KEY REGULATORY ISSUE SUMMARY
Updated May 15, 2019

Action items for member agencies are in **bold**

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
NUTRIENTS IN SAN FRANCISCO BAY – SCIENCE			
• San Francisco Bay receives some of the highest nitrogen loads among estuaries worldwide, yet has not historically experienced the water quality problems typical of other nutrient-enriched estuaries. It is not known whether this level of nitrogen loading, which will continue to increase in proportion to human population increase, is sustainable over the long term. • Because of the complexity of the science behind nutrient impacts in the SF Bay, stakeholders in the region are participating in a steering committee to prioritize scientific studies and ensure that all science to be used for policy decisions is conducted under one umbrella.	• For FY19, BACWA is voluntarily contributing an additional $200k to the science program, in addition to the $800K required by the Watershed Permit. The annual contribution will increase to $2.2M in FY20 per the second Nutrient Watershed Permit. • Agencies are conducting effluent monitoring for nutrients under the watershed permit. • Current scientific efforts are focused on expanding monitoring data, modeling, and work exploring the linkage between nutrients, dissolved oxygen, and harmful algal species. • Future studies will be focused on the science needed to inform the development of nutrient load caps for the third Nutrient Watershed Permit.	• Continue to participate in steering committee and planning subcommittee, and provide funding for scientific studies. • **Participate in the Nutrient Technical Workgroup, which is a venue to provide technical input to the process, and is open to the public, as well as the Stakeholder Advisory Group.**	BACWA "Other Useful Nutrient Documents" Page: http://bacwa.org/nutrients/other-useful-nutrient-documents/ SFEI Nutrient Science Plan Documents: http://sfbaynutrients.sfei.org/books/reports-and-work-products

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SF BAY NUTRIENT WATERSHED PERMIT			
• The first nutrient watershed permit was adopted in April 2014. The second Nutrient Watershed Permits was adopted May 8, 2019 with an effective date of July 1, 2019. • The second Nutrient Watershed permit includes: ○ Continued individual treatment plant nutrient monitoring and reporting; ○ Continued group annual reporting; ○ Significantly increased funding for science; ○ Regional assessment of the feasibility and cost for reducing nutrients through nature-based systems and recycled water; ○ Establishing current performance for TIN, and "load targets" for nutrient loads based on 2018 load data plus a 15% buffer for growth and variability ○ Recognition of "early actors" who are planning projects that will substantially decrease TIN loads. • Through the nutrient surcharge levied on permittees, BACWA funds compliance with the following provisions on behalf of its members: ○ Group Annual Reporting ○ Optimization and Facilities Upgrade Studies (first permit term) ○ Regional Studies on Nature Bases Systems and Recycled Water (second permit term) ○ Support of scientific studies through the RMP at $2.2M per year through the five-year permit term.	• BACWA submitted a final report on Nutrient Treatment by Optimization and Upgrade on June 26, 2018. An agency-customizable presentation, and a brochure to educate governing boards and the public were made available to our members. • BACWA and SFEI most recently submitted a science implementation plan and schedule update on February 1, 2019. • All agencies covered by the Nutrient Watershed Permit participated in the first four group Annual Reports, submitted in 2015, 2016, 2017, and 2018. Agencies are now reporting to BACWA via a data sheet developed by the consultant. There will be an updated data sheet distributed to agencies that will account for changes in the monitoring and reporting program in the second Watershed Permit, including the following: ○ The second watershed permit reporting period will now be based on water year, through September 30, instead of permit year, through June 30. ○ Agencies with flows greater than 10mgd are required to conduct influent monitoring. ○ Organic nitrogen and soluble reactive phosphorus are no longer required to be monitored in effluent. • Agencies with plans to substantially reduce nutrients are recognized in 2nd Watershed Permit Fact Sheet.	• **Agencies continue to report nutrient monitoring to the Water Boards through CIWQS and to BACWA via the data sheet, which will be updated with the monitoring and reporting requriements in the second Nutrient Watershed Permit.** • **Agencies with plans to implement projects that will substantially reduce nutrient loads should keep the Regional Water Board and BACWA apprised, to get credit for "early actions".** • Proceed with Regional Study on Nature-based solutions, to be led by SFEI. • Develop RFP for support of Regional Study on nutrient load reductions through recycled water • Begin discussions about development of a Nutrient Trading framework.	Second Nutrient Watershed Permit: https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2019/May/6_ssr.pdf Optimization/Upgrade Study Final Report: https://bacwa.org/wp-content/uploads/2018/06/BACWA_Final_Nutrient_Reduction_Report.pdf Optimization/Upgrade Report Presentation: https://bacwa.org/wp-content/uploads/2019/03/bacwa_brochure_presentation_20190312.pptx Optimization/Upgrade Report Brochure: https://bacwa.org/wp-content/uploads/2019/03/BACWA-2019-Nutrient-Brochure_Final_20190301.pdf BACWA Nutrient Annual Reports: http://bacwa.org/document-category/nutrient-annual-reports/

