EAST BAY DISCHARGERS AUTHORITY
2651 Grant Avenue
San Lorenzo, CA 94580-1841
(510) 278-5910
FAX (510) 278-6547

A Joint Powers Public Agency

ITEM NO. 13

REGULATORY AFFAIRS COMMITTEE AGENDA

Wednesday, January 14, 2026

2:00 P.M.

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

Committee Members: Johnson (Chair); Andrews

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. Regional Savings from Chlorine Blanket Permit Amendment
(The Committee will review a report recently issued by the Regional Water Board.)

RA6. PFAS Updates
(The Committee will review a BACWA summary of PFAS regulatory updates.)

RA7. 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. 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.

Next Scheduled Regulatory Affairs Committee Meeting
Wednesday, March 18, 2026

ITEM NO. RA5 REGIONAL SAVINGS FROM CHLORINE BLANKET PERMIT AMENDMENT

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

Strategic Plan Linkage
1. **Regulatory Compliance:** Proactively meet or exceed regulatory requirements for protection of the environment and public health.
3. **Financial:** Develop financial strategies and practice sound fiscal management to ensure wise use of ratepayers' resources.
    a. Operate EBDA's system efficiently.
    b. Proactively manage expenditures to stay within adopted budget.

Background
Prior to 2024, EBDA's National Pollutant Discharge Elimination System (NPDES) Permit, as with all NPDES permits for discharge to San Francisco Bay, contained a limit on total residual chlorine (TRC) of 0.0 mg/L as an instantaneous maximum. To ensure consistent compliance with this limit, EBDA added an excess of dechlorinating agent, sodium bisulfite (SBS). By detecting SBS in the effluent, EBDA was able to demonstrate at all times that chlorine was not present. While this approach ensured consistent compliance with permit requirements, it resulted in significant unnecessary SBS discharges to the Bay. With chemical costs continuing to rise, this use of extra SBS without clear environmental benefit diverted resources from higher priority investments.

Bay Area Clean Water Agencies (BACWA) worked with the San Francisco Bay Regional Water Quality Control Board (Water Board) to revise TRC discharge limits to prevent SBS overdosing while continuing to protect environmental health. On November 8, 2023, the Water Board approved a new Order amending all NPDES permits in the region to revise chlorine limits. The blanket permit amendment uses the Basin Plan's narrative toxicity objective to support use of a 0.013 mg/L one-hour average standard. Because EBDA discharges to the deepest part of the Bay, EBDA's effluent limit is calculated with a dilution factor of 74:1, making it 0.98 mg/L over a one-hour average. The new limit went into effect on January 1, 2024.

EBDA turned off its continuous feed of sodium bisulfite (SBS) on January 2, 2024. At that time, staff implemented a new Chlorine Process Control Plan and programming at MDF to ensure that effluent consistently meets the new TRC limit of 0.98 mg/L as a one-hour average. The Authority's Process Control Plan has been used as a model for other Bay Area agencies.

The change to the limit has resulted in significant chemical and financial savings for EBDA. The following table shows SBS usage before and after the new chlorine effluent limit implementation:

YEAR	SBS GALLONS USED	SBS EXPENDITURE
2023	163,208	$293,988
2024	12,230	$22,793
2025	12,563	$22,290

Discussion

In her December 5, 2025 Executive Officer (EO) Report, Eileen White of the Regional Water Quality Control Board reported that as a region, Bay Area wastewater facilities reduced SBS usage by 600,000 gallons from 2023 to 2024, saving approximately $1 million. This means that the Bay was spared the discharge of significant quantities of unnecessary chemicals, and wastewater utilities were able to repurpose those financial resources toward greater environmental priorities. The EO Report is attached for the Committee's information.

