NPDES Roundtable Meeting Agenda- Final
Colorado River Basin Regional Water Board (R7)
73-720 Fred Waring Dr. Ste 100
Palm Desert, CA 92260

April 19, 2018, 1:00pm – 4:00pm

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ITEM	1	Assigned to:	Time
Title of Topic	**INTRODUCTIONS/REVIEW AGENDA AND ACTION ITEMS**	Kai Dunn – R7	1:00-1:15 (15 minutes)
Purpose	Roll call and review agenda. Region 1: Cathy Goodwin, Mona Dougherty Region 2: Mary Boyd, Robert Schlipf Region 3: Sheila Soderberg Region 4: Veronica Cuevas, Cassandra Owens Region 5: Jim Marshall, Jeremy Higgins Region 6: Russell Norman, Rob Tucker, Joe Morales (Victorville) Region 7: Kai Dunn, Morales, Jeong-Hee Lim Region 8: Milasol Gaslan Region 9: Brandi Outwin State Board: Zane Poulson, Afrooz, Carl, Gil, Renan EPA: Amelia Whitson, Becky Mitschele, Lauren Fondahl, Pascal Mews, Elizabeth Sablad, Dave Smith, Jami PG Environmental: Dan Connelly		
Desired Outcome	Get attendance and finalize agenda.		
Background **Attachments/ Links:**	Meeting Minutes - January 17 2018 NPD		
Contact Person	Kai Dunn – R7 (760-776-8986), kai.dunn@waterboards.ca.gov		
Action Items			

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ITEM	**2**	**Assigned to:**	**Time**
Title of Topic	**EPA UPDATES**	EPA Staff	1:15-1:25 (10 minutes)
Purpose	Provide updates regarding In-Kind Services, including permit development and pretreatment support.		
Desired Outcome	Information Sharing		
Background	Currently, the State Water Board, in consultation with Regional Water Boards, works with EPA to establish an annual process for in-kind contract support for draft NPDES permit development. Funding levels have been relatively consistent over the last few years and funds have been secured for the next fiscal year. Future funding levels are uncertain and contingency budget planning should occur for permits that will be reissued in 2020. In addition to permit development, EPA would like to empower Regional and State Board staff to respond to pretreatment inquiries. Historically, EPA has responded directly to inquiries from industries and pretreatment programs within California, coordinating with Regional Boards on responses. We've been providing annual pretreatment training to State staff and we're asking Regional Boards (and State Board, as appropriate) to begin responding directly on pretreatment inquiries. We will still act as a technical pretreatment resource if you have any questions or need assistance responding to inquiries.		
Attachments/ Links:			
Contact Person	Becky Mitschele, USEPA at 415-972-3492		
Notes Item 2	Dave Smith provided an update. USEPA in kind support will be phased out after FY 19-20 and there will be changes to pre-treatment support. Funding will keep going down: 1.4M plus last year, down to 948,000 for this year. For permit development support 753,000 this year and will be down to 521, 000 for next year. USEPA staff resources had been cut in half. USEPA is working with Karen Larsen and her staff. He understood that State Board is developing 1 or more BCP to fund additional positions for after FY19-20, possibly related to State agencies cannot enter into contracts to carry out inherently governmental operations. Amelia Whitson provided an update on changes to pre-treatment implementation. USEPA will send an email asking each regional board to identify a staff person to respond to pre-treatment inquiries. They would like a dedicated person to be an expert. USEPA will direct calls from California POTW to regional board staff. Amelia can continue to be a resource. More specific training will be provided to Regional Board staff that will include templates and SOPs being developed by contractors. Will send links to EPA Guidance documents and training. Request from Cathy Goodwin for adequate notice from USEPA contractors when pre-treatment inspections/audits are scheduled so it would increase likelihood that staff can tag along to avail of hands on training. USEPA Director had spoken to MCC about the above items.		
Decisions			

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Action Items	Amelia - Will send an email in the next month identify staff person in every regional board for pre-treatment inquiries. Will send links to EPA Guidance documents and training.

