

Committee Request for Board Action: None

Regular meeting: 26 attendees via Zoom representing 15 member agencies and the Regional Water Board

Tentative Orders

The only current Tentative Order is a [WDR for bayfront landfills](#), which would require these facilities to prepare and submit Long-Term Flood Protection Reports. Pacifica expects its Tentative Order soon (it is scheduled for October reissuance), and has already reviewed the administrative draft (see Toxicity item, below). Vallejo expects its permit reissuance in December instead of November.

Climate Change and Sea Level Rise Updates

- The Regional Water Board adopted a Climate Change Basin Plan Amendment at its July meeting. BACWA's minor comments were addressed (see [Tentative Resolution](#) and [Response to Comments](#)). No additional basin plan amendments are planned at this time to address NPDES permitting to nature-based infrastructure, but the NPDES division provided [this reference document](#) to assist with permitting.
- Upcoming events: August 11th - [Rising Groundwater Adaptation Workshop](#)
August 23rd - BACWA Members' roundtable on sea level rise ([Register Here](#))

Chlorine Blanket Permit Amendment

The chlorine [Basin Plan Amendment](#) continues to be delayed. EPA needs to update its biological evaluation to address potential toxicity to fish and conduct a formal consultation with US Fish & Wildlife Service. This process is expected to take at least six months. Meanwhile, the [blanket permit amendment](#) modifying chlorine effluent limits and removing oil & grease monitoring requirements is **not yet effective**. However, limits and monitoring requirements for oil & grease are being removed permit-by-permit.

Implementation of [Statewide Toxicity Provisions](#)

EPA is still reviewing the Statewide Toxicity Provisions, and deciding whether an informal consultation with US Fish & Wildlife Service is required. Final approval may occur as early as September or later in 2023. For Region 2 implementation, Regional Water Board staff are currently proposing a transition plan whereby reissued NPDES permits would contain both existing toxicity language and the new language implementing the Statewide Toxicity Provisions. The transition plan would start with Pacifica's Tentative Order and continue until EPA approval is complete. This approach results in a complex NPDES permit, but will allow agencies to make a faster transition to dropping acute toxicity testing. BACWA will review the template language in Pacifica's Tentative Order when it is released for public comment. The laboratory analysis portion of the [statewide Ceriodaphnia study](#) is expected to begin soon. This quality assurance study must be complete and provide testing recommendations (if any) by the end of 2023.

Mercury and PCBs Watershed Permit

BACWA has compiled PCB congener data from the last eleven years and has submitted a request for reduced monitoring of PCB congeners to Regional Water Board staff. These materials were previously shared with committee members by email, and were also presented during the meeting. An Administrative Draft version of the reissued permit will be available for a three-week review period beginning on **Monday, August 22nd**. It may be an incomplete draft.

Nutrients Update

The BACWA Executive Director shared slides from the July 28th meeting with Regional Water Board staff to discuss implementation of load caps in the 3rd Nutrient Watershed Permit. BACWA is assembling a handout summarizing the current status of negotiations, which will be shared with members soon.

Other Items

- A 'red tide' bloom of *Heterosigma akashiwo* was reported in the Oakland estuary (see [KTVU report](#))
- The recording of the training session "Understanding your NPDES permit" is available [here](#).
- Sample collection recently wrapped up for Phase 2 of the PFAS Regional Study (see [Sampling Plan](#))
- A revised draft version of the [SSS-WDR](#) will be released around early November ahead of a State Water Board adoption hearing scheduled for December 6 & 7.
- Region 2 will be included in the [2024 303\(d\) listing and Integrated Report](#) cycle. BACWA will share more information as it becomes available.

Next Permits Committee Meeting: October 18, 12:30 PM via Zoom *Note date change from October 11th*