



EAST BAY DISCHARGERS AUTHORITY  
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*A Joint Powers Public Agency*

NOTICE: In compliance with AB 361 (2021), the meeting scheduled below will be conducted virtually via Zoom video conferencing.

- Members of the public may participate in the meeting by clicking on the following Zoom link: <https://us02web.zoom.us/j/83506899576>
- You may also participate via telephone by dialing 1(669) 900-6833 and entering Meeting ID number 835 0689 9576.

### ITEM NO. 11

## REGULATORY AFFAIRS COMMITTEE AGENDA

Wednesday, February 15, 2023

12:00 P.M.

East Bay Dischargers Authority  
2651 Grant Avenue, San Lorenzo, CA 94580

Committee Members: Lathi (Chair); Johnson

- RA1. **Call to Order**
- RA2. **Roll Call**
- RA3. **Public Forum**
- RA4. **EBDA NPDES Compliance – See Item No. OM4**  
(The Committee will review NPDES Permit compliance data.)
- RA5. **NPDES Annual Report**  
(The Committee will review the Authority’s Annual Report submittal.)
- RA6. **Nutrients Watershed Permit Update**  
(The Committee will review the regional annual report published by the Bay Area Clean Water Agencies.)
- RA7. **BACWA Key Regulatory Issues Matrix**  
(The Committee will review BACWA’s issue summary.)
- RA8. **Reporting Checklist**  
(The Committee will review a checklist of completed regulatory reporting items.)

**RA9. Motion Authorizing the General Manager to Execute Amendment No. 2 to the Contract with Ascent Environmental for CEQA Consulting Services for the Cargill Mixed Sea Salt Brine Discharge Project in the Amount of \$63,500, for a Total Not to Exceed Amount of \$556,555**

(The Committee will consider the motion.)

**RA10. Adjournment**

Any member of the public may address the Committee at the commencement of the meeting on any matter within the jurisdiction of the Committee. This should not relate to any item on the agenda. Each person addressing the Committee should limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Committee on any agenda item should do so at the time the item is considered. Oral comments should be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available and are to be completed prior to speaking.

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administration Manager at (510) 278-5910 or [juanita@ebda.org](mailto:juanita@ebda.org). Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are also posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>

**The next Regulatory Affairs Committee meeting is scheduled on  
Wednesday, April 19, 2023 at 11:00 a.m.**

**ITEM NO. RA5 NPDES ANNUAL REPORT**

**Recommendation**

For the Committee's information only; no action is required.

**Background**

Each year at the end of January, EBDA is required by its NPDES permit to submit an annual report. The report provides a compendium of the status of EBDA's facilities, major projects undertaken by the Member Agencies, and discharge quality.

**Discussion**

EBDA's Annual Self-Monitoring Report is attached for the Commission's information. After reviewing the report, EBDA's permit engineer at the Regional Water Board, James Parrish, emailed the following:

Once again, I wanted to acknowledge EBDA's 2022 Annual Report. I really appreciate the summary of new information each year; it's well organized, informative, and convenient to have everything in one place for the Water Board to refer to and see how much EBDA is doing every year. I'm sure the other member agencies had a part in helping you compile the information, so this acknowledgement extends to all of them as well. I also genuinely appreciate all the work you and staff with EBDA and the member agencies do each year to operate well-run facilities and stay proactive and engaged with innovative projects (like the First Mile Project).

# 2022 NPDES SELF-MONITORING PROGRAM ANNUAL REPORT

NPDES PERMIT NO. CA0037869

East Bay Dischargers Authority  
City of San Leandro  
Oro Loma Sanitary District  
Castro Valley Sanitary District  
City of Hayward  
Union Sanitary District

January 30, 2023



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## Section 1: Comprehensive Discussion of Treatment Plant Performance and Compliance

EBDA's reissued permit was adopted in July 2022 and took effect September 1, 2022. EBDA has maintained consistent compliance with all provisions and effluent limits.

Major milestones and construction projects completed at the EBDA member treatment plants included the following:

- Oro Loma/Castro Valley Sanitary Districts (OLSD/CVSan)
  - Installed new washer compactor units (2) to replace existing grinder units (2) at the headworks in Spring of 2022. Screened material is being removed and hauled offsite.
  - Continuing to operate a full scale sidestream nitrification process using Microvi's biocatalyst. As constructed, approximately 100,000 gpd of belt press filtrate will be treated each day. The sidestream contains approximately 17% of the total influent nitrogen. To date, the process reduces ammonia concentrations by 70%. Staff continues to work to improve the performance with a 90% removal target. The process is designed to reduce ammonia to nitrite or nitrate, which is readily available for denitrification in the mainstream process.
  - Much of the Oro Loma Sanitary District's Capital Program spending has shifted to the collection system. The District is approximately 30% complete with its goal to replace 40 miles of sewer pipe by 2029 at an approximate cost of \$60M. The District has completed one of ten planned contracts in 2022 with four currently actively in construction and expects to award two more in 2023.
- Union Sanitary District (USD)
  - Construction of the first phase of the Enhanced Treatment and Site Upgrade Program, which includes nutrient removal options in the future has begun. The construction for phase 1a and for phase 1b has commenced. Phase 1a will modify the existing aeration basins, add an 8th aeration basin, and relocate existing administrative buildings to allow for phase 1b to be built. Phase 1b will construct new secondary clarifiers and new effluent pump station.
  - Digester #7 construction is completed and in service.
  - New Standby Generator system is currently under construction will be completed in 2025, barring any unforeseen construction delays.
- City of Hayward
  - Recycled water membrane treatment system was permitted by the Division of Drinking Water (DDW) and put in service during the first quarter of 2022. The system is capable of treating up to 500K gallons per day and the pump

station is capable of pumping up to 5 million gallons per day. The anticipated initial demand was expected to be around 300k gallons of recycled water per day to neighboring businesses and parks.

- The Headworks project was completed in 2021. This involved major reconstruction of the headworks building along with replacing the influent grinders with bar screens which will help protect the downstream plant equipment and processes. In 2022 the air handling system and a new Ferric Chloride dosing station were completed along with the construction of the biofilter. We are working with the contractor to install a dewatering system for the foul-air line, so it can convey the specified volume of air to the biofilter.
- The 12KV Switch Gear replacement project was awarded to Carollo in late 2021, and final designs were completed in the spring of 2022. The project went to bid and was awarded in summer of 2022. Due to lead times on electrical components, construction is scheduled to begin in late 2023.
- The Nutrient Management Upgrades and Administration Building project was awarded to Brown and Caldwell in August of 2022. Planning and design began in the Fall of 2022 with an expected 2-year timeline for completion.
- City of San Leandro
  - Pending BAAQMD permit approval and analysis of the financial viability of the project, designs for a “micro-grid” battery system to provide peak shaving and other energy efficiency improvements are approaching completion, and work will begin in Spring 2023.
  - The Treatment Wetlands project is undergoing a modification to the original design. The NPDES permit has been issued, and other permits are pending CEQA, which will be completed in 2023. Construction will begin in 2024, pending funding approval. Installation of a pilot version of MABR nitrification units is planned for summer 2023.
  - Kickoff of a capital improvement planning project will begin in 2023, with expected completion in early 2024.
  - On the afternoon of December 31, 2022, the City bypassed approximately 300,000 gallons past the secondary treatment process to prevent severe damage to electrical pumping equipment. This was a result of the severe storm event that caused unprecedented flows that overwhelmed the primary and secondary processes and eventually the site drain system, causing a dangerous flood in the effluent pumping station. If the decision to bypass had not been made, the effluent pumping equipment may have been submerged and stopped functioning. The permit and 40 CFR 122.41(m)(4) allow bypasses under limited circumstances, including where there are no feasible alternatives during peak wet weather flow. This incident was further detailed to the Regional Water Board in a report dated January 17, 2023.

- A targeted I&I reduction study is planned for the 2023-24 rainy season in low lying areas with excessive rain-related flow, with more widespread studies to follow.

EBDA's major projects in 2022 included the following:

- EBDA continues to implement its Asset Management Plan to ensure appropriate renewal and replacement of infrastructure. The estimated total restoration cost over 20 years is approximately \$11.3 million. This includes \$420,000 annually through 2030 (for a total of \$4.2 million) that EBDA is contributing for capital improvements to the Union Effluent Pump station, per EBDA's Amended and Restated Joint Powers Agreement.
- In 2022, EBDA made significant improvements to the main electrical switchboard at the Oro Loma Effluent Pump Station (OLEPS). All breakers in the main electrical switchboard, including the main breaker, were replaced. Upgraded power monitoring equipment was also installed, that will allow OLEPS instantaneous power usage to be displayed on EBDA's SCADA system.
- EBDA went out to bid for the Hayward Effluent Pump Station (HEPS) Pump Replacement project. This project to replace all four pumps and motors was awarded in January 2023.
- EBDA initiated a project to replace the roofs on the EBDA Office Building, the Marina Dechlorination Facility (MDF) SBS Storage Building, and OLEPS. Work is underway and will be completed in Spring 2023.
- EBDA continued its key role in the Transforming Shorelines Project. This project, funded by an EPA Water Quality Improvement Fund grant, includes design of a full-scale horizontal levee south of Oro Loma ("First Mile" project), continued research at Oro Loma's horizontal levee pilot, advancement of pilot wetlands projects at San Leandro and Hayward, and building capacity for nature-based solutions among Bay Area wastewater agencies. In close coordination with East Bay Regional Park District, Hayward Area Shoreline Protection Agency, and San Francisco Estuary Partnership, EBDA has been managing the First Mile and Hayward projects. In 2022, the First Mile team developed a Design Decisions Memo, the first step toward preliminary design. The team also hosted a site tour and received valuable feedback from the Bay Restoration Regulatory Integration Team (BRRIT). A parallel process to engage the BRRIT's Policy Management Committee on regulatory challenges associated with horizontal levees and other multi-benefit projects has also been launched. The goal is to use the First Mile project as a case study to work through regulatory and other barriers to multi-benefit shoreline project implementation. The team also completed a high-level Feasibility Study for treatment wetlands and a horizontal levee at the Hayward Water Pollution Control Facility. Further feasibility assessment is being carried forward in 2023 as part of the City of Hayward's nutrient upgrade design.
- In late 2021, EBDA started a project to update programming and automation associated with sodium bisulfite (SBS) dosing at the Marina Dechlorination Facility (MDF). These updates are needed to implement the change to EBDA's effluent

limit for total residual chlorine (TRC), which was adopted as a blanket permit amendment by the Regional Water Board in October 2021. The new TRC effluent limit is expected to reduce SBS usage by approximately 85%, or a \$200,000 budgetary savings. The remainder of this project was put on hold in 2022 while EBDA awaits approval of the Basin Plan Amendment by EPA.

- EBDA has been working closely with Cargill, Inc. to develop a project that would deliver mixed sea salt brine from Cargill’s solar salt ponds in Newark to EBDA’s transport system for dilution and discharge. In 2022, Cargill and EBDA continued work to develop strategies to mitigate potential acceleration of corrosion induced by the brine addition. The team developed a schedule and cost estimate for protective measures at the Marina Dechlorination Facility as well as pipeline appurtenances. Work also progressed on a monitoring plan to assess corrosion in the conveyance system. The team also continued work on assessing the water quality of the brine-effluent blend and a sampling plan to ensure continued compliance with the NPDES permit. Lastly, the team developed a Draft Environmental Impact Report for the project, which was released in early January 2023 and is available here: <https://ebda.org/projects/cargill-partnership/>
- EBDA’s Member Agencies recycled approximately 821 million gallons in 2022, a 44% increase over 2021. The increase is primarily attributed to the operation of the Russell City Energy Center (RCEC), which resumed larger scale recycled water deliveries from the City of Hayward. For consistency with recycled water totals submitted through GeoTracker, the totals presented below include in-plant reuse. Also of note, there was no discharge to the Hayward Marsh again in 2022, and the permit for this discharge was revoked.

As shown in the following table, including the LAVWMA agencies, water recycling accounted for more than 3.1 billion gallons, about 14% of EBDA’s outfall discharge last year of approximately 22.2 billion gallons. Overall, this is consistent with last year’s totals and ratio.

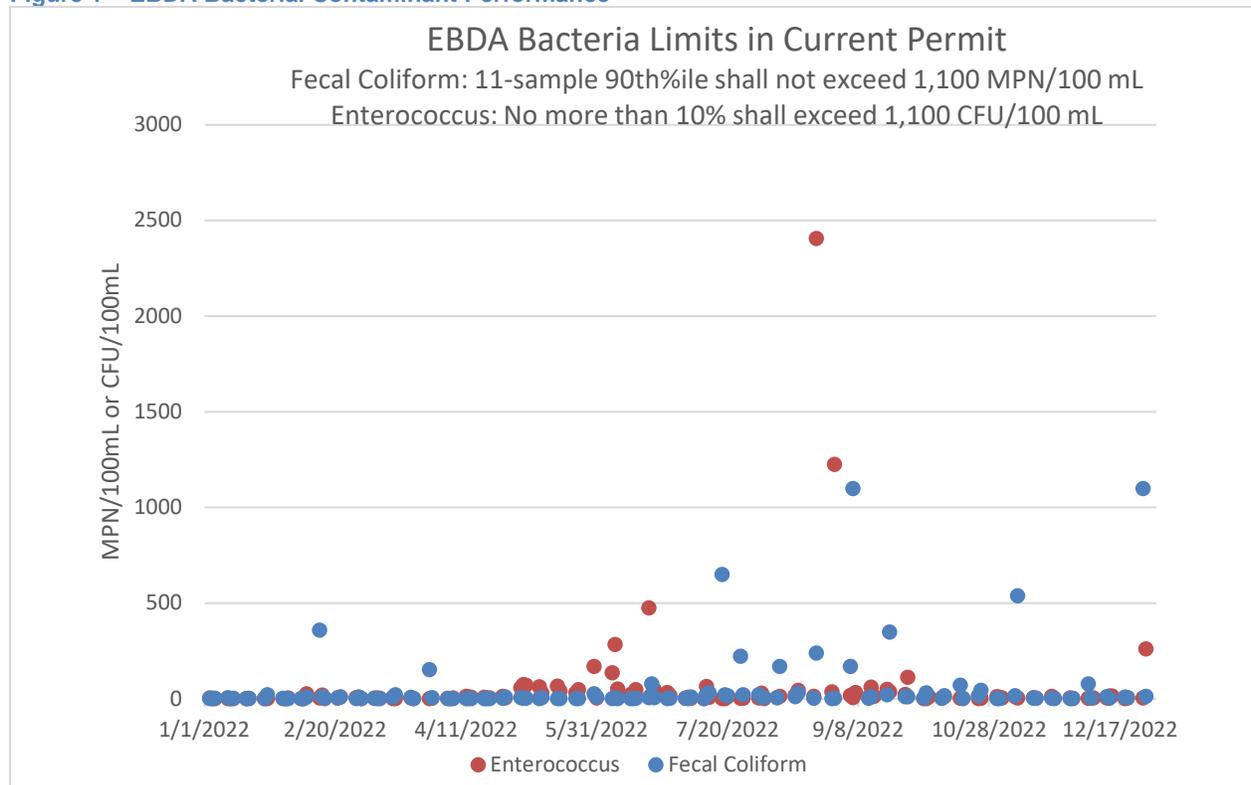
<i>Agency</i>	<i>2021 Recycled Water Production (MG)</i>	<i>2022 Recycled Water Production (MG)</i>
Hayward	129	345
San Leandro	89	94
EBDA Skywest Project	12	10
Oro Loma Sanitary District	18	18
Union Sanitary District	323	354
<b>EBDA Subtotal</b>	<b>571</b>	<b>821</b>
USD Hayward Marsh	0	0
<b>EBDA Total</b>	<b>571</b>	<b>821</b>
Livermore	706	636
Dublin San Ramon Services District (DSRSD)	1872	1733
<b>LAVWMA Total</b>	<b>2578</b>	<b>2368</b>
<b>Grand Total</b>	<b>3149</b>	<b>3190</b>

### Bacterial Compliance

The chart that follows presents pathogen data from samples through the year. Note that permit limits are calculated as monthly geometric means or monthly 90%ile samples. Sporadically, at random intervals, a high sample can be detected. This outcome is probably due to the sloughing of pipe biofilms into the sample line. These non-representative events are why permit compliance is determined by geometric means.

EBDA and its member agencies worked hard over the past few years to improve chlorine dosing to prevent periodic increases in bacterial contamination, which had occurred in prior years. This increased attention to chlorine dosing has led to consistent compliance with limits. EBDA prepared a Disinfection Master Plan in 2021 and began implementation of its recommendations during the 2022 dry season. This Master Plan has assisted EBDA in further optimizing chlorine dosing to prevent bacterial regrowth.

Figure 1 – EBDA Bacterial Contaminant Performance



## **Section 2: List of Analyses for Which the Discharger Is Certified**

EBDA conducts no analyses of its own. Each member agency is certified by the State Water Resources Control Board for standard water quality tests such as BOD, TSS, pH, DO, enterococcus, and fecal coliform. City of San Leandro staff performs these analyses on the combined effluent.

