

**Committee Request for Board Action: None**

**24 attendees (including 3 on phone), representing 18 member agencies.**

<p><b>Nutrients</b></p> <ul style="list-style-type: none"><li>a. Group Annual Report <a href="#">submitted</a> to Water Board; HDR <a href="#">presented</a> on it at Annual Meeting. Will invite HDR to future meeting for discussion on potential statistical approaches for understanding nutrient trends.</li><li>b. Coalition <a href="#">comment letter</a> on Ocean Protection Council draft 5-year <a href="#">Plan</a> in December 2019; revised plan expected mid-February. Updates to follow.</li></ul>
<p><b>Upcoming Permits</b></p> <p><b>February:</b> <i>Sunnyvale</i> – permit includes TSS trigger for turbidity limits. It’s a helpful approach for the City; it should result in reduction of polymer use. <i>San Jose</i> – Reduced acute toxicity testing (quarterly instead of monthly). Other small changes: enterococcus and recycled water language that aligns with recent changes in Basin Plan and in Recycled Water Policy. <i>EBMUD and satellites</i> – no issues to report <b>March:</b> <i>Fairfield-Suisun</i> – happy with permit. Worked with RWB to clarify monitoring requirements.</p>
<p><b>Payments for Mandatory Minimum Penalties</b></p> <p>At the Feb BAPPG meeting, Debbie Phan (RWB) noted that, when faced with MMPs, RWB prefers that agencies choose payment Option 1: contribution to RMP SEP Fund, rather than Option 2: State Cleanup and Abatement Fund.</p>
<p><b>Chlorine Residual Basin Plan Amendment</b></p> <p>Proposed Basin Plan chlorine objectives to be based on EPA criteria (0.013 mg/L) as 1-hr average; permit limits to be based on the objective and include full dilution. Current 0.0 mg/L instantaneous maximum limit will be removed from BP. The RWB would prefer an RL of 0.05 mg/L be included in the BP, whereas the POTW community feels that 0.1 mg/L is more realistic. There is new RWB staff, Tong Yin, working on this issue; BACWA will invite them to next Lab Committee meeting to discuss the BP amendments and issues around the ML.</p>
<p><b>Toxicity Provisions Update</b></p> <ul style="list-style-type: none"><li>a. State Water Board staff conducted a lab survey to better understand the feasibility of initiating 3 chronic tests in one calendar month and, in Dec 2019, released their findings as Appendix K to the staff report. A presentation was also provided at a January SWB workshop. BACWA <a href="#">comments</a> on Appendix K were submitted on 2/10/2020. Comments were limited in scope to the issues presented in Appendix K; BACWA’s previous comment letter on the Toxicity Provisions as a whole, is available <a href="#">here</a>.</li><li>b. RWB staff emailed the group the proposed language on how TST/Toxicity Provisions may be implemented in Region 2 permits. The Committee discussed the language, with many pointing out that it is at times confusing, esp. around the issue of ‘surveillance monitoring.’ Input on suggested edits/ questions is solicited from member agencies by February 28, 2020. Please send to the Committee Chair Samantha Engelage. RWB staff will be asked to join April Permits Meeting to discuss initial feedback further.</li></ul>
<p><b>CECs</b></p> <ul style="list-style-type: none"><li>a. <b>PFAS</b> – State Water Board is expected to issue 13267 letter to POTWs in May 2020. At this point, it is unclear if all POTWs would be included; those who will be included will need to conduct both effluent and biosolids testing. Analytical method uncertain at this point. There is a possibility that the RMP would fund this effort; Tom Mumley to propose this approach to the SWB. Members may be interested in this ‘Clean Water Utility’s <a href="#">Guide</a> to Considering Source Identification, Pretreatment, and Sampling Protocols for PFAS’ recently made available by NACWA.</li><li>b. BACWA is working to finalize <b>CEC White Paper</b> – laying out drivers of how to select participants in special CEC studies (based on flow, location, level of treatment, etc.). Otherwise these studies rely on the same volunteer participants year after year and the data may not necessarily be representative.</li></ul>
<p><b>‘Exfiltration’ of Collection Systems/ Baykeeper NOIs</b></p> <p>Baykeeper sent Notices of Intent to file suit against the City of Sunnyvale and the City of Mountain View. Among other issues, the NOIs allege that exfiltration from the agencies’ collection systems are causing bacteria contamination and impairing local waterways. At this point, not much is known as to Baykeeper’s desired outcome from these potential lawsuits. They don’t usually push for monetary settlements (like RiverWatch); they are a more thoughtful group. Sunnyvale and MV are looking into how best to respond and will keep the group informed. Baykeeper requested CCTV data for Palo Alto in Dec 2019 but has not followed up since and no other agencies</p>

have been contacted yet. A conversation between BACWA and the RWB will likely need to take place on this topic.

**ELAP**

TNI adoption is on track for 3/17 Board Mtg. ELAP indicated that they may give some consideration to a couple of comments from concerned dischargers and that a revised version would be available in the next few days. It would have a quick 15-day comment period as they want to stay on track for adoption on 3/17 and implementation on 7/1. SWB member Tam Doduc has said that she would like to meet with CA QMS proponents before the adoption hearing so there is a slight chance adoption would be pushed to the April meeting, but not likely. Christine Sotelo (ELAP) noted she would come to the BACWA Lab Committee meeting to discuss implementation once the regs are adopted.

**Announcements**

- a. RWB has 2 new Board [members](#): Alexis Strauss and Andrew Gunther
- b. Regional Water Board looking for volunteers to test-drive recycled water volumetric reporting in Geotracker. EBMUD volunteered. Delta Diablo will likely participate as well.
- c. BACWA Annual Members Meeting Jan 10, 2020 presentations posted [here](#)
- d. [Regulatory Issues Matrix](#) has been recently been updated
- e. 2019 NPDES Compliance [letter](#) submitted
- f. BACWA member news section in Bulletin – contact Alina

**Next BACWA Permits Committee Meeting:** April 14.