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| Permits Committee –  Report to BACWA Board | Permits Committee Meetings on: 9/12/17, 10/17/17, and 11/14/17  Executive Board Meeting Date: 11/17/17  Committee Chair: Chris Dembiczak |

**Committee Request for Board Action: None**

**Regional Water Board Staff in attendance at November 14 meeting**

**27 Participants representing 16 member agencies at 9/12 meeting**

**21 Participants representing 10 member agencies at 10/17 meeting**

**20 Participants representing 9 member agencies at 11/14 meeting**

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| **Upcoming Permits**  ***November –*** *Sewer Authority Midcoastside –* Very conservative assumptions were used in assigning dilution credit.  ***December –*** *CMSA –* Satellite agencies that are not owned by CMSA, but form its JPA were included in its Tentative Order for the first time. BACWA submitted [comments](https://bacwa.org/wp-content/uploads/2017/10/Association-comments-CMSA-TO-10-23-17.pdf) recommending that the Regional Water Board instead use a supplemental WDR as its permitting vehicle. The Regional Water Board does not intend to change their approach.  ***January*** *– Oro Loma –* EBDA charges agencies based on capacity reserved for their flow. Oro Loma is going to get a separate permit for a near shore discharge that will accept flows above 100 mgd, and will be required to reduce their ammonia concentrations.  ***February*** – *Pinole* – In the middle of a plant upgrade.  *Silicon Valley Clean Water* ***–*** No issues. |
| **Regional Water Board Report-out**  Regional Water Board staff provided a [summary of priorities](https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2017/November/6_ssr.pdf) for the NPDES division over the coming year. The priories are keeping the permitting backlog low, reducing SSOs and the nutrient optimization/upgrade studies. The Water Board members have been asking questions about coastal erosion and sea level rise, and how to incorporate these issues into permits. |
| **Mercury/PCB Watershed Permit**  The Regional Water Board adopted Mercury and PCB Watershed permit on Nov 8. The Permit is substantially the same as the [2012 Watershed Permit](http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2012/R2-2012-0096.pdf), including retaining the risk reduction requirement that has been fulfilled by BACWA over the last two permit cycles. It includes a reduction in PCB congener monitoring frequency via Method 1668C for most dischargers with a permitted capacity of less than 50 MGD. BACWA provided [comments](https://bacwa.org/wp-content/uploads/2017/10/BACWA-comments-Hg-PCB-TO-10-13-17.pdf) describing members' efforts to reduce mercury discharges, recommending that monitoring reduction continue in the next permit reissuance once the Water Board has a more extensive data set, and suggesting that risk reduction funds would be better leveraged by participating in a Statewide risk reduction program, rather by than managing our own program.  The comment letter also included suggestions for minor clarifications and corrections, most of which the Regional Water Board incorporated into the final Permit. The permit goes into effect on January 1, 2018. |
| **NPDES Permit Amendments**  The Regional Water Board adopted revisions to Attachment G in the Region's NPDES permits for municipal wastewater dischargers and moved stormwater provisions to a new Attachment S. BACWA [commented](https://bacwa.org/wp-content/uploads/2017/10/BACWA-comments-Attach-F-G-S-10-13-17.pdf) on the Tentative Order requesting the removal of monitoring requirements for unintended bypass events of short duration, and requesting clarifications on duplicate reporting and stormwater permit coverage. In their Response to Comments, the Regional Water Board disagreed with most of BACWA's recommendations, although they did specify that agencies don't need to monitor for bioaccumulative constituents such as mercury, PCBs, and dioxin after the first day of bypass. They said they would use their enforcement discretion based on specific conditions should monitoring requirements for unplanned bypass events not be met. The amendments go into effect on January 1. |
| **Chlorine Residual Basin Plan Amendment**  BACWA has contracted with EOA to support the development of a Basin Plan Amendment work plan. They are looking at a chlorine water quality objective that would be implemented using dilution credit and the SIP procedure. This strategy would only help deep water dischargers. At the same time, they are looking to establish an RL/ML for chlorine via continuous online analyzers, and are soliciting participation in a study that will generate data for this effort. Establishing an RL/ML would help all dischargers. The Scope of Work continues to be developed and BACWA is considering how to fund it without violating its policy on sole sourcing. |
| **CECs**   1. *Position on POTW Volunteers* – The Regional Water Board has requested that BACWA develop a policy document on POTW participation in CEC studies that can be used to demonstrate that Region 2 has a robust program with POTW involvement. A draft paper and survey of volunteers will be circulated at the January 2018 meeting. 2. *Microplastics -* The Ocean Protection Council (OPC) is updating its 2008 [I](http://www.opc.ca.gov/webmaster/ftp/pdf/opc_ocean_litter_final_strategy.pdf)[mplementation Strategy to Reduce and Prevent Ocean Litter (Strategy),](http://www.opc.ca.gov/webmaster/ftp/pdf/opc_ocean_litter_final_strategy.pdf) in partnership with the National Oceanic and Atmospheric Administration (NOAA) [Marine Debris Program](https://marinedebris.noaa.gov/california). The updated [Draft Strategy](http://www.opc.ca.gov/webmaster/_media_library/2017/02/170914_Draft_Ocean_Litter_Strategy_FINAL.pdf) focuses on product stewardship, and includes a section on better understanding and reducing microplastics.  BACWA joined with CASA and SCAP to submit a [comment letter](https://bacwa.org/wp-content/uploads/2017/10/10-16-17-CASA-Final-Ocean-Litter-Prevention-Comment-Letter.pdf) on the Draft Strategy, urging them to develop an integrated strategy for advancing microplastics research, working in cooperation with SFEI , the Water Environment and Reuse Foundation, and the wastewater community. |
