BACWA Permits Committee

October 13, 2026

BACWA
BAY AREA
CLEAN WATER
AGENCIES

BACWA Permits Committee Agenda

1. Introductions
2. Regional Water Board updates and Q&A
3. Guidance on Wet Weather Preparedness / Bypass Reporting
4. Toxicity Updates
5. Legislative Proposal to Increase NPDES Permit Term
6. Upcoming Permits
7. Nutrients Updates
8. PFAS and CECs Updates
9. Wastewater Needs Assessment Updates
10. Agency Reports / Open Forum
11. Announcements & Events

Next meeting:
December, date/location TBD, potentially joint meeting with Lab

2. Regional Water Board updates

3. Guidance on Wet Weather Preparedness / Bypass Reporting

California declared state of emergency for anticipated El Nino

Review Requirements for Bypass Reporting in NPDES Permits Attachments D, E, and G

- Anticipated Bypass (e.g., equipment maintenance or testing)
- Unanticipated Bypass (e.g., wet weather)

4. Toxicity Updates

TST Reporting

Update on development of CIWQS Chronic Toxicity TST Reporting Guidance.

- Some issues to be aware of:
  - Tests should include concentration series specified in lab method (usually five)
    - Include IWC
    - Include surveillance concentration when using test for surveillance monitoring
  - You can fail a TST and it is not a MDEL violation
  - It is recommended to upload TST results, % effect(s), MDEL, and MMEL results in CIWQS
  - It is common to have a negative %effect value

4. Toxicity Updates

TST Reporting (continued)

- Any questions from audience for clarification
- Other issues
  - Anyone using giant kelp? This has two sub-lethal endpoints
  - If response “curve” for concentrations does not align with TST result, consult lab and/or Regional Board for advice
  - Reasonable potential guidance now is that if %effect at the IWC is >10%, there is reasonable potential

4. Toxicity Updates

TST Reporting

Update on development of CIWQS Chronic Toxicity TST Reporting Guidance.

Toxicity Lawsuit Updates (if any)

- Question: Is the TST a valid method under the Clean Water Act?
- Briefs filed in California Supreme Court case
- No court date yet

Limited-Term Approval of Chronic Toxicity Alternative Species

- Regional Water Board approved temporary use of shrimp (A. bahia) through the end of the year, if labs experience shortages of approved species (mussel, sand dollar, purple urchin, and red abalone).

5. Federal legislation to increase permit term

The Bipartisan American Affordability and Jobs Act proposed to increase the NPDES permit terms from 5 years to 10 years.

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SEC. 1203. PERMIT TERM FOR NPDES PERMITS.

Section 402(b)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)(1)(B)) is amended by striking "five years" and inserting "10 years".

6. Upcoming Permits

- Tentative Orders
  - October: Sunnyvale, Petaluma
  - December: SFPUC Treasure Island, Marin 5 Paradise Cove
- Permit Reissuance Schedule updated September 2026

Order Number	Permit Number	Category	Permittee	Staff Assigned	Expiration Date	Target Adoption Date
R2-2020-0026	CA0038121	minor	YOUNTVILLE	Kerry O'Connor	11/30/2025	**10-Feb-27**
R2-2013-0029	CA0037664	MAJOR	SAN FRANCISCO, Southeast Plant	Sam Plummer	9/30/2018	**10-Feb-27**
R2-2020-0022	CA0037851	MAJOR	LAS GALLINAS VALLEY SANITARY DISTRICT	Will Burrell	8/31/2025	**10-Feb-27**
R2-2021-0015	CA0038342	minor	EAST BAY MUNICIPAL UTILITY DISTRICT, Orinda Potable Water	Natlie Lee	8/31/2026	**10-Mar-27**
R2-2021-0009	CAG382001	GENERAL	POTABLE WATER FILTER BACKWASH General Permit	Debbie Phan	6/30/2026	**10-Mar-27**

7. Nutrients Watershed Permit Implementation

- Group Annual Report – Feedback from RWQCB
  - BACWA / HDR are gathering additional information from permittees for submittal to RWQCB
- Potential reclassification of WWTP class for nutrient upgrades
- Basin Plan Amendment updates
  - BACWA is supporting the CEQA work needed for the BPA. AECOM is under contract. Target adoption date Spring 2027.

7. Nutrients Watershed Permit Implementation

- BACWA's coalition grant from USEPA San Francisco Bay Program
  - Phase 1: $7M available for FY26; Phase 2: $12.6M for FY27

- Water Quality Trading
  - August 31 Permittees-only Workshop
  - Upcoming October 29 Public Webinar

- Nutrient Management Strategy
  - Next meeting October 16th ; focus on Heterosigma toxicity as it relates to HABs
  - Nutrient ipdates will be shared at the SFEI RMP meeting as well (October 21)

7. Nutrients Watershed Permit Implementation

New topic of interest:

- N2O emissions associated with nutrients removal

N2O Emissions from Wastewater Treatment

- Nitrous oxide (N2O) emissions and methane emissions occur within all wastewater systems
- Water-related GHG inventory protocols are recognizing these emission sources
  - Treatment Emissions
  - Discharge Emissions
- N2O is a high global warming potential gas
  - 1 ton of N2O is equivalent to 265 tons of CO2
- Wastewater treatment emissions are estimated to be 5.3% of all US N2O emissions