All metals and organics analyses are performed by the Authority's contract laboratory, Caltest Analytical Laboratory. Caltest's lab is certified for these analyses. Caltest subcontracts for analytical work on some items, including dioxin and furan compounds and PCBs to other certified labs.

Pacific Eco-Risk Laboratory (PERL), also a certified laboratory, conducts the required acute and chronic toxicity testing for the Authority.

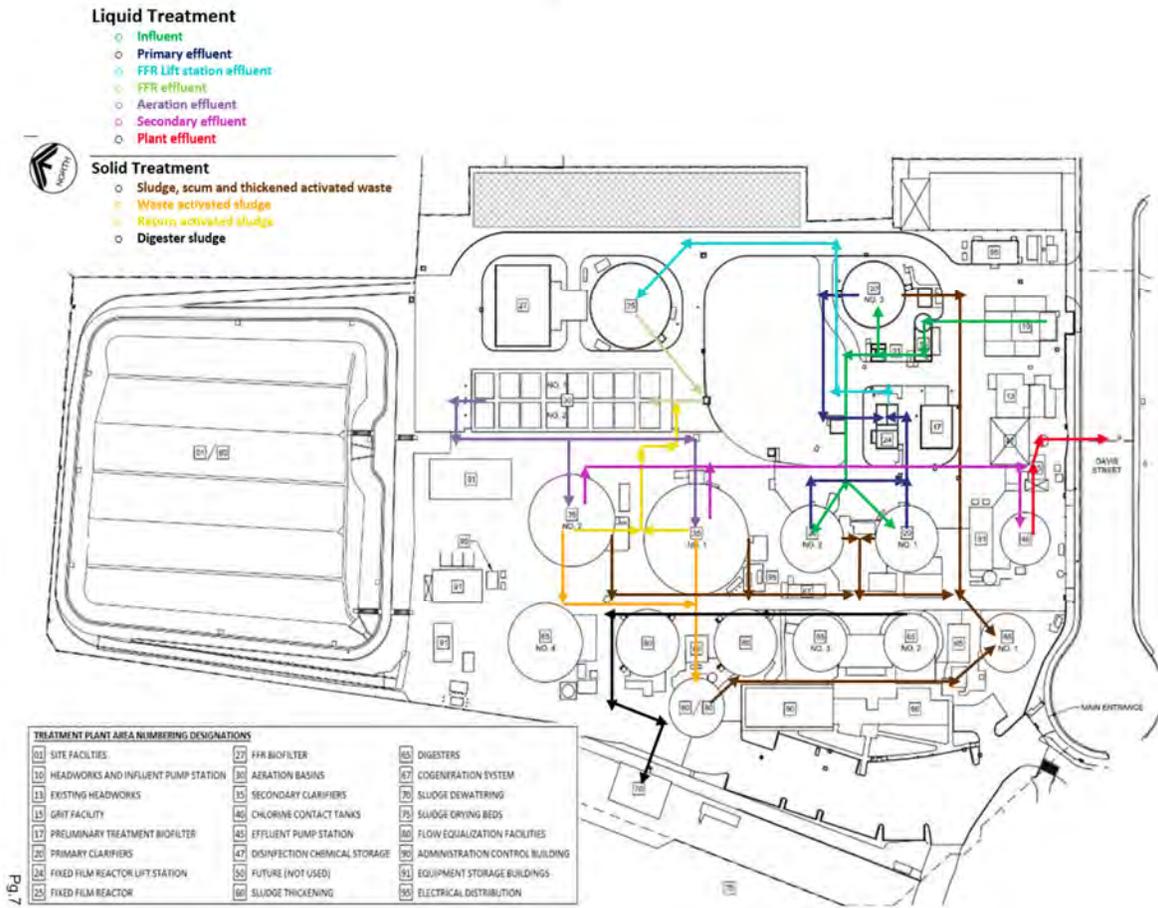
Copies of all laboratory reports are maintained on file at the Authority's office and are available for review upon request. Said reports are not included in this report.

# Section 3: Plan View Drawing or Map Showing the Discharger's Facility, Flow Routing, Sampling and Observation Station Locations

## Marina Dechlorination Facility



# San Leandro Plant – Process Flow Diagram



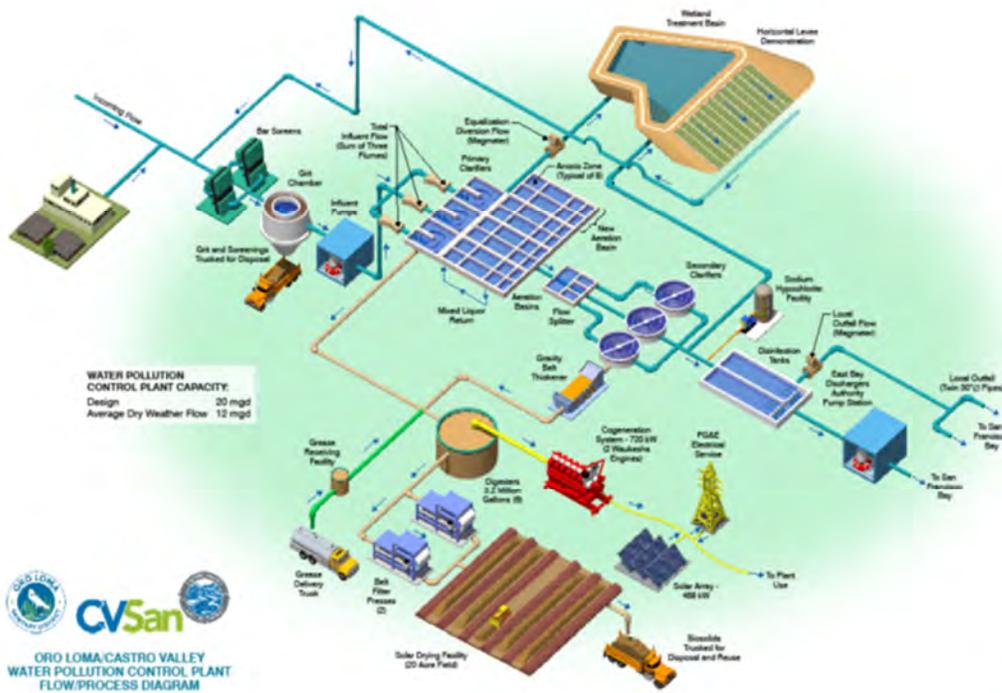
San Leandro Plant – Sampling Locations



Effluent Sampling Point

Influent Sampling Point

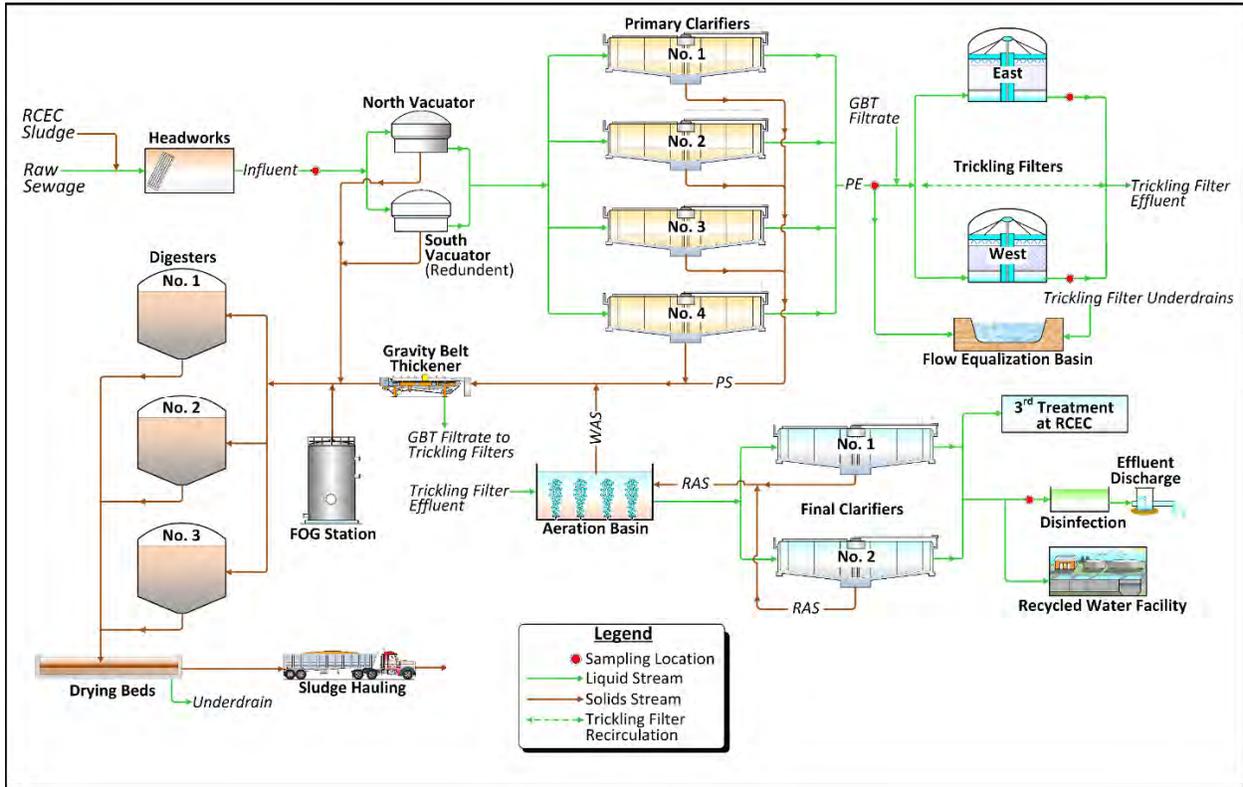
# OLSD/CVSan Plant – Process Flow Diagram



**OLSD/CVSan Plant – Sampling Locations**



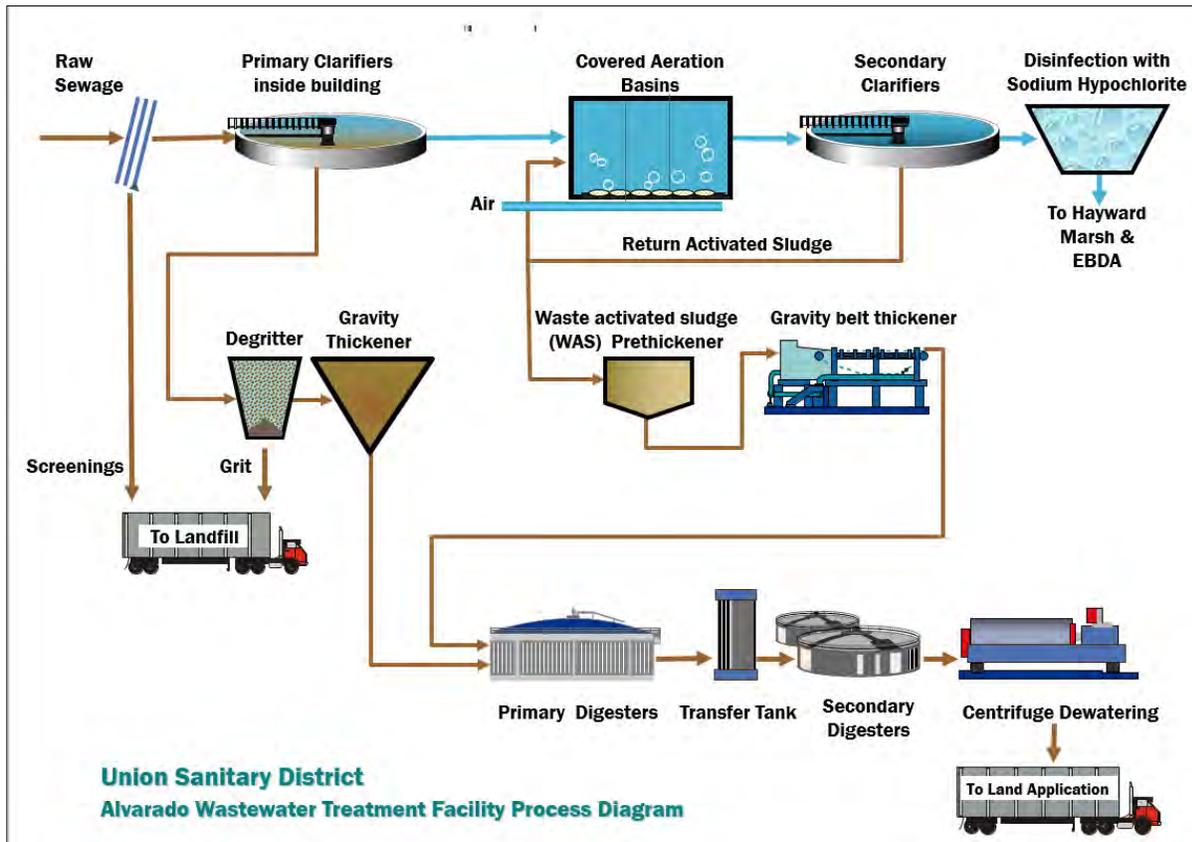
# Hayward Plant – Process Flow Diagram



# Hayward Plant – Sampling Locations



# USD Plant – Process Flow Diagram



**USD Plant – Sampling Locations**



## Section 4: Results of Facility Report Reviews

The tables in this section summarize the status of reviewing and updating the following documents: Operations & Maintenance (O&M) Manual, Contingency Plan, Spill Prevention Plan, and Wastewater Facilities Status Report.

### EBDA Facilities

REPORTS	REVIEW DATE	REVIEW PROCEDURES	PLANNED ACTIONS	SCHEDULE
O&M Manual	Jan 2023	Updated on an as-needed basis and reviewed annually by the EBDA O&M Manager.	The Authority maintains a comprehensive O&M Manual for the joint-use facilities. Chapters of the Manual are regularly reviewed and updated. EBDA's Wet Weather SOP is reviewed annually and updated as needed.	Performed annually
Contingency Plan	Jan 2023	Updated annually by EBDA O&M and Administration Managers. EBDA is included in the Alameda County's Office of Emergency Service's Utility Unit.	The Emergency Operating Contingency Plan is supported by Operations & Maintenance Agreements between Member Agencies, which are compatible with their existing plans and known to all other local and county agencies for emergency purposes. Operation and maintenance activities are contracted with the Member Agencies for routine work. Emergency work is performed sometimes by Member Agencies and sometimes through contracts with private specialty firms.	Performed annually
Spill Prevention Plan	The SPCC Plan was updated in April and July of 2022.	Reviewed annually by EBDA O&M Manager	No major changes planned for 2023.	Performed as needed
Wastewater Facilities Status Report	Jan 2023	EBDA continues to implement a comprehensive Renewal and Replacement Program. The Authority has an Asset Management Plan that covers all critical equipment.	In 2022, EBDA completed the following projects: <ul style="list-style-type: none"> <li>• UEPS payment #2 of 10 for a total of \$4.2 M</li> <li>• OLEPS Main Electrical Switchboard Upgrade</li> </ul> In 2023, the Authority is continuing work on the following upgrades to the EBDA system: <ul style="list-style-type: none"> <li>• MDF Main Breaker and ATS Replacement</li> <li>• HEPS Pump Replacement Project</li> <li>• OLEPS ATS Replacement</li> <li>• OLEPS Emergency Outfall Upgrade</li> <li>• OLEPS Pump Station Bypass Evaluation</li> </ul>	Anticipated Completion:  Building Roof Replacements, April 2023  HEPS Pump Replacements, December 2023

## San Leandro Treatment Plant

Document	Review Date	Review Procedures	Planned Actions	Schedule
O&M Manual	Sections assigned and updated throughout the year	O&M manuals and SOPs are written and revised as necessary by designated Plant Operators and reviewed by the Operations Supervisor and Plant Manager	Review O&M chapters and SOPs as needed. Continue developing and revising SOPs for plant processes. O&M is still a mix of electronic and older paper as we transition; we have fewer and fewer paper versions per year.	Performed continuously
Contingency Plan	January 2022	WPCP management reviews, edits and approves	Current contingency plan updated as needed with changes. A significant revision is planned for 2023 with more detailed plans for specific scenarios.	Performed annually
Spill Prevention Plan	January 2022	WPCP management reviews, edits and approves	Currently up to date.	Performed annually
Wastewater Facilities Status Report	January 2023		<p>RFP to create 10-year capital improvement plan by the end of 2023.</p> <p>Annual Street Overlay and Sewer Point Repair Project</p> <p>Construction will be completed for energy efficiency and resiliency project. This includes new high strength waste receiving facility, renewable natural gas production and storage facility, microgrid battery backup system and other energy efficiency improvements.</p> <p>Treatment Wetland project will receive regulatory approval, and the City plans to begin construction in summer 2024. This project will treat approximately 20% of the ADWF to remove nitrogen and other contaminants through both technological and biological processes.</p> <p>Design and bid, rehab. and upgrade of 3 sewer lift stations and force main in 2023 and 2024.</p>	Maintenance and project schedule for 2023