2023 Chlorine Blanket Amendment Saves Wastewater Treatment Plants $1 Million (Kerry O'Connor)

According to a poll conducted by the Bay Area Clean Water Agencies (BACWA), municipal wastewater treatment plants across the San Francisco Bay Region reduced their combined sodium bisulfite use by 600,000 gallons between 2023 and 2024, saving $1 million and eliminating several hundred round-trip truck deliveries. These savings arose from the San Francisco Bay Regional Water Board's adoption of Order R2-2023-0023 in 2023, which targeted the common practice of using excess dechlorination chemicals to meet chlorine effluent limits.

Thirty-seven wastewater treatment plants in the San Francisco Bay Region use chlorine for disinfection. However, chlorine is toxic to aquatic life, so the treatment plants add a dechlorination chemical, typically sodium bisulfite, to neutralize the chlorine before discharge.

Prior to the Order, the San Francisco Bay Regional Water Board required wastewater treatment plants to meet an instantaneous maximum effluent limit of 0.0 mg/L. Because chlorine excursions above 0.0 mg/L were prohibited at all times, the treatment plants regularly used excess dechlorinating chemicals to ensure compliance. This practice wasted chemicals, increased costs, and unnecessarily discharged excess dechlorinating chemicals to receiving waters with potential negative water quality impacts, such as lowered pH and dissolved oxygen.

The 2023 Order replaced the instantaneous effluent limit with a somewhat less stringent one hour average limit. Basin Plan section 4.5.3 allows "…less stringent limitations…" where "…a comprehensive program approved by the Water Board…" prevents "…unacceptable adverse impacts on beneficial uses of the receiving water." The Order required wastewater treatment plants to develop and implement Chlorine Process Control Plans to prevent any adverse impacts on beneficial uses.

In addition to the resource and cost savings already realized, BACWA anticipates wastewater treatment plants will see additional savings in future years as wastewater treatment plants continue to adapt their operations to the flexibility that the new effluent limits provide.

ITEM NO. RA6 PFAS UPDATES

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

Strategic Plan Linkage
1. **Regulatory Compliance:** Proactively meet or exceed regulatory requirements for protection of the environment and public health.
    a. Represent EBDA and the Member Agencies' interests by preemptively engaging in development of emerging regulations and permits and advocating for reasonable, science-based decisions.
    e. Track and share scientific and regulatory developments related to emerging contaminants, and advocate for source control.

Background
Per- and polyfluoroalkyl substances (PFAS) are a large group of human-made substances that are very resistant to heat, water, and oil. PFAS have been used extensively 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. All PFAS are persistent in the environment, can accumulate within the human body, and have demonstrated toxicity at relatively low concentrations. Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS), two of the most common PFAS compounds, were found in the blood of nearly all people tested in several national surveys.

Discussion
The regulatory and legislative landscape for PFAS in drinking water, wastewater, and biosolids has been evolving quickly over the last several months, as has public awareness. At a PFAS Forum convened by the Bay Area Clean Water Agencies (BACWA) on November 18, 2025, BACWA's Regulatory Program Manager, Mary Cousins, provided the attached overview of the various PFAS regulations under development that could impact wastewater agencies. The slide deck provides a helpful summary of the various programs and their status.