ITEM	**3**	**Assigned to:**	**Time**
Title of Topic	**STATUS OF EPA'S DEVELOPMENT OF NPDES PROGRAM EVALUATION CRITERIA**	Becky Mitschele	1:25-1:45 (20 minutes)
Purpose	EPA R9 is developing criteria in collaboration with states (and each RB) for each program that receives funding from EPA. The purpose of the criteria is to assess relative performance across states and programs as well as making EPA's expectations as transparent as possible. EPA presented on this effort at the January 2018 roundtable and had a subsequent call on February 20th. After the call and receiving written comments, EPA has made some edits to the criteria and has developed a guide to accompany the criteria.		
Desired Outcome	This agenda item will review changes made from the previous version and outline next steps.		
Background	This effort complements already existing program evaluations. For more background, about EPA's tracking, see the National Water Program websites listed below. The National Program is charged with evaluating the progress it is making in developing and implementing effective programs to monitor, protect, and improve waters of the U.S. As such, the National Program tracks 110 performance measures under 15 sub-objectives. The NPDES Permitting Program is under the water quality sub-objective (i.e. measure codes WQ-11 to 14, and WQ-19). (These are sometimes referred to as ACS measures/commitments).		
Attachments/ Links:	EPA's 2017 report on all measures is available here. (See pages 36 to 44, 46, and 47 for NPDES related measures). See also, figure 9, in the summary/trends report. NPDES Criteria April Roundtable 2018.dc NPDES Program Criteria Instructions		
Contact Person	Becky Mitschele, USEPA at 415-972-3492		
Notes – Item 3	Background – Tomas, the USEPA Director attends about 2 regular meetings with senior executives at MCC meeting when invited to reach out to EOs. He holds quarterly meeting with Eileen and plans to visit regional board every year. Survey distributed to EOs and State Board on how USEPA can best support the State. Will compile all results from states and make recommendations how they can provide support. Criteria presented at high level to EOs in March MCC. NPDES criteria being worked on by USEPA California workgroup for 6 months now. Criteria has a companion document that goes into detail description of each criteria. Plan on completing the criteria in May and will then go to USEPA and State Board management.		

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Decisions	USEPA will start implementing evaluation criteria in SFY 2019-2020, mostly desktop review. Becky will work with USEPA liaisons and look at reports to fill out matrix. Overall criteria include Quality, Administration, Issuance and Innovation and has a list of sub-criteria under each criterion. Scoring will be 1 point for each sub-criterion. Quality, Administration, and Issuance will have 18 points. Above satisfactory rating will need to score more than 15 points. R9 suggestion to align the training provided by USEPA with the criteria to communicate expectations to NPDES staff. Suggestions were made to place a comments column that would explain negative ratings such as priority shifts, fire, etc. It will reflect badly only the program if EO is just looking at the numbers with no context; i.e. if permit takes 3 years to complete. USEPA can add "note" column to and if score is "needs improvement" will provide opportunity to comment before report is finalized.
Action Items	

ITEM	**4**	**Assigned to:**	**Time**
Title of Topic	**BACTERIA & TOXICITY PROVISION UPDATES**	Zane Poulson	1:45 – 2:15 (30 minutes)
Purpose	To provide an update on the Bacteria Provisions & Toxicity Provisions		
Desired Outcome	Inform the Roundtable on the status of the projects and answer questions.		
Background	Bacteria – The project has been delayed as Board staff considers suggestions on appropriate indicator bacteria for ocean waters. Toxicity – The Provisions and staff report are being prepared for release for public review and comment		
Attachments/ Links:	https://www.waterboards.ca.gov/bacterialobjectives/ https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml Toxicity Provisions March 2018 Draft.pc		
Contact Person	Zane Poulson, Lorna McFarlane (Toxicity), Stephanie Rose (Bacteria) – State Board		
Notes – Item 4	Zane Poulson provided the updates: Toxicity Policy: Will be released for comment period from June15- Aug 3. Workshops planned at SCCWRP on July 11 and July 13 in Cal EPA building with a July 25 board hearing at Cal EPA. They will take oral comments at the hearing and respond to oral comments during the hearing. Adoption hearing planned for December 11. Highlights of the policy include numeric water quality objectives but will retain narrative where it does not conflict with numeric. Policy requires TST statistical approach, sensitivity screening uniform across state, monitoring schedules monthly for 5mgd facilities or greater, quarterly if less than 5 mgd discharge, can be reduced if specified requirements are met. Specific effluent limitations. TREs are required for one or more violations within a single month or within 2 consecutive months.		