## Oro Loma/Castro Valley Sanitary District Treatment Plant

Document	Review Date	Review Procedures	Planned Actions	Schedule
O&M Manual	Ongoing	Continual reviews and revisions as necessary when new processes come online or when modifications are made to current processes.	The District has completed developing a computer based training program for the 25 unit processes in the treatment plant (including the EBDA OLEPS pump station). Staff will continue to train on the modules.	Ongoing
Contingency Plan	September 2022	Management team completed its review and updated document to reflect changes in contact information or equipment/facility changes.	Continue to make updates as needed, at least annually.	Annually
Spill Prevention Plan	July 2022	The District performed a significant update to its plan in 2022 to reflect administrative audit findings from CUPA.	Currently up to date and will update as necessary.	As needed
Wastewater Facilities Status Report	December 2022		<p>The District continues to execute on its planned 10-Year, \$168M capital program. The program includes extensive sewer pipe renewal (1.5% of system/year), Digester Construction in 2025, and Cogeneration System Replacement in 2030.</p> <p>In 2021, the District obtained financing in the amount of \$50M from State (SRF) and Federal (WIFIA) sources for sewer replacement work. The District is working to replace 40 miles (15%) of its 270 mile collection system by 2029.</p>	10-Year Capital Plan (Updated December 2022)

## Hayward Water Pollution Control Facility

REPORTS	REVIEW DATE	REVIEW PROCEDURES	PLANNED ACTIONS	SCHEDULE
O&M Manual	Ongoing	COH WPCF electronic O&M manuals, including SOP's, are reviewed, and updated throughout the year by staff. Revisions are made to Sections and SOP's	Create new SOPs as required and review and updated older SOPs throughout the year. Continually review and update O&M sections. Brown and Caldwell will be looking into a fully revised O&M as part of the nutrient management project.	SOP's and O&M sections are reviewed continuously
Contingency Plan	January 2023	The entire plan is reviewed by the WPCF manager with updates and edits made by the Senior Secretary.	Continue to make updates as needed.	Performed annually
Spill Prevention Plan	January 2023	Plan reviewed by WPCF Manager every January. Changes made by Senior Secretary.	Make updates as needed.	Performed annually
Wastewater Facilities Status Report	Jan 2023	<p>The phase II Facilities Plan was completed in 2020.</p> <p>The city will implement projects as recommended in the 2020 Phase II Facilities Plan.</p>	<p>Planned for 2023:</p> <ul style="list-style-type: none"> <li>Construction of the Headworks bar screen project was near substantial completion and the bar screens were placed in service in 2021. In 2022, the Ferric Chloride station, and air handling system were be placed into service. The biofilter construction was complete. We are now working with the contractor for construction of a dewatering system, so the biofilter can be permanently put into service in 2023.</li> <li>The replacement of the effluent pumps is anticipated in 2023.</li> <li>Construction of the new 12KV switchgear replacement project will begin in 2023.</li> <li>There are several elements of the Phase Two WPCF Improvements that have been incorporated into the Sewer Replacement &amp; Sewer Improvement CIP's which will move forward in year 2023.</li> </ul>	10-year Master Plan CIP planning changes are made every year in July with mid-year adjustments made in January/February

## Union Sanitary District Treatment Plant

Document	Review Date	Review Procedures	Planned Actions	Schedule
O&M Manual	Ongoing	Plant O&M documents are incorporated into the District's Competency-Based Training Program. USD utilizes Microsoft Sharepoint software to track document review.	Plant management reviews training documents and SOP's as changes occur (i.e., following construction) or as scheduled.	Each individual training module and SOP has a review frequency of 3 years.
Contingency Plan	December 2022	Plant Manager reviews and updates the Contingency Plan annually.	None. Contingency Plan was updated in December 2022.	Complete next review by December 2023.
Spill Prevention Plan	December 2022	Spill Prevention Plan is incorporated into our Contingency Plan and is reviewed at the same time.	None. Spill Prevention Plan was reviewed in December 2022.	Complete next review by December 2023.
Wastewater Facilities Status Report	December 2022	<p>USD's Master Plans address most of the Facilities Evaluation requirements. Our Plant Master Plan is updated every 5 years and Pump Station and Collection System Master Plans are updated as needed. Asset management data is updated on an ongoing basis. CIP and Operating plans and budgets are reviewed and revised annually.</p> <p>2022 Projects Completed/in-progress:</p> <ul style="list-style-type: none"> <li>• New Anaerobic Digester #7 (Complete)</li> <li>• Alvarado Influent Pump Station (Complete)</li> <li>• Old Alameda Creek Outfall Improvements. (Complete)</li> <li>• New High-speed Aeration Blower (Complete)</li> <li>• Calcium Thiosulfate Dosing Improvements (Complete)</li> <li>• Centrifuge Building Improvements (Complete)</li> <li>• Standby Power Upgrade. (Construction in progress)</li> </ul> <p><b>ETSU: Phase 1A</b></p> <ul style="list-style-type: none"> <li>• Aeration Basin Modification (Construction in progress)</li> <li>• Campus relocation (Construction in progress)</li> </ul>	<p>Complete capital improvements in accordance with 20-year CIP plan. Implement annual rate adjustments for Sewer Service Charges and Capacity Fees in accordance with 10-year financial plan.</p> <p>2023 Projects Planned:</p> <ul style="list-style-type: none"> <li>• WAS Gravity Belt Thickener (In Design)</li> <li>• Anaerobic Digester #6 Rehab (Design to commence)</li> <li>• Plant Miscellaneous Improvements (structural, mechanical, and electrical) (Complete Design)</li> </ul> <p><b>ETSU: Phase 1B</b></p> <ul style="list-style-type: none"> <li>• New Secondary Clarifiers. (In Design)</li> <li>• New Effluent Pump Station (In Design)</li> </ul>	<p>20-year CIP annual update in June.</p> <p>Master Plans:</p> <ul style="list-style-type: none"> <li>• Alvarado Basin MP 2023-25</li> <li>• Newark Basin MP 2025-27</li> <li>• Irvington Basin 2027-29</li> <li>• Pump Station Asset Condition Assessment 2021-23</li> <li>• Plant Asset Condition Assessment 2023-25</li> <li>• Plant Solids System/Capacity Assessment 2025-27</li> </ul>

## **Section 5: BACWA Watershed Permitting and Monitoring**

EBDA participates in a number of group processes coordinated by the Bay Area Clean Water Agencies (BACWA) to fulfill permit requirements, including Receiving Water Quality Monitoring, TMDL/SSO Support, Mercury and PCBs Watershed Permit Support, Nutrients Watershed Permit Support, and Implementation of Copper Action. Participation in these items is described in an annual BACWA letter to the Regional Water Board found here:

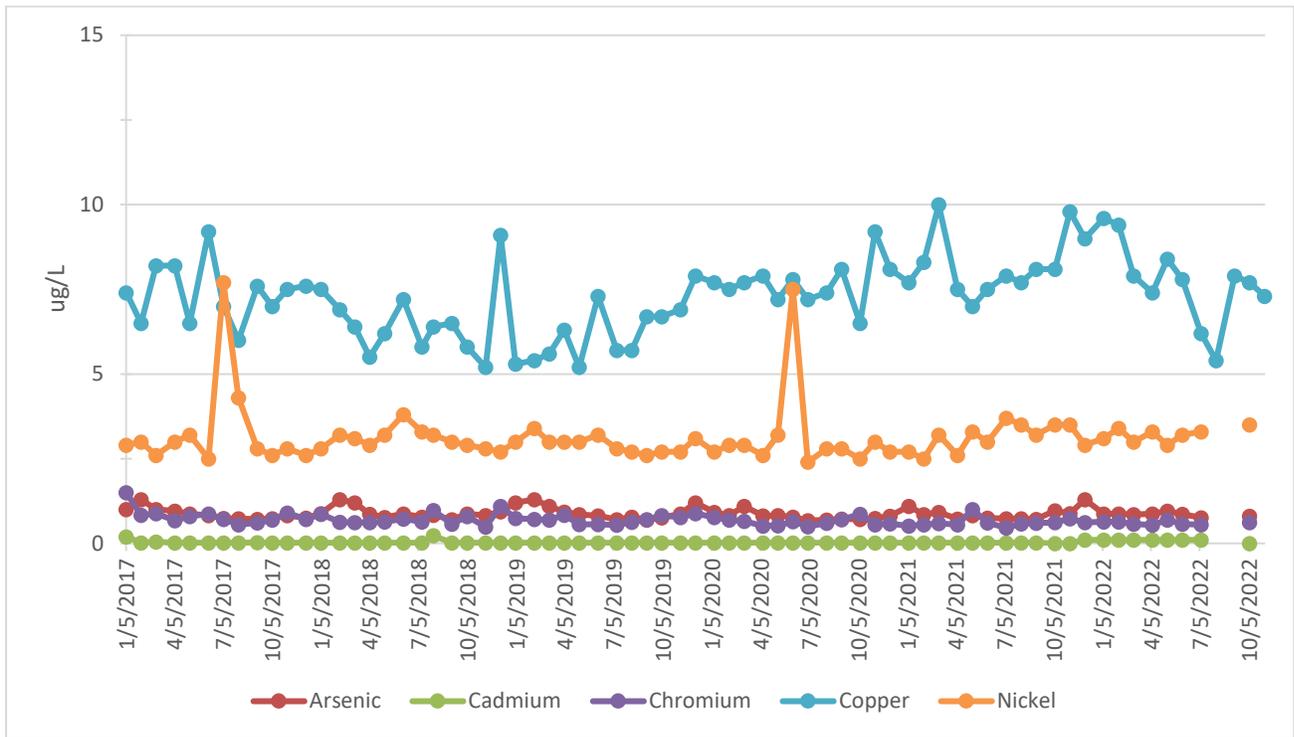
<https://bacwa.org/wp-content/uploads/2023/01/BACWA-NPDES-Permit-Letter-2023-with-SFEI-attach.pdf>

## Section 6: Effluent Characterization Study and Report

EBDA regularly monitors and evaluates discharges from the common outfall and each contributing plant's effluent to identify any concerning trends. No significant increases over past performance were noted in 2022 data.

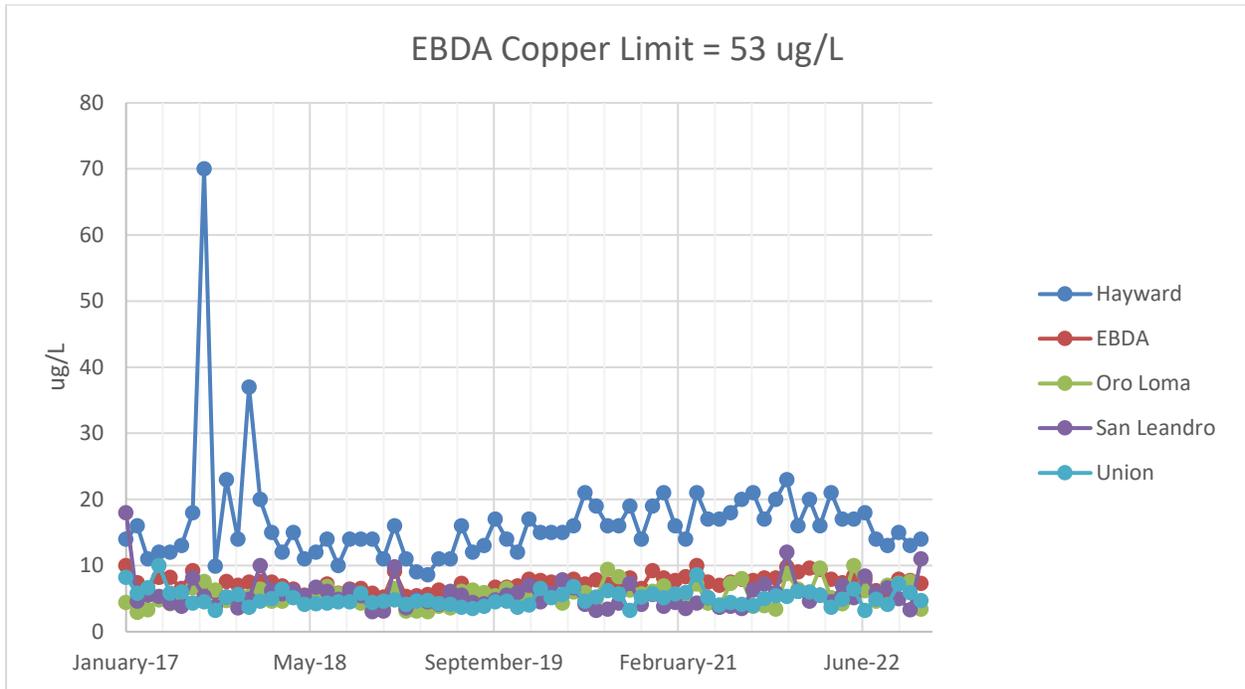
EBDA monitors monthly for metals and cyanide. Cyanide is rarely detected. As shown in Figure 2, five years of metals data continue to show flat trends.

Figure 2 – EBDA Effluent Metals Trends



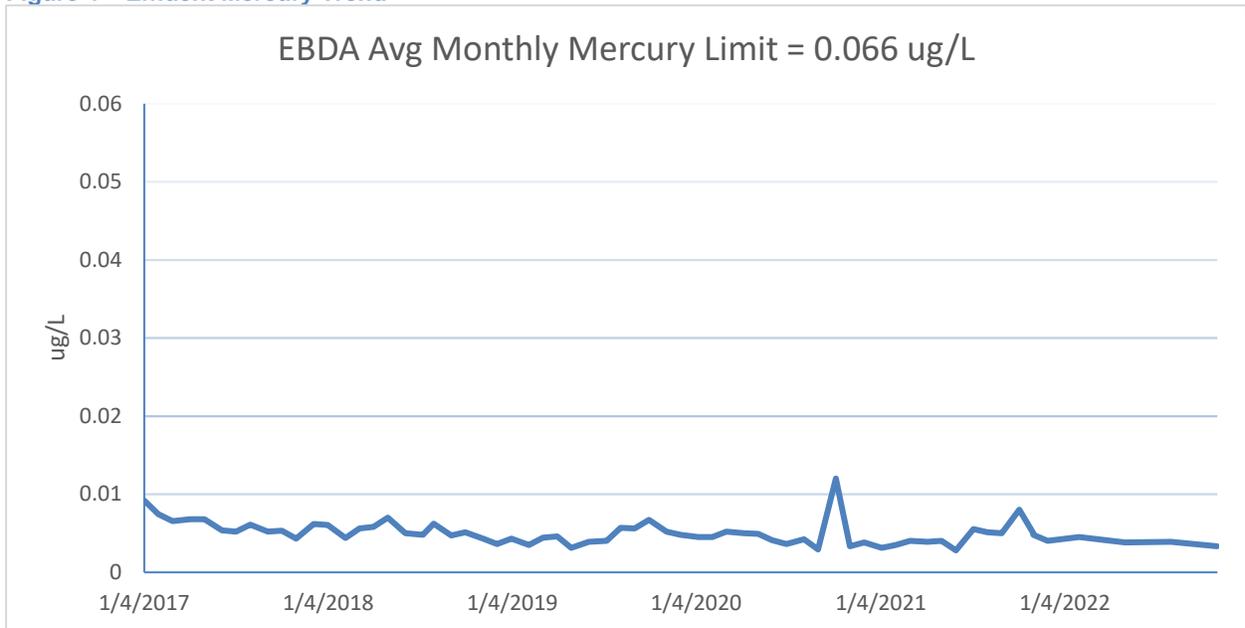
EBDA's five-year trend for copper shows that while individual member agency effluent concentrations have varied, EBDA's common outfall concentration consistently averaged less than 20 ppb, versus a permit limit of 53 ppb (see Figure 3).

Figure 3 – Effluent Copper Trend



EBDA's effluent mercury concentrations also continue to be well below permit limits, as shown in Figure 4.

Figure 4 – Effluent Mercury Trend



## **ITEM NO. RA6 NUTRIENTS WATERSHED PERMIT UPDATE**

### **Recommendation**

For the Committee's information only; no action is required.

### **Background**

While the loads of nutrients such as nitrogen and phosphorus to San Francisco Bay are higher than other estuaries, the Bay has historically been very resilient, and negative impacts of nutrient enrichment such as eutrophication have not occurred. Scientists believe this resilience to stem at least in part from high turbidity (i.e., the Bay is cloudy); which blocks the light that phytoplankton need to grow; presence of filter-feeding clams, which reduce phytoplankton concentrations; and strong tidal mixing, which reduces nutrient concentrations.

Over the last decade, concerning trends caused the scientific and regulatory community to question whether the Bay's resilience is weakening. Dams in upstream watersheds have decreased the Bay's turbidity by trapping sediments, and clam populations have been on the decline. At the same time, climate conditions are changing.

To begin to proactively address these nutrient-related risks, Bay Area wastewater agencies, through the Bay Area Clean Water Agencies (BACWA), have participated since 2012 in a positive collaboration with a wide variety of stakeholders to implement a Nutrient Management Strategy that focuses on conducting scientific research and modeling to determine the effects of nutrients on the Bay ecosystem, and protective levels of nutrient loading going forward.

