NPDES Roundtable Meeting Agenda

Skype Meeting, Hosted by
State Water Resources Control Board

October 18, 2018
9:00 AM – 2:15 PM

To join the online meeting:
See appointment for Skype Link

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+1 (916) 562-0861, access code: 56909396

ITEM	1	Assigned to:	Time
Title of Topic	**INTRODUCTIONS/REVIEW AGENDA AND ACTION ITEMS**	Afrooz Farsimadan State Board	9:00- 9:15 (15 mins)
Purpose	Roll call and review agenda. Region 1: Cathy Goodwin and Justin McSmith Region 2: Robert Schlipf and Habte Kifle Region 3: Phil Hammer Region 4: Jeong-Hee Lim, Veronica Cuevas, Cassandra Owen Region 5: Kari Holmes, Joshua Palmer Region 6: No one present Region 7: Kai Dunn Region 8: Mark Smythe, Jayne Joy, Julio Lara Region 9: Brandi Outwin-Beals, Fisayo Osibodu, David Barker State Board: Afrooz Farsimadan, Gil Vazquez, Armando Martinez, Diana Messina, Jim Fischer, Angie Noorda, Matt Buffleben, Charmane Robinson EPA: Becky Mitschele, Jamie Marincola PG Environmental: Audrey Signorelli, Dan Connally		
Desired Outcome	Get attendance and finalize agenda.		
Background			
Attachments/ Links:			
Contact Person	Afrooz Farsimadan (916) 341-5544 Afrooz.Farsimadan@waterboards.ca.gov		
Notes	Add-on items included in Item 13: EPA's state review framework Toxicity Provisions Update		
Decisions	None		
Action Items	None		

ITEM	2	Assigned to:	Time
Title of Topic	**NPDES ROUNDTABLE SUBCOMMITTEES**	Diana Messina State Board	9:15-9:45 (30 mins)
Purpose	REQUEST ROUNDTABLE TO ESTABLISH SUBCOMMITTEES FOR TWO UPCOMING STATEWIDE DRAFT PERMITS		

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Desired Outcome	(1) Understanding of the role of Roundtable subcommittees (2) Initial steps to establish two Roundtable subcommittees for: - Draft Statewide Sanitary Sewer System WDR Reissuance - Draft new Statewide NPDES Permit for Suction Dredge Mining
Background	The Deputy Management Committee (DMC) set forth guidance for Regional Water Board communication and input on proposed statewide permitting projects. The use of Roundtable subcommittees has proven to be an efficient approach for the State Water Board to receive an organized set of comments representing the nine regional water boards.
Attachments/ Links:	
Contact Person	Diana Messina (916) 341-5523 Diana.Messina@waterboards.ca.gov
Notes	There is a proposed new procedure for State Board communication with Regional Boards to get input on statewide actions such as the two orders identified in this Agenda item. A subcommittee, comprised of RT members, preferably with representation from each Regional Board, will be formed. The subcommittee will review draft documents and submit one set of comments intended to represent the concerns of all of the Regional Boards. When it is time to bring the project to the DMC and MCC, it will be submitted by the State Board lead staff and the subcommittee lead. It is crucial that anyone on the subcommittee talk to their program manager to provide views that are supported by RB program manager. If a Regional Board doesn't have a member on the committee, that Regional Board should still work through the subcommittee to have their comments heard. This procedure is intended to give all Regional Boards a voice and to know early in the project what the issues are. Regional Boards should communicate our concerns as early as possible to allow for discussions through the subcommittee process. Jayne eloquently stated, "Elegant solutions can result from mulling it over [together]." Discussions related to the two permits follow in Agenda Items 4 and 5.
Decisions	Establish subcommittees for the two permits.
Action Items	Afrooz will work with Regional Board Program Managers to set up subcommittees for the two permits.

ITEM	**3**	**Assigned to:**	**Time**
Title of Topic	**Updates on ICIS coding for DMRs**	**Jayne Joy Region 8**	**9:45-10:00 (15 mins)**
Purpose	Update NPDES staff		
Desired Outcome	Information sharing		

