Permits Committee –
Report to BACWA Board

Permits Committee Meeting on: June 13, 2023
Executive Board Meeting Date: July 21, 2023
Committee Chair: Amanda Roa, Delta Diablo

Committee Request for Board Action: None
Regular meeting: 19 attendees via Zoom, representing 12 member agencies

Statewide Toxicity Provisions
USEPA approved the Statewide Toxicity Provisions on 5/1/23. USEPA has not yet approved the Alternative Test Procedures. Until the Alternative Test Procedures are approved, Regional Water Board staff have advised dischargers to run the full five-concentration test per the USEPA-approved chronic toxicity testing methods. Refer to the toxicity testing methods for additional guidance.

Tentative Orders

- The Pinole Tentative Order (now finalized as Order R2-2023-0008) contains the most recent version of template language implementing the Statewide Toxicity Provisions in Region 2.
- The Burlingame Tentative Order has an effective date of 1/1/24, which means the statewide Ceriodaphnia toxicity testing quality assurance project will be complete before effluent limitations go into effect. Separately, this permit no longer requires tasks to reduce blending, because the plant rarely does so.
- Lower South Bay dischargers noted that recent permit reissuance letters have requested information about sea level rise planning ("Provide any updates for climate change preparedness not covered under your 2021 Climate Change Questionnaire response.") and salt marsh conversion (applicable only to Lower South Bay).

Chlorine Blanket Permit Amendment
In late May, the Regional Water Board released an administrative draft blanket permit amendment for residual chlorine and for oil & grease. This permit contains identical effluent limitations to those previously developed under a 2021 blanket permit amendment that never went into effect (Order R2-2019-0019). BACWA provided minor comments on the draft permit to the Regional Water Board in June. The draft permit is being concurrently reviewed by USEPA, and there may still be concerns about effects on sensitive species.

New Basin Plan Amendment
On July 10, Regional Water Board staff will host a CEQA scoping meeting and public workshop to discuss a Proposed Basin Plan Amendment to Address NPDES Permitting Needs. The proposed Basin Plan Amendment (BPA) would help facilitate water recycling projects and will include the following elements:

1. Correct errors in freshwater objective equations for metals to be consistent with the CTR (in Table 3-4 footnotes for chromium (III), copper, lead, nickel, silver, and zinc are actually for calculating the objectives in total metals while the table is meant to list the objectives in dissolved metals.);
2. Add text to allow individual NPDES permits to contain alternative cyanide dilution credits and mercury concentration triggers to address potential effluent quality changes due to reverse osmosis concentrate from water recycling projects;
3. Allow consideration of other applicable policies beyond the State Implementation Policy when developing dilution credits for non-priority pollutants. Dilution for chronic toxicity is already addressed in the Statewide Toxicity Provisions, but this change would be applicable to ammonia (and potentially other pollutants).

PFAS Update
Results from Phase 2 of BACWA's regional PFAS study are undergoing final QA/QC review and will be shared with study participants soon. The influent, effluent, and biosolids results will be uploaded to Geotracker in July. The final report will be prepared by early 2024, with a draft available in late 2023.

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 – must be finalized by July 1. BACWA is asking members to provide a sign-off letter certifying acceptance of each of the two reports by June 22.
- 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. The current concept proposed by the Regional Water Board is for the permit to contain interim limits that are effective immediately and "final limits" that become effective after 10 years. The 10-year clock could be modified in subsequent permits if the "final limits" become more stringent, so the term "final" applies to a specific permitting action.
- NMS stakeholders have met to discuss modeling scenarios needed to support the 3rd watershed permit. A technical team will be meeting every 2-4 weeks to discuss progress on modeling. The current plan is to complete a 2022 Water Year model and use it for testing various nutrient reduction scenarios.

Next Permits Committee Meeting: August 8, 2023, 12:30 PM via Zoom