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	Bacteria –A public hearing was held in February. Mark Gold from Heal the Bay provided input concerning single indicator bacteria for fresh water, e. coli and single enterococcus for saltwater. Study shows fecal coliform is a better indicator in some cases than enterococci. They met with stakeholders on March 21 and was presented convincing evidence that fecal coliform should be considered for salt water. State Board is not looking at changing e. coli for fresh water use, they are looking at whether to include fecal coliform for saltwater in some cases. Item to be brought back to the board will have e. coli for freshwater, enterococci for saltwater and leave fecal coliform as is in the Ocean Plan. There will be need to re-notice with comment period. ISWEBE will not be changed. No current schedule for bacteria. Staff will bring preferred option to board members to discuss before any public release. Statewide objective would supersede all objectives in basin plans, does not change tmdl nor AB 411 monitoring.
Decisions	
Action Items	

ITEM	**5**	**Assigned to:**	**Time**
Title of Topic:	**STATE BOARD UPDATES**	SB Staff	2:35 -3:10 (35 minutes)
Purpose:			
Desired Outcome:	Information Exchange		
Background:	**1. Sanitary Sewer System WDR reissuance:** The State Water Resources Control Board adopted the Sanitary Sewer Systems Waste Discharge Requirements General Order (SSS WDR) in 2006 to initiate a new statewide regulatory program to reduce sanitary sewer overflows. The State Water Board amended the corresponding Monitoring and Reporting Program in 2013. In 2017 through 2018, State and Regional Water Board staff participated in eight permit implementation workshops in partnership with the California Water Environment Association. During the workshops stakeholders communicated items that need to be addressed in the proposed SSS WDR reissuance. Staff is beginning development of the proposed SSS WDR. Updates may include the following: • Alignment of the Sanitary Sewer Management Plan (SSMP) re-certification and the SSMP audits, • Climate impact plan and contingency plan requirements, • Regulation of private collection systems, and • Language clarification. Addition workshops will be held at the following Regional Board: • RB5 Central Valley, Redding – May 9th • RB5 Central Valley, Sacramento – May 17th • RB5 Central Valley, Fresno – May 22nd • RB8 Santa Ana – May 31st **2. Pretreatment Training:**		