PFAS Regulatory Updates

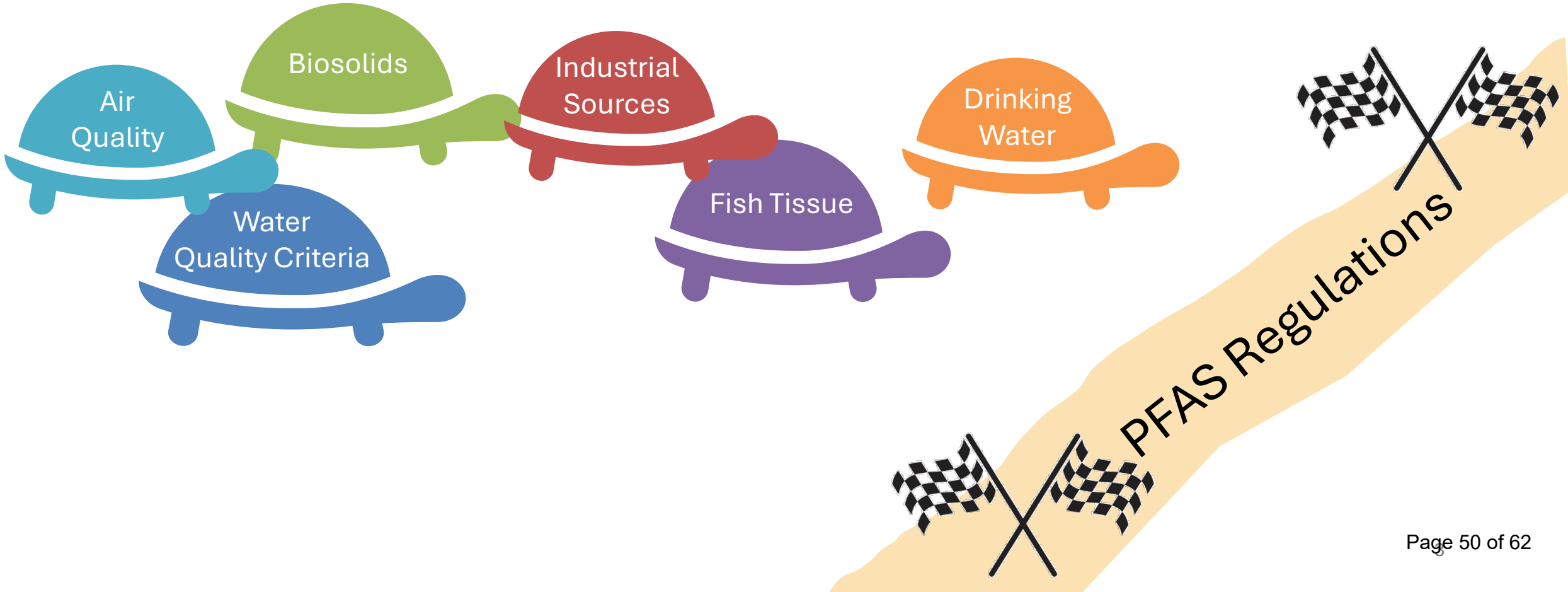
for

BACWA PFAS Forum

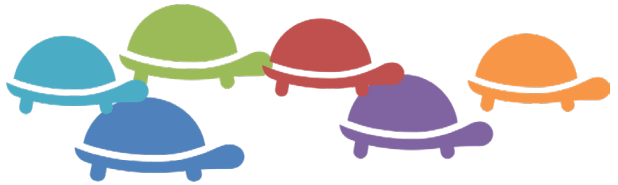
November 18, 2025

BACWA
BAY AREA
CLEAN WATER
AGENCIES

PFAS Regulations for the Wastewater Sector:
A Slow Race to Limit “Forever” Chemicals



Drinking Water



Wastewater Linkage:

Basin Plans reference drinking water limits as water quality standards

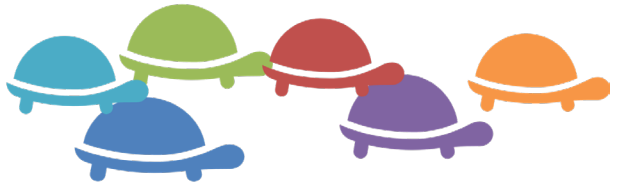
Drinking water limits → NPDES effluent limits

Only applies to water bodies that support drinking water supplies

- **Federal:** USEPA has adopted and plans to keep limits for PFOA and PFOS. Compliance Date: 2031
- **State:** CA Division of Drinking Water is working on adopting state drinking water limits.