(1) Inventory of US GHG Emissions and Sinks 1990-2021, EPA 430-R-23-002

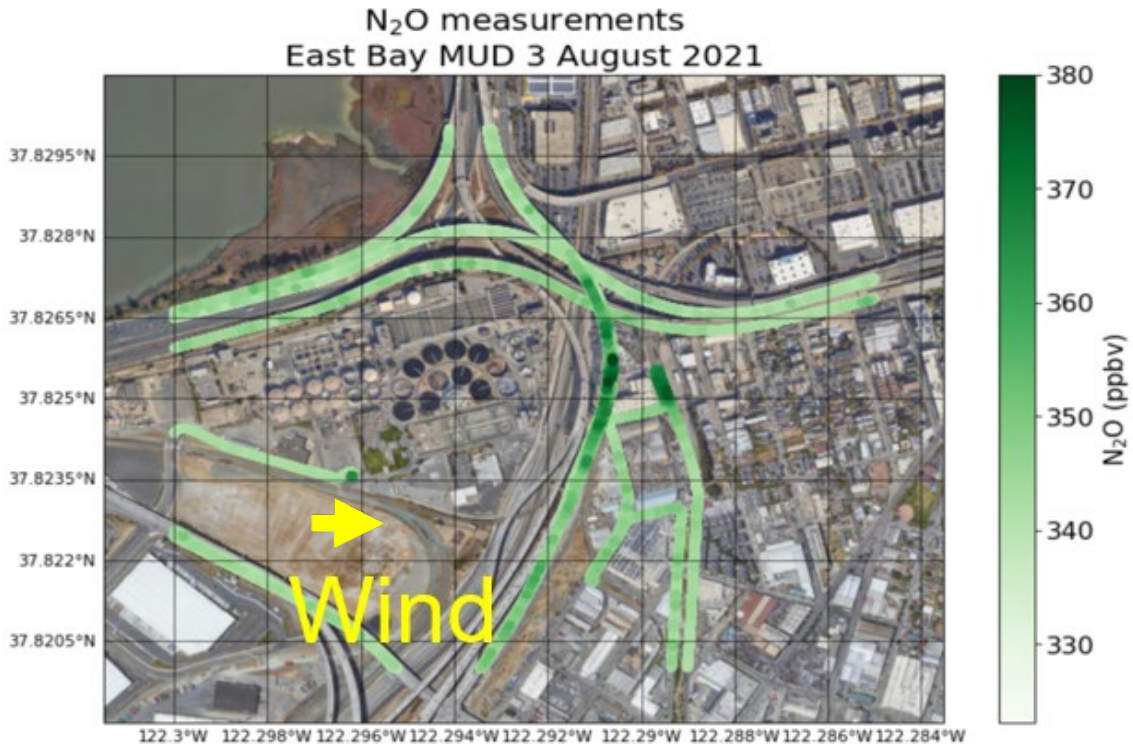
N2O Emissions from Wastewater Treatment

- The IPCC emission factor to estimate N2O emissions from wastewater treatment is 0.016 lb N2O/lb TN (1.6%)
  - Prior to 2019, this was based on population and an order of magnitude lower
- Actual plant performance varies considerably by process type and process stability
  - Plants that nitrify and denitrify have higher N2O emissions
  - Estimating the amount of the increase is very challenging without plant-specific monitoring data
  - Nutrient removal is expected to increase GHG emissions

N2O Emissions from Wastewater Treatment

- At EBMUD, the GHG emission estimate for N2O from treatment is ~32,000 MT CO2e per year
  - This is using the default IPCC emission factor
  - Our other GHG emissions are about ~12,000 MT per year (for our fleet, natural gas, electricity, etc.)

N2O Emissions from Wastewater Treatment



N2O Emissions from Wastewater Treatment

- This issue continues to be studied by academia, consultants, WRF, and other climate organizations
- Is there interest in having a speaker on this?

8. PFAS and CECs Updates

PFAS

- BACWA / SFEI moving forward with Phase 3 of the Bay Area PFAS Study
- PFAS Statewide strategy
  - Coalition of WW agencies (CVCWA, CASA, Clean Water SoCal) is reviewing data previously collected from the BACWA Phase 2 study, PFAS Statewide investigative order, other data from So Cal agencies. CDM Smith assisting with this effort.

CECs

- SFEI Regional Monitoring Program (RMP) – Emerging Contaminant Workgroup met in April. See SFEI CEC presentation from BAPPG meeting on August 5 for latest updates.

8. PFAS and CECs Updates

CECs

- SFEI Regional Monitoring Program (RMP) – Emerging Contaminant Workgroup met in April. Wastewater studies to be scheduled for 2026-27+ include:
  - Wastewater nutrient treatment: Co-benefits to removal of Chemicals of Emerging Concern (CECs) (2026 literature review, 2028-29 for sampling)
  - Quaternary Ammonium Compounds (QACs) in wastewater and upstream sources
- See SFEI CEC presentation from BAPPG meeting on August 5.

9. SWRCB Wastewater Needs Assessment

- SWRCB notifications informing agencies of ‘inadequate’ status in August / Agencies responded in September.

- CASA working closely with SWRCB on both these items

Inadequate NPDES Facilities by Region

20
Total facilities
across 6 regions

	R1	R2	R3	R4	R5	R9
Inadequate	6	2	5	2	4	1
Analyzed	27	48	24	25	79	20

Inadequate Collection Systems by Region

79
Total facilities
across 9 regions

	R1	R2	R3	R4	R5	R6	R7	R8	R9
Inadequate	8	13	8	11	29	2	2	3	3
Analyzed	65	128	87	121	320	54	27	78	66

10. Agency Reports

- Recent inspections
- Enforcement actions
- Open forum

11. Announcements and Events

- RMP Annual Meeting October 21 in Berkeley
- Water Quality Trading Webinar October 29
- NST Meeting October 19 hybrid (Zoom and in-person at EBMUD)

11. Next Meeting

- December
- Date and Location TBD, tentative in San Jose/ Santa Clara WWTP as a joint meeting with Lab committee