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| Permits Committee –  Report to BACWA Board | Permits Committee Meetings on: 12/13/16  Executive Board Meeting Date: 12/16/16  Committee Chair: Eric Dunlavey |

**Committee Request for Board Action: None**

**15 attendees, representing 8 member agencies**

**Regional Water Board Staff in attendance**

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| **Regional Water Board Report-out**  Robert Schlipf has filled Bill Johnson’s former position, and Marcia Liao’s position will be filled shortly, leaving two vacancies at the Regional Water Board NPDES division. The State Water Board is investigating introducing language into NPDES permits in codify QA/QC procedures. |
| **Selenium**  The EPA is extending by sixty days the period during which stakeholders may provide comments on the Agency's [draft technical support materials](https://www.epa.gov/wqc/draft-technical-support-materials-epas-aquatic-life-ambient-water-quality-criterion-selenium) for the selenium aquatic life criterion. The comment period will now close on February 10, 2017. The materials will be finalized by September 2017. The Water Boards will provide comments on these draft materials, since the use of fish tissue criteria as superseding water column criteria, as well as an average for measuring compliance, rather than an instantaneous maximum, form the basis for the Water Boards’ and BACWA’s recommendations in our comment letters on the SF Bay and Delta criteria.  For moving forward with the proposed Selenium criteria for the SF Bay and Delta, EPA will need to consult with resource agencies, which will be a lengthy process. EPA staff have reported that they are updating their models and doing data analysis based on the data provided to EPA by the LSB dischargers after the release of the proposed criteria. EPA staff said they are working to update the criteria so that they’re implementable, but warn that EPA headquarters are often proponents of more stringent criteria than the district offices. See [comment letters](https://www.regulations.gov/docketBrowser?rpp=50&so=DESC&sb=postedDate&po=0&dct=PS&D=EPA-HQ-OW-2015-0392) on the SF Bay and Delta Criteria in EPA’s docket. |
| **Toxicity**  The next draft of the State Toxicity Policy is slated for March 2017.  The Southern California Coastal Water Research Project (SCCWRP), has conducted research that suggests that there are problems with reproducibility in some of the chronic toxicity methods, particularly with the *Ceriodaphnia dubia*test species. The Summit Partners, composed of CASA, CWEA, BACWA, SCAP, and CVCWA, have contacted SCCWRP and the Stormwater Monitoring Coalition (SMC) with a [**proposal**](http://bacwa.org/wp-content/uploads/2016/10/10-26-16-CW-Summit-Ltr-SCCWRP-re-Tox-Testing-Study1-1.pdf) to further evaluate accuracy, and approaches to mitigate and correct inaccuracies, related to the *Ceriodaphnia dubia*reproduction test. SCCWRP has indicated their willingness to participate in this study if the true intent is to improve the test, rather than to undermine the State Toxicity Plan. |
| **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). The Draft Rule will affect publicly owned treatment works POTWs. Concerns POTWs have related to this Draft Rule include 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 will host BAAQMD staff at the Executive Board meeting on 12/16. The AIR committee support is developing a white paper on the Rule to help BACWA members understand its implications. BACWA will also request prioritization scores on behalf of any agencies that provide their facility IDs. |
| **Nutrients**   * *Optimization/Upgrade Studies –* Three draft facilities reports are set to be distributed this this week (Petaluma, San Leandro, and CMSA). Only 6 reports are yet to be initiated – nearing the end of the draft plant report preparation phase. The 6 include: Millbrae, Richmond, San Mateo, Sausalito-Marin, SASM, and West County. The team is responding to comments received on the draft reports thus far. HDR has received questionnaires from 25 plants. Additional follow-up is needed to get the remaining 12. * *Suisun Synthsis –* SFEI staff have recently posted a draft [update](http://bacwa.us9.list-manage1.com/track/click?u=abb45826af7a505f03d266885&id=5332f45e26&e=5174f47b5f) to the Suisun Synthesis, which was [originally published](http://bacwa.us9.list-manage.com/track/click?u=abb45826af7a505f03d266885&id=bae8f81776&e=5174f47b5f) in March 2014. These materials were reviewed at the [Delta-Suisun Nutrient Workshop](http://bacwa.us9.list-manage.com/track/click?u=abb45826af7a505f03d266885&id=3c53a1b1f4&e=5174f47b5f) in November 2016, the purpose of which is to highlight research that is relevant to hypotheses of nutrients' role in phytoplankton growth, namely, the “ammonia paradox”. The draft update to the Suisun Synthesis provides material in chapters that each either support or refute these hypotheses. Input from the workshop will be used to develop a White Paper on the issue, which is expected in Draft form in Winter 2017. * *NMS Steering Committee meeting #11:* A group is doing full scale experiments testing the ammonia paradox. Additionally, there was a discussion about how some phytoplankton species and dinoflagellate labeled as harmful are sometimes high quality fish food. * *EPA Nutrient Survey -* US EPA [letter](http://bacwa.org/document/epa-nutrient-survey-letter-10-20-16/) regarding draft nutrient survey sent. Nutrient study [webpage](https://www.epa.gov/eg/national-study-nutrient-removal-and-secondary-technologies) has more information. See [BACWA Comment letter](http://bacwa.org/wp-content/uploads/2016/11/BACWA-EPA-Nutrient-Survey-Comment-Letter-11-18-16.pdf). According to NACWA, it is unlikely that the EPA will decide to use its 308 authority to require responses to the questionnaire, and they may not proceed with this effort at all. |
| **Announcements**   * + BACWA [Biosolids survey](https://www.surveymonkey.com/r/LXKF3RL) – please respond. Draft report will be available in January.   + Update from CASA Regulatory Workgroup – There was a discussion of EPA priorities. EPA staff said they would work with colleagues in the office of Air and Radiation to look for solutions where local air regulations impede clean energy projects. CASA Regulatory Workgroup is looking to hold joint meetings with the Permits Committee twice per year.   + State Water Board postpones update on CECs Pilot Monitoring Plan to January/February so they can get more information from regional monitoring efforts.   + **Call for Applications to Serve on the** [**San Francisco Bay Restoration**](http://www.sfbayrestore.org/index.php) **Advisory Committee.**   + **State Water Board** [**resolution**](http://www.waterboards.ca.gov/board_info/agendas/2016/dec/120616_6.pdf) **to update State Recycled Water Policy and reaffirm support of Salt/Nutrient Management Plans. CASA requested that the two efforts be decoupled.**   + BACWA Annual Meeting January 27 – please [register](https://docs.google.com/forms/d/e/1FAIpQLSd6--yrX_sBrLmFfhmH8PlIR-smI9KEMu35iH7t8v02ylhw-g/viewform?c=0&w=1) |
| **Next BACWA Permits Committee Meeting:** Tuesday, January 10, EBMUD. |