BACWA worked closely with staff of the San Francisco Bay Regional Water Quality Control Board (Water Board) to negotiate a second Watershed Permit for nutrients, which went into effect on July 1, 2019 and includes the following key elements:

- Influent and effluent monitoring and continued annual regional reporting.
- Increased funding for scientific research.
- A regional assessment of the feasibility and cost for reducing nutrients through multi-benefit nature-based solutions, including wetlands and horizontal levees.
- A regional assessment of nutrient reductions through water recycling.
- Inclusion of load targets for 2024.
- Recognition of agencies implementing early action projects that will reduce nutrient loads during this permit term.

This report contains an update on regional reporting and strategy discussions for the next Watershed Permit, including the impact of the Summer 2022 algal bloom on permit negotiations.

**Discussion**

Group Annual Report

As it has every year since 2014, on February 1, 2022 BACWA submitted its Group Annual Report under the Nutrients Watershed Permit. The Report, prepared by consultant HDR, summarizes the nitrogen and phosphorus concentrations and loads from the thirty-seven wastewater treatment plants that discharge to San Francisco Bay. This year, for the first time, the report also included data on recycled water produced by Bay Area wastewater agencies, since much of that recycling results in diversion of nutrients from the Bay.

While EBDA’s Member Agencies are required to periodically monitor for nutrients, the data contained in this report is only for the combined effluent discharged through EBDA’s common outfall. EBDA’s influent values are the sums of contributing plants’ influent numbers.

The full report can be found at the following link:

[https://bacwa.org/wp-content/uploads/2023/02/2022\\_BACWA\\_GAR\\_20230201\\_wAppendices.pdf](https://bacwa.org/wp-content/uploads/2023/02/2022_BACWA_GAR_20230201_wAppendices.pdf)

The table below summarizes dry season discharges and gives an indication of current trends for the Bay as a whole. The next Watershed Permit is likely to regulate dry season Total Inorganic Nitrogen, or TIN (in kg N/day), which as the report notes shows a slight downward trend. EBDA’s TIN loading shows no trend. However, it should be noted that as of two years ago, EBDA’s trend was slightly upward, likely as a result of population growth. The fact that TIN load has reverted back to flat is likely thanks to nutrient optimization at the EBDA plants, and the trend is likely to move downward over time. Oro Loma’s average TIN load decreased 75% from 2020/2021 to 2021/2022 as a result of its Nutrient Optimization Project.

Table 8-6. Discharge: Summary of Dry Season Flow and Loads to the Bay

Constituent	2013 <sup>(a)</sup>	2014 <sup>(a)</sup>	2015 <sup>(a)</sup>	2016 <sup>(a)</sup>	2017 <sup>(a)</sup>	2018 <sup>(a)</sup>	2019 <sup>(a)</sup>	2020 <sup>(a)</sup>	2021 <sup>(a)</sup>	2022 <sup>(a)</sup>	Trend <sup>(b,c)</sup>	10-Year Average
Flow, mgd	393	374	351	372	396	383	394	363	339	337	Down (-1.1%/yr)	370
Ammonia, kg N/d	34,000	36,300	36,200	37,300	38,900	38,900	38,200	35,400	33,600	35,800	None	36,500
NOx, kg N/d	13,300	11,800	12,500	11,100	11,700	11,000	10,800	10,000	9,290	8,540	Down (-4.1%/yr)	11,010
TIN, kg N/d <sup>(d)</sup>	47,300	48,100	48,700	48,400	50,600	50,000	49,200	45,700	43,100	44,400	Down (-1.0%/yr)	47,500
TP, kg P/d	3,400	3,320	3,570	3,980	3,660	4,000	4,010	3,790	3,680	3,300	None	3,670

- a. The dry season represents May 1 through September 30 for each calendar year.
- b. Trend analysis is based on average monthly values. Discernible trends were identified based on the slope of a regression line determined using the method of least squares to fit the data (alpha = 0.05). Sample size is 45. Where “None” is stated, the limited dataset does not indicate a statistically relevant trend.
- c. The percent change represents the change per year as a percentage of the average value over the entire dataset (2012-2022) (not considered if trend is “None”).
- d. The TIN values do not necessarily equal ammonia plus NOx due to a combination of rounding and instances when ammonia was sampled more frequently than NOx.

In the report, HDR notes the following observations about the TIN data set:

- The 2020/2021 dataset were the lowest since sampling began in 2012, whereas the 2021/2022 dataset were the second lowest since sampling began in 2012.
- The Central Bay and South Bay Subembayments receive the highest TIN loads, making up 65 to 75 percent of the TIN loads discharged to the Bay. The largest overall discharger of TIN on an annual average basis is EBMUD which contributes 15 to 20 percent of the overall Bay discharger, followed by SFPUC Southeast and EBDA.

For the first time, this year's Group Annual Report also contains an analysis of nitrogen loads diverted from the Bay via water recycling. The percentage of loads diverted from the Bay by reuse ranges from 6 to 9 percent Bay-wide. In 2021, EBDA diverted an average of 1098 kg TIN/day, or about 14% of average TIN loads to the Bay.

#### Negotiation of Third Watershed Permit

As discussed at the October 2022 Regulatory Affairs Committee meeting, a harmful algae bloom spread throughout the Bay in August 2022, causing unprecedented decreases in dissolved oxygen and significant fish kills. While it is unclear exactly what triggered this bloom, its timing did correspond with a prolonged period of unusually clear skies in the Bay Area, making available more light than usual for photosynthesis. Scientists believe that the bloom was nitrogen limited, meaning that nitrogen loads to the Bay sustained the bloom and likely contributed to its extent and duration. This conclusion, along with the increased media attention garnered by the event, has led to public and political pressure on wastewater agencies and on the regulators, particularly the Regional Water Quality Control Board (Water Board), to act quickly to reduce nutrient loads to the Bay, with a goal of preventing or lessening the impact of future blooms.

The EBDA member agencies have already made significant capital investments to reduce nutrient loads in advance of requirements to do so, including the following efforts:

- Oro Loma and Castro Valley Sanitary Districts implemented the [Nutrient Optimization Project](#) and a solids dewatering sidestream nutrient removal process using [Microvi](#) technology. These two projects have already significantly reduced nitrogen loading to EBDA and the Bay.
- Union Sanitary District has begun construction on its [Enhanced Treatment and Site Upgrade \(ETSU\) Program](#), a major upgrade that will include nutrient reduction from EBDA's largest plant.
- Hayward has begun design for a [project](#) that will reduce nutrient loads by 30% and is evaluating opportunities to integrate multi-benefit nature-based solutions into their strategy.
- San Leandro has plans to build a [treatment wetland](#) that will reduce nutrients by 20%.
- The LAVWMA treatment plants, owned and operated by Dublin San Ramon Services District and the City of Livermore, both have significant water recycling

programs that divert flows from EBDA almost entirely during the dry season, when the Bay is most sensitive to wastewater nutrient inputs, with plans to further expand recycling.

While agencies that are investing in nutrient upgrades in advance of load caps or reduction requirements are referred to as “early actors” in the current Watershed Permit, discussions with the Water Board are ongoing as to how early action will be reflected in the new permit. Negotiations prior to the algal bloom had focused on the concept of a Bay-wide load cap, limiting nitrogen discharges to treatment plants’ current performance, on the assumption that the Bay was resilient to that level of nutrient loading. Under that “antidegradation” model, no further reductions were expected from early actors until all wastewater agencies had made capital improvements. Now, the Water Board has determined that the Bay does not have assimilative capacity for current nutrient loads, and the focus has shifted to identifying specific actions to reduce nutrients. The Water Board has asked for BACWA to “make an offer” of a portfolio of nutrient reduction projects around the Bay and related efforts.

Though the wastewater community recognizes the need for action, BACWA will continue to advocate that time should be allowed for implementation of multi-benefit projects such as water recycling and nature-based solutions like horizontal levees. These projects are complex, and without incentives, agencies may feel compelled to pursue simpler traditional plant upgrades due to aggressive deadlines. BACWA and EBDA will also advocate that agencies taking early action should not be expected to make additional investments in nutrient reduction within the useful life of those improvements. Further, agencies who need more time to implement reduction projects should be able to buy credits from those can cost-effectively implement more significant nutrient reductions in the near-term.

BACWA and the Water Board are actively discussing next steps on the Watershed Permit, and staff will keep the Commission apprised as developments unfold.

**ITEM NO. RA7 BACWA KEY REGULATORY ISSUES MATRIX**

**Recommendation**

For the Committee's information only; no action is required.

**Background**

Periodically, BACWA's Regulatory Program Manager updates a Key Regulatory Issues Summary that contains succinct information on regulatory issues of interest to Bay Area wastewater agencies. The Summary matrix contains background, challenges and recent updates, next steps for BACWA, and links to key resources and documents.

**Discussion**

The most recent issue summary is attached. This latest version highlights updates made in purple. Previous versions are available at <https://bacwa.org/regulatory-issues-summaries/>.



# KEY REGULATORY ISSUE SUMMARY

Updated January 30, 2023

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

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New updates in this version are shown in Purple highlighting

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>NUTRIENTS IN SAN FRANCISCO BAY</b>			
<ul style="list-style-type: none"> <li>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.</li> <li>Because of the complexity of the science behind nutrient impacts in SF Bay, stakeholders in the region are participating in the Nutrient Management Strategy (NMS) steering committee to prioritize scientific studies and ensure that all science to be used for policy decisions is conducted under one umbrella.</li> </ul>	<ul style="list-style-type: none"> <li>For FY23, BACWA is contributing \$1.8M to fund scientific research needed to make management decisions for the 3<sup>rd</sup> Watershed Permit. This funding is required by the 2<sup>nd</sup> Watershed Permit.</li> <li>The focus of current scientific efforts is improving model representation of biogeochemistry, light attenuation, dissolved oxygen, and Harmful Algal Bloom dynamics. Field and lab observations are supporting these improvements.</li> <li>The science team is developing an Assessment Framework for Open Bay habitats and Lower South Bay sloughs.</li> <li>In summer 2022, a harmful algae bloom in San Francisco Bay has brought increased public attention to this topic. The NMS science team is assisting with monitoring and data interpretation, and is revising the science plan accordingly.</li> </ul>	<ul style="list-style-type: none"> <li><b>Continue to participate in NMS steering committee, Nutrient Technical Workgroup, and planning subcommittee meetings, and provide funding for scientific studies.</b></li> <li>Continue to assist with preparation of a brief “State of the Science” document summarizing the scientific accomplishments of the NMS team for public use.</li> <li>Continue to engage with Nutrient Technical Team and BACWA’s Nutrient Management Strategy technical consultant, Mike Connor, to provide review of recent work products and charge questions for the science team.</li> </ul>	<p>BACWA Nutrients Page: <a href="https://bacwa.org/nutrients/">https://bacwa.org/nutrients/</a></p> <p>NMS FY23 Program Plan (Revised Dec. 2022) <a href="https://docs.google.com/document/d/11IWlrDMpUw_OBQ6Lj-qj67sOLwl490lkRWW431e9nuU">https://docs.google.com/document/d/11IWlrDMpUw_OBQ6Lj-qj67sOLwl490lkRWW431e9nuU</a></p> <p>NMS Work Products <a href="https://sfbaynutrients.sfei.org/books/reports-and-work-products">https://sfbaynutrients.sfei.org/books/reports-and-work-products</a></p> <p>SFEI Presentation on Science of 2022 Bloom <a href="https://docs.google.com/presentation/d/1R468fFPMfq1d1xY6cHFU-uta9aMCynx5/">https://docs.google.com/presentation/d/1R468fFPMfq1d1xY6cHFU-uta9aMCynx5/</a></p> <p>BACWA Nutrient FAQ <a href="https://bacwa.org/wp-content/uploads/2023/01/BACWA-Nutrient-Fact-Sheet.pdf">https://bacwa.org/wp-content/uploads/2023/01/BACWA-Nutrient-Fact-Sheet.pdf</a></p>

## SF BAY NUTRIENT WATERSHED PERMIT

<ul style="list-style-type: none"> <li>• The 1<sup>st</sup> Nutrient Watershed Permit was adopted in 2014, and required a regional study on Nutrient Treatment by Optimization and Upgrades, completed in 2018.</li> <li>• The 2<sup>nd</sup> Nutrient Watershed Permit was adopted in 2019. It includes: <ul style="list-style-type: none"> <li>○ Continued individual POTW nutrient monitoring and reporting;</li> <li>○ Continued group annual reporting;</li> <li>○ Significantly increased funding for science;</li> <li>○ Regional assessment of the feasibility and cost for reducing nutrients through nature-based systems and recycled water;</li> <li>○ Establishing current performance for TIN, and “load targets” for nutrient loads based on 2014 to 2017 load data plus a 15% buffer for growth and variability</li> <li>○ Recognition of “early actors” who are planning projects that will substantially decrease TIN loads.</li> </ul> </li> <li>• Through the nutrient surcharge levied on permittees, BACWA funds compliance with the following provisions on behalf of its members: <ul style="list-style-type: none"> <li>○ Group Annual Reporting</li> <li>○ Regional Studies on Nature-Based Systems and Recycled Water</li> <li>○ Support of scientific studies through the Regional Monitoring Program (RMP) with \$11M over the five-year permit term.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Studies related to Recycled Water and Nature-Based Systems are underway, and will be completed by the due date of July 1, 2023.</li> <li>• Each year by February 1, BACWA submits a Group Annual Report on behalf of its members. The report summarizes trends in nutrient concentrations and loading for each agency, and for all the agencies as a whole. The annual reporting period in the 2<sup>nd</sup> Watershed Permit is based on a water year (October 1 – September 30th). The 2021 report showed a decline in TIN concentrations compared to the previous year.</li> <li>• Agencies with plans to substantially reduce nutrients are recognized in the Fact Sheet of the 2<sup>nd</sup> watershed permit, and BACWA is continuing to track “early actor” nutrient reduction projects. BACWA has synthesized this information into a projection of Baywide nutrient loading.</li> <li>• BACWA has been working with a consultant team to complete a statistical analysis of historical TIN loading. In July 2022, BACWA met with Regional Water Board staff to propose use of these statistically-based load estimates within the 3<sup>rd</sup> Watershed Permit. Regional Water Board staff have signaled that the 3<sup>rd</sup> Watershed Permit is likely to include nutrient load reduction requirements (see presentation at right). The magnitude, timing, and format of these reductions have yet to be determined.</li> </ul>	<ul style="list-style-type: none"> <li>• BACWA continues to convene a Nutrient Strategy Team (NST) to develop BACWA’s key tenets for the 3<sup>rd</sup> Watershed Permit. The NST is actively engaging with the Regional Water Board to develop details related to load cap implementation in the 3<sup>rd</sup> Watershed Permit.</li> <li>• <b>BACWA staff are meeting with the 18 largest wastewater treatment plants (representing 95% of the regional TIN load from POTWs) to identify projects that could reduce nutrient loads during the term of the 3<sup>rd</sup> Watershed Permit and beyond. BACWA will also host a roundtable discussion for agencies to share with one another.</b></li> <li>• Review draft reports by HDR and SFEI for the Nutrient Removal by Recycled Water Evaluation and the Nature-Based Systems study. Individual agency reports have been drafted, and draft summary reports will be available later in the spring. <b>Agency sign-off on the final reports will be required.</b></li> <li>• Agencies will continue to report nutrient monitoring data both through CIWQS and directly to BACWA. The Group Annual Report for 2021-22 will be released on February 1<sup>st</sup>.</li> </ul>	<p>2nd Nutrient Watershed Permit:  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2019/R2-2019-0017.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2019/R2-2019-0017.pdf</a></p> <p>Special Studies of Recycled Water and Nature-Based Systems:  <a href="https://bacwa.org/document-category/2nd-watershed-permit-studies/">https://bacwa.org/document-category/2nd-watershed-permit-studies/</a></p> <p>Optimization/Upgrade Study Information:  <a href="https://bacwa.org/document-category/optimization-and-upgrade-studies/">https://bacwa.org/document-category/optimization-and-upgrade-studies/</a></p> <p>BACWA Group Nutrient Annual Reports:  <a href="http://bacwa.org/document-category/nutrient-annual-reports/">http://bacwa.org/document-category/nutrient-annual-reports/</a></p> <p>Presentations to SF Board of Supervisors Land Use and Transportation Committee (October 2022)  <a href="https://sfgov.legistar.com/View.ashx?M=F&amp;ID=11339273&amp;GUID=863B565D-6662-419D-B519-87D5FBB4BAE3">https://sfgov.legistar.com/View.ashx?M=F&amp;ID=11339273&amp;GUID=863B565D-6662-419D-B519-87D5FBB4BAE3</a></p>
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**CHLORINE RESIDUAL COMPLIANCE**