	The training will cover a variety of components relating to oversight of approved municipal pretreatment programs. Specifically, this training will help staff better understand the Pretreatment Compliance Auditing process, review/approval of Local Limits Submission documents, and review/approval of Program Development and Program Modification documents. This training is scheduled for May 16, 2018 at RB5 Rancho Cordova office and June 6, 2018 at RB8 Riverside office. **3. Compliance Inspection Training:** This training will cover standardized protocol for conducting Clean Water Act (CWA) section 106 grant funded NPDES Compliance inspections. This training will cover pre-inspection preparation steps that prepare the inspectors to focus on facility-specific compliance issues during the actual inspection. This training will also cover the use of a standardized checklist that allows for necessary documentation of an inspection. This will be a webinar training and will be recorded for future references. This training is scheduled for mid-to-late May. 4. **USEPA Data system DMR Coding Training:** This training will cover how to code NPDES permits into US EPA's Integrated Compliance and Information System. Specifically, this training will help staff better understand the Discharge Monitoring Reports (DMRs) and cover how to code monitoring locations, monitoring requirements, limits, interim limits, seasonal limits, and flow based limits. This training will be offered as a two-part series. The first part, scheduled for May 23rd, will cover the basic requirement on coding monitoring and limit requirements. The second part, scheduled for June 6th, will cover more advanced coding which includes seasonal and flow based limits. However, the second date may need to be rescheduled due to a scheduling conflict that exists with the Pretreatment Training. 5. **MS Word Permit Template Training:** This training will cover how to manage the NPDES permit template. Specifically, how to navigate, insert text/images, use text styles, adjust tables, add attachments, run macros and resolve typical MS Word issues. This will be a webinar training and will be recorded for future references. This training is scheduled for June.
Attachments/ Links:	Pretreatment 2018.doc CWEA SSS.WDRs_Presenta
Contact Person:	Gil Vazquez, Renan Jauregui, Trinh Pham
Notes: Item 5	Afrooz gave an update on the workshops scheduled SSS WDR. They are looking at board adoption by spring 2019 and identified updates as listed in the Background section above. Gil said they will get a feel at the workshops on what most of the agencies think about operator certification requirements in the WDR. Trinh gave an update on upcoming Pretreatment training to be conducted by PG environmental in R5- Rancho Cordova on May 16 and R8 - Riverside, June 6. **Note:** As of drafting of this minutes, the trainings were completed as scheduled. Compliance Inspection Training - Gil said they just established a contract for compliance inspection training. It will be based on CEI template created a few years ago. State Board is looking at holding the training maybe late May, early June, likely

Field Code Changed

	through a webinar, suggestion from R9 to have hands on portion where contractor go over pre-inspection review in addition to having staff observe contractor conduct inspection. **Note**: As of drafting of this minutes, Part 1 of the CEI webinar training was completed on June 21 and Part 2 is scheduled June 26. DMR Coding Training – Renan announce upcoming ICIS coding. Training will be recorded. Contractor will be developing instruction manual. **Note:** This webinar training was completed on May 24 and June 7. MS Word contract training – how to navigate, insert text files, adjust tables, macros in Permit template. Webinar training will be recorded. Gil will look at moving training past June.
Decisions:	
Action Items:	

ITEM	**6**	**Assigned to:**	**Time**
Title of Topic:	**DISCHARGE VIA DIRECT HYDROLOGIC CONNECTION TO SURFACE WATER**	R1 Staff	3:00 -3:30 (30 minutes)
Purpose:	To provide an update on the Bacteria Provisions		
Desired Outcome:			
Background:	R1 would like to discuss whether the regions want to take a position on a recent development in the regulation of point source discharges to waters of the U.S. EPA recently published a notice in the federal register seeking comments on three general questions: 1) How subsurface hydrologic connectivity should factor into the regulation of point source discharges to the waters of the US; 2) should other federal authorities be used to regulate discharges that are hydrologically connected through groundwater; 3) are these discharges adequately addressed through existing programs. See links below for additional information.		
Attachments/ Links:	https://www.federalregister.gov/documents/2018/02/20/2018-03407/clean-water-act-coverage-of-discharges-of-pollutants-via-a-direct-hydrologic-connection-to-surface. https://www.epa.gov/npdes/industrial-wastewater		
Contact Person:			
Notes: Item 6	R1 is working with OCC to draft comments in response to USEPA federal register notice for comments if indirect discharges to land that could be affecting surface water should be regulated under NPDES. Comments due May 21st. R1 surveyed regions to determine how many have facilities are discharging to ponds that may have hydraulic connection to surface water. R1 gave example of a 9th Circuit determination that found facility with WDR in Healdsburg with ponds adjacent to Russian River should be regulated as a NPDES. R6 spoke of a Victor Valley		