Background	**Permit coding:** EPA's ICIS Coding training was provided to all RB staff. The goal is to get Regional Board staff to code their own permits in anticipation of the termination of in-kind contractor support by 2020. EPA didn't get any feedback from the training attendees. RBs are concerned about workload. Staff are getting behind on permit inspections and follow ups. Coding ICIS is complicated and time consuming and RBs don't have the resources to code their own permits. RBs suggested to create a centralized group to code permits statewide. Jayne Joy presented the summary outlining the ICIS coding process and presented it at the RB DMC. The RB DMCs made is clear they could not take on the task of ICIS coding and all seemed to understand. Let's discuss at the RT and get agreement on the recommendations.
Attachments/ Links:	
Contact Person	Jayne Joy (951) 782-3284 Jayne.Joy@waterboards.ca.gov
Notes	ICIS coding is complicated and time-consuming, and Regional Boards don't have the resources to code their own permits. This issue was brought up to DMC and DMC/MCC meeting by Regions 8 and 9. An issue paper was developed to present two options: (1) Regional Board staff perform coding, and (2) create a central unit at the State Board to do all coding, with the potential for having RBs review. MCC did not want to make a decision and preferred to leave it to the RT to make a suggestion. RT attendees overwhelmingly agree on Option 2 – for State Board to do all coding. Regional Boards could do review, if necessary. Afrooz is concerned on how to get staff for State Board to take on this task. Diana would like the work to be done in OIMA. ICIS coding is similar and OIMA would have the technical knowledge to move this forward. Jayne will talk to Greg and bring the recommendation to MCC. Matt B. recommends that a BCP be prepared, to clearly document the amount of resources needed for this task. Concerns expressed about whether a BCP would get approved since a similar BCP for pretreatment assistance to be performed by State Board staff was not approved. Coding issue and pretreatment issues are being handled together because they are similar. EPA is unsure on how much flexibility is on their side for support. They have heard our message but there has been no direction on how to move forward. Maybe contact Jarma to see how many resources it would take. Initial estimate is 2 full time or 4 part time. Just a guess right now. Diana stated that this function would require full time staff, not part time, temporary staff, due to the complexity of the coding
Decisions	Regional Board staff strongly support a central State Board unit to perform the coding.
Action Items	Jayne will refine Option 2 to identify the number and type of staff needed for this job. Evaluate need for a BCP to establish a central unit at State Board for ICIS coding.

ITEM	4	Assigned to:		Time
Title of Topic:	**UPDATE ON THE STATE SSS WDR REISSUANCE AND THE RB9 SSS WDR REISSUANCE**	Gil Vazquez State Board	Brandi Outwin-Beals RB9	10:00-10:25 (25 mins)
Purpose:	Update NPDES staff			
Desired Outcome:	Information sharing			
Background:	**Sanitary Sewer System WDR reissuance Update** 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 (MRP) in 2013. State Water Board staff have received comments and suggestions from stakeholder groups, such as collection system agencies, the California Water Environment Association and the California Association of Sanitation Agencies. The next steps include the following: • Creating a workgroup consisting of State Board and Regional Board staff. • Meeting with environmental groups, small disadvantaged communities, and private collection systems (i.e.: mobile home parks, industrial parks, shopping center and others). • Providing public workshops. **Update on RB9 Sanitary Sewer System WDR**			
Attachments/ Links:	SSS WDR Reissuance Project C			
Contact Person:	SB: Gil Vazquez (916) 322-1400 Gil.Vazquez@waterboards.ca.gov RB9: Brandi Outwin-Beals (619) 521-5896 Brandi.Outwin-Beals@waterboards.ca.gov			
Notes:	DWQ staff are working with OE staff on this General Order revision. Proposed changes include: 1. Regulating private collection systems. Mobile home parks, HOAs, etc. Proposing to regulate these similar to how we regulate under the current order. 2. Create a new spill category (CAT 4) for <50 gallons that do not reach Waters of the US. These will not be de minimis spills. 3. Separate SSMP into two categories (1 is O&M and the other is Capital Improvement). Climate change would also be included in this. 4. Standardize reporting due dates for SSMP, questionnaires, and audits using tables. Every 5 years it needs to be updated. Trying to clarify language. Gil will put together tables. 5. Increase the SSMP recertification to six years instead of 5 years. Audits are every two years. This doesn't line up with the recert. Will have 3 audits for each recert.			

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Notes (cont):

6. Reorganize Order using NPDES template format.

7. Create a new Performance and Compliance Class A for agencies that are well-operated and maintained, have 75% or more certified operators (systems with certified operators have been shown to have less spills). These agencies would get a reduction in audits (1 audit every 6 years instead of every 2 years), annual reporting instead of monthly, and have a lower priority for being inspected or audited by the State. Matt – is hesitant to say they have a lower probability of inspection. Brandi believes there is an incentive to not report to get into Class A.

8. Create Performance and Compliance Class B for everyone else. Audits every 2 years, SSMP every 6 years. Report spills on monthly basis. Same as before.

Brandi (R9) is curious if State Board staff is open to modifying the proposed changes. Gil said this is a proposal and the permit subcommittee has leeway to recommend changes.

