

Committee Request for Board Action: None
Regular meeting: 22 attendees via Zoom, representing 15+ member agencies

Statewide Toxicity Provisions

USEPA may approve the Statewide Toxicity Provisions as early as March 2023. The Regional Water Board plans to slightly modify the requirements for species sensitivity screenings to avoid permit re-openings. The most recent version of the standard language for Region 2 NPDES Permits is found in the [Tentative Order for CMSA](#) (Section 5.3.1.2, p. E-11), which will be considered at the Regional Water Board’s April 12th meeting.

Tentative Orders

The Regional Water Board will consider individual NPDES permits for [Silicon Valley Clean Water](#) (SVCW, a deep water Bay discharger) and [Sewer Authority Mid-Coastside](#) (Ocean discharger) at its [March 8th Board Meeting](#). Meeting attendees discussed how dilution credits for chronic toxicity are being handled in different permits. For example, the SVCW Tentative Order uses a dilution factor that is specific to chronic toxicity, while the CMSA Tentative Order uses one dilution factor for all constituents (e.g., ammonia and chronic toxicity). SVCW has requested a footnote allowing a reduced sampling frequency for chronic toxicity after 10 tests at the Instream Waste Concentration show a “Pass.” Attendees also discussed guidance from the Regional Water Board on the optimal time to schedule monitoring that is required “Once” per permit term. See also [1/5/23 email from James Parrish](#) which states “we would appreciate it if you could complete the “Once” sampling requirements about 12 months prior to the expiration date.”

Mercury and PCBs Watershed Permit ([Order R2-2022-0038](#))

The reissued Hg & PCBs Watershed Permit went into effect February 1st. BACWA plans to fund another round of risk reduction activities beginning in FY24. Regional Water Board staff have provided the following guidance regarding permit implementation:

- Dischargers should use the “PCB Template” version of the PET tool version circulated on 1/24 and 2/14.
- Use ½ the MDL for mass load calculations if mercury is ND in the effluent. References: p. A-4 of the EBDA NPDES Permit ([Order R2-2022-0023](#)) or p. 61 of the North Bay Selenium TMDL ([Staff Report](#)).
- If there are multiple sample results available for a given day, refer to Attachment G for averaging procedures.

Climate Change Adaptation

- BCDC is developing Regional Sea Level Rise Adaptation Planning guidelines by May 2024. Emily Corwin from FSSD is participating as the BACWA representative on the Advisory Group.
- Region 3 has started requiring a Climate Change Adaptation Program within individual NPDES permits (e.g., [R2-2022-0010](#) for Montecito Sanitary District).
- Attendees discussed their preferred option for tracking climate change adaptation efforts at individual agencies. The group’s preference was to repeat the 2021 survey with similar questions every ~five years.

Nutrients Update

- The [2022 Group Annual Report](#) is now available with nutrient data from Oct. 2021 – Sep. 2022.
- A [Nutrient Fact Sheet](#) is now available on the BACWA website.
- Beginning March 17th, Nutrient Strategy Team meetings will be held in hybrid format following BACWA Executive Board meetings. The February Nutrient Strategy Team meeting included a discussion about how nutrient load reductions might be implemented in the 3rd Watershed Permit. For this effort, BACWA staff are synthesizing information from individual agencies about their existing nutrient load reduction plans.
- An [RFQ for Public Outreach assistance](#) is now available on the BACWA website (Due date: March 10th)

Other Items

- USEPA does not currently plan to approve the [Basin Plan Amendment for chlorine residual](#) because of objections from federal resource agencies about USEPA’s national ambient water quality criteria for chlorine. Regional Water Board staff are investigating alternative approaches to establishing chlorine effluent limits.
- Results from Phase 2 of BACWA’s regional PFAS study continue to be delayed by the analytical laboratory, but may be available by April 2023.
- Regional Water Board staff recently responded to a BACWA member question about the NPDES Permit Amendment to Monitoring & Reporting Programs ([Order R2-2021-0028](#)) to clarify that beryllium monitoring is required at the priority pollutant monitoring frequency specified in individual NPDES permits. The waiver for pollutants with no water quality criteria from the 2016 Alternate MRP did not carry over.

Next Permits Committee Meeting: April 11th, 2023, 12:30 PM via Zoom