Report to BACWA Board | Permits Committee Meetings on: 1/10/17 and 2/14/17  Executive Board Meeting Date: 2/17/17  Committee Chair: Eric Dunlavey |

**Committee Request for Board Action: None**

**15 attendees, including 4 on phone, representing 11 member agencies at 1/10 meeting**

**16 attendees, including 3 on phone, representing 13 member agencies at 2/14 meeting**

**Request for Board Action: Submit comment letters on Tentative Orders for CCCSD and Pacifica**

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| **Upcoming Permits**   * New language is being introduced into Attachment D of recent TOs implementing the EPA’s Electronic Reporting Rule. The new language requires SSO reporting timelines that are not consistent with the State SSS WDR. BACWA will request clarification from Regional Water Board staff, and provide comment letters on upcoming TOs. * **April – *Pacifica –*** Pacifica has been given chronic toxicity limits of 1.0 TUc (avg month) and 1.8 TUc (max day) in their TO. Their test species is *Ceriodaphnia dubia*, which has been demonstrated both by BACWA member agencies and by a [SCCRWP study](http://ftp.sccwrp.org/pub/download/DOCUMENTS/TechnicalReports/956_StrmWtrMonitCoalitToxTestingLabGuid.pdf) to have high variability. It is likely that the toxicity observed by Pacifica that led to their being given reasonable potential was due to contamination in their UV channel or epibionts. Additionally, if toxicity had been calculated via the EC25/IC25, rather than the NOEC, they would not have had reasonable potential. The permit allows them to use the EC25/IC25 in the future. Additionally, their sensitive species screening tests indicated that *Selenastrum capricornutum* was most sensitive, but their TO still retains *C. dubia*, citing past high TUc results with *C. dubia* during regular testing. They request that BACWA submit a comment letter recommending that they be allowed to choose either of the two test species, that there should not be a maximum daily limit in light of the known variability in the test, and that they should be exempt from accruing additional violations when they are investigating toxicity.   ***CCCSD –*** They are generally happy with their permit. They request that BACWA submit a comment letter in support of the Nutrient Watershed Permit as the vehicle for nutrient studies, rather than special studies in individual permits.   * **May – *EBDA-*** They have argued to their permit writer that because their chronic toxicity test has a survival endpoint, they should be allowed to drop acute toxicity testing altogether. They requested that they be given a higher chlorine residual effluent limit than 0.0 mg/L, taking into account chlorine die-off in the outfall, but Water Board staff were not receptive. They also have unsuccessfully argued to decrease monitoring for industrial chemicals per pretreatment requirements. Oro Loma is looking into permitting a near shore discharge in wet weather in exchange for some level of nutrient removal. |
| **BACWA Annual Meeting Report-out**  All [presentations](https://bacwa.org/document-category/2017-annual-meeting/) are now posted online. Members are requested to give feedback via [survey](https://www.surveymonkey.com/r/BACWA2017AnnMtg). One member commented that their agency found the biosolids section particularly useful. BACWA will provide a summary of the regulators’ priorities from the morning session. |
| **Tribal and Subsistence Fishing Beneficial Uses**  The State Water Board is [proposing](http://www.waterboards.ca.gov/water_issues/programs/mercury/docs/mercurydraft2.pdf) new mercury water quality objectives, as well as three new Beneficial Uses that may be protected by mercury objectives. The new Beneficial Uses are Tribal Tradition Cultural, Tribal Subsistence Fishing, and Subsistence Fishing by other groups. Designation of these Beneficial Uses in the San Francisco Bay could lead to extremely low mercury objectives that would need to be met by POTWs at the end of pipe, because dilution credit cannot be granted when the receiving water is already impaired. EPA is required by Consent Decree to adopt water quality objectives for wildlife protection by June 30, 2017, and will do so if the State Water Board does not propose objectives by that date. BACWA joined with CASA and other Regional Associations in a comment letter requesting the State Water Board “bifurcate” the two proposed actions, moving forward in the near term on the mercury objectives for protection of wildlife piece mandated by the Consent Decree, and moving more deliberately on the proposed Beneficial Uses component. However, the State Water Board has declined to take this approach. BACWA provided [testimony](https://bacwa.org/document/bacwa-testimony-swb-beneficial-uses-hearing-02-07-17/) at the Public Hearing on February 7, and will submit a comment letter by the February 17 deadline. |