<ul style="list-style-type: none"> <li>• 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. Because there are 24 hourly reporting events each day, the “opportunities” for violations are enormous. However, the actual violation rates are infinitesimal (~0.001%).</li> <li>• 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.</li> <li>• The Regional Water Board worked with BACWA to develop a Basin Plan Amendment modifying the effluent limit for chlorine residual.</li> </ul>	<ul style="list-style-type: none"> <li>• The Basin Plan Amendment includes: <ul style="list-style-type: none"> <li>○ A 0.013 mg/L Water Quality Objective in marine and estuarine waters, which will be applied as a WQBEL in permits and calculated incorporating dilution. The WQBEL will be applied as a 1-hour average.</li> <li>○ A Minimum Level (ML), or Reporting Limit of 0.05 mg/L for online continuous monitoring system.</li> </ul> </li> <li>• The Basin Plan Amendment was adopted by the Regional Water Board in 2020, approved by the State Water Board and Office of Administrative Law in 2021, and is now awaiting final review by EPA.</li> <li>• Sections of the Basin Plan Amendment related to removal of Oil &amp; Grease effluent limits are in effect. This change is being implemented in reissued NPDES permits.</li> <li>• In 2021, the Regional Water Board adopted a blanket permit amendment implementing the Basin Plan Amendment within each individual NPDES permit. The order will only become effective once the Basin Plan Amendment is approved by the EPA.</li> <li>• In late 2022 and early 2023, EPA consulted with federal natural resource agencies to update the biological evaluation of potential chlorine toxicity to fish. Due to significant concerns about fish toxicity expressed by the resource agencies, the future of both EPA’s chlorine water quality objective and the Basin Plan Amendment are unclear at this time.</li> </ul>	<ul style="list-style-type: none"> <li>• Engage with Regional Water Board staff to support eventual approval of the Basin Plan Amendment, and provide updates to BACWA members on new developments.</li> <li>• <b>If the Basin Plan Amendment is approved, prepare for a short turnaround time for implementation of the new chlorine residual limits, as follows:</b> <ul style="list-style-type: none"> <li>○ Ensure compliance with the new minimum required frequency of once every 5 65minutes.</li> <li>○ Ensure the monitoring system complies with the new minimum level of 0.05 mg/L.</li> <li>○ Members that plan to discharge detectable residual chlorine may need to adapt sampling and analysis procedures for other constituents for which residual chlorine could interfere, such as whole effluent toxicity and ammonia.</li> <li>○ Use the highest one-hour arithmetic mean as the daily value reported into CIWQS.</li> </ul> </li> </ul>	<p>Background and Status information about Basin Plan Amendment:  <a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/chlorinebpa.html">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/chlorinebpa.html</a></p> <p>Final Basin Plan Amendment adopted by Regional Water Board:  <a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/chlorinebpa/2_Chlorine_Resolution_R2-2020-0031.pdf">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/chlorinebpa/2_Chlorine_Resolution_R2-2020-0031.pdf</a></p> <p>Blanket Permit Amendment for Chlorine and Oil &amp; Grease:  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0019.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0019.pdf</a></p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>PESTICIDES</b>			
<ul style="list-style-type: none"> <li>• 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.</li> <li>• Through BAPPG, BACWA aims to proactively support a scientific and regulatory advocacy program so that pesticides will not impact POTWs' primary functions of collecting and treating wastewater, recycling water, and managing biosolids, or impact receiving waters via the "down the drain" route.</li> </ul>	<ul style="list-style-type: none"> <li>• EPA reviews all registered pesticides at least once every 15 years. Each review allows opportunity for public comment.</li> <li>• BACWA continues to fund consultant support to write comment letters advocating for the consideration of POTW and surface water issues by EPA and the California Department of Pesticide Registration (CalDPR). Funding for pesticide regulatory outreach in FY23 is \$60K. The pesticides regulatory team also supports the California Stormwater Quality Association (CASQA) on outreach work related to urban pesticide use.</li> <li>• The Regional Water Board leverages BACWA's efforts to provide their own comment letters.</li> <li>• With chronic toxicity limits likely in the near term, POTWs will be in compliance jeopardy if pesticides contribute to toxicity.</li> <li>• Baywise.org has launched webpages on flea and tick control messaging to pet owners and veterinarians.</li> <li>• Pet pesticides were the focus of BAPPG's public outreach campaign in Spring 2022.</li> <li>• In January 2023, CalDPR released a Sustainable Pest Management Roadmap. The Roadmap identifies actions that would enhance understanding of pesticide use in urban areas and enhance outreach to urban pesticide users.</li> </ul>	<ul style="list-style-type: none"> <li>• Advocate for implementation of actions from the Sustainable Pesticide Management Roadmap, which will require additional resources to be directed to CalDPR.</li> <li>• Continue to comment on EPA pesticide re-registrations and CalDPR actions.</li> <li>• Work with veterinary associations on messaging with respect to flea and tick control alternatives.</li> <li>• Continue to develop summaries of EPA actions on pesticides.</li> <li>• Look for opportunities to work with CalDPR on pesticides research.</li> <li>• Work with other regional associations, such as the CASQA to collaborate on funding pesticide regulatory outreach.</li> </ul>	<p>BACWA Pesticides Regulatory Update and Call to action:  <a href="https://bacwa.org/wp-content/uploads/2016/02/BACWA-Pesticide-Regulatory-Update-2016-1.pdf">https://bacwa.org/wp-content/uploads/2016/02/BACWA-Pesticide-Regulatory-Update-2016-1.pdf</a></p> <p>BACWA Pesticide Regulatory Support Page:  <a href="https://bacwa.org/bappg-pesticides/">https://bacwa.org/bappg-pesticides/</a></p> <p>Baywise flea and tick pages:  <a href="https://baywise.org/residential/pets/keep-pets-free-of-fleas-and-ticks/">https://baywise.org/residential/pets/keep-pets-free-of-fleas-and-ticks/</a>  <a href="https://baywise.org/residential/pets/">https://baywise.org/residential/pets/</a></p> <p>BACWA-CASQA Urban Pesticides Collaboration Fact Sheet:  <a href="https://bacwa.org/wp-content/uploads/2022/08/CASQA-BACWA-Factsheet-July2022.pdf">https://bacwa.org/wp-content/uploads/2022/08/CASQA-BACWA-Factsheet-July2022.pdf</a></p> <p>CalDPR Sustainable Pest Management Roadmap  <a href="https://www.cdpr.ca.gov/docs/pressrls/2023/012623.htm">https://www.cdpr.ca.gov/docs/pressrls/2023/012623.htm</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>MERCURY AND PCBs</b>			
<ul style="list-style-type: none"> <li>The Mercury &amp; PCBs Watershed Permit was reissued by the Regional Water Board in December 2022. The Watershed Permit is based on the TMDLs for each of these pollutants.</li> <li>Aggregate mercury and PCBs loads have been well below waste load allocations through 2021, the last year for which data have been compiled.</li> <li>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.</li> <li>In 2017, EPA adopted federal pretreatment program rules requiring dental offices to install dental amalgam separators. The rule is intended to reduce dental office discharge of mercury. The compliance date was July 14, 2020.</li> </ul>	<ul style="list-style-type: none"> <li>The Mercury &amp; PCBs Watershed Permit (both the 2017 and 2022 versions) require risk reduction program funding. For FY23, BACWA granted an extension to an ongoing contract worth \$12,500 to the California Indian Environmental Alliance to conduct risk reduction activities related to fish consumption.</li> <li>In January 2022, monitoring requirements for mercury were reduced for most dischargers by a blanket NPDES Permit amendment (Order R2-2021-0028) (see link at right). Revised monitoring frequencies are also reflected in the reissued permit.</li> <li>As part of the 2021 Triennial Review of the Basin Plan, the Regional Water Board has prioritized designation of three new beneficial uses: Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB) and Subsistence Fishing (SUB). Water bodies designated these beneficial uses could also be assigned lower mercury objectives.</li> <li>The Mercury &amp; PCBs Watershed Permit reissued in December 2022 is very similar to the 2017 Permit. Effluent limitations are unchanged. The only significant difference is a reduction in the monitoring frequency for PCB Congeners for some agencies.</li> </ul>	<ul style="list-style-type: none"> <li><b>Some member agencies can modify effluent monitoring frequencies for PCB congeners after the reissued Permit's effective date of February 1, 2023.</b></li> <li>In 2023, BACWA will solicit proposals to support risk reduction activities during the term of the reissued permit.</li> <li>Continue outreach to dentists BAPPG and BACWA's pretreatment committee. Per federal rules, all dental facilities were required to submit one-time compliance reports by October 2020.</li> <li>Schedule risk reduction presentations by the grantees to the Regional Water Board in 2023.</li> <li>Track potential Basin Plan Amendments resulting from the Triennial Review project related to new beneficial use designations. The new designations are not expected to impact the bay-wide mercury TMDL in the near term, but there could be localized or longer-term impacts.</li> </ul>	<p>2022 Mercury &amp; PCBs Watershed Permit (Effective Feb. 1, 2023)  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2022/R2-2022-0038.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2022/R2-2022-0038.pdf</a></p> <p>Risk Reduction Materials:  <a href="https://bacwa.org/mercurypcb-risk-reduction-materials/">https://bacwa.org/mercurypcb-risk-reduction-materials/</a></p> <p>BACWA PCBs Protocol:  <a href="https://bacwa.org/wp-content/uploads/2014/02/PCBs-Sampling-Analysis-and-Reporting-Protocols-Dec13.pdf">https://bacwa.org/wp-content/uploads/2014/02/PCBs-Sampling-Analysis-and-Reporting-Protocols-Dec13.pdf</a></p> <p>One-Time Compliance Report for Dental Offices:  <a href="https://www.waterboards.ca.gov/water_issues/programs/npdes/docs/drinkingwater/one-time_compliance_report_for_dental_offices.pdf">https://www.waterboards.ca.gov/water_issues/programs/npdes/docs/drinkingwater/one-time_compliance_report_for_dental_offices.pdf</a></p> <p>NPDES Permit Amendment for Monitoring and Reporting  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf</a></p>

## STATE WATER BOARD TOXICITY PROVISIONS

<ul style="list-style-type: none"> <li>• 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</li> <li>• During individual permit reissuances since 2015, the Regional Water Board has been performing RPAs for chronic toxicity and giving chronic toxicity limits to agencies with Reasonable Potential.</li> <li>• Proposed Final Statewide Toxicity Provisions were released in October 2020, incorporating revisions to previous versions from 2018 to 2020. The Provisions establish: <ul style="list-style-type: none"> <li>○ 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);</li> <li>○ Numeric limits for chronic toxicity for POTWs &gt;5 MGD and with a pretreatment program; smaller POTWs would receive effluent targets and only receive limits if Reasonable Potential is established;</li> <li>○ Regional Water Board discretion on whether to require RPAs for acute toxicity;</li> <li>○ For POTWs with <i>Ceriodaphnia dubia</i> as most sensitive species, numeric targets rather than limits until after completion of state-wide study on lab/ testing issues (Dec. 31, 2023).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The State Water Board first adopted the Statewide Toxicity Provisions in December 2020. In October 2021, the State Water Board affirmed that the Statewide Toxicity Provisions were adopted as state policy for water quality control for all inland surface waters and estuaries.</li> <li>• The Toxicity Provisions will go into effect following EPA approval, which is expected to occur in February 2023.</li> <li>• Since 2016, agencies have had the option to skip sensitive species screening upon permit reissuance and pay the avoided funds to the RMP to be used for CECs studies. Under the Toxicity Provisions, agencies will be required by the provisions to do sensitive species screening once every 15 years.</li> <li>• BACWA 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. POTWs' only recourse is to challenge individual permits that include the procedure.</li> <li>• The State Water Board is collaborating with stakeholders on a special study to improve the quality of <i>Ceriodaphnia dubia</i> testing. The first phase of this multi-laboratory study of toxicity testing has been completed, and a second intercalibration round of testing will be conducted in March 2023.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Prepare for imminent approval of the Toxicity Provisions</b>, which could be as soon as February 2023. Member agencies that have had permits reissued after August 2022 will automatically transition to new toxicity testing requirements in the month following EPA approval.</li> <li>• <b>Plan to conduct a species sensitivity screening</b> to comply with the Toxicity Provisions, which require a study no more than 10 years old be used to determine a "Tier I" species for use in compliance monitoring.</li> <li>• <b>Review draft NPDES permits implementing the Toxicity Provisions.</b> As of August 2022, NPDES permit language implementing the Toxicity Provisions is being added to draft individual NPDES permits. Regional Water Board staff developed this language with BACWA member input. The permit language only becomes effective after EPA approves the Toxicity Provisions.</li> <li>• Share information on the special study on the <i>Ceriodaphnia dubia</i> test method with agencies who have that species in their permits.</li> </ul>	<p>SWRCB Toxicity Page: <a href="http://www.swrcb.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml">http://www.swrcb.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml</a></p> <p>Toxicity Provisions adopted December 2020: <a href="https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/provisions_final.pdf">https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/provisions_final.pdf</a></p> <p>Toxicity Workshop Presentations from 2017 BACWA Workshop: <a href="https://bacwa.org/bacwa-toxicity-workshop-september-18-2017/">https://bacwa.org/bacwa-toxicity-workshop-september-18-2017/</a></p> <p>Regional Water Board presentation on implementation of Statewide Toxicity Provisions from December 2020: <a href="https://bacwa.org/wp-content/uploads/2021/01/Slides-from-RWQCB-Regarding-R2-Tox-Language-in-NPDES-Permits-2020-12-08.pdf">https://bacwa.org/wp-content/uploads/2021/01/Slides-from-RWQCB-Regarding-R2-Tox-Language-in-NPDES-Permits-2020-12-08.pdf</a></p> <p><i>Ceriodaphnia</i> Quality Assurance Study <a href="https://www.sccwrp.org/about/research-areas/additional-research-areas/ceriodaphnia-toxicity-testing-quality-assurance/">https://www.sccwrp.org/about/research-areas/additional-research-areas/ceriodaphnia-toxicity-testing-quality-assurance/</a></p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>COMPOUNDS OF EMERGING CONCERN (CECS)</b>			
<ul style="list-style-type: none"> <li>Pharmaceuticals and other trace compounds of emerging concern (CECs) are ubiquitous in wastewater at low concentrations and have unknown effects on aquatic organisms.</li> <li>The State Water Board has formed a Pretreatment and CECs Unit.</li> <li>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 monitoring program is already being implemented in Region 2 through the RMP.</li> </ul>	<ul style="list-style-type: none"> <li>The Regional Water Board has stated that voluntary and representative participation in RMP CECs studies is key to avoiding regulatory mandates for CECs monitoring. These studies are informational and not for compliance purposes. BACWA developed a White Paper on representative participation to support facility selection for these studies.</li> <li>Bay dischargers are continuing to provide supplemental funding for RMP CECs studies through the NPDES Permit Amendment adopted in December 2021 by the Regional Water Board.</li> <li>The State Water Board has recently increased its focus on CECs. In November 2022, a State Water Board Science Advisory Panel released a report identifying risk-based and occurrence-based monitoring strategies in aquatic ecosystems. Similar approaches are already in use in the Bay Area by the RMP.</li> </ul>	<ul style="list-style-type: none"> <li>Continue to participate in the RMP Emerging Contaminants Workgroup.</li> <li>Participate in RMP studies by collecting wastewater samples at member facilities. Studies in FY23 include ethoxylated surfactants in wastewater, in addition to the Regional PFAS Study and OPC-funded microplastic study (see below).</li> <li>Provide ongoing updates to White Paper for use by the RMP or others in selecting representative POTWs for participation in CEC studies.</li> </ul>	<p>RMP Emerging Contaminant Workgroup:  <a href="http://www.sfei.org/rmp/ecwg#ab-1-4">http://www.sfei.org/rmp/ecwg#ab-1-4</a></p> <p>BACWA CECs White Paper:  <a href="https://bacwa.org/document/bacwa-cec-white-paper-updated-june-2020/">https://bacwa.org/document/bacwa-cec-white-paper-updated-june-2020/</a></p> <p>NPDES Permit Amendment for Monitoring and Reporting  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf</a></p> <p>State Water Board CECs webpage:  <a href="https://www.waterboards.ca.gov/water_issues/programs/cec/index.html">https://www.waterboards.ca.gov/water_issues/programs/cec/index.html</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>MICROPLASTICS</b>			
<ul style="list-style-type: none"> <li>• Microplastic pollution is an environmental threat with the potential to impact wastewater disposal and reuse, as well as biosolids end uses.</li> <li>• Microplastics have been a focus of the RMP in recent years. BACWA has participated in the Workgroup and developed a POTW Fact Sheet. One conclusion of the RMP work is that POTWs contribute much lower microplastic loads than stormwater. As a result, the RMP is focusing future microplastics sampling efforts on stormwater pathways.</li> </ul>	<ul style="list-style-type: none"> <li>• In February 2022, the Ocean Protection Council (OPC) adopted a Statewide Microplastics Strategy that calls for increased water recycling, additional monitoring of wastewater, source control in wastewater, and additional scientific research.</li> <li>• In 2021, the OPC funded a study investigating microplastic removal through wastewater treatment processes. The study is being carried out by SCCWRP. The study commenced in 2021 with a pilot study involving BACWA member agency participation. Full-scale sampling and analysis of influent, effluent, and biosolids is planned to be completed in 2023.</li> <li>• Ongoing microplastics investigations by the RMP are focused on tire particles in stormwater.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to participate in the RMP Microplastics Workgroup.</li> <li>• Three BACWA member agencies are participating in the OPC-funded microplastic study. As of January 2023, sampling efforts are ongoing.</li> <li>• Continue tracking State Water Board and Ocean Protection Council actions via the CASA Microplastics Workgroup. CASA is working with SCCWRP to provide additional funding for testing of new sample collection and/or analysis methods.</li> </ul>	<p>BACWA Microplastics Fact Sheet:  <a href="https://bacwa.org/wp-content/uploads/2019/09/BACWA-Microplastics-flyer.pdf">https://bacwa.org/wp-content/uploads/2019/09/BACWA-Microplastics-flyer.pdf</a></p> <p>SFEI Microplastics project:  <a href="https://www.sfei.org/projects/microplastics">https://www.sfei.org/projects/microplastics</a></p> <p>Ocean Protection Council Microplastics Strategy:  <a href="https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/2022_0223/Item_6_Exhibit_A_Statewide_Microplastics_Strategy.pdf">https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/2022_0223/Item_6_Exhibit_A_Statewide_Microplastics_Strategy.pdf</a></p>

**PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)**

<ul style="list-style-type: none"> <li>• Per- and polyfluoroalkyl substances (PFAS) are a group of human-made substances that are very resistant to heat, water, and oil. PFAS have been used in surface coating and protectant formulations. Common PFAS-containing products are non-stick cookware, cardboard/paper food packaging, water-resistant clothing, carpets, and fire-fighting foam.</li> <li>• Perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) are two types of PFAS no longer manufactured in the US; however, other types of PFAS are still produced and used in the US.</li> <li>• All PFAS are persistent in the environment, can accumulate within the human body, and have demonstrated toxicity at relatively low concentrations.</li> <li>• Potential regulatory efforts to address PFAS focus on drinking water in order to minimize human ingestion of these chemicals, although regulators have also expressed concern about uptake into food from biosolids.</li> <li>• In July 2020, the SWRCB issued an investigative order for POTWs. At that time, BACWA obtained SWRCB approval to fund and conduct a Regional PFAS Study in lieu of the investigative order.</li> <li>• In April 2021, the formation of an “EPA Council on PFAS” was announced.</li> </ul>	<ul style="list-style-type: none"> <li>• The EPA and State of California are developing drinking water standards for PFAS compounds. <ul style="list-style-type: none"> <li>○ DDW has developed drinking water notification levels (NLs) and response levels for PFOA, PFOS, and Perfluorobutane Sulfonic Acid (PFBS), and has finalized a NL for Perfluorohexane Sulfonic Acid (PFHxS) as of October 2022. .</li> <li>○ In 2021, OEHHA proposed draft public health goals for PFOA (0.007 ng/L) and PFOS (1 ng/L) as the next step in establishing drinking water MCLs.</li> <li>○ In 2022, EPA released interim health advisories for PFOA (0.004 ng/L) and PFOS (0.02 ng/L) that are lower than current detection limits in wastewater.</li> </ul> </li> <li>• EPA is conducting pretreatment standards rulemaking for two types of industrial users: Metal Finishing, and Organic Chemicals, Plastics and Synthetic Fibers.</li> <li>• EPA is developing a new analytical method for PFAS in complex matrices like wastewater. Draft Method 1633 is expected to be finalized later in 2023.</li> <li>• In August 2022, EPA proposed a rule designating PFOA and PFOS as hazardous substances under CERCLA (the Superfund law). BACWA submitted a comment letter on the proposal (link at right).</li> <li>• In late 2022, EPA issued permitting guidance for pretreatment programs and NPDES permits. It recommends use of Draft Method 1633.</li> </ul>	<ul style="list-style-type: none"> <li>• BACWA’s Regional PFAS Study is being conducted by SFEI in two phases: <ul style="list-style-type: none"> <li>○ In Phase 1, fourteen representative facilities collected samples in Q4 2020 for influent, effluent, RO concentrate, and biosolids. BACWA prepared a Fact Sheet regarding Phase 1 results (see link at right).</li> <li>○ Sample collection for Phase 2 of the PFAS Regional Study was completed in mid-2022 and included sampling of influent, effluent, and biosolids; residential sewersheds, commercial and industrial users; hauled organic waste used as digester feed; and groundwater. Phase 2 study results will be available in spring 2023.</li> </ul> </li> <li>• BACWA’s Phase 2 study results could support new legislative efforts in 2023. Legislation requiring reporting of PFAS in products (AB 2247) did not pass in 2022 due to concerns about fiscal impact. PFAS bans in cosmetics and textiles were passed in 2022.</li> <li>• BACWA will continue tracking developments at the federal, state and regional level, in particular to understand the impact of the CERCLA designation on biosolids reporting.</li> </ul>	<p>BACWA PFAS Documents: <a href="https://bacwa.org/pfas-links/">https://bacwa.org/pfas-links/</a></p> <p>SWRCB PFAS Resources: <a href="https://www.waterboards.ca.gov/pfas/">https://www.waterboards.ca.gov/pfas/</a></p> <p>OEHHA Drinking Water: <a href="https://oehha.ca.gov/water">https://oehha.ca.gov/water</a></p> <p>EPA PFAS Resources <a href="https://www.epa.gov/pfas">https://www.epa.gov/pfas</a></p> <p>EPA PFAS Strategic Roadmap <a href="https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024">https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024</a></p> <p>2022 PFAS Legislation Outcomes for CA: <a href="https://www.cwea.org/news/pfas-legislation-we-have-seen-in-2022/">https://www.cwea.org/news/pfas-legislation-we-have-seen-in-2022/</a></p> <p>BACWA Comment Letter on CERCLA Designation: <a href="https://bacwa.org/wp-content/uploads/2022/11/BACWA-PFAS-CERCLA-Ltr-2022-11-07.pdf">https://bacwa.org/wp-content/uploads/2022/11/BACWA-PFAS-CERCLA-Ltr-2022-11-07.pdf</a></p> <p>EPA NPDES Permitting Guidance (Dec. 2022) <a href="https://www.epa.gov/system/files/documents/2022-12/NPDES_PFAS_State%20Memo_December_2022.pdf">https://www.epa.gov/system/files/documents/2022-12/NPDES_PFAS_State%20Memo_December_2022.pdf</a></p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>SSS WDR REISSUANCE</b>			
<ul style="list-style-type: none"> <li>• In 2021, the State Water Board began the process of reissuing the statewide Sanitary Sewer System General Order (SSS-WDR) by issuing an informal staff draft. A draft for public comment was released in January 2022, and BACWA submitted formal comments in April 2022.</li> <li>• State Water Board staff participated in multiple rounds of stakeholder engagement with BACWA, CASA, CVCWA, SCAP, and non-governmental organizations.</li> <li>• The State Water Board's goals for the update were: <ul style="list-style-type: none"> <li>○ Updating the 2006 Order</li> <li>○ Clarifying compliance expectations and enhancing enforceability</li> <li>○ Addressing system resiliency, including climate change impacts</li> <li>○ Identifying valuable data and eliminating non-valuable reporting requirements</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The SSS-WDR was reissued in December 2022. The reissued order replaces the 2006 Order and the 2013 Monitoring and Reporting Program. BACWA and partner organizations were successful in working with the State Water Board to make many favorable modifications to the draft prior to its final adoption.</li> <li>• The reissued order effective date is June 5, 2023.</li> <li>• The reissued SSS-WDR contains numerous new and modified requirements, such as: <ul style="list-style-type: none"> <li>○ A prohibition on discharges to groundwater;</li> <li>○ Reduced spill reporting requirements for small spills (spills from laterals or &lt;50 gallons);</li> <li>○ New spill monitoring requirements such as photo documentation and faster water quality sampling;</li> <li>○ New requirements for preparation of Sewer System Management Plans (SSMPs), including a focus on system resiliency, prioritizing corrective actions, and coordinating with stormwater agencies;</li> <li>○ Modified annual reporting requirements;</li> <li>○ New mapping requirements; and</li> <li>○ Modified timelines for preparation of audits and SSMPs. The State Water Board has prepared an online tool to assist agencies in determining compliance dates (at right).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Members that are currently enrolled in the SSS-WDR will need to meet several compliance deadlines by June 5, 2023, such as: <ul style="list-style-type: none"> <li>○ Re-enrolling between April 4 and June 5, 2023</li> <li>○ Uploading existing SSMPs to CIWQS</li> <li>○ Updating Spill Emergency Response Plans</li> </ul> </li> <li>• Work with the Collection System committee and CASA to identify and fulfill member needs for guidance and templates materials, such as guidance for Sewer System Management Plans</li> <li>• Continue to coordinate with CASA and CWEA on training opportunities for members as they transition to enrollment under the new SSS-WDR.</li> </ul>	<p>State Water Board SSS-WDR page:  <a href="https://www.waterboards.ca.gov/water_issues/programs/sso/">https://www.waterboards.ca.gov/water_issues/programs/sso/</a></p> <p>Reissued SSS-WDR (General Order 2022-0103-DWQ), Effective June 5, 2023  <a href="https://www.waterboards.ca.gov/board_decisions/adopted_or_orders/water_quality/2022/wqo_2022-0103-dwg.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_or_orders/water_quality/2022/wqo_2022-0103-dwg.pdf</a></p> <p>Clean Water Summit Partners Webinar on Reissued SSS-WDR (January 2023)  <a href="https://casaweb.org/resources/speaker-presentations/">https://casaweb.org/resources/speaker-presentations/</a></p> <p>SSMP and Audit Due Dates Lookup Tool from State Water Board  <a href="https://www.waterboards.ca.gov/water_issues/programs/sso/lookup/">https://www.waterboards.ca.gov/water_issues/programs/sso/lookup/</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>ELAP UPDATE</b>			
<ul style="list-style-type: none"> <li>• In May 2020, the State Water Board adopted new comprehensive regulations for the Environmental Laboratory Accreditation Program.</li> <li>• Adoption of the new regulations was required by AB 1438, legislation that became effective in 2018.</li> <li>• The new ELAP regulations will replace the current state-specific accreditation standards with a national laboratory standard established by The NELAC Institute (TNI).</li> </ul>	<ul style="list-style-type: none"> <li>• The new ELAP regulations became effective as of <b>January 1, 2021</b>. Compliance with TNI standards is required beginning <b>January 1, 2024</b>.</li> <li>• Adoption of TNI standards poses a challenge since there are more than 1,000 individual requirements. Setup costs may include: <ul style="list-style-type: none"> <li>○ Hiring and/or training staff;</li> <li>○ Hiring consultants to set up the TNI documentation framework;</li> <li>○ Purchasing Laboratory Information Management System (LIMS) software;</li> <li>○ Purchasing documents and training material from TNI, etc.</li> </ul> </li> <li>• The new standards will be a particular burden on small laboratories, which may choose to close if they cannot economically meet the new standards.</li> <li>• ELAP's "Roadmap to ELAP Accreditation" Program is the outreach and training component of the new regulations. ELAP staff have presented to the Lab Committee in June 2020, February 2021, April 2021, and June 2022. ELAP has contracted with A2LA Workplace Training to provide training sessions.</li> <li>• The BACWA Lab Committee began providing monthly TNI training sessions beginning in July 2021. BACWA has provided funding for the TNI training sessions to continue through FY23.</li> </ul>	<ul style="list-style-type: none"> <li>• Offer monthly training sessions to BACWA members. The free virtual training sessions are open to BACWA members holding a valid copy of the 2016 TNI Standard, and are occurring on the 3<sup>rd</sup> Tuesday of each month. Training is provided by Diane Lawver of Quality Assurance Solutions, LLC, and other subject matter experts. BACWA's TNI training sessions are recorded, and a link is available upon request.</li> <li>• Communicate with ELAP staff on behalf of BACWA's Laboratory Committee as new guidance and training materials are developed for TNI implementation and methods updates.</li> <li>• Continue to work through BACWA's Laboratory Committee to support members as they navigate laboratory accreditation under the new TNI standards.</li> <li>• Publicize training opportunities offered by consultants, ELAP, and others.</li> <li>• Provide a forum for BACWA laboratories to share experiences and lessons learned from various approaches to TNI implementation.</li> </ul>	<p>State Water Board's 'Roadmap to ELAP Accreditation' page:  <a href="https://www.waterboards.ca.gov/drinking_water/certlic/labs/roadmap_to_elap_accreditation.html">https://www.waterboards.ca.gov/drinking_water/certlic/labs/roadmap_to_elap_accreditation.html</a></p> <p>Roadmap to Accreditation Presentation to BACWA Lab Committee:  <a href="https://bacwa.org/wp-content/uploads/2020/06/California-ELAP-Regulations-BACWA_06092020.pdf">https://bacwa.org/wp-content/uploads/2020/06/California-ELAP-Regulations-BACWA_06092020.pdf</a></p> <p>State Water Board's ELAP regulations page:  <a href="http://www.waterboards.ca.gov/drinking_water/certlic/labs/elap_regulations.shtml">http://www.waterboards.ca.gov/drinking_water/certlic/labs/elap_regulations.shtml</a></p> <p>Monthly Training Session flyer:  <a href="https://bacwa.org/wp-content/uploads/2021/07/BACWA-Lab-TNI-Training-Series-Flyer.pdf">https://bacwa.org/wp-content/uploads/2021/07/BACWA-Lab-TNI-Training-Series-Flyer.pdf</a></p> <p>ELAP Timeline Guidance Tool:  <a href="https://www.waterboards.ca.gov/drinking_water/certlic/labs/docs/2022/elap-scheduler-1-1.xlsx">https://www.waterboards.ca.gov/drinking_water/certlic/labs/docs/2022/elap-scheduler-1-1.xlsx</a></p>

### PHASE-OUT OF BIOSOLIDS AS ALTERNATIVE DAILY COVER

<ul style="list-style-type: none"> <li>Regulatory drivers are indicating that biosolids used as alternative daily cover (ADC) or disposed in landfills will be phased out:             <ul style="list-style-type: none"> <li>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.</li> <li>SB 1383, adopted in September 2016 requires organics diversion: -50% by 2020 (relative to 2014) -75% by 2025 (relative to 2014)</li> </ul> </li> <li>Regulations implementing SB 1383 went into effect on January 1, 2022, so the State can begin enforcement on jurisdictions. Jurisdictions can begin local enforcement January 1, 2024, and compliance is required by January 1, 2025.</li> <li>While the regulations implementing SB 1383 do not explicitly forbid biosolids disposal/reuse in landfills, it is assumed that since biosolids are a relatively "clean" waste stream that can be easily diverted, landfills will stop accepting biosolids.</li> <li>The Bay Area Biosolids Coalition (BABC) was formed to find sustainable, cost-effective, all-weather options for biosolids management. BABC is a BACWA Project of Special Benefit.</li> </ul>	<ul style="list-style-type: none"> <li>BACWA's 2021 Biosolids Trends Survey Report compiles member agency activities in 2018-2020, as well as survey responses regarding SB 1383 implementation.</li> <li>Requirements for SB 1383 implementation include:             <ul style="list-style-type: none"> <li>Diverted biosolids must be anaerobically digested and/or composted to qualify as landfill reduction.</li> <li>In 2022, CalRecycle began accepting applications to consider whether other specific treatment technologies can qualify as landfill reduction (per Article 2 of SB 1383).</li> <li>Local ordinances restricting land application are disallowed.</li> </ul> </li> <li>Jurisdictions that divert organic waste must also procure the end products of diversion, such as biogas, biomethane, and compost (but not biosolids). Per legislation signed in 2022 (AB 1985), procurement rules are being phased in over three years (2023 to 2025) and there are interim rules regarding procurement of biogas from POTWs.</li> <li>Currently, some County ordinances restrict the beneficial use of biosolids. CalRecycle considers bans on land application to be unenforceable, and CalRecycle has agreed to approach several counties with restrictive ordinances to conduct outreach and assess compliance.</li> <li>CalRecycle continues to make new training materials available for jurisdictions regarding 1383 compliance.</li> </ul>	<ul style="list-style-type: none"> <li>The <i>Biosolids in the Baylands</i> white paper was released in 2022 by the San Francisco Bay Joint Venture. The white paper identifies data gaps that need to be filled. Studies funded by BACWA and BABC (e.g., PFAS) and other current studies will be considered to help fill remaining data gaps before identifying new monitoring requirements at land application sites.</li> <li>Continue to engage with Regional Water Board regarding supplemental monitoring requirements for biosolids land application sites in the Baylands.</li> <li>Actively work through CASA with California Air Resource Board, CalRecycle, State Water Board, and California Department of Food and Agriculture to develop sustainable long-term options for biosolids beneficial use.</li> <li>Meet with BAAQMD regularly in 2023 to discuss alignment of state and local regulations.</li> </ul>	<p>BACWA 2021 Biosolids Trends Survey Report: <a href="https://bacwa.org/wp-content/uploads/2021/12/BACWA-2021-Biosolids-Trends-Survey-Report.pdf">https://bacwa.org/wp-content/uploads/2021/12/BACWA-2021-Biosolids-Trends-Survey-Report.pdf</a></p> <p>BABC website: <a href="http://www.bayareabiosolids.com/">http://www.bayareabiosolids.com/</a></p> <p>CASA White Paper on SB 1383 Implementation: <a href="https://bacwa.org/document/summary-of-sb-1383-and-its-implementation-casa-2020/">https://bacwa.org/document/summary-of-sb-1383-and-its-implementation-casa-2020/</a></p> <p>CalRecycle website for California Short-Lived Climate Pollutant Reduction Strategy <a href="https://www.calrecycle.ca.gov/organics/slcp">https://www.calrecycle.ca.gov/organics/slcp</a></p> <p>CalRecycle Procurement FAQ (Updated per AB 1985) <a href="https://calrecycle.ca.gov/organics/slcp/faq/recycledproducts/">https://calrecycle.ca.gov/organics/slcp/faq/recycledproducts/</a></p> <p><i>Biosolids in the Baylands</i> White Paper <a href="https://bacwa.org/wp-content/uploads/2022/07/Biosolids-in-the-Baylands-White-Paper-March-2022.pdf">https://bacwa.org/wp-content/uploads/2022/07/Biosolids-in-the-Baylands-White-Paper-March-2022.pdf</a></p>
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## CLIMATE CHANGE MITIGATION