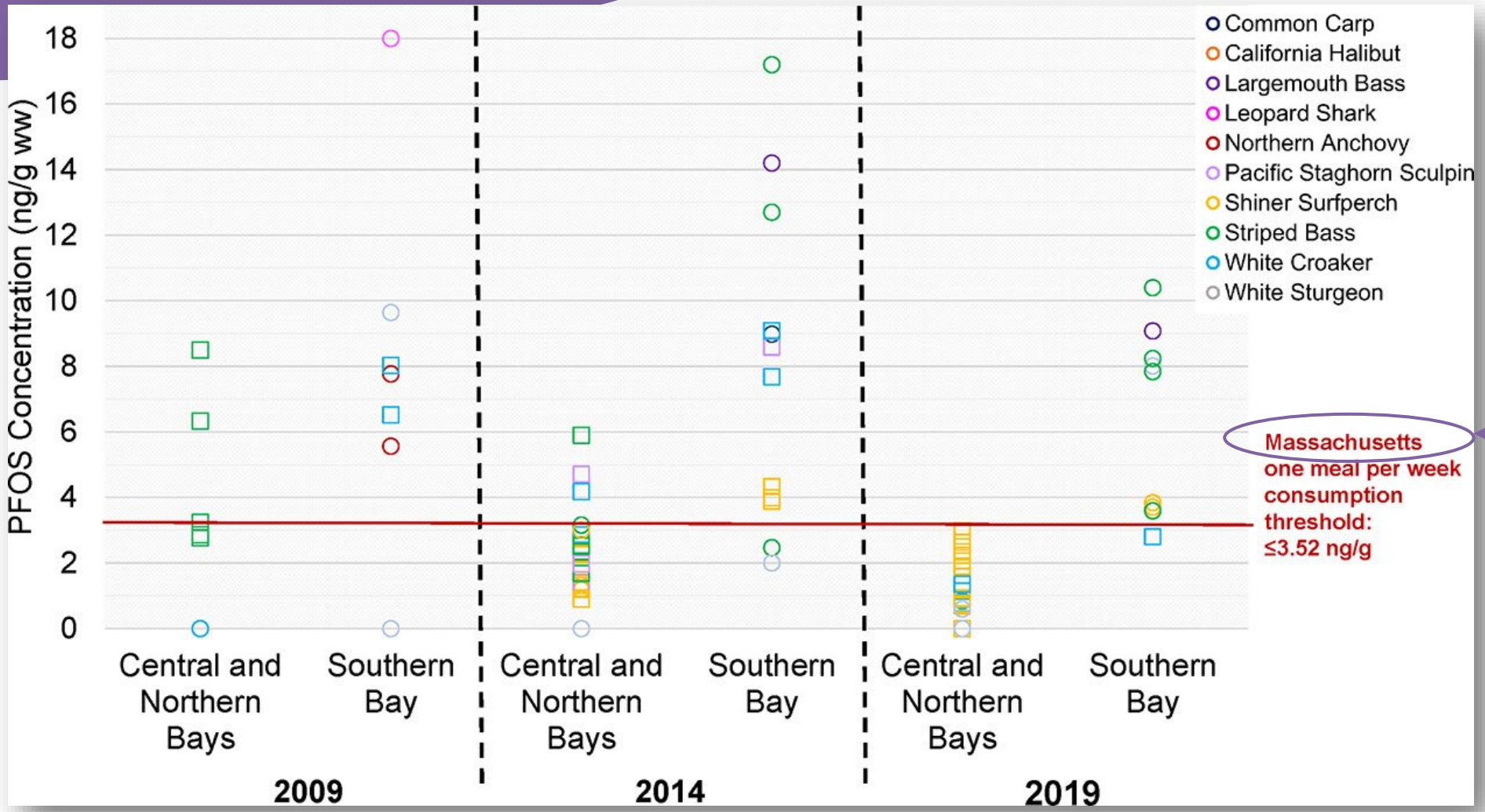
  State is doing preliminary work to support rollout of limits:
  - Revising notification and response levels for PFOA, PFOS, PFHxS, and PFHxA (Oct 2025)
  - Ongoing monitoring of drinking water system