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CHLORINE RESIDUAL COMPLIANCE			
• The Basin Plan chlorine residual effluent limit is 0.0 mg/L. Chlorine residual is the most frequent parameter for violations for Region 2 POTWs, however, because there are 24 hourly reporting events each day, the "opportunities" for violations are enormous. However, the actual violation rates are infinitesimal (~0.001%). • Agencies are overdosing their effluent with the dechlorination agent, sodium bisulfite, to prevent chlorine violations, a practice which costs more than $1 million regionally each year.	• The Regional Water Board has agreed to work with BACWA to develop a Basin Plan amendment. BACWA has retained consultant support for this effort. • The Scope of Work provided for this effort includes an analysis that will consider the compliance impacts of the following alternatives: ○ Adopting EPA Ambient Water Quality Criteria for chlorine, which would be applied with dilution, and lead to limits with a one-hour average compliance period ○ Establishing a Minimum Level, or Reporting Limit for online continuous monitoring system. This could be implemented via permits without a Basin Plan Amendment.	• Work with the consultant and Regional Water Board to proceed with tasks in the Scope of Work to support the Basin Plan Amendment. • **If necessary, volunteer for field studies to support establishing a Minimum Level or Reporting limit for online continuous chlorine analyzers.**	Basin Plan Amendment support Scope of Work: https://bacwa.org/wp-content/uploads/2018/01/EOA-Inc.-SOW-Budget.pdf
PESTICIDES			
• Pesticides are regulated via FIFRA, and not the Clean Water Act. POTWs do not have the authority to regulate pesticide use in their service area, but may be responsible for pesticide impacts to their treatment processes or to surface water. • Through BAPPG, BACWA aims to proactively support a scientifically sound pesticide management program that will not impact POTWs' primary functions of collecting and treating wastewater, recycling water, and managing biosolids.	• Beginning 2016, EPA has been reviewing the registration of several key pesticides, a task it conducts once about every 15 years. • BACWA has funded consultant support to write comment letters advocating for the consideration of POTW and surface water issues during EPA's risk assessments as part of reregistration. • With chronic toxicity limits likely in the near term, POTWs will be in compliance jeopardy if pesticides contribute to toxicity. • Baywise.org has launched new pages on flea and tick control messaging to residents and veterinarians.	• Continue to comment on pesticide reregistrations. • Work with veterinary associations on messaging with respect to flea and tick control alternatives. • Continue to develop summary of EPA actions on pesticides.	BACWA Pesticides Regulatory Update and Call to action: https://bacwa.org/wp-content/uploads/2016/02/BACWA-Pesticide-Regulatory-Update-2016-1.pdf BACWA Pesticide Regulatory Support Page: https://bacwa.org/document-category/pesticides-regulatory-support/ Baywise flea and tick pages: https://baywise.org/