<ul style="list-style-type: none"> <li>• CARB's Climate Change Scoping Plan Update lays out the approach for the State to meet its greenhouse gas (GHG) emissions reduction targets through 2030. The latest Scoping Plan was updated in 2022 targeting carbon neutrality by 2045, including policies addressing: <ul style="list-style-type: none"> <li>○ Short-lived climate pollutants</li> <li>○ Carbon sequestration on Natural and Working Lands</li> <li>○ Largest emitters (transportation, electricity, and industrial sectors)</li> </ul> </li> <li>• SB 1383 (Short-Lived Climate Pollutant Reduction) calls for: <ul style="list-style-type: none"> <li>○ 40% methane reduction by 2030</li> <li>○ 75% diversion of organic waste from landfills by 2025</li> <li>○ Policy / regulatory development encouraging production/use of biogas</li> </ul> </li> <li>• BAAQMD developed a Clean Air Plan requiring GHG emissions supporting CARB's 2050 target (80% below 1990 levels).</li> <li>• BAAQMD proposed the development of Regulation 13 (climate pollutants) targeting methane and nitrous oxide reductions related to organics diversion and management, but that effort is now on pause and lower priority than air toxics regulations.</li> <li>• CARB states POTWs are part of the solution for reducing fugitive methane, and encourages diversion of organics to POTWs to use available digester capacity and produce biogas.</li> </ul>	<ul style="list-style-type: none"> <li>• CARB is pursuing rapid fleet conversion to zero-emission vehicles (ZEVs), including medium and heavy-duty vehicles, through the Advanced Clean Fleet rule. The proposed regulations will allow organizations to opt into one of two programs: <ul style="list-style-type: none"> <li>○ <b>Public Fleets:</b> With exceptions, requiring 50% of vehicles added to be ZEV by 2024, and 100% by 2027.</li> <li>○ <b>High Priority Fleet (Group 3):</b> With exceptions, requiring 10% of vehicles added to be ZEV by 2030 and 100% by 2042.</li> </ul> </li> <li>• Complete conversion will be difficult for heavy-duty specialty trucks, and will remove a potential market for biogas. CASA is engaging to request continued allowance of biogas as a sustainable transportation fuel.</li> <li>• In addition to pushing for ZEVs, CARB is proposing changes to the Low Carbon Fuel Standard that reflect increasing emphasis on hydrogen as a transportation fuel. Conversion of biogas into hydrogen is currently in research &amp; development stage.</li> <li>• Many POTWs are exploring energy generation, but BAAQMD TAC regulations could make such programs more difficult to implement. Direct injection of biogas to PG&amp;E's pipelines or use as a transportation fuel may be more efficient.</li> <li>• As of late 2022, EPA is finalizing a proposal for apportionment of renewable fuel credits (RINs) for food waste-based and sludge-based biogas.</li> </ul>	<ul style="list-style-type: none"> <li>• The Advanced Clean Fleet rule is expected to be adopted in April 2023. BACWA is supporting CASA's enhanced advocacy to CARB to preserve existing pathways that allow biogas to be used for fueling vehicles. The outreach is required so that biogas produced at treatment plants continues to have a permissible and economical end use, and so utilities have reliable power for heavy-duty vehicles. CASA and BACWA members are also providing public comments at CARB's public workshops.</li> <li>• Look for ways to inform BAAQMD on opportunities and challenges for climate change mitigation by Bay Area POTWs, including education about anaerobic digesters and POTW operations.</li> <li>• Work with PG&amp;E and BAAQMD to explore options for POTWs to inject biogas into PG&amp;E pipelines. In February 2022, the CPUC approved a mandatory biomethane procurement program for CA's four large gas IOUs (including PG&amp;E) under SB 1440. CASA has been discussing the barriers to pipeline injection with CPUC and CalOSHA staff.</li> </ul>	<p>Climate Change Scoping Plan, including 2022 Update:  <a href="https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan">https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan</a></p> <p>CARB Low Carbon Fuel Standard:  <a href="https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard">https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard</a></p> <p>CARB Advanced Clean Fleet Rule:  <a href="https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets">https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets</a></p> <p>SB 1383:  <a href="https://www.calrecycle.ca.gov/organics/slcp">https://www.calrecycle.ca.gov/organics/slcp</a></p> <p>BAAQMD Clean Air Plan:  <a href="http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans">http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans</a></p> <p>BAAQMD Regulation 13  <a href="http://www.baaqmd.gov/rules-and-compliance/rules/regulation-13-climate-pollutants">http://www.baaqmd.gov/rules-and-compliance/rules/regulation-13-climate-pollutants</a></p> <p>EPA Renewable Fuel Standards  <a href="https://www.epa.gov/renewable-fuel-standard-program/proposed-renewable-fuel-standards-2023-2024-and-2025">https://www.epa.gov/renewable-fuel-standard-program/proposed-renewable-fuel-standards-2023-2024-and-2025</a></p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>CLIMATE CHANGE ADAPTATION</b>			
<ul style="list-style-type: none"> <li>Climate change and water resilience are a strategic priority of both the State Water Board and Regional Water Board.</li> <li>In April 2019, Governor Newsom signed Executive Order N-10-19 directing State Agencies to recommend a suite of priorities and actions to build a climate-resilient water system and ensure healthy waterways through the 21st century.</li> <li>Bay Area coordination occurs through Bay Adapt, the Bay Area Climate Adaptation Network (BayCAN), and other venues. BACWA has signed a letter of support for the Bay Adapt Joint Platform.</li> <li>In April 2022, the State released a Climate Adaptation Strategy, including an updated climate change assessment for the Bay Area region.</li> <li>The California Coastal Commission's November 2021 Sea Level Rise Planning Guidance recommends that agencies "understand and plan" for 2.7 feet of sea level rise by 2050.</li> <li>The Regional Water Board is modifying the Basin Plan to address climate change and wetland policy. The changes will occur through multiple Basin Plan amendments.</li> </ul>	<ul style="list-style-type: none"> <li>Despite previous announcements, as of 2023 the State Water Board no longer has plans to conduct a survey of permitted facilities regarding climate change vulnerability assessments adaptation measures, and is looking to Regional Water Boards to be responsible for this effort.</li> <li>In 2023, the Bay Conservation and Development Commission (BCDC) plans to develop "Regional Shoreline Adaptation Guidance" and standards for the Bay Area.</li> <li>In 2022, the Regional Water Board adopted a Climate Change Basin Plan amendment addressing dredge and fill procedures near the region's shorelines, especially for climate adaptation projects.</li> <li>Separately from the Basin Plan amendment, the NPDES division has released information regarding NPDES permitting of nature-based solutions.</li> <li>Shallow groundwater response to Sea Level Rise is a concern in low-lying Bay Area communities. Information about current and future depth-to-groundwater maps is summarized in a January 2023 report now available from Pathways Climate Institute and SFEI.</li> </ul>	<ul style="list-style-type: none"> <li>Follow up with members regarding sea level rise planning, as discussed at a member agency roundtable in August 2022. Prepare for engagement with the Regional Water Board and on expectations for sea level rise planning</li> <li>Work with members to identify a suitable way to track sea level rise adaptation plans, per the request of Regional Water Board staff.</li> <li>Engage with BCDC during the agency's development of Regional Shoreline Adaptation Plan guidance, which will likely impact most BACWA member agencies. BACWA is participating in an advisory group for the Regional Shoreline Adaptation Plan.</li> <li>Continue to work with Regional Water Board and other resource agencies to look for regulatory solutions to encourage wetlands projects for shoreline resiliency.</li> </ul>	<p>California Coastal Commission's <i>Critical Infrastructure at Risk</i>  <a href="https://documents.coastal.ca.gov/assets/slr/SLR%20Guidance_Critical%20Infrastructure_12.6.2021.pdf">https://documents.coastal.ca.gov/assets/slr/SLR%20Guidance_Critical%20Infrastructure_12.6.2021.pdf</a></p> <p>OPC Sea Level Rise Action Plan – August 2022  <a href="https://www.opc.ca.gov/webmaster/media_library/2022/08/SLR-Action-Plan-2022-508.pdf">https://www.opc.ca.gov/webmaster/media_library/2022/08/SLR-Action-Plan-2022-508.pdf</a></p> <p>Climate Change Basin Plan Amendment  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2022/July/7_ssr.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2022/July/7_ssr.pdf</a></p> <p>California Climate Adaptation Strategy  <a href="https://climateresilience.ca.gov/">https://climateresilience.ca.gov/</a></p> <p>Bay Adapt Joint Platform  <a href="https://www.bayadapt.org/">https://www.bayadapt.org/</a></p> <p>NPDES Permitting for Nature-Based Solutions  <a href="https://bacwa.org/wp-content/uploads/2022/08/NPDES-Permitting-for-Nature-Based-Solutions-5.pdf">https://bacwa.org/wp-content/uploads/2022/08/NPDES-Permitting-for-Nature-Based-Solutions-5.pdf</a></p> <p>2023 Report on Shallow Groundwater Response  <a href="https://www.sfei.org/projects/shallow-groundwater-response-sea-level-rise">https://www.sfei.org/projects/shallow-groundwater-response-sea-level-rise</a></p>

**TOXIC AIR CONTAMINANTS**

<ul style="list-style-type: none"> <li>• Regulation 11, Rule 18 (Rule 11-18), adopted in 2017, is BAAQMD's effort to protect public health from toxic air pollution from existing facilities, including POTWs.</li> <li>• Per the Rule, BAAQMD will conduct site-specific Health Risk Screening Analyses (HRSAs) and determine each facility's prioritization score (PS). BAAQMD will conduct Health Risk Assessments (HRAs) for all facilities with a cancer PS&gt;10 or non-cancer PS&gt;1.0. After verifying the model inputs, if the facility still has PS above that threshold, that facility would need to develop and implement a Risk Reduction Plan that may include employing Best Available Retrofit Control Technology for Toxics (TBARCT).</li> <li>• AB 617 (Community Air Protection Program) – requires CARB to harmonize community air monitoring, reporting, &amp; local emissions reduction programs for air toxics and GHGs). POTWs within communities already impacted by air pollution may have to accelerate implementation of risk reduction measures.</li> <li>• AB 2588 (Air Toxics “Hot Spots” Program) - Establishes a statewide program for the inventory of air toxics emissions from individual facilities, as well as requirements for risk assessment and public notification of potential health risks. 2020 updates expanded compound list from &gt;500 to &gt;1,000.</li> </ul>	<ul style="list-style-type: none"> <li>• BACWA developed a White Paper on BAAQMD Rule 11-18 to describe its potential impacts on the POTW community.</li> <li>• 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.</li> <li>• 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.</li> <li>• AIR Committee gathered data on proximity factors from each facility and submitted to BAAQMD for updating prioritization scores, which will be use in HRA development.</li> <li>• In the <i>Final Statement of Reasons</i> for rulemaking on AB 617 and AB 2588, CARB provided the wastewater sector time to develop a short-list of relevant compounds and perform a pooled emissions estimating effort to update outdated default emission factors (through 2028).</li> <li>• In December 2021, BAAQMD amended Rule 2-5 to reduce allowable levels of toxic air contaminants in new source permitting. In March 2022, BAAQMD and BACWA convened a working group to address concerns related to toxic air contaminants and rule-making, which is meeting quarterly.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue participating in the BAAQMD working group to discuss toxic air contaminants, rule development, and related issues. BACWA is coordinating with BAAQMD about implementation of the two-step process and its timing relative to BAAQMD Rule 11-18 and 2-5.</li> <li>• Report “business as usual” for air toxics through 2028 (for year 2027). If BAAQMD requests additional monitoring of air toxics, member agencies should refer to the one-page handout on this topic prepared by CASA. The wastewater sector has until 2028 to perform a statewide “two-step process” in collaboration with CARB and air districts to determine a shortlist of compounds relevant to the wastewater sector to report.</li> <li>• Continue to Participate in CASA Subgroup meetings to plan the "two-step process" study.</li> <li>• For budgeting planning purposes, BACWA members with permitted capacity &gt; 5 MGD should expect the study to cost approximately \$2,000 per MGD of permitted average dry weather flow. Study costs will be spread over FY24 to F27.</li> </ul>	<p>BAAQMD Rule 11-18 page: <a href="https://www.baaqmd.gov/rules-and-compliance/rules/regulation-11-rule-18-reduction-of-risk-from-air-toxic-emissions-at-existing-facilities">https://www.baaqmd.gov/rules-and-compliance/rules/regulation-11-rule-18-reduction-of-risk-from-air-toxic-emissions-at-existing-facilities</a></p> <p>Rule 11-18 Process Flowchart: <a href="https://bacwa.org/document/baaqmd-11-18-process-flowchart-08-17-17/">https://bacwa.org/document/baaqmd-11-18-process-flowchart-08-17-17/</a></p> <p>CARB page on AB 617 and AB 2588: <a href="https://ww2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting">https://ww2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting</a> <i>Final Statement of Reasons</i> <a href="https://ww3.arb.ca.gov/board/15day/ctr/fsor.pdf">https://ww3.arb.ca.gov/board/15day/ctr/fsor.pdf</a></p> <p>CASA One-Page Handout on Air Toxics Reporting (March 2022) <a href="https://bacwa.org/wp-content/uploads/2022/03/CTR-EICG_CASAOnePageIssue-Approach_March2022.pdf">https://bacwa.org/wp-content/uploads/2022/03/CTR-EICG_CASAOnePageIssue-Approach_March2022.pdf</a></p> <p>BAAQMD Rule 2-5 <a href="https://www.baaqmd.gov/rules-and-compliance/rules/reg-2-permits?rule_version=2021%20Amendments">https://www.baaqmd.gov/rules-and-compliance/rules/reg-2-permits?rule_version=2021%20Amendments</a></p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>RECYCLED WATER</b>			
<ul style="list-style-type: none"> <li>• Approximately 10 percent of the municipal wastewater of Region 2 POTWs is currently recycled. Expansion of recycled water projects is a goal of many BACWA members, but implementation is slowed by high costs, regulatory uncertainty, and administrative requirements.</li> <li>• As of 2018, the State Water Board has adopted uniform water recycling criteria for two types of Indirect Potable Reuse: surface water augmentation and groundwater augmentation.</li> <li>• As of 2020, virtually all recycled water in Region 2 was produced at centralized facilities using municipal wastewater, and was treated to meet standards for non-potable reuse.</li> <li>• The State Water Board is developing regulations for Direct Potable Reuse. Regulations for raw water augmentation must be adopted by December 31, 2023. The State Water Board is pursuing a regulatory path that also includes treated water augmentation. The State Water Board will issue draft regulations for Direct Potable Reuse in early 2023.</li> </ul>	<ul style="list-style-type: none"> <li>• Beginning in 2020, all agencies have been required to report monthly wastewater and recycled water volumes into the State’s Geotracker database. The 2023 survey includes new questions about future plans for increased recycled water production. Response are due April 30.</li> <li>• The State Water Board is currently developing standards for onsite treatment and reuse of non-potable water in multi-family, mixed use, and commercial buildings. Draft regulatory concepts for onsite non-potable reuse were released in August 2022. The State Water Board is expected to begin rulemaking for onsite non-potable recycled water by late spring and complete the regulations by the end of 2023.</li> <li>• BACWA is currently completing a Regional Evaluation of Potential Nutrient Discharge Reduction by Water Recycling, as required by the 2<sup>nd</sup> Nutrient Watershed Permit.</li> <li>• The State Water Board is launching a “Strike Team” to assess how California will meet new recycled water goals listed in California’s Water Supply Strategy (August 2022). The new goals call for 800,000 acre-feet per year of recycled water by 2030 and 1.8 million acre-feet per year by 2040. The Strike Team will also document challenges to meeting these goals, including but not limited to funding.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>This spring, BACWA members should plan to sign off on individual facility reports and review the draft overall report for the Regional Evaluation of Potential Nutrient Discharge Reduction.</b> The consultant team has completed most individual reports, and will produce the overall draft report by mid-April 2023. The overall report, including individual facility reports, must be submitted by July 1, 2023.</li> <li>• Review draft regulations for Direct Potable Reuse and Onsite Non-potable Reuse and work through Recycled Water committee to develop comments, as needed.</li> <li>• Track California legislation with potential impacts on recycled water funding, mandates, or regulations.</li> </ul>	<p>Water Boards Recycled Water Policy and Regulations  <a href="https://www.waterboards.ca.gov/water_issues/programs/recycled_water/">https://www.waterboards.ca.gov/water_issues/programs/recycled_water/</a></p> <p>Direct Potable Reuse framework documents  <a href="https://www.waterboards.ca.gov/drinking_water/certlic/drinkinwater/direct_potable_reuse.html">https://www.waterboards.ca.gov/drinking_water/certlic/drinkinwater/direct_potable_reuse.html</a></p> <p>Volumetric Annual Reporting Data:  <a href="https://www.waterboards.ca.gov/water_issues/programs/recycled_water/volumetric_annual_reporting.html">https://www.waterboards.ca.gov/water_issues/programs/recycled_water/volumetric_annual_reporting.html</a></p> <p>Special Studies of Recycled Water and Nature-Based Systems:  <a href="https://bacwa.org/document-category/2nd-watershed-permit-studies/">https://bacwa.org/document-category/2nd-watershed-permit-studies/</a></p> <p>California’s Water Supply Strategy (August 2022)  <a href="https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Water-Resilience/CA-Water-Supply-Strategy.pdf">https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Water-Resilience/CA-Water-Supply-Strategy.pdf</a></p>

Previously covered issues with no updates can be found in previous [BACWA issues summaries](#).

