Nutrient Strategy Team
December 3, 2020 Meeting Summary

ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Lori Schectel (Central Contra Costa Sanitary District); Amit Mutsuddy (San Jose); Eileen White (East Bay Municipal Utility District); Jacqueline Zipkin (East Bay Dischargers Authority); Jennie Pang (SFPUC).

Other Attendees:

Name	**Agency/Company**
Lorien Fono	BACWA
Mary Cousins	BACWA
Blake Brown, Mary Lou Esparza, Dan Frost, Melody LaBella, Amanda Cauble	CCCSD
Amanda Roa	Delta Diablo
Don Gray	EBMUD
Tom Hall	EOA
Talyon Sortor	FSSD
Karin North, Samantha Engelage	Palo Alto
Eric Dunlavey	San Jose
Azalea Mitch	San Mateo
Nohemy Revilla	SFPUC
Melody Tovar, Cameron Kostigen Mumper	Sunnyvale
Armando Lopez, Tim Grillo, Connie Li	USD
Jennifer Harrington	Vallejo Flood & Wastewater District

BACKGROUND

BACWA ED presented background information about the various nutrient-related committees that currently meet, the members of each committee, and how member agencies can become involved.

LOAD CAPS IN THE 3RD WATERSHED PERMIT

The primary purpose of the meeting was to gauge member agency positions on whether to support the inclusion of load caps in the 3rd Watershed Permit. These load caps would not be based on the ongoing science work to assess the assimilative capacity of the Bay, but would instead have their basis in a 'Regulatory Management Decision' and justified by antidegradation policy. The inclusion of load caps is strongly favored by the Regional Water Board, based on their May 2020 vision document.

There was a lengthy discussion regarding considerations for determining whether load caps would be acceptable in the 3rd Watershed Permit:

- Several participants felt that it is too soon to make a determination about whether the caps might go up or down once the Bay's assimilative capacity has been determined. Since that estimate is not done, no assumption about the direction of change should be included in the permit (i.e., it should *not* be presumed that load caps would go down in the future, but would never go up).

- A major factor for consideration is whether or not the load caps can be crafted in a way that allows compliance. This will be determined by the date the load caps come into effect, trading and subembayment definitions, and whether the load caps will be flexible to increase for certain reasons (such as co-digestion).

- Cost is a major factor. The 'Regulatory Management Decision'-based load caps would, ideally, not trigger new major capital improvements strictly for compliance reasons. At the same time, the load cap framework should validate the decision of some agencies to pursue nutrient removal projects, as these early actors are providing for compliance on a regional scale.

- Record-keeping of planned and implemented projects to reduce nutrient loading (cost, mass of nutrients removed, etc.) will likely become important. This information should be included in future Annual Reports.

- There was support for Regulatory Management Decision-based load caps among member agencies present, but only with the caveats that they be implemented carefully; we should proceed with caution to ensure that the benefit to the Bay justifies the cost.

- Test-driving the implementation of load caps using simulations could be helpful for member agencies to understand how they would work.

EXTENDING THE 2ND WATERSHED PERMIT

BACWA ED discuss the pros and cons of administratively extending the 2nd Watershed permit one to two years past its current expiration date. The cost of funding the science program is a consideration in this decision.

NEXT STEPS

The group noted the discussion will continue at the December 18th Executive Board meeting, which will include presentations about nutrient trading and subembayment designations.