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MERCURY/PCB WATERSHED PERMIT			
• Mercury/PCB Watershed Permit was reissued on 11/8/17 with 1/1/18 effective date. The Watershed Permit is based on the TMDLs for each of these pollutants. • Aggregate PCB and mercury loads have been well below waste load allocations through 2016. • Method 1668C for measuring PCB congeners has not been promulgated by EPA. Data collected during the first permit term varied widely depending on which laboratory performed the analyses. BACWA Laboratory Committee developed an updated PCB Protocol to reduce variability between laboratories running Method 1668C, effective January 1, 2014. Data have been more consistent since the distribution of this document.	• The new watershed permit reduces monitoring frequencies via Method 1668C for agencies with design flows of less than 50 mgd. It also incorporates the laboratory guidance from the BACWA PCB Protocol. • The permit requires continued risk reduction program funding and annual reporting of effort. BACWA is repeating its grant program that it established as part of the previous permit. In summer 2018, two $25,000 grants have been awarded to APA Family Support Services and the California Indian Environmental Alliance.	• Continue outreach to dentists on amalgam separation through BAPPG and BACWA's pretreatment committee. • Schedule risk reduction presentations by the grantees to BACWA's Executive Board and the Regional Water Board in 2019 or 2020.	2017 Mercury/PCB Watershed Permit: http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2012/R2-2012-0096.pdf Risk Reduction Materials from 2012 Permit term: https://bacwa.org/mercurypcb-risk-reduction-materials/ Updated BACWA PCBs Protocol: https://bacwa.org/wp-content/uploads/2014/02/PCBs-Sampling-Analysis-and-Reporting-Protocols-Dec13.pdf
ENTEROCOCCUS LIMITS			
• In August 2018, the State Water Board adopted new statewide bacteria water quality objectives and implementation options to protect recreational users from the effects of pathogens in California water bodies. The objectives and implementation options are a new part 3 of the Water Quality Control Plan for the SIP and Ocean Plan. • The Objectives were approved by the Office of Administrative Law in February 2019 and by EPA in March 2019	• The new enterococcus objective for saline waters is a six-week rolling geometric mean of enterococci not to exceed 30 cfu/100 mL, calculated weekly, with a statistical threshold value of 110 cfu/100 mL, not to be exceeded by more than 10 percent of the samples collected in a calendar month, calculated in a static manner. • The Regional Water Board has indicated it may grant dilution credit when implementing the new objectives in permits.	• BACWA is working with SFEI to develop and perform a study of background enterococcus levels in the San Francisco Bay. This study will be funded by BACWA and carried out in Summer 2019 and the following wet season in 2019/20.	SWB Bacterial Objective page: https://www.waterboards.ca.gov/bacterialobjectives/

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STATE WATER BOARD TOXICITY PROVISIONS			
• The State Water Board has been working since before 2012 to establish Toxicity Provisions in the SIP that would introduce uniform Whole Effluent Toxicity Requirements for the State • Draft State Toxicity Provisions posted October 19, 2018, would establish: ○ numeric limits for chronic toxicity; ○ use of Test of Significant Toxicity (TST) as statistical method to determine toxicity replacing EC25/IC25 (with concerns it will lead to more false positive results); ○ Regional Water Board discretion on whether to require RPAs for acute toxicity • During individual permit reissuances, the Regional Water Board has been performing RPAs for chronic toxicity and giving chronic toxicity limits to agencies with Reasonable Potential.	• Key issues for BACWA to discuss with the State Water Board reasonable potential analysis methodology, testing schedule, test species variability, and how to establish instream waste concentration for individual dischargers. • BACWA has joined SCAP, CVCWA and NACWA in a lawsuit alleging EPA did not follow proper procedure in requiring use of the TST, which has not been officially promulgated. The lawsuit was dismissed on Statute of Limitation grounds, but the group is filing an appeal. • BACWA contributed to the development of a White Paper, led by CASA, looking at the inherent variability in the *Ceriodaphnia dubia* test method. • BACWA hosted a toxicity workshop for its members in September 2017.	• Meet with State Water Board members and staff to discuss implementation issues prior to the Toxicity Provisions Adoption, anticipated in Spring 2019. • Work with Regional Water Board to come to agreement on details of how the Toxicity Provisions will be implemented in Region 2. • Participate in scheduled State Water Board events: ○ Release of updated Draft Provisions and Staff Report - end of May, 2019 ○ Staff Public Workshops - June 3 and June 24, 2019 ○ Board Workshop - July 2 or 3, 2019 ○ Release of Responses to Comments - July or August, 2019 ○ Adoption - September, 2019	State Board Toxicity Page: http://www.swrcb.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml 2018 Draft Toxicity Provisions: https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/toxicity_draft_provisions.pdf Toxicity Workshop Presentations: https://bacwa.org/bacwa-toxicity-workshop-september-18-2017/ CASA *Ceriodaphnia dubia* White Paper: https://bacwa.org/document/casa-white-paper-on-ceriodaphnia-dubia/ BACWA Comments on Toxicity Provisions: https://bacwa.org/document/bacwa-comments-on-toxicity-provisions-12-21-18/