Diana is stressing cost of compliance. They realize there are a lot of permittees that report no spills. Really want to incentivize certified operators. Class A is a regulatory incentive. Will lose Class A label if any compliance is not met. Really trying to reduce cost of compliance for good actors but not let bad actors get a pass.

Matt likes the approach but states that an audit doesn't cost a lot, somewhere around $20,000. He also noted that the inspection rate for enrollees under the Statewide Sanitary Sewer General Order is very low - maybe 20 facilities out of thousands. This equates to a 70-year inspection cycle.

Diana understands the need for the audits. Cost of compliance is not just a dollar amount, but also the cost of what comes out of the audit (going to the board, studies, etc.). She's not looking to reduce audits across the board.

Becky from EPA would like asset management principles included in the SSMP. She wants to make sure her input is included in this Order renewal process. She also asked how a Facility that bounces in and out of Class A would be handled for audit frequency.

Gil said Becky did not miss her window and invited her to be on the subcommittee and that Class A would be based on the two-year audit time frame.

Gil presented the schedule as follows:

- Meeting with enviros late Nov/Dec; .
- three staff workshops (dates and regions will be announced) between December and February;
- Internal SB staff Draft Review (includes RBs, OE and EPA) between March and May 2019;
- Draft the Order and send out for Public Comment between May and July 2019;
- Respond to comments between July and August 2019.
- Board Adoption for Draft SSS Order in Fall 2019.

Brandi and Fisayo gave an update on Region 9's SSS WDR revision –Region 9 moving to make the R9 WDR stronger. R9 staff see human sewage and the associated pathogenic organisms as one of the most harmful threats to water quality and human

	health. They have found human indicators in receiving waters throughout Region 9. Over 90% of the samples showed human fecal contamination. Notable sources include exfiltration from sanitary sewers, and SSOs, and homeless encampments. They are putting more resources into audits and looking at impacts to water quality. The Order prohibits any overflows upstream of a WWTP. Changes to the R9 Order being considered include requiring modification of SSMPs to address exfiltration and inflow, development of a plan to replace pipelines, and requirements for training and assessment in SSMPs. The revisions may also include requirements to address climate change, submittal of a technical report following any beach closures, annual reporting to assess cumulative impacts of prior year's spills, trends analysis and certification that agency staff are trained on the R9 and statewide General Orders. The revised Order is currently in draft form but has not been released for public comment. Brandi stated that R9 would be open to rescinding their Order but if the SB Order includes all of the R9 recommendations Gil is curious if R9 has done outreach to stakeholders. Brandi said that the R9 Board recently received recommendations to update the R9 Order, as summarized above, in a public meeting, and is in settlement discussions with several agencies where these types of changes have been discussed. The R9 board is aware of staff's efforts. Brandi wants Program Managers from the other regions to be serious about making the statewide SSS permit stronger because of the serious impact of raw sewage going into waters of the State and US. Diana stated that it is crucial for the subcommittee to look at the current charter and that any charter would need to be updated to include any proposed changes. Diana likes everything she has heard from R9 and would like to include it in revised Order and stressed that changes must go through the proper process and stakeholders must be notified - she doesn't want to surprise stakeholders. Brandi stated that if the charter does not include R9's recommendations, then R9 would provide separate comments to the State Board. She stressed the need to make the SSS stronger and the need to have RBs participate on the subcommittee.
Decisions:	Consider Region 9 proposals for the Statewide General Order revision.
Action Items:	None

BREAK
10:25 – 10:35 AM

ITEM	5	Assigned to:	Time
Title of Topic	**UPDATE ON THE SUCTION DREDGE MINING PERMIT**	Renan Jauregui State Board	10:35- 10:50 (15 min)
Purpose	Provide Status update on what Action is being considered		
Desired Outcome	Information sharing		

Background	Suction dredge mining has been prohibited since 2009. SB 637, which became effective on January 1, 2016 provided an alternative to lift the prohibition by having the Water Board take some regulatory action. Since then, staff in compliance with the bill requirements conducted various workshops throughout the state with stakeholders. Based on the outcome of the workshops it was recommended that the appropriate regulatory mechanism would be a Statewide NPDES Permit. So, we are in the process of reviewing the information available and draft an NPDES Permit which has been scheduled for adoption by Summer of 2019.
Attachments/ Links:	Signed Suction Dredge Mining Stat
Contact Person	Renan Jauregui (916) 341-5505 Renan.Jauregui@waterboards.ca.gov
Notes	Workshops in 2015 and 2016 provided an alternative for mining operations to continue. The outcome was a proposal for a statewide NPDES permit for dredge mining. Drafting a permit now. Meetings in September gave information to stakeholders on what the NPDES permit requires and met with Enviros. Enviros were concerned for NPDES permit. Would rather the miners go through CEQA for each mining project if they met criteria (1,000 cubic yards of material over project lifetime). Renan explained that SMARA process would lead to NPDES anyways and would rather have a Statewide Order instead of individual permits. The draft permit will be ready for public comment in February of 2019 and adoption by December 2019. Veronica from R4 asked if miners will have to perform CEQA. Renan says DFW will have to update regs. CEQA is up in the air based on size of the project. NPDES permit would exempt them from CEQA on our end, but US Forest Service and/or DFW may require CEQA. R4 has been petitioned stating that NPDES permits can't allow CEQA exemptions.
Decisions	None
Action Items	None

