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| Permits Committee –  Report to BACWA Board | Permits Committee Meetings on: 3/13/18  Executive Board Meeting Date: 3/16/18  Committee Chair: Chris Dembiczak |

**Committee Request for Board Action: None**

**21 Participants representing 15 member agencies**

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| **Upcoming Permits**  ***March –*** *Oro Loma –* They were granted a shallow water discharge prohibition exception for peak flows in exchange for a performance-based effluent limit for ammonia. They will need to achieve 70% ammonia removal, calculated on an annual basis based on monthly influent/effluent measurements. They will do nitrification year-round and denitrification seasonally. They performed a shellfish survey to verify that the discharge zone does not host shellfish, which influences the effluent coliform limits. On Consent Calendar for 3/14.  ***May –*** *San Mateo* ***–***They have not requested permission to blend this permit cycle. There is new language being introduced into theirs and other permits about anaerobic digestion (new language underlined): *“The California Department of Resources Recycling and Recovery has proposed to exclude POTWs from Process Facility/Transfer Station permit requirements when the same activities are regulated under WDRs or NPDES permits. The proposed exclusion is restricted to anaerobically-digestible materials that have been prescreened, slurried, processed, and conveyed in a closed system for co-digestion with regular sewage sludge.”* Members also had concerns about methods for measuring mercury in influent and biosolids. Lorien with follow up with the Water Board on these items.  ***June –*** *Sausalito-* Submitted an updated No Feasible Alternatives analysis. They have not blended much in recent years.  *Burlingame –* Permit may be delayed due to dilution study update. |
| **Blending issues**  After conferring with its blending member agencies without reaching consensus, BACWA decided not to join the Petition asking the State Water Board to remand CMSA’s NPDES permit incorporating its satellite agencies. BACWA may join CASA in a letter requesting that the State Water Board take up the petition. Two other blending agencies permits are up for readoption right now, Burlingame and Sausalito, and neither of these TOs incorporate the satellite agencies.  In 2013, the Eighth Circuit Court of Appeal ruled, in a case of the Iowa League of Cities versus the USEPA, that blending is allowable if secondary treatment standards are met at the end of pipe. EPA has since stated that the decision applies only in the jurisdiction of the Eighth Circuit, and that it will apply the decision elsewhere in the country on a case-by-case basis. There has since been a challenge at the DC Circuit Court of Appeals to challenge EPA's refusal to apply the Iowa League of Cities decision nationwide, but on February 28, 2017, the Court decided it did not have jurisdiction over the matter. On February 20, 2018, the U.S. Supreme Court denied a petition for review of the DC Circuit Court of Appeals ruling. Because the DC Circuit's ruling was procedural in nature, application of the Iowa League of Cities decision, and EPA's corresponding authority to regulate blending outside of the Eighth Circuit remains an open judicial question. |
| **PCB Congener Reporting**  The Water Board has advised agencies to use picograms per liter instead of micrograms per liter when reporting PCB data, since CIWQS does not allow enough significant figures to report via micrograms, the reporting unit stipulated by the permit. There has also been some uncertainty about how to report estimated detection limits, or “EDLs” in a CIWQS form that only allows MDLs. The Lab committee will work with the contract labs to propose a guidance letter that can be issued by the Regional Water Board. |
| **ELAP Update**  New language in permits requiring a QA/QC procedure to be developed for online field sensors is intended to clarify tests already allowed by the Water Code, not to provide agencies an option to reduce documentation burdens associated with the transition to TNI. The allowable field tests are turbidity, pH, temperature, dissolved oxygen, conductivity, disinfectant residual. If new constituents are to be measured via online sensors, EPA permission would need to be obtained.  Members were asked what actions could BACWA take that would be useful assistance in the transition to TNI. Agencies are focused on implementation, and are getting training and other input through CWEA. Some agencies have hired Diane Lawver to consult on the transition and guide agencies on how to proceed. CCCSD will have an implementation plan by the end of the year. They will need about 18 months of staff time to get set up. This estimate of workload does not vary by plant size, therefore the cost for the transition is estimated to be about $10M for the whole Region. This cost does not include the ongoing document management requirements. There was a suggestion to have ongoing updates from agency representatives about the TNI transition at facilities in the Region. |