Fish Tissue



- OEHHA is actively working on recommended thresholds for fish consumption at various concentrations
  - Fish Contaminant Goals (FCGs): Concentration at which there is lifetime 10^{-6} cancer risk from 1/week serving
  - Advisory Tissue Levels (ATLs): Consider **health benefits** of eating fish and correspond to a 10^{-4} cancer risk for various consumption rates.
- Thresholds may be developed as soon as ~2026-2027
- These criteria are used to establish 303(d) listings
  - Next 303(d) listing cycle for SF Bay Region 2 is in 2030
- 303(d) listings can trigger TMDLs and/or limits in NPDES permits. **Example: Dioxin**

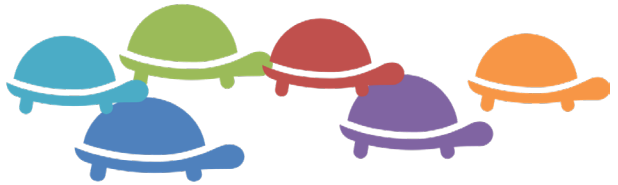
Fish Tissue



CA-specific thresholds coming soon

Source: Méndez et al., ACS ES&T Water, May 20, 2025

Industrial Sources



Federal Pretreatment Program

- USEPA is developing **effluent limitation guidelines** for categorical dischargers that are **PFAS Manufacturers** (2026) and **Metal Finishers**.
- Limits for other industries appear to be lower priority (e.g., **landfills**)

- Once new categorical limits are adopted, enforcement is the responsibility of local wastewater agencies with pretreatment programs

Biosolids

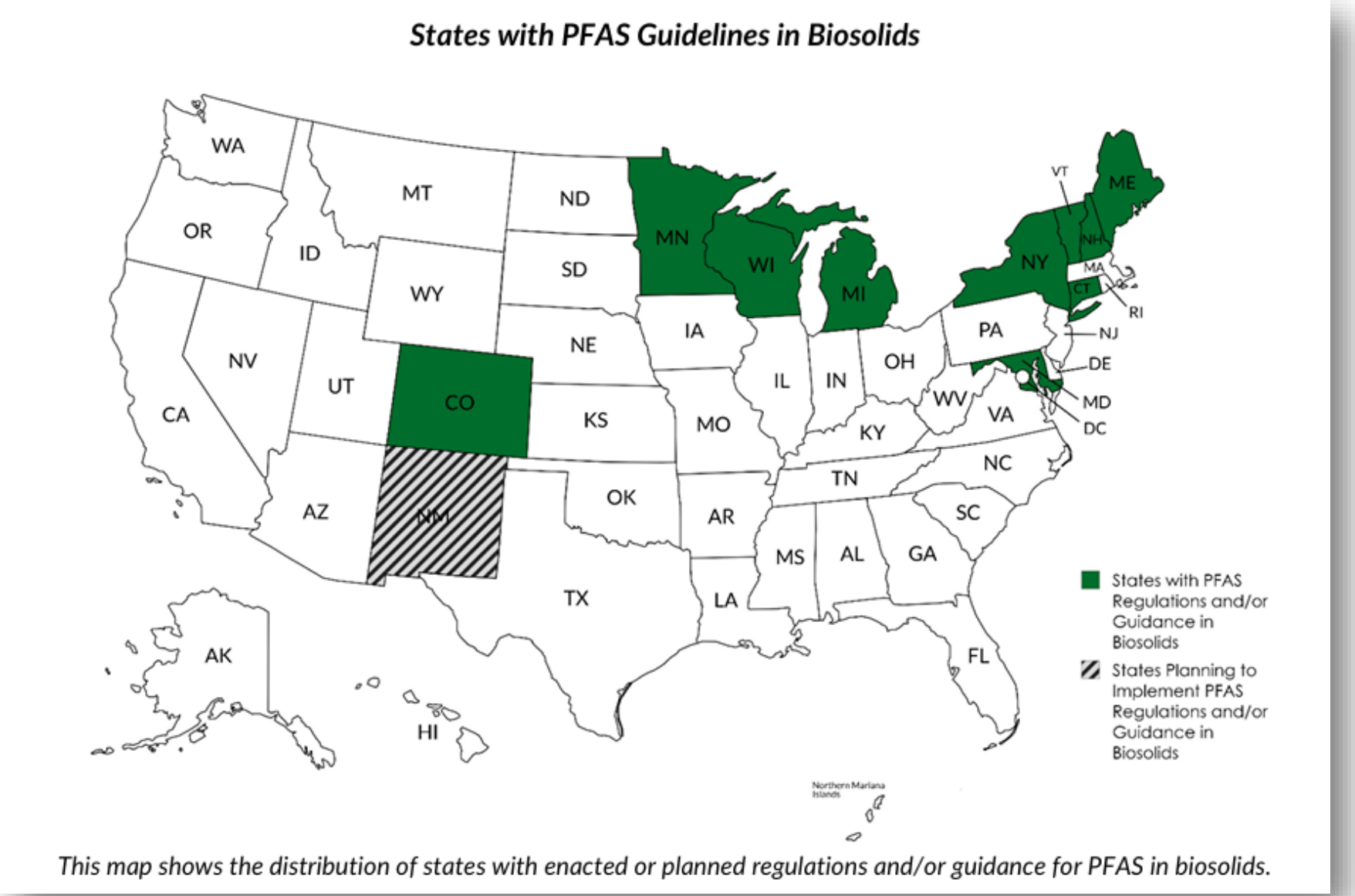
Federal:

- USEPA conducted a **Draft Sewage Sludge Risk Assessment** for PFOA and PFOS. Public comment period ran through August 2025.
  - Current administration may revisit the science of the Draft Risk Assessment.
  - Risk Assessment ≠ regulation, but **could** be followed by regulations

- PFOS and PFOS are Hazardous Substances under CERCLA (2024)
  - USEPA has heard public utilities' concern about **CERCLA liability**
  - In September 2025, USEPA requested that Congress provide statutory language to exempt "passive receivers" (e.g., biosolids)

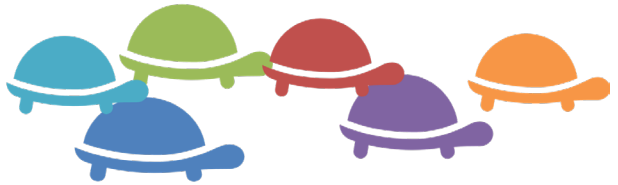
Biosolids

Other states (with industrial sources) have enacted rules for PFAS in biosolids



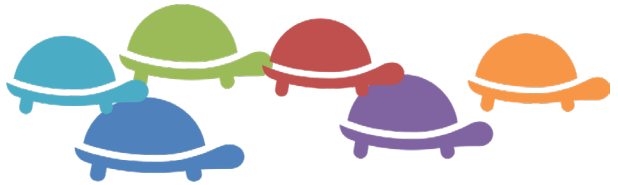
Source: ECOS Compendium of State PFAS Actions, April 2025