ITEM	6	Assigned to:	Time
Title of Topic	**PROPOSAL TO CONSIDER IMPROVEMENTS TO EXISTING TEMPLATE LANGUAGE TO ADDRESS OPERATOR CERTIFICATION, STANDARD OPERATING PROCEDURES (SOPS) AND UPDATED O/M MANUALS**	Jim Fischer State Board	10:50-11:10 (20 mins)
Purpose	Present background information on WWTP operator certification requirements (Title 23), and the need for updating plant standard operating procedures (SOPs) and O&M manuals.		
Desired Outcome	Obtain feedback/decision for considering improving existing permit template language for operator certification, SOP and O/M manual updates.		
Background	Adequate operations and updated O&M documentation/SOPs are industry standard and vital for ensuring consistent compliance. However, the Office of Enforcement inspectors continue to see inadequate SOP documentation and/or outdated O&M		

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	manuals across the state. For most facilities, there is not a direct mechanism to require updates to SOPs and O&M manuals to ensure proper operations and maintenance. The Office of Enforcement will present a few examples of problems seen including enforcement actions. This will also include examples of existing permit language used by some regions related to operator certification, SOPs and requirements for updating O/M manuals which could provide support for updating the statewide template.
Attachments/ Links:	(a short PPT will be shown and provided for uploading to the DWQ/NPDES training website on intranet)
Contact Person	Jim Fischer - jim.fischer@waterboards.ca.gov (916) 341-5548 Angie Noorda - angie.noorda@waterboards.ca.gov (916) 341-5445.
Notes	Jim gave a Power Point presentation with an overview of what OE staff have seen during field inspections. Jim would like DWQ and RT members to consider the need for better and consistent language to address operator certification, SOPs, and operation and O&M. OE feels strongly that SOPs are critical to proper operation of wastewater plants. OE staff find that written SOPs and training are typically lacking. Jim's presentation included examples of enforcement that OE and Regional Boards have taken based on language in current permits. R8 has very detailed language for Operator requirements and O&M requirements in permits. Jim would like to do a survey of the Regional Board's to use to develop standardized language for the Statewide template. It would allow for consistency in enforcement and assurances for Permittees. Angie added that on inspections they ask for O&M manuals, Op Certs and SOPs. Oftentimes the O&M manual hasn't been updated for 5 to 10 years. Good SOPs and O&M manuals must be updated often, and with regular staff training and sign off to document who has been trained and on what SOPs. Requirements for certified operators is necessary. Cathy says consistency makes sense. O&M and Op Cert is crucial. If OE staff is seeing inconsistencies, then she is in favor of specific general language.
Decisions	Jim would like to do a survey of the Regional Board's to use to develop standardized language for the Statewide template
Action Items	Kari Holmes to provide R5 examples of O&M and SOPs to Jim and Afrooz for posting on the OE intranet site and for distribution to RT members. Jim will post his Power Point presentation, enforcement examples, and examples of O&M and SOPs on the OE website. Discuss results of Jim's language survey and identify path forward for establishing standard language for the NPDES template.

ITEM	7	Assigned to:	Time
Title of Topic	**NPDES QA UPDATE**	Dania Jimmerson (RB5) Armando Martinez (SB)	11:10-11:25 (15 mins)
Purpose	Update NPDES staff on progress and inform of upcoming meetings/deliverables		
Desired Outcome	Information sharing		
Background	The NPDES Quality Assurance Program Plan (QAPrP) was published in August 2017. The goal for the NPDES QA group is to develop Quality Assurance Project Plans (QAPP) for the different aspects to the NPDES program. Data problem screening surveys were sent earlier in 2018 to develop a list of common NPDES data problems staff are facing. The NPDES QA group has compiled these data problems and has categorized them into 10 tables. The NPDES QA group will develop solutions for these issues and will draft a report to management detailing the issues and solutions developed by the group. The report will be the basis for ongoing planning.		
Attachments/ Links:	NPDES QA Implementation Proj		
Contact Person	Dania Jimmerson (916) 464-4742 Dania.Jimmerson@waterboards.ca.gov Armando Martinez (916) 341-5586 Armando.Martinez@waterboards.ca.gov		