| **Nutrients**   1. *Science Plan Advance Funding –* The Science Plan Manager has requested that BACWA advance funds for the Science Plan in advance of the second watershed permit. This would allow SFEI to hire scientists to support the increased work rate that will be needed to support management decisions for the third watershed permit. The Board has provisionally approved $600K for FY19, to be released if the Regional Water Board members agree to the tenets of the second watershed permit that were outline in the Regional Water Board staff’s [letter](https://bacwa.org/wp-content/uploads/2017/10/Water-Board-Staff-Intention-2nd-Nutrient-Wshed-Permit-10-17.pdf) dated October 9 2017. The key concept that needs their approval is that there will be a large increase in support for the science in lieu of load caps. This advance in funding would come from BACWA reserves and not impact the Nutrient Surcharge levels for members. 2. *NST meeting –* The Nutrient Strategy Team will be meeting on March 15 to discuss elements of the second watershed permit - the Regional Study as well as concepts for encouraging early actions and reducing the risk of agencies that plan to implement Capital Projects to reduce nutrients. The Nutrient Strategy team is made up of representatives from large and small agencies in each subembayment. 3. .*Optimization/Upgrade Studies –*   Plant Reports (Reported as of Thursday 3/8):   * + 11 plant reports are confirmed sent.   + 3 additional reports are going out this week * ~10 should go out next week * The remainder will be delivered over the following two weeks.   A few agencies have raised concerns about the acceptance letters, and have spoken to BACWA staff. At least one plant has indicated needing to take the report and letter to their board prior to execution of the letter. |
| Wetlands permitting  The Regional Water Board shared a draft report on Wetlands permitting with BACWA and requested comments. The committee found that there were several errors and misunderstandings about the status of existing wetland projects. There are also some big picture permitting concepts that need to be explored. The group agreed to invite Naomi Feger, Regional Water Board, and Ian Wren, Baykeeper/SFEI, to discuss the concepts and next steps. |
| **CASA RWG Report-out (key items)**  **Hank Brady, CalRecycle –** They are writing the regulations to implement SB1383. For the wastewater sector they are focused on methane emission reductions, as well as how to define recycling. They are developing language on how to carve out biosolids where pertinent. They are also investigating how to preempt local ordinances that would prevent or limit beneficial reuse and siting processing facilities. The next draft is expected on April 2, and the regulations won’t take effect until 2022.  **Karen Larsen, SWRCB**  *Recycled Water Policy –* They are targeting releasing the amendment on April 30, followed by a 60 day comment period. There is a June 19 target date for the hearing. They are trying to decide how to respond to the Scientific Panel’s CEC report, and how to implement salt/nutrient management planning. They are committed to removing priority pollutant monitoring. The Executive Director can make changes to the State General Order without reopening it. They plan to introduce a timeline for the regional permittee transition, that may be three years.  *Bacterial Standards –* The adoption date was pushed back due to resistance from the NGO community, which feels that the EPA didn’t evaluate epidemiological studies relevant to California when making their recommendations to only look at enterococcus. They would like fecal coliform to be reinstated as an indicator for human health.  *Biostimulatory Substances Objectives –* Not a top priority at this time.  ELAP Update – The regulations are moving forward. The target adoption date is January 2019. Karen suggested that the CASA RWG contact Christine Sotelo for an update.  *Dredge and Fill Policy* – This is a top priority. They will likely need to put it out for public comment again.  *SQOs (Phase II)* - They are responding to peer review comments. The public hearing is schooled for June, and they plant to adopt in October.  Toxicity – Public release aimed for late April/early May, with a Public hearing in June and adoption in November.  Diana Messina – State Water Board - *SSS WDR* - The State Water Board had not been planning on reissuing the SSS WDR this year, but had been getting feedback about issues with it from agencies across the State. They are planning listening sessions in the North and South, and at Disadvantaged Communities this spring. They will work with CASA and CWEA to develop a more refined permit in the summer of 2018. Diana expressed concerns about the frequency of Clean Water Act lawsuits. Public comment will be the fall of 2018, with adoption in 2019. |
| **Announcements**   * 1. AQPI team has been doing outreach to Bay Area water managers. See [project website](http://www.aqpibayarea.com/).   2. [NBWA Conference](http://nbwatershed.org/conferences/) April 6   3. H2S limit [Association Comment Letter](https://bacwa.org/wp-content/uploads/2018/03/Water-and-Sanitation-Coalition-Comments-on-Hydrogen-Sulfide-MARCH-6-2018.pdf)   4. Recycled Water CEC Scientific Advisory Panel draft report – [Wastewater Association Comment Letter](https://bacwa.org/wp-content/uploads/2018/03/Coalition-CEC-comment-ltr-3-1-18.pdf)   5. RMP CEC Workgroup meeting April 12-13   6. RMP Microplastics Workgroup meeting May 15 |
| **Next BACWA Permits Committee Meeting:** Tuesday April 10, EBMUD Treatment Plant Lab Library. Meetings will be held from noon to 2pm from now on to address traffic concerns. |