| **Toxicity**   1. *State Toxicity Provisions –* New schedule for Toxicity Plan posting is end of January. Regional Board staff indicated that the State is pushing to have the draft Toxicity Plan released soon even if there are pending comments to keep the process moving. Irene Lui-Wong of EBMUD walked committee members through how to use the TST calculator at the October meeting. 2. *Toxicity Workshop -* BACWA will hold a toxicity workshop at CCCSD September 18. See [presentations](https://bacwa.org/bacwa-toxicity-workshop-september-18-2017/). 3. *Limits in Region 2 –* There are not any agencies who are expected to be given new toxicity limits over the next several months. |
| **Nutrients**   1. *Group Annual Report –* BACWA The third [Group Annual Report](https://bacwa.org/document/bacwa-group-nutrient-annual-report-10-1-17/) required by the Nutrient Watershed Permit was submitted to the Regional Water Board on October 1, 2017.  Over the 2016/17 monitoring year, the flows and loads of most nutrient parameters were the highest they have been since nutrient monitoring began in 2012. 2. *Optimization and Upgrade Studies –* HDR has is responding to comments on Facility Reports and plans to be done by Thanksgiving. Prior to submittal, agencies will need to certify their Facility Reports per Federal Regulations. 3. *Second Watershed Permit* –BACWA has been in discussion with the Water Board on the key provisions to be included in the second Nutrient Watershed Permit.  On October 9th BACWA [received a letter](https://bacwa.org/document/water-board-staffs-intention-key-tenets-second-watershed-permit-10-09-17/) from the Water Board which outlines the key tenets they envision including in the second permit.  These tenets include continued funding of the Nutrient Management Strategy Science Plan at an increased level, as well as continued individual plant reporting on nutrient loading to the Bay and the annual trend reporting.  A new provision would be a regional assessment of other approaches to reducing nutrient loads such as through recycling and wetlands treatment.  The tenets recognize that some plants may be reducing nutrients in advance of any regulatory requirement and discuss the concept of banking credits for early actions which reduce nutrient loading.  BACWA will be working with the Water Board over the coming months to further clarify these concepts and develop language for inclusion in the second Nutrient Watershed Permit to be adopted in 2019.   *Wetlands Report –* Ian Wren, working with SFEI, developed a wetlands screening report to look at the potential for nutrient removal through treatment wetlands in the Region. He provided a [presentation](https://bacwa.org/wp-content/uploads/2017/10/Sep-2017-BACWA-Permits-Wetland-Treatment.pdf) at the September meeting. |
| **BAAQMD Rule 11-18**  [Draft Regulation 11, Rule 18](http://www.baaqmd.gov/rules-and-compliance/rule-development/rules-under-development/regulation-11-rule-18) (Rule 11-18) is the Bay Area Air Quality Management District’s (BAAQMD) effort to protect public health from toxic air pollution from existing facilities such as POTWs. BAAQMD provided a regulatory [process flowchart](https://bacwa.org/document/baaqmd-11-18-process-flowchart-08-17-17/) to help stakeholders better understand the proposed Rule. BAAQMD will use toxic emissions inventories and proximity to the nearest receptor (residents or offsite workers) to conduct site-specific Health Risk Screening Analyses (HRSA). From these HRSAs, BAAQMD will determine each facility’s prioritization score (PS). BAAQMD will conduct Health Risk Assessments (HRAs) for all facilities with a cancer PS greater than 10 or non-cancer PS greater than 1.0. After verifying the model inputs, if the facility still has PS above that threshold, that facility would need to implement a Risk Reduction Plan that may include employing Best Available Retrofit Control Technology for Toxics (TBARCT). BACWA has provided comments on both the [Rule and its EIR](https://bacwa.org/wp-content/uploads/2017/10/BACWA-AIR-Comment-Letter-Regulation11-Rule18-10-16-17.pdf), as well as its Staff Report and [Socioeconomic Impact Report](https://bacwa.org/wp-content/uploads/2017/10/BACWA-AIR-Comment-Letter_Reg-11-Rule18-SERStaffReport-10-25-17.pdf). The Rule is scheduled for adoption on Nov 15. |
| Sediment Quality Objectives **Phase 3**  This [amendment](https://www.waterboards.ca.gov/water_issues/programs/bptcp/sediment.html) develops an assessment framework linking human health via sportfish to sediment quality. This will impact RMP projects studying sediment. |
| **Announcements**   * 1. BACWA Annual Member’s Meeting will be held January 19, 2018, from 8:30 am to 3:00 pm at the Scottish Rite Center, 1547 Lakeside Drive, Oakland.   2. SFEP Private Sewer Lateral Report [posted](http://www.sfestuary.org/sewer-lateral-ordinances/) – SFEP did not contact BACWA about the report which presents a slanted view of SSOs in the SF Bay Region.   3. Regulatory Issues Matrix [Updated](https://bacwa.org/document/regulatory-issues-summary-9-15-17/)   4. BACWA submitted [comments](https://bacwa.org/wp-content/uploads/2017/11/BACWA-Indoxacarb-Risk-Assessment-Comment-Letter-11-13-17.pdf) on indoxacarb. |
| **Next BACWA Permits Committee Meeting:** Thursday December 14, 2017 10:30 AM to 1 PM (With CASA RWB Annual Holiday Luncheon and White Elephant Exchange, EPA staff to attend) |