Notes	Dania stated that one of the preliminary objectives of the NPDES QA group is to achieve scientific data reliability. Thus, State Board developed a NPDES Data Survey with the purpose of identifying what problems result in data that are not credible or appropriate for the intended use (e.g., reasonable potential analysis, enforcement, water quality assessment). Most importantly, this is a tremendous opportunity for all regions to finally address some of the data issues. Some of the solutions to these problems might be as simple as knowing how other regions had already addressed these. Other solutions might need longer time to implement, but at least we can develop ideas on how those data issues could be implemented.
	
	The NPDES QA Work Group currently consists of 31 people from USEPA, different regions, State Board (OIMA, DWQ, OE).
	
	Workgroup accomplishments to date include:
	• A survey of causes for unreliable data was sent to the group on August 24. The survey focused on items that were mostly related to potential problems with the way MRPs are currently written or staff lack of training and guidance
	• Dania provided a summary and evaluation of the survey to the group, and the group met to discuss the results on September 18. Meeting outcomes include:
	  ○ A list of trainings that we think will be helpful to staff by providing a better understanding and guidance on MRP requirements. We need input from the NPDES QA group members regarding the adequacy of the list and/or suggestions for additional training that might be helpful to staff. Future trainings will be coordinated through OIMA
	  ○ A plan to survey the group members to find out the expertise of each member on the NPDES QA group so others know who to go to when they have questions. DWQ and R5 staff have already submitted responses.		

ITEM	7	Assigned to:	Time
Title of Topic	**NPDES QA UPDATE**	Dania Jimmerson (RB5) Armando Martinez (SB)	11:10-11:25 (15 mins)
Notes (cont):	• Development of a strategy to complete remaining sections of the data survey in a more efficient manner. Next Steps: • Send list of trainings and expertise to the NPDES QA group members within the next week; • Next meeting will be scheduled for early November to continue to address remaining aspects of the data survey • Send another section of the existing data survey to the group. The next section will address potential problems from the discharger point of view. Armando stated that he will be working with PG Environmental to evaluate the NPDES Program Plan, with a kick-off meeting on October 19. The outcome of his work with PG will be a technical memo to the RBs about data issues and options to improve QA, possible preparation of new SOPs and quality standards, determination of gaps in the program and identification of appropriate solutions.		
Decisions	None.		
Action Items	Future scheduling of trainings for staff regarding MRP requirements Dania to send list of trainings to NPDES QA Group members.		

ITEM	8	Assigned to:	Time
Title of Topic	**UPDATE ON THE BACTERIA PROVISIONS**	Lark Starkey State Board	11:25-11:45 (20 mins)
Purpose	To inform the NPDES Roundtable of adopted provisions		
Desired Outcome	Information sharing		
Background	On August 7, 2018 the Bacteria Provisions for REC-1 waters were adopted by the State Water Resources Control Board.		
Attachments/ Links:	TMDL Roundtable Presentation_10.18.		
Contact Person	Lark Starkey – (916) 324-6655 lark.starkey@waterboards.ca.gov		
Notes	Lark gave a Power Point presentation on the new bacteria provisions which were adopted by the State Board on August 7, 2018. The new bacteria provisions are based on the 2012 EPA Rec-1 recommendations. Went with 32/1000 primary contact recreators instead of 36/1000. E. Coli for freshwaters and Enterococci for saltwater. E. coli survives better in freshwater. Enterococci gives false positives in freshwater.		

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	Fecal coliform retained in Ocean Plan based on California specific studies. Calculated based on a single sample max and a 30-day GM. STV calculated in a static manner (1-month period). 3 STV's over 12 weeks. Fecal coliform based on last 5 samples for rolling GM. Not more than 10% of STV can be exceeded. Only using the SSM or STV if there is not enough data for the GM. Need 5 samples in the six-week rolling period. If not, use STV or SSM. Supersedes numeric WQOs in Basin Plans, but not narrative WQOs. Establishes a Limited Water Contact Recreation (LREC-1) beneficial use which is for body contact with water where ingestion of water is infrequent or insignificant (hard to access). When will this be approved by EPA? She is currently getting the administrative record together and should have it ready by the end of the month Sending to OAL by the end of the month. Hope to have it approved by the end of the year.
Decisions	None
Action Items	None