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COMPOUNDS OF EMERGING CONCERN			
• Pharmaceuticals and other trace compounds of emerging concern (CECs) are ubiquitous in wastewater at low concentrations and have unknown effects on aquatic organisms. • The State Water Board is considering develop a Pilot CECs Monitoring Plan for the State**.** • Region 2's CEC strategy focuses on monitoring/tracking concentrations of constituents with high occurrence and high potential toxicity. Much of what the State Water Board is considering for its Pilot Monitoring Plan is already being implemented in Region 2 through the RMP.	• The Regional Water Board has stated that voluntary participation in RMP CECs studies is key to avoiding State mandates for CECs monitoring. These studies are informational and not for compliance purposes. BACWA has provided RMP with a list of POTW volunteers for effluent monitoring, as needed. • The RMP is currently engaged in a study on microplastics, and was able to obtain adequate POTW participation from BACWA members. • The Ocean Protection Council has finalized its Ocean Litter Prevention Strategy, which includes microplastics. BACWA participated in its development, along with CASA and SCAP.	• **Continue to participate in the RMP CEC Workgroup and solicit agency participation for future studies. They are currently seeking volunteers for a study on enthoxylated surfactants, to be conducted during Summer, 2019.** • Develop a White Paper for use by the RMP in selecting representative POTWs for participation in CEC studies, and develop a proposal for ongoing monitoring. • Work with other Stakeholders to complete Ocean Litter Prevention Strategy Action items.	RMP CEC Workgroup: http://www.sfei.org/rmp/ecwg#tab-1-4 SFEI Microplastics Science Strategy: http://www.sfei.org/documents/microplastic-monitoring-and-science-strategy-san-francisco-bay Final Ocean Litter Prevention Strategy: http://www.opc.ca.gov/webmaster/_media_library/2018/06/2018_CA_OceanLitterStrategy.pdf
SSS WDR REISSUANCE			
• The State Water Board plans to reissue the SSS WDR in 2020. • They have sought out early stakeholder engagement through outreach to CASA and the Regional Associations, and NGOs.	• CASA provided proposed redlines to the SSS WDR on the following items. During two meetings with State Water Board during Fall 2018, staff responded fairly positively to CASA proposals. • The State Water Board held Workshops in April and May 2019 to get feedback on the following: ○ Costs to comply with the order. ○ Regulation of large private sewer systems ○ Improvement of CIWQS data quality ○ Requirement upgrades and enhanced enforcement ○ Potential regulatory incentives for well performing systems	• Comment on draft SSS WDR when available for public comment in late 2019/early 2020.	SWB SSS WDR page: https://www.waterboards.ca.gov/water_issues/programs/sso/ CASA SSS WDR Redlines: https://bacwa.org/document/sss-wdr-casa-redlines-8-29-18/ CASA SSS WDR MRP Redlines: https://bacwa.org/document/casa-sss-mrp-redlines-08-29-18/

