

Committee Request for Board Action: None

29 attendees participated remotely from 17 member agencies.

Recent and Upcoming NPDES Permit Reissuances

See [Regional Water Board Reissuance Calendar](#) (Updated December 2025)

- NPDES Permits for [Novato Sanitary District](#), [EBMUD](#), and [Delta Diablo](#) were scheduled for reissuance at the February 11th Regional Water Board meeting.
- Recently reissued permits contain a new reopener provision related to the outcome of the California Supreme Court Case on the TST (see next section).
- In Attachment D of recently reissued permits, the transition date for electronic reporting for bypasses is now December 21, **2028** instead of 2025. The date change is because the State Water Board received an extension from USEPA for compliance with the [NPDES Electronic Reporting Rule](#). Even though the extension was granted and the electronic reporting of bypasses is not strictly required, Regional Water Board staff encourage wastewater agencies to begin using the State Water Board’s new [electronic bypass reporting module](#).
- Both the EBMUD and Delta Diablo permits contain a new requirement related to Outfall Inspection and Maintenance.
- The Novato Sanitary District permit will require effluent monitoring for salinity, which is a new requirement triggered by the removal of receiving water limitations. Some agencies have requested use of alternative methods to salinity because salinity does not have an ELAP-approvable method. For example, Delta Diablo’s [Tentative Order](#) requires TDS monitoring in lieu of salinity. Conductivity is another potential substitute for Salinity monitoring.

TST and Toxicity Lawsuit Updates

Opening briefs are due February 26th in the [CA Supreme Court Case](#) about the validity of the TST as a Clean Water Act method. Newly reissued permits contain Fact Sheet language referring to the court case, plus a new reopener provision that would be triggered if the Supreme Court determines that the TST cannot be used in NPDES permits. Central San staff shared that they completed a species sensitivity screening to prepare for their next permit reissuance, and Regional Water Board staff directed Central San to switch species now (before the permit is reissued) but to continue report using TUC instead of the TST (Pass/Fail). Other agencies reported that they were not required to switch test species before their reissued permits went into effect. Agencies discussed the toxicity monitoring requirements in their respective permits (e.g., frequency of monitoring). BACWA also maintains this information in a summary spreadsheet, available upon request.

Nutrients Watershed Permit Implementation

- The Freshwater Trust completed a [Water Quality Trading Feasibility Assessment](#) in early 2026. Pending a contract amendment with BACWA, The Freshwater Trust will move forward with the next steps of continuing to develop a trading framework.
- BACWA is planning to retain a consultant to assist with CEQA documentation required for a Basin Plan Amendment.
- For this year’s Group Annual Report, permittee responses to HDR’s [Request for Information](#) are due Feb. 13th
- The next meeting of the [Nutrient Management Strategy](#) steering committee is February 13th.
- SFPUC staff shared the agency’s plan for complying with the Nutrients Watershed Permit using a [progressive design-build contract](#). *Committee members – please plan to share your plans at future meetings!*

PFAS Updates

BACWA members are coordinating with SFEI to develop a sampling and analysis plan for the Phase 3 Regional Study. The preliminary plan is to collect samples of influent, effluent, and specific sewershed samples (e.g., residential, commercial, or industrial users) during the 2026 dry season. Meanwhile, Water Boards staff have shared that they are developing a statewide strategy for limiting PFAS loads from industrial wastewater.

Electronic Reporting

Attendees discussed a variety of topics related to electronic reporting to CIWQS:

- **DMR Reporting** has been broken since late December 2025 and is still not working. State Water Board staff have instructed agencies “...please unlink the affected DMRs and proceed with your eSMR submittal to ensure timely submission. The DMRs can be linked to a future report once the issue is resolved.” BACWA member agencies noted that it would be helpful to have a grace period for submitting reports once the technical issues are resolved. BACWA has transmitted this request to the State Water Board.
- **Rounding.** Agencies discussed approaches to rounding data submitted to CIWQS, which is a setting that has to be entered into some reporting software. Rounding practices vary by constituent and may be stipulated by the applicable Clean Water Act method. A few constituents (e.g., chlorine one-average averages and TIN 5-month averages) have specific rounding requirements.
- **Nutrients Watershed Permit Reporting:**
 - Members discussed that there is no need to report monthly average or maximum data for Total Inorganic Nitrogen (TIN), since the permit limits for TIN are only for the 5-month dry season average. Ammonia (but not TIN) monthly average and daily maximums are relevant for agencies that have ammonia limits.
 - Regional Water Board staff have advised that there is no need to retract 5-month dry season loads entered into CWQS that were entered before the December 2025 [Minor Permit Modification](#), because the permit modification was not retroactive.

Basin Plan Amendment

- The Regional Water Board has released a draft [Basin Plan Amendment](#) to add Tribal and Subsistence Fishing Beneficial Use designations. Comments are due March 6. A subsequent Basin Plan Amendment would be required to designate the use for specific water bodies. As noted in BACWA’s [Annual NPDES Permit compliance letter](#), BACWA is supporting related work on a pilot survey of subsistence fishers.

Next Meeting: Tuesday, April 14th, 12:30 PM (Virtual)