| **BAAQMD Rule 11-18**  Draft [Rule 11-18](http://www.baaqmd.gov/~/media/files/planning-and-research/workshops/2016/1118-and-1216/1216_1118_dsr_101216-pdf.pdf?la=en) is the Bay Area Air Quality Management District’s (BAAQMD’s) effort to protect public health from toxic air pollution from existing facilities. BAAQMD expects Rule 11-18 would substantially reduce health risks from various existing facilities by requiring the implementation of all technically and economically feasible risk reduction measures by significant sources of toxic air contaminants (TACs). POTWs have concerns over this Draft Rule related to its compliance schedule, potential fiscal impact, control technology determinations, public notification, cross media impacts, and renewable energy production. BACWA submitted a [comment letter](http://bacwa.org/wp-content/uploads/2016/11/BACWA-EPA-Nutrient-Survey-Comment-Letter-11-18-16.pdf) on the Rule, and hosted BAAQMD staff at the Executive Board meeting on 12/16 and at the Annual Meeting. BACWA has developed a [White Paper](https://bacwa.org/wp-content/uploads/2017/01/11-18-White-Paper_final-2.pdf) to summarize the Rule and its impacts to our members. BACWA is working with BAAQMD staff to hold a workshop on 3/9 so that BACWA members can educate BAAQMD staff on the challenges associated with the Rule that are specific to POTWs. The AIR committee is also developing an analysis of the cost impact of the rule due to control of diesel emissions. |
| **Nutrients**   * *Optimization/Upgrade Studies –* The consultant team’s goal is to submit all draft reports by the end of March, then address comments received from agencies. All but 3 plant reports have been started. * *Nutrient Trading –* EBMUD is using remaining funding in its sidestream grant to fund a project on nutrient trading issues for the SF Bay. Project files are available for review [online](https://app.box.com/s/yeiqwj28tqemfjupozm5pfrl4hbd8erx). * *Recycled Water Survey –* Lorien Fono is contacting agencies that have not responded to the Recycled Water and CIP Surveys that are needed for the Nutrient Watershed Permit. * *Nutrient Strategy Team Meeting –* BACWA will host the third nutrient strategy team meeting on Feb 15. Dave Senn will provide an update on the level of funding needed to answer important science questions to inform the third watershed permit. The Regional Water Board’s goal in exchanging an increase in science funding for no load caps in the second watershed permit is to have enough science completed to provide policy direction. |
| **PCB Reporting**  James Parrish has taken over the mercury/PCB watershed permit from Robert Schlipf. He has requested that agencies send PCB congener data via excel spreadsheet. BACWA is asking agencies’ input as to whether this request is a problem. |
| **Toxicity**  The most recent statement from the State Water Board is that they plan to release an updated draft of the toxicity policy in May 2017. BACWA joined with SCAP, CVCWA, and NACWA in a suit against EPA alleging they didn’t follow Administrative Procedures Act. |
| **Announcements**   * + BACWA to hold workshop with BAAQMD on Rule 11-18 on March 9   + [NPDES Compliance Letter](https://bacwa.org/wp-content/uploads/2017/01/BACWA-NPDES-Permit-Letter-2017-with-SFEI-Letter-attached.pdf) sent out to agencies   + [Regulatory Issues Matrix](https://bacwa.org/document/key-regulatory-issues-matrix-2017/) updated   + BAAQMD draft [Clean Air Plan](http://www.baaqmd.gov/plans-and-climate/air-quality-plans/plans-under-development) – Comments due Feb 28   + Agencies have been allowed to opt in late to the AMR   + State Water Board delays adopting Enforcement Policy revisions – Staff are meeting with CASA and some BACWA member agencies on Feb 15.   + Regional Water Board to [update 303(d) list](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/303dlist.shtml) released February 10, comments due March 13.   + Research opportunity with CASA – using forest biomass byproducts for energy and alternative odor filtration. Air Committee developed letter of support.   + EPA finalizes [dental amalgam rule](https://www.epa.gov/eg/dental-effluent-guidelines) but it is on hold under new administration |
| **Next BACWA Permits Committee Meeting:** Thursday March 9, joint meeting with CASA Regulatory Workgroup. |