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Decisions:	Wastewater Reclamation Authority pond located about 100 feet to the river and the groundwater is so shallow, groundwater comes up and fills the percolation pond. R9 provided example of an applicant that never moved forward with the application but stated their position that they will require NPDES permit for discharges to land that impact surface water. R7 spoke of a slaughterhouse discharge to land example that did not go through the permit but told applicant that they will use NPDES requirements to regulate discharge due to potential impact to surface water. R8 mentioned a pond very close to Santa Ana River although unknown if hydraulic connection has been investigated. USEPA urged State comments consider what criteria to evaluate the nature of hydrologic connection, how far inland may all facilities be, etc.
Action Items:	R1 will share OCC draft comments after done with their review before next Roundtable

ITEM	**7**	**Assigned to:**	**Time**
Title of Topic:	**COPPER COMPLIANCE ISSUE**	R7- Jeong –Hee Lim, Kai Dunn	3:30 – 3:45 (15 minutes)
Purpose: **Desired Outcome:**	To discuss possible solutions to the copper noncompliance		
Background:	An NPDES facility with a secondary treatment system is in chronic violation of copper. The raw water, drinking water source, contains high copper concentration and the influent to the WWTP contains copper concentration higher than the effluent limit set by the permit. The MCL for copper is 1300 µg/l, while effluent limit of copper for the facility is 50 µg/l for maximum daily. The WWTP does not have a capability to treat metals.		
Attachments/ Links:			
Contact Person:	Jeong-Hee Lim, R7		
Notes: Item 7	R7 described copper issue as stated in the Background for a facility serving a disadvantaged community. R4 shared a solution at a City of Thousand Oaks facility that added chemical to precipitate out copper. R4 also spoke of a Burbank facility that let flow sit in EQ basin/plant longer so copper will settle out/adhere to sludge and a water effect ratio study conducted by a facility that resulted in a higher permit limit for copper. R1 stated that Cu came up with a lot with reasonable potential in North Coast facilities when CTR became effective. They required time schedule order that included looking at source control and adjustment to water supply system to reduce corrosion. They also looked at water effect ratio applied to Cu with RPA and could establish no reasonable potential for copper. R4 commented that after 2010, compliance schedule for a CTR-based final effluent limitation should be issued separately from permits; i.e. should be separate action such as TSO. R1 stated that they used either CDO or TSO.		

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	R1asked about R7 update on cyanide issue they previously dealt with. R7 facility conducted a study to determine if it was source issue or lab issue. Facility study found it was not a source issue, probably a lab issue. Better lab procedures/protocol implemented appeared to work for the larger facilities although still an issue for smaller facilities. R4's LA County Sanitation District obtained ELAP certification for an alternative CN analytical method that didn't require sample preservation. They found that sample preservative may be causing cyanide generation. Alternative method requires analysis to be conducted within a short time. City of Thousand Oaks is doing studies regarding cyanide to determine: if chlorination maybe generating it, if it may be related to contact time, and where in the process cyanide might be generated. R5 Stockton facility doing analysis of unpreserved sample within 15 minutes; study of preserved and unpreserved sample will provide evidence that it is false positive, R2 stated cyanide was found to be a by-product of chlorination. R7 suggested perhaps State Board can take this up and set up a workgroup. Defer to next NPDES RT.
Decisions:	
Action Items:	R1 Will send links to Kai of example permits addressing copper issue. R4 will find report that David Hung had forwarded previously and email it to Kai and to Cathy Goodwin. Continue discussion on cyanide issue in next NPDES RT meeting

ITEM	**8**	**Assigned to:**	**Time**
Title of Topic	**WRAP UP**	Kai Dunn - R7	3:45- 4:00pm (15 minutes)
Purpose	Identify action items and potential agenda items for next meeting Potential Agenda Items: Continue discussion on workgroup statewide resolution of cyanide issue. Biosolids – Permit template no longer include biosolids. Lauren Fondahl, USEPA stated the need to include biosolids electronic reporting system/database in permits issued. Lauren asked how Regional Boards are determining compliance with general order for application of sludge, provisions that treatment plants have to meet. Suggested working with Johnny Gonzales at State Board.		
Notes	Next NPDES Roundtable – R8 will host next NPDES Roundtable meeting July 19. State Board will take notes, then host the next meeting and then start the next cycle with R1, R2, etc.		