## ACRONYMS

ADC	Alternate Daily Cover	PCB	Polychlorinated Biphenyl
BAAQMD	Bay Area Air Quality Management District	PFAS	Per- and Polyfluoroalkyl Substances
BACT	Best Available Control Technology	PFBS	Perfluorobutane Sulfonic Acid
BCDC	Bay Conservation and Development Commission	PFHxS	Perfluorohexane Sulfonic Acid
BTU/SCF	British thermal units per standard cubic foot	PFOA	Perfluorooctanoic Acid
CalDPR	California Department of Pesticide Registration	PFOS	Perfluorooctane Sulfonic Acid
CARB	California Air Resources Board	POTW	Publicly Owned Treatment Works
CASA	California Association of Sanitation Agencies	PS	Prioritization Score
CAP	Criteria Air Pollutant	RMP	Regional Monitoring Program
CEC	Compound of Emerging Concern	RPA	Reasonable Potential Analysis
CIWQS	California Integrated Water Quality System	SCAP	Southern California Alliance of POTWs
CVCWA	Central Valley Clean Water Agencies	SF Bay	San Francisco Bay
CWEA	California Water Environment Association	SFEI	San Francisco Estuary Institute
DDW	Division of Drinking Water, State Water Resources Control Board	SSMP	Sewer System Management Plan
EC25/IC25	25% Effect Concentration/25% Inhibition Concentration	TAC	Toxic Air Contaminant
ELAP	Environmental Laboratory Accreditation Program	TMDL	Total Maximum Daily Load
ELTAC	Environmental Laboratory Technical Advisory Committee	TIN	Total Inorganic Nitrogen
EPA	United States Environmental Protection Agency	TNI	The NELAC Institute
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act	TST	Test of Significant Toxicity
FY	Fiscal Year	WQBEL	Water Quality Based Effluent Limitation
GHG	Greenhouse Gas	WQO	Water Quality Objective
HRSA	Health Risk Screening Analyses	ZEV	Zero-Emission Vehicle
HRA	Health Risk Assessment		
MCL	Minimum Contaminant Level (Drinking Water)		
MGD	Million Gallons per Day		
NACWA	National Association of Clean Water Agencies		
NELAC	National Environmental Laboratory Accreditation Conference		
NMS	Nutrient Management Strategy		
OEHHA	Office of Environmental Health Hazard Assessment		
OPC	Ocean Protection Council		

**ITEM NO. RA8 REPORTING CHECKLIST**

**Recommendation**

For the Committee’s information only; no action is required.

**Background**

Authority staff maintains a checklist of all regulatory reporting and related tasks to ensure timely and complete reporting.

**Discussion**

The following checklist is extracted from a complete list of routine regulatory activities addressed throughout the year. The following items were completed during the period of October 1, 2022 through January 31, 2023; there are no outstanding activities.

<i>Authority</i>	<i>Required Action</i>	<i>Occurrence</i>	<i>Date Completed</i>
Alameda County	Review <i>Conflict of Interest Code</i> and submit to Clerk of the Board	Biennial	10/10/2022
Department of Industrial Relations	Federal & State employment law postings	Annual	10/22/2022
State Water Resources Control Board	NPDES Quarterly Report (Jul-Sep)	Quarterly	10/27/2022
ADP Business Payroll	Print Payroll Quarter-End Tax Returns	Quarterly	11/3/2022
Division of Occupational Safety & Health	Permit to Operate Air Pressure Tank Serial No. A019148-92 (Inspection & Renewal) NOTE: Inspections provided by APIP, call to schedule.	Quinquennial	12/13/2022
State Water Resources Control Board	Annual Waste Discharge Permit Fee	Annual	12/15/2022
East Bay Dischargers Authority	Website review/update	Quarterly	1/5/2023
Alameda County	Financial Statements Submittal	Annual	1/5/2023
State Controller's Office	Financial Statements Submittal	Annual	1/5/2023
Various	Financial Statements Submittal	Annual	1/5/2023
ADP Business Payroll	Print W-2 copies for EBDA payroll file (EE W-2 forms will be delivered)	Annual	1/6/2023
County of Alameda, Clerk/Recorder	Statement of Facts/Roster of Public Agencies Filing (Post-election changes to Commission)	Annual	1/9/2023
Secretary of State	Statement of Facts/Roster of Public Agencies Filing (Post-election changes to Commission)	Annual	1/9/2023
State Compensation Insurance Fund	Payroll Report, Semi-Annual Jul 01 - Jan 01	Semi-Annual	1/9/2023
Alliant Insurance Services, Inc	Pollution Liability Insurance Program Renewal	Annual	1/11/2023
Department of Industrial Relations	Form 300A Posting	Annual	1/17/2023
Bureau of Labor Statistics	Report monthly employment figures	Monthly	1/19/2023
Internal Revenue Service	Distribute <i>Form 1099-MISC</i> to vendors/contractors	Annual	1/23/2023
Internal Revenue Service	File Form 1096 w/1099 forms to IRS - If paper forms are submitted	Annual	1/23/2023
Regional Water Quality Control Board	Recycled Water monthly reports	Monthly	1/27/2023
AICo Environmental Health	OLEPS CUPA HMBP & Inventory Reporting (CERS ID 10188879)	Annual	1/27/2023
City of San Leandro	MDF CUPA HMBP & Inventory Reporting (CERS)	Annual	1/27/2023
East Bay Dischargers Authority	Review the OLSD SPCC Plan	Annual	1/27/2023
State Controller's Office	Special Districts Financial Transactions Report (FTR)	Annual	1/27/2023
State Water Resources Control Board	NPDES monthly reports	Monthly	1/30/2023
State Water Resources Control Board	NPDES Quarterly Report (Oct-Dec)	Quarterly	1/30/2023
State Water Resources Control Board	NPDES Annual Report	Annual	1/30/2023
Division of Occupational Safety & Health	OLEPS Crane Inspection/Certification	Annual	1/31/2023
Internal Revenue Service	Distribute W-2 forms to employees/commissioners	Annual	1/31/2023
Division of Occupational Safety & Health	Crane Inspection/Certification	Quadrennial	1/31/2023

**ITEM NO. RA9 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE AMENDMENT NO. 2 TO THE CONTRACT WITH ASCENT ENVIRONMENTAL FOR CEQA CONSULTING SERVICES FOR THE CARGILL MIXED SEA SALT BRINE DISCHARGE PROJECT IN THE AMOUNT OF \$63,500, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$556,555**

**Recommendation**

Approve a motion authorizing the General Manager (GM) to execute Amendment No. 2 to the contract with Ascent Environmental in the amount of \$63,500.

**Background**

In July 2020, the Commission approved a term sheet with Cargill Inc. (Cargill) for a project to discharge mixed sea salt (MSS) brine from Cargill's Newark solar salt facility through EBDA's transport system and outfall to the Bay. In February 2021, the Commission approved a CEQA Review and Reimbursement Agreement between EBDA and Cargill. Under the agreement, EBDA committed to act as the CEQA Lead Agency to analyze environmental impacts associated with the overall project, which includes construction of a pump station at Cargill's facility, a pipeline connecting Cargill's facility to EBDA's transport system at the Oro Loma Effluent Pump Station (OLEPS), and discharge of the MSS brine through EBDA's system. Cargill in turn, committed to reimburse EBDA for all staff and consultant costs associated with CEQA analysis.

Following a Request for Proposals process, EBDA received two proposals to perform the CEQA analysis. Staff selected Ascent Environmental (Ascent), and the Commission approved a contract with Ascent in June 2021. Ascent's initial scope included review of the Initial Study for the project that was developed by AECOM under contract to Cargill, and development of a mitigated negative declaration (MND). Subsequently, due to changes in the project scope, EBDA and Cargill concluded that the appropriate environmental document for the project scope was an Environmental Impact Report (EIR). In November 2021, the Commission approved an amendment to Ascent's scope to include preparation of the EIR and associated activities.

**Discussion**

At the time the Ascent's EIR scope was approved, the preferred pipeline route through Hayward was primarily along Hesperian Blvd. Ascent developed an EIR Notice of Preparation (NOP) and began their environmental impacts analyses focused on this route. Subsequently, based on discussions with City of Hayward staff, the pipeline route was modified to run through a more industrial section of Hayward to reduce traffic disruptions. This change required issuance of a revised NOP and rework of environmental analyses. Along with work associated with another route change around Costco in Hayward, these efforts required expenditures beyond Ascent's approved scope. In order to keep the EIR process on schedule, Ascent proceeded with the work, noting the divergence from the scope in their monthly invoices. The proposed amendment, detailed in Ascent's attached request, would compensate them for the out-of-scope expenditures.

Agenda Explanation  
East Bay Dischargers Authority  
Regulatory Affairs Committee  
February 15, 2023

Per the CEQA MOU with Cargill approved by the Commission in February 2021, Cargill will reimburse the Authority fully for work performed under the Ascent contract, including a 10% markup for administration.

The Draft EIR is currently available for public review at <https://ebda.org/projects/cargill-partnership/>, along with a recording of the public meeting held via zoom on January 24, 2023. Comments on the Draft EIR are due on February 17, 2023. Following the close of the public comment period, Ascent will work with staff to develop a Response to Comments document and a Final EIR. Staff anticipates bringing certification of the Final EIR to the Commission later this Spring, along with consideration of the operating agreement between Cargill and EBDA. Staff and Cargill have also worked in close coordination with the cities along the pipeline route – Newark, Fremont, Union City, and Hayward – as well as East Bay Regional Park District and the Alameda County Public Works.

February 2, 2023

Jacqueline Zipkin, PE  
General Manager  
East Bay Dischargers Authority  
2651 Grant Avenue  
San Lorenzo, CA 94580-1841

via email: [jzipkin@ebda.org](mailto:jzipkin@ebda.org)

**Subject: Budget and Schedule Amendment for Work on Cargill Mixed Sea Salts Processing and Brine Discharge Project, Amendment 2**

Dear Jackie,

Ascent requests execution of Amendment 2 to its existing contract, dated June 29, 2021, for work on the Cargill Mixed Sea Salts Processing and Brine Discharge Project (project) to increase our authorized budget by \$38,500, add a contingency fund of \$25,000, and extend the contract termination date to August 31, 2023. The budget amendment and contingency fund are intended to replenish funds originally included in tasks not yet completed to cover out-of-scope efforts previously authorized by EBDA, address rate increases in effect this year (2023), and to provide a contingency fund for future potential out-of-scope effort associated with the project. While project completion is currently anticipated in late May 2023, the extension through August 2023 is requested to provide some flexibility should any further project delays occur.

**Amendment Summary:**

Ascent was directed to consider two optional routes for the MSS brine transport pipeline through an industrial portion of the City of Hayward at an equal level of detail to the original proposed route along Hesperian Blvd. Additional time was needed to obtain and incorporate the routes and construction assumptions into the project description and NOP. The evaluation of the optional routes in the EIR was not included in Ascent's scope of work and the effort to incorporate them was out-of-scope.

Following issuance of the NOP and conducting the scoping meeting, a new alignment through Hayward was identified and agreed on by the parties. Based on a discussion with EBDA, it was determined that the original proposed alignment and two options could be eliminated and the new alignment addressed as the proposed project. This change required additional out-of-scope effort to (1) revise the Project Description, (2) obtain new construction assumptions and revise the AQ, GHG, and Noise modeling already performed, (3) revise and reissue the NOP, and (4) revise the impact analyses already completed to date (Geo/Soils, Hazards, AQ, GHG, Energy, Noise, Hydro/WQ, cumulative impacts, and alternatives). In

addition, based on comments received at the scoping meeting, it was determined that a Recreation section should be added to the EIR. This section was not scoped previously and the effort to incorporate this analysis was out-of-scope.

Following preparation of the administrative Draft EIR, Cargill requested the addition of an optional MSS brine transport pipeline route around the Costco in Hayward. The addition of this optional route required figure modifications throughout the EIR and revisions to the Noise analysis, including additional modeling, to address the potential for impacts to sensitive receptors along the optional route. This additional effort was out-of-scope.

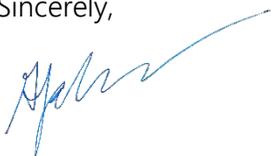
To avoid delay, Ascent was verbally authorized to proceed with performing the additional work described above and received email authorization from EBDA to expend existing funds allocated for future work to cover the out-of-scope effort until an amendment could be executed at a later date to replenish the borrowed funds. To this end, budget from Task 1 (\$3,737.50), Task 3 (\$3,913.75) and Task 6 (\$27,492.50) has been reallocated to Task 2 (\$11,330.00), Task 4 (\$22,551.25), and Task 9 (\$1,262.50), totaling \$35,143.75, to cover the out-of-scope technical effort to date. However, due to rate increases in effect for 2023 (see attached 2023 Rate Schedule), the total needed to replenish borrowed funds and complete the remaining scope is \$38,500.

Given the history of the project, Ascent further recommends that a contingency fund, in the amount of \$25,000, be allocated such that if additional out-of-scope effort becomes necessary or further schedule delays occur, funds from the contingency fund could be made available for use by Ascent.

Lastly, the changes summarized above have also resulted in some schedule delay. The current termination date of Ascent's Agreement with EBDA is March 31, 2023. However, project completion is not anticipated until late May 2023. Rather than request a schedule extension through May or June 2023 though, an extension to August 31, 2023, is requested to allow some flexibility in the event of any further schedule delays.

Please let us know if you have any questions.

Sincerely,



Gary Jakobs AICP  
President/CEO

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Andrea L. Shephard, PhD  
Project Manager

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Enclosure: Ascent Environmental 2023 Rate Schedule

Project File (20210105.02)



**ASCENT ENVIRONMENTAL, INC.**  
**2023 RATE SCHEDULE**  
 (EFFECTIVE UNTIL MARCH 1, 2024)

After March 1, 2024, budget augmentations and contract amendments will be calculated using updated billing rates, unless precluded by contract terms.

Labor Classification	Billing Rate
Principal, Director	\$225 to \$375
Senior Environmental Manager, Senior Planner/Scientist/Biologist	\$175 to \$250
Environmental Manager, Project Planner/Scientist/Biologist	\$145 to \$200
Staff Planner, Environmental Planner, Staff Scientist/Staff Biologist	\$105 to \$175
Graphics/GIS	\$115 to \$150
Document Production/Word Processor/Administrative Assistant	\$95 to \$145
Project Assistant	\$75 to \$125
Direct Costs	Rates
Reproduction: 8½" by 11"	\$0.07/page (black and white); \$0.26/page (color)
Reproduction: 11" by 17"	\$0.14/page B&W; \$0.52/page color
Reproduction: Plotter	\$5/square foot
Reproduction: CDs	\$10/disc
Automobile Mileage (IRS rate in effect)	\$0.585
Noise Meter	\$100/half day, \$150/day, \$200/day plus overnight, \$500/week
GPS Unit	\$100/half day, \$150/day, \$200/day plus overnight, \$500/week
Bat Detector (Echo Meter Touch for iOS)	\$50/full day, \$200/week
Bat Detector (Song Meter SM4Bat FS)	\$125/full day, \$500/week
Spotting Scope	\$50/day, \$200/week
Lodging and/or Per Diem	Government rates or as negotiated
Other Direct Costs	As incurred
Subcontractors	As incurred*

\*A project-support management cost of 10 percent will be applied to subcontractor costs.

**Lump-Sum Price.** Work is authorized based on a lump sum price. Monthly invoices will be issued based on the percentage of progress toward completion of the work.

**Price Allocation to Tasks or Staff.** If the proposed cost presentation allocates funding to specific tasks or staff, Ascent may reallocate budget during the course of work, as long as the total contract price is not exceeded.