ITEM	9	Assigned to:	Time
Title of Topic:	**CYANIDE DISCUSSION: CONTINUED FROM JULY NPDES RT MEETING**	All	11:45-12:00 (15 mins)
Purpose:	Continue discussion to resolve handling elevated cyanide effluent results from POTWs		
Desired Outcome:	Resolve or discuss approach to resolve what appears to be a common issue to many regional boards.		
Background:	Action Items from previous Roundtable: 1. Jayne Joy – Will reach out to CASA to see if the study was done and if they can share the results. Ask for data on the types of CN. 2. Milasol Gaslan – Will look into SAP study and share the results. 3. Cathy will share the result of RB1 and RB4 monitoring in the October RT meeting RB7 has a limit based on free cyanide – RB9's Limit is based on total cyanide RB2 set the limit based on total cyanide and included a footnote that weak acid dissociable method can be used. The result showed reasonable potential. The discharger asked for a time schedule to try an alternative method. RB granted the time schedule over allowing monitoring using a different method. It will be helpful to have data on total CN or free or acid dissolved to see the difference. At the April 2018 NPDES roundtable, R1 asked R7 for a brief update on cyanide issue they previously dealt with. R7 facility conducted a study to determine if it was source issue or lab issue and verified it was not a source issue and concluded that it was 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. Topic originally brought up by RB1 in April RT meeting. Coming up with an approach to handle cyanide limits and monitoring requirement in respect to reporting approach, and long-term monitoring solution. Identify sources. Update on studies, next quarter meeting.
Attachments/ Links:	FW_ Cyanide Information from CAS
Contact Person:	
Notes:	Cathy updated the RT about Region 1's recent work with a discharger with RP for cyanide and the recently adopted permit. Region 1 staff surveyed several regions to determine how cyanide is required to be monitored in NPDES permits, then evaluated whether to use Total, Free Cyanide, or weak acid dissociable (WAD). Region 1 staff elected to set cyanide effluent limits based on Total Cyanide with a footnote that allows use of WAD. WAD is a more costly analysis than total cyanide, so this approach allows the discharger to save money using Total Cyanide if they are able to comply. If the discharger is still out of compliance using WAD, the discharger would like to evaluate getting EPA approval for an alternative test procedure (ATP) that would allow them to sample for cyanide without using the NaOH preservative. This is difficult for small dischargers and the 15- minute hold time would require a mobile lab to come out to the site to test accordingly. Julio Lara - R8 had an issue with cyanide compliance. R8 formed a task force and had University of San Bernardino Chemistry Department do a study. After the study, R8 decided to move forward with free cyanide. Some Discharges are performing the WAD samples as well. R8 is comfortable allowing compliance determinations to be made using the Free Cyanide method (ASDM 7237) because it was approved by EPA and included in 40 CFR Part 136 beginning in 2012. The have moved away from WAD and Total Cyanide. WAD can be over-regulation because ligands may be released to make free cyanide more available. R7 switched to free cyanide after EPA approved the Free Cyanide method in 2012. Free cyanide samples still require preservation to achieve a pH in the range of 9 to 11. Preserving samples at the lower end of the range, limits the potential for free cyanide production in the sample. This is what Region 7 encourages small and rural discharges to do when they cannot get their samples to the lab within the 15-minute hold time for unpreserved samples. Veronica from R4 said that Thousand Oaks WWTP has a consultant that has been conducting an on-going study regarding cyanide. She reported that they did not find cyanide coming into the plant in the influent. Veronica will update the Roundtable once the report is finished.

	Kari said that R5 has recently contracted with CalTest and they discussed Cyanide. CalTest reported to R5 that on-site cyanide studies to establish an ATP have not been very helpful. Eliminating chlorine and nitrate improves results (perhaps by limiting the potential for cyanide formation in the sample). Additives like polymers seems to have an effect as well. Jayne sent Afrooz cyanide information that she received from CASA, which is included in the Attachment section for this item.
Decisions:	It is appropriate for Regional Boards to establish cyanide effluent limitations for Free Cyanide and to require monitoring for the same. R1 staff came away from this discussion with the thought that it is still beneficial to set the limit for Total Cyanide and include a footnote that gives the discharger the discretion to sample for Free Cyanide. This flexibility allows the dischargers to minimize cost of compliance if they can achieve compliance based on Total Cyanide and by allowing them to use Free Cyanide to prevent false positives.
Action Items:	We will no longer include this as a standing item. Staff from the Regions that have dischargers that are monitoring and/or conducting studies related to cyanide will bring updates at future RT meetings, as needed.