Water Quality Criteria



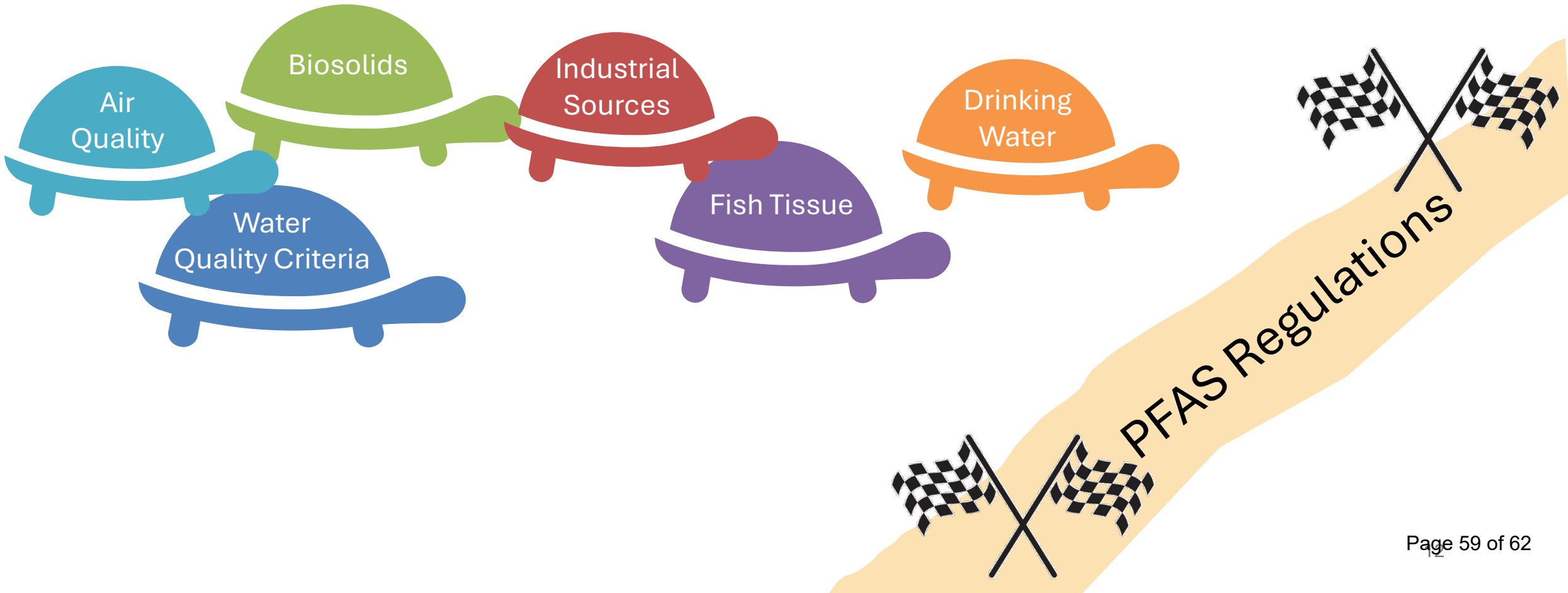
- In 2024, USEPA developed draft water quality criteria based on human health (fish consumption).
  BACWA submitted comments.
- Eventually, federal water quality criteria **could** be added to the SF Bay Basin Plan to protect beneficial uses related to fishing in the Bay.
- This effort is currently paused.

Air Quality



- Some PFAS compounds are volatile – air emissions *may* be a concern in the future
- Air emissions are critical for differentiating PFAS destruction from PFAS reduction
- Analytical methods for use in a regulatory context are still under development by USEPA and partners

PFAS Regulations for the Wastewater Sector:
A Slow Race to Limit “Forever” Chemicals



Methods and Monitoring

- ✗ USEPA – Planned-for *POTW Influent PFAS Study* is paused
- ✓ USEPA – Planning to promulgate PFAS Methods 1633 and 1621 as **Clean Water Act Methods**.

  USEPA Schedule: Finalize March 2026
- ✓ **NPDES Permit Reissuances** will likely trigger PFAS effluent monitoring.

  USEPA Schedule: Propose in Late 2025, Finalize by 2027

Source Control – Wins and Losses

✓ **Cosmetics:** Ban on intentionally-added PFAS in effect in 2025

✓ **Textiles:** Ban on intentionally-added PFAS in effect in 2025

✓ Department of Toxic Substances Control continues to consider PFAS in the Safer Consumer Products Program – evaluation of floor polishes and waxes underway in 2025-2026

✗ **SB 682:** Would have banned PFAS in cleaning products, ski wax, food packaging, dental floss, and cookware, but Governor vetoed

✗ **Toxic Substances Control Act (TSCA):** 2023 rule required reporting on manufactured and imported PFAS.
EPA proposed new exemptions and extensions in Nov. 2025