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ELAP UPDATE			
• In August 2015, the State Water Board contracted with Southern California Coastal Water Research Project (SCCWRP) to establish and facilitate an Expert Review Panel to conduct an examination of ELAP, California's laboratory certification body. • The Expert Review Panel concluded that ELAP's current regulations are inadequate. The Panel recommended that ELAP adopt the laboratory standard established by The NELAC Institute (TNI) as the most viable option for California. • The Environmental Laboratory Technical Advisory Committee (ELTAC) was established to assist ELAP in technical matters that impact the laboratory community. The committee is composed of representatives from the laboratory community and data users, and have represented the POTW laboratory community during this process. • AB 1438 was signed into law on Sept 28, 2017 and became effective January 1, 2018. The bill sets the stage for ELAP to adopt TNI standards	• Third Preliminary Draft Regulations that included adopting the TNI standard for laboratories were released for public comment on December 2018. • Adopting TNI standards will pose a challenge since there are more than 1000 individual requirements in the full document. Initial costs may include ○ hiring staff to handle TNI-related paperwork; ○ hiring consultants to setup the TNI documentation framework; ○ purchasing Laboratory Information Management System (LIMS) software; ○ purchasing documents and training material from TNI, etc. • The new standards could be a particular burden on small municipal laboratories, which may choose to close if they cannot economically meet the new standards. • BACWA worked with CASA and CWEA, and signed onto CWEA's comment letter on the previous preliminary draft regulations. • BACWA signed onto a Summit Partners letter recommending that ELAP adopt dual accreditation routes. A group of laboratories have been working on a subcommittee to develop a California-specific QMS. While the majority of ELTAC members voted for a dual-track system, ELAP will not move forward with it unless the vote in favor is unanimous.	• Work with other Regional and Statewide associations to encourage ELAP to consider a California-specific QMS as an alternative certification track. • Comment on next draft of regulations, expected in August, 2019 • Work through BACWA's Laboratory Committee to explore ways to mitigate the burden of the new requirements, once adopted.	State Water Board's ELAP page: http://www.waterboards.ca.gov/drinking_water/certlic/labs/elap_regulations.shtml CWEA Comment letter: http://cweawaternews.org/cwea-submits-comment-letter-on-elap-preliminary-draft-regulations/ CASA Comment Letter: https://bacwa.org/document/casa-comments-preliminary-draft-elap-regulations-09-06-17/ Summit Partners Letter on dual accreditation: https://bacwa.org/wp-content/uploads/2018/09/9-6-18-Summit-Partners-ELAP-State-System.pdf

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PHASE-OUT OF BIOSOLIDS AS ALTERNATIVE DAILY COVER			
• Regulatory drivers are indicating that biosolids used as alternative daily cover (ADC) or disposed in landfills will be phased out: ○ AB 341 set a goal to recycle 75% of solid waste by 2020 and CalRecycle's plan to achieve that goal called for a marked, but unquantified, reduction of organics to landfills. ○ SB 1383, adopted in September 2016 requires organics diversion: -50% by 2020 (relative to 2014) -75% by 2025 (relative to 2014) ○ In 2020, CalRecycle will count green waste as disposal (per AB 1594), rather than diversion, even when used as ADC.	• While the regulations don't explicitly forbid biosolids disposal/reuse in landfills, it is assumed that since biosolids are a relatively "clean" waste stream that can be diverted, landfills will stop accepting biosolids. • In 2016, BACWA conducted a survey and found that >50 percent of dry solids in the region are being used as ADC. At that time, most agencies did not have a contingency plan in case ADC is phased out as a beneficial use alternative. In the 2018 survey, more agencies are reporting that they are developing plans for the phase-out. • Proposed regulations were posted on January 18, 2019, followed b y a 45-day comment period. CalRecycle Plans to adopt final regulations implementing SB 1383 in January 2020. . The regulation will become effective in 2022, and enforceable in 2024. Issues of concern are: ○ Diverted biosolids must be anaerobically digested and/or composted to qualify as landfill reduction ○ Language could be construed as disallowing other treatment technologies and management other than land application ○ Narrow list of eligible recovered products that meet procurement requirements Procurement of biosolids/renewable natural gas	• Consider ways to build a market for compost and other soil amendment products made from biosolids, using lessons learned in the Pacific Northwest and Midwest. • Actively work through CASA with California Air Resource Board, CalRecycle, State Water Resource Control Board, and California Department of Food and Agriculture to mutually develop sustainable long-term options for the beneficial use of biosolids. • Follow efforts of the BABC, investigating all-weather options for biosolids management (including innovative technologies generating energy and other useful bioproducts from biosolids). BABC will be a BACWA Project of Special Benefit, beginning in FY20. • Participate in BAAQMD's Methane Expert Panel to educate their staff on how to address implementation of SB 1383 at the Air District level.	BACWA 2016 Biosolids Trends Survey Report: https://bacwa.org/wp-content/uploads/2017/08/BACWA-2016-Biosolids-survey-report.pdf 2018 BACWA Biosolids Survey: https://www.surveymonkey.com/r/7Q3PDY9 CASA White Paper on Biosolids Use in Landfills: https://bacwa.org/wp-content/uploads/2017/01/1-11-17-Sustainability-for-biosolids-use-at-landfills.pdf BABC page: http://www.bayareabiosolids.com/ CASA Comments on proposed SB 1383 Implementation Regulation: https://casaweb.org/wp-content/uploads/2015/12/2.28.19-CASA-Comments-SB-1383-Regs.pdf

