

Committee Request for Board Action: None

Regular meeting: 27 attendees via Zoom, representing 17 member agencies

Statewide Toxicity Provisions

USEPA may approve the Toxicity Provisions soon very soon. The Regional Water Board has slightly modified 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 Pinole](#) (Section 5.3.1.2, p. E-10), which will be considered at the Regional Water Board’s June 14th meeting. A comparison of the previous version (found in the CMSA Tentative Order) with the most recent version is shown below in markup format:

If testing a particular species proves unworkable (e.g., the Discharger encounters unresolvable test interference or cannot secure a reliable supply of test organisms), the Executive Officer may authorize the temporary use of the next appropriate species as the most sensitive species ~~available of those listed in MRP Tables AE-1 and AE-2 that is in the same salinity classification and the same taxon as the most sensitive species~~. If there is no species in the same taxon, the next appropriate species is the species exhibiting the next highest percent effect at the IWC in the species sensitivity screening. The Executive Officer will confirm the temporary use of the next appropriate species in writing.

Tentative Orders

BACWA submitted comments on the CMSA Tentative Order ([link](#)). The permit will be considered for adoption at the Regional Water Board’s May 10th meeting.

Proposed Updates to Contaminants of Emerging Concern (CECs) White Paper

BACWA staff will circulate an updated draft of the [2020 white paper on POTW participation in CECs studies](#). The purpose of the update is to document POTW participation in ongoing or recently completed CECs studies.

PFAS Update

Results from Phase 2 of BACWA’s regional PFAS study continue to be delayed by the analytical laboratory, but may be available soon. BACWA staff shared a comparison of Phase 1 results with the EPA’s [proposed drinking water MCLs](#) for six PFAS compounds. This was also circulated to committee members by email on 3/15/23.

303(d) List / Integrated Report

The [draft 2024 303\(d\) list](#) for Region 2 was released for public review. Comments were due April 3rd (BACWA did not comment). There are 137 new listings proposed in Region 2, and no new delistings. Notable results include:

- **No listings for microplastics.** No water bodies in Region 2 were identified as impaired due to microplastics, partly due to concerns about the distribution curve that was used to extrapolate information about microplastics in the Bay compared to the actual observations. The report notes that “beneficially uses may be potentially threatened,” so this may be a listing to watch in the future. At this time, the predominant source of microplastics to the Bay is thought to be stormwater.
- **Notable new listings for estuaries and wetlands include:**
 - o **Pathogens** impairments added around the Bay for Coyote Point, Encinal Beach, Islais Creek, Mission Creek, as well as several spots in San Mateo County that are already being addressed through the SF Bay [Beaches Bacteria TMDL](#). Exceedances of the objectives for water contact recreation and shellfish harvesting are the reasons for the listings.
 - o **Temperature.** Suisun Slough and part of Suisun Marsh are newly listed for temperature because the water is warmer than 20 degrees during salmonid migration.

Enforcement Policy

The State Water Board has proposed changes to the [Water Quality Enforcement Policy](#) that could result in higher multipliers and larger fees for some violations. BACWA may submit comments on the proposed policy or sign on to a comment letter being prepared by CASA.

Nutrients Update

- Draft reports for the two special studies being prepared in compliance with the 2019 Nutrient Watershed Permit – the studies of nutrient removal via Recycled Water and via Nature-Based Solutions – will soon be available for member review. BACWA will require members to provide a sign-off letter certifying acceptance of each of the two reports, which are due July 1.
- The Nutrient Strategy Team is continuing to meet to discuss the potential for nutrient load reductions during the term of the 3rd Watershed Permit and beyond. Lorien Fono shared draft slides synthesizing information

from individual agencies about their existing nutrient load reduction plans. The slide deck will also be shared with BACWA members for use by individual agencies.

- BACWA plans to hire a consultant to provide assistance with public outreach. The work will start in FY23 and continue in FY24

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. More information will be available soon.

Next Permits Committee Meeting: June 13, 2023, 12:30 PM via Zoom