Lunch
12:00 – 1:00 PM

ITEM	**10**	**Assigned to:**	**Time**
Title of Topic	**NPDES SIGNIFICANT NONCOMPLIANCE**	Matthew Buffleben and Erin Mustain	1:00-1:30 30 mins
Purpose	To update the Roundtable on the status of the SNC Project		
Desired Outcome	Information Sharing and input from the group on approach from a permitting perspective.		
Background	**<u>Goal</u>** In its Strategic Plan, U.S. EPA identified a new priority - to increase compliance over the next five years by focusing enforcement efforts toward areas with significant noncompliance (SNC) issues and selected the NPDES program for initiating this effort. The Office of Enforcement (OE) created a baseline report in April of this year. At that time, 28% of all NPDES facilities were in SNC and 48% of minor facilities were in SNC. OE staff has been working with DWQ and OIMA to investigate systemic and data quality issues. Our initial goal was to resolve as many of the data issues as possible before engaging the regions. The number of facilities/permits[1] in SNC has come down a bit, mostly for major dischargers. **<u>Resolving SNC</u>** EPA has stated the following are ways to get a facility off the SNC list: • Facilities can resolve their SNC status by promptly returning to compliance with permit limits and monitoring and reporting requirements.		

[1] EPA focuses on permits and many of our permits regulate more than one facility.

	• The State or U.S. EPA can resolve SNC by placing the facilities under a formal enforcement action with requirements and deadlines for returning to compliance. • Once the facility returns to compliance, the SNC status is resolved. **Current Process/Strategy** **Task:** Identify system and data errors in both the State and federal databases. **Status:** This is ongoing and we are trying to resolve these so that they do not recur. **Task:** Address Failure to Report violations **Status:** In progress. OE staff created a list of facilities not submitting DMRs that did not appear to have been properly notified of the requirement. We drafted a memo to EPA asking for time to notify, train, and allow the dischargers to comply. This was granted and we have notified the dischargers and provided a link to the recorded trainings and guidance documents. **Task:** Validate Compliance Schedule violations **Status:** In progress. We identified the root cause on the system-side of this issue and are working with OIMA. We plan to discuss the programmatic side of the issue on in the NPDES Roundtable. **Task:** Prioritize the facilities in SNC with effluent violations by economic benefit, length of time on SNC, environmental justice and/or location within a disadvantaged community, and impact to drinking water resources. **Status:** Not started. **Task:** Coordinate with EPA on adding acceptable requirements and deadlines to our enforcement penalty orders with compliance projects. **Status:** OE has brought this up to EPA and they are amenable to it. We need to work out the details of the language EPA wants in those Orders. **Task:** Where necessary, work with the Regional Boards to issue Cease and Desist Orders (CDOs) or Time Schedule Order (TSOs) to address ongoing effluent violations. **Status:** Not started. **Task:** Explore possible funding options with U.S. EPA and the Division of Financial Assistance for facilities that require major upgrades to return to compliance **Status:** Not Started.
Attachments/ Links:	
Contact Person	Erin Mustain (916) 445-9379 Erin.Mustain@waterboards.ca.gov
Notes	Typically, SNC for NPDES wastewater in California is in low teens. The SNC rate increased over the last couple of years when minors were included in the SNC evaluation. SNC is based on 4 quarter rolling time-frame. Doesn't include general enrollees or MS4's. EPA SNC is based on number of permits and not individual Facilities – some permits cover multiple facilities. The US EPA goal is to reduce the rate to 21% by Fiscal Year 2019. Final Goal is 12% SNC by end of federal Fiscal Year 2022. Reasons that facilities end up on the Quarterly Non-Compliance Report (QNCR): (1) violation of a compliance schedule within 90 days of a milestone date; (2) for serious effluent limitation violations; and (3) for failure to submit a report within 30 days of the due date.

	USEPA expects timely and appropriate responses to SNC violations, including formal enforcement within 5.5 months from the end of the quarter (CDO, TSO, CAO, Penalty Order with compliance project). Matt recognizes this is unrealistic. To date, OE staff have been completing tasks to resolve the SNC issue and move toward a lower percentage of SNCs, as follows: • Established a baseline; • Resolved data transfer issues; • Compared facilities in CIWQS and ICIS; • Sent ROWDs and rescission orders to EPA; • Conducted a Report/Data Review; • Notified dischargers of reporting requirements; • Developed a Fact Sheet; and • Updated DMR webpage. The majority of SNC issues that were identified in April 2018 were reporting based. As of August, significant SNC issues have been resolved for reporting and compliance schedule non-compliance. EPA wants SB to develop a workplan to address other issues to meet EPA goals, including: identify system/data errors, address failures to report; prioritize cases, and identify a plan to issue formal enforcement orders. Matt B. stated that OE wants to identify facilities that keep paying MMP fines because its cheaper than implementing a compliance plan. He stated that this addressing the overall SNC issue will be a multi-year project, especially when it comes to addressing facilities that need upgrades in order to achieve compliance. Matt recognizes that small communities will need funding to address upgrade issues. He wants to work with the Regional Boards to reduce SNC list and will need RB support to complete this effort.
Decisions	None
Action Items	None specified. Seems like an item that should remain as a standing item.