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CLIMATE CHANGE MITIGATION			
• CARB's Climate Change Scoping Plan lays out the approach for the State to meet its greenhouse gas (GHG) emissions reduction targets through 2020 and goals through 2050. The 2030 Target Scoping Plan Update states additional policies are needed to achieve GHG levels 40% below 1990 levels by 2030, addressing: ○ Short-lived climate pollutants (i.e., methane) ○ Carbon sequestration on Natural and Working Lands ○ Largest emitters (transportation, electricity, and industrial sectors) • SB 1383 (Short-Lived Climate Pollutant Reduction) calls for: ○ 40% methane reduction by 2030 ○ 75% diversion of organic waste from landfills by 2025 ○ Policy development encouraging production/use of biogas • BAAQMD developed a Clean Air Plan that requires GHG emissions reduction on track with CARB's 2030 and 2050 targets.	• CARB states POTWs are part of the solution for reducing fugitive methane, and encourages diversion of organics to POTWs to use excess digester capacity and produce biogas for use as transportation fuel. However, diversion also includes biosolids used as ADC. • Many POTWs are exploring energy generation, but BAAQMD toxic air emissions regulations make waste to energy programs more expensive. Direct injection of biogas to PG&E's pipelines or use as a transportation fuel for fleet vehicles may be more efficient. However, OSHA's PSM Standards, triggered by use of biogas offsite (if managing over 10,000 lbs of biogas onsite), may cause pipeline injection to be cost-prohibitive. • CARB aims to develop nitrous oxide emission estimates and/or emission factors for POTWs. Their research plan identified oxidation ditches as a typical treatment process. To correct this, CASA collected information on treatment processes used throughout California and is analyzing the data to inform CARB's state inventory. • BAAQMD released draft Rule 13-1 Significant Methane Releases, October 5. The purpose of the rule is to compel facilities to mitigate major releases rapidly, and will act as backstop while source-specific rules are adopted.	• Work with CASA to look for opportunities for POTWs to help the State meet GHG reduction goals. CASA is helping SWRCB collect information on excess digester capacity at POTWs. • Look for opportunities to inform BAAQMD on the opportunities and challenges for climate change mitigation by Bay Area POTWs. • Work with PG&E and BAAQMD to explore options for POTWs to inject biogas into PG&E pipelines. Note: CASA has been discussing the barriers to pipeline injection with CPUC staff and they have proposed reducing their standard from 990 Btu/scf to 970 Btu/scf. • Engage in development of Rule 13-4, which will control emissions from anaerobic digesters. Continue to work with BAAQMD staff to provide information and education about anaerobic digesters and POTW operations.	Climate Change Scoping Plan: https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf CARB Short Lived Climate Pollutant Reduction Strategy: https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf SB 1383: http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_1351-1400/sb_1383_bill_20160919_chaptered.htm BAAQMD Clean Air Plan: http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans BAAQMD Rule 13-1: http://www.baaqmd.gov/rules-and-compliance/rule-development/rules-under-development/regulation-13-rule-1 BACWA Comments on Rule 13-1: https://bacwa.org/document/bacwa-comment-on-baaqmd-rule-13-1-11-13-18/

