

**Committee Request for Board Action: None**

**22 attendees, representing 13 member agencies.**

**Upcoming Permits**

**April – Palo Alto** – BACWA submitted [comments](#) asking that dilution be applied when calculating enterococcus limits. In their Response to Comments, the Water Board stated: *We disagree. The City did not request an enterococcus mixing zone and dilution credit, and has not contested the proposed enterococcus limits, and the tentative order is not the place for the Regional Water Board to describe how it will address enterococcus limits for other discharges. Nevertheless, although there is no statewide policy on the application of mixing zones for bacteria, pursuant to Basin Plan section 4.5.1, the Regional Water Board may consider dilution credits for discharges on a case-by-case basis when provided sufficient information. Aside from accounting for dilution, the Regional Water Board cannot calculate enterococcus effluent limits using SIP procedures. The SIP protocol derives daily and monthly limits from one-hour average (acute aquatic life), four-day average (chronic aquatic life), and 30-day average (human health) objectives. The new enterococcus objectives are expressed as a six-week rolling geometric mean and a monthly 90th percentile. The SIP does not describe how to convert such objectives into effluent limitations.*

**May – Nutrient Watershed Permit** (See Below)

**June – Sonoma** – They also were not granted dilution for enterococcus. Robert will follow up with them to see whether they are interested in pursuing dilution credit.

**Bacterial Objectives**

In August 2018, the State Water Board adopted new statewide bacteria water quality objectives and implementation options to protect recreational users from the effects of pathogens in California water bodies. The objectives and implementation options are a new part 3 of the Water Quality Control Plan for the Inland Surface Waters, Enclosed Bays ([SIP](#)), and Estuaries of California, and as an amendment to the Water Quality Control Plan for Oceans Waters of California ([Ocean Plan](#)). The new bacteria objective for all waters where the salinity is greater than 1 ppt more than 5 percent of the time during the calendar year is a six-week rolling geometric mean of enterococci not to exceed 30 cfu/100 mL, calculated weekly, with a statistical threshold value of 110 cfu/100 mL, not to be exceeded by more than 10 percent of the samples collected in a calendar month, calculated in a static manner. The Objectives were approved by the Office of Administrative Law in February 2019 and by EPA in March 2019.

To be granted dilution credit in the calculation of the new objectives the Water Board will need background enterococcus levels in the receiving water. BACWA is proposing a study to sample the SF Bay for enterococcus. SFEI has developed a Scope of Work to support this effort, and SFPUC has offered in kind support for sampling using their boat, as well as analysis. The committee is concerned, however, that the method used by the SFPUC lab, Enterolert, has a limit of detection of 10 MPN/100 mL, whereas membrane filtration, the other method, has a limit of detection of 2 MPN/100 mL. Since if the samples are non-detect, the detection limit will be considered the background level in the calculations, so the committee recommended finding a lab that could do membrane filtration.

**CECs**

- a. *Sampling Plan* - The Water Board has expressed interest in an ongoing program of POTW monitoring. Lorien has been working on a White Paper on POTW representation, and how to select POTWs for studies. The committee agreed that the RMP would need to participate in such a study to mediate the relationship with contract laboratories, and do data management. There was also a preference that analysis be paid for via BACWA dues rather than by individual volunteers.
- b. *PFAS* – The Water Board held a [workshop](#) on taking action on PFAS. They have issued 13267 letters to airports and landfills requiring data on PFAS levels in groundwater.

**Nutrients**

- a. *2<sup>nd</sup> Watershed Permit* – BACWA provided [comments](#) on the Watershed Permit Tentative Order.
- b. *Regional Studies* – BACWA is finalizing the scope of work for SFEI to carry out the Nature-based solutions regional study. BACWA is developing a scope of work for the recycled water regional study.
- c. *Optimization/Upgrade Studies* – BACWA worked with HDR to develop a [brochure](#) and [presentation](#) to help our members explain the studies to their governing boards and the public. Dave Williams walked through the presentation and showed where agencies could customize it for their own facilities. BACWA has also posted [presentations](#) developed by individual agencies to share amongst the members.

**Legislation**

There are two pieces of legislation being considered this year that could have major impacts on POTWs:

**SB 69** is a lengthy, complex, bill that addresses ocean acidification. Among many other items, it includes a provision that would require the State Water Resources Control Board to amend the California Ocean Plan and the California Enclosed Bays and Estuaries Plan to include water quality objectives and effluent limitations requiring all publicly operated wastewater treatment facilities that discharge to waters subject to the plans to adopt, incorporate, or improve denitrification protocols. The passage of this bill, unless amended, could supersede the San Francisco Bay Nutrient Management Strategy.

**SB 332** would declare that the discharge of treated wastewater from ocean outfalls is a waste and unreasonable use of water. The bill would require each wastewater treatment facility that discharges through an ocean outfall and affiliated water suppliers to reduce the facility's annual flow as compared to the average annual wastewater discharge baseline volume, as prescribed, by at least 50% on or before January 1, 2030, and by at least 95% on or before January 1, 2040. The bill would subject the owner or operator of a wastewater treatment facility, as well as the affiliated water suppliers, to a civil penalty of \$2,000 per acre-foot of water above the required reduction in overall volume discharge for the failure to meet these deadlines.

Note that BACWA does not comment on legislation, but we may provide information to our member agencies so they can comment themselves.

**Announcements**

- a. Looking for Permits Committee vice-chair for FY20
- b. SSS WDR Workshop in Sacramento 4/17
- c. RMP Annual Meeting 10/10

**Next BACWA Permits Committee Meeting:** Thursday, May 16, 2019 10:30 to 12:30 PM (Joint meeting with CASA RWG at downtown EBMUD), then Tuesday, June 11, 2019 12:00 to 2:00 PM, EBMUD lab library.