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CLIMATE CHANGE ADAPTATION			
• In 2017, the State Water Board adopted a Climate Change Resolution addressing mitigation and adaption. One of the requirements is that Regional Water Boards will make recommendations to the State Water Board on the need to modify permits and other regulatory requirements to reduce vulnerability of water and wastewater infrastructure to flooding, storm surges, and sea level rise. • The Regional Water Board identified Climate Change and Wetland Policy Update as the highest priority Basin Planning project in their 2018 Triennial Review.	• The State Water Board is planning a data request that they will send to all collection systems and POTWs in the State to better understand to what extent agencies are performing climate change vulnerability assessments. They plan to use this information to determine the need for funding assistance or permit requirements for climate change planning. • The Regional Water Board hosted a workshop on its Wetlands Policy 94-086 on August 14 and solicited stakeholder input on potential revisions to the Policy. • BACWA provided the Regional Water Board staff specific case studies of wetlands projects that are being considered as well as written comments regarding Policy revisions that would help incentivize the development of wetlands projects by wastewater agencies, and reduce permitting hurdles.	• Work with Summit Partners to improve that State Water Board's data request on climate change planning, so they get the information they as effectively as possible. • Continue to work with Regional Water Board to look for regulatory solutions to encourage wetlands projects for shoreline resiliency.	State Water Board 2017 Climate Change Resolution: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/rs2017_0012.pdf Regional Water board Wetlands Policy Page: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/climate_change/wetland_policies.html BACWA Comments on Wetlands Policy: https://bacwa.org/wp-content/uploads/2018/09/BACWA-comments-Wetland-Policy-9-14-18.pdf

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TOXIC AIR CONTAMINANTS AND BAAQMD Rule 11-18			
• Regulation 11, Rule 18 (Rule 11-18), adopted November 15, 2017, is BAAQMD's effort to protect public health from toxic air pollution from existing facilities, including POTWs. • Per the Rule, BAAQMD will use toxic emissions inventories and proximity to the nearest receptor (residents or offsite workers) to conduct site-specific Health Risk Screening Analyses (HRSA). From these HRSAs, BAAQMD will determine each facility's prioritization score (PS). BAAQMD will conduct Health Risk Assessments (HRAs) for all facilities with a cancer PS>10 or non-cancer PS>1.0. After verifying the model inputs, if the facility still has PS above that threshold, that facility would need to implement a Risk Reduction Plan that may include employing Best Available Retrofit Control Technology for Toxics (TBARCT). • AB 617 requires air districts to review the emissions control technology installed on pollution sources located at uncovered POTWs rated at greater than 5 mgd.	• BACWA developed a White Paper on the Rule to describe its potential impacts on the POTW community. • In response to a request by BAAQMD, the AIR Committee delivered a letter report summarizing specific challenges that POTWs would face in complying with the rule due to budgeting and planning constraints related to being public agencies. • In response, BAAQMD moved all POTWs to Phase 2 to give sufficient time to update the model's inputs, and plan for emissions reduction or TBARCT, as needed. Phase 2 begins in 2019-2020 with the development of HRAs for facilities with a cancer PS>10 or non-cancer PS>1.0. • AIR Committee gathered data on proximity factors from each facility and submitted to BAAQMD for updating prioritization scores. • Best Available Retrofit Control Technology (BARCT) Implementation Schedule for industrial Cap-and-Trade facilities was adopted by BAAQMD's Board of Directors at a public hearing on December 19, 2018.	• **Agencies should update emissions inventory values and verify emission calculations methodology with permit engineer, then update concentration data as appropriate.** • Monitor progress of 11-18 Phase 1 implementation via participation in the Working Group. • Track AB 617 regulation development.	BAAQMD Rule 11-18 page: http://www.baaqmd.gov/rules-and-compliance/rule-development/rules-under-development/regulation-11-rule-18 Rule 11-18 Process Flowchart: https://bacwa.org/document/baaqmd-11-18-process-flowchart-08-17-17/ BACWA White Paper: https://bacwa.org/wp-content/uploads/2017/01/11-18-White-Paper_final-2.pdf BAAQMD page on AB 617: http://www.baaqmd.gov/rules-and-compliance/rule-development/barct-implementation-schedule

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
RECYCLED WATER GENERAL ORDER			
• In response to the Governor's proclamation of a Drought State of Emergency, the State Water Board adopted a General Order on June 3, 2014 to streamline permitting for recycled water. The State Water Board reissued the General Order on June 7, 2016, making enrollment mandatory for Regional Permittees. • In May 2018, the State Water Board released Recycled Water Policy Amendments for Public Comment. The Recycled Water Policy governs the Recycled Water General Order. • The Amendments were adopted in December 2018.	• Key issues in the Recycled Water Policy Amendments are: ○ Introduces goal to increase recycled water where wastewater is otherwise discharged to ocean, bays, and estuaries. ○ Terminates Region 2 96-011 Recycled Water General Order three year after Policy Amendment adoption. ○ Adds to the procedural burdens in obtaining Wastewater Change Petition. ○ Removes requirement for priority pollutant monitoring. • SF Regional Water Board is considering transitioning all 96-011 permittees to the State General Order in a single regulatory action. • Note that the State General Order does not cover recycled water production. However, the Regional Water Board is considering a strategy of making the regulatory connections in the NOA, including the following: ○ Title 22 Engineering Report and Report of Waste Discharge references, and include the requirement of operating in accordance with the information provided in these documents; ○ Section in the Notice that lists the associated NPDES permits where applicable; and ○ Monitoring requirements required to determine compliance with Title 22.	• Continue to work with Regional Water Board on a strategy for transitioning 96-011 permittees to the State General Order and ensure that coverage is not interrupted.	2016 State Recycled Water General Order: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2016/wqo2016_0068_ddw.pdf State Recycled Water Policy Amendment Page: https://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/index.html#amendment BACWA comments on Recycled Water Policy Amendments: https://bacwa.org/wp-content/uploads/2018/06/BACWA-RW-Policy-comments-6-26-18.pdf

“Parking lot” issues with no updates can be found in previous BACWA issues summaries.

ACRONYMS

ADC	Alternate Daily Cover
BAAQMD	Bay Area Air Quality Management District
BTU/SCF	British thermal units per standard cubic foot
CARB	California Air Resources Board
CASA	California Association of Sanitation Agencies
CEC	Compound of Emerging Concern
CIWQS	California Integrated Water Quality System
CVCWA	Central Valley Clean Water Agencies
CWEA	California Water Environment Association
EC25/IC25	25% Effect Concentration/25% Inhibition Concentration
ELAP	Environmental Laboratory Accreditation Program
ELTAC	Environmental Laboratory Technical Advisory Committee
EPA	United States Environmental Protection Agency
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FY	Fiscal Year
GHG	Greenhouse Gas
HRSA	Health Risk Screening Analyses
HRA	Health Risk Assessment
NACWA	National Association of Clean Water Agencies
NELAC	National Environmental Laboratory Accreditation Conference
PCB	Polychlorinated Biphenyl
POTW	Publically Owned Treatment Works
PS	Prioritization Score
QMS	Quality Management System
RMP	Regional Monitoring Program
RPA	Reasonable Potential Analysis
SCAP	Southern California Alliance of POTWs
SF Bay	San Francisco Bay
SFEI	San Francisco Estuary Institute
TMDL	Total Maximum Daily Load
TIN	Total Inorganic Nitrogen
TNI	The NELAC Institute
TST	Test of Significant Toxicity