ITEM	11	Assigned to:	Time
Title of Topic	**EPA UPDATES**	Becky Mitschele EPA Region 9	1:30:-1:40 (10 min)
Purpose	(1) Provide updates regarding EPA's review of permit backlog and NPDES commitments in EPA performance grant (i.e. CWA 106 grant) (2) Coding permits into ICIS		
Desired Outcome	Information Sharing		
Background	1) ***Provide updates regarding EPA's review of permit backlog and NPDES permit commitments in EPA's***: On September 25th, EPA R9 management participated in the joint DMC/MCC Meeting of Regional Board Executive Officers, Assistant Executive Officers, and State Board in Sacramento. EPA R9 management discussed permit backlog and in-kind NPDES support. 2) ***Coding permits into ICIS:*** Request information regarding how State has decided to proceed with coding permits into ICIS.		
Attachments/ Links:			
Contact Person	Becky Mitschele (415) 972-3492 mitschele.becky@epa.gov		
Notes:			

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	Jamie Marincola provided most of this update and Becky Mitschele participated in the discussion. California, statewide, is below the national goal of 83%. The national average state performance is about 87%, and California is currently around 74% based on EPA's ICIS database. In order to tighten up on permits reissuance, EPA expects the State Board to provide EPA with a permit issuance plan (this is a 106 commitment), including permits by RBs for the SFY. For RBs below 83%, EPA expects a commitment of at least 20% of their permits. Those Regional Boards that are already at or over 83% will have discretion on how many permits they reissue. This issue is being spotlighted in light of EPA contractor in-kind support being phased out. Individual RB performance will be addressed in the end of the year report and in EPA's effort to evaluate programs receiving Clean Water Act funding, like the NPDES permitting program. Afrooz will be communicating with each Regional Board Program Manager about this next year. Brandi (R9) stated that not all permits are equal (gave an example permit taking 3 years). She does not want the 20%target to be a firm target based on a single year. Instead, she would like the flexibility to average 20% over several years. Jamie stated that EPA can negotiate with Regional Boards that have a clear plan to increase permit reissuance in order to achieve the goal of 83%. He stated that if a Regional Board is below 83%, they should be looking at the "low hanging fruit" (smaller, easier permits) to boost percentages. EPA understands that every region is unique, and EPA is willing to work with the State and evaluate at the end of the year. Gil asked where the data came from for the 74%. EPA stated ICIS and that the numbers were as of end of SFY 18 (i.e., June 30, 2018). Gil stated that since contract support was removed, those numbers might not be accurate. Gil and Matt think that the numbers need to be revisited. Brandi suggested that this discussion should take place in the RT before it gets brought to MCC/DMC then it would save a lot of work and frustration. The current approach causes panic and micro-management of staff when it isn't necessary. EPA stated that this is a routine process with most delegated states, but not California. Afrooz asked, since this is a comparison between states, do other states get in-kind support? EPA stated in-kind support is uncommon. Hawaii has it, but it will likely be phased out. The other two delegated states in EPA Region 9 do not get support. Afrooz has been told that the State can't hire new staff to make up for the reduction in in-kind support. Veronica (R4) asked if retired annuitants can be hired to assist. Julio (R8) stated that PY's were cut during the furloughs and they have never come back. R8 staff are overworked and understaffed. R1 and several regions echoed the same.
Decisions	None
Action Items	EPA will work with Afrooz to ask Regional Boards for plans to improve the permit reissuance rate.

ITEM	12	Assigned to:	Time
Title of Topic	**PROPOSED AMENDMENTS TO THE RECYCLED WATER POLICY**	Laura McLellan State Board	1:40:-2:10 (30 min)
Purpose	Information Sharing		
Desired Outcome	Information Sharing		
Background	Staff is proposing amendments to the Recycled Water Policy to increase statewide consistency in the permitting of recycled water projects and to update Constituents of Emerging Concern (CEC) monitoring requirements for potable recycled water projects. Staff will provide a summary of the proposed amendments, a brief history of the project, and the timeline for bringing these amendments before the State Water Board.		
Attachments/ Links:			
Contact Person	Laura McLellan, 916-319-8288, laura.mclellan@waterboards		

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Notes	The Recycled Water Policy includes a provision to reconvene a Science Advisory Panel every 5 years. In 2016, State Board directed SB staff to reconvene work on amended recycled water policies for CECs. State Board staff will bring the final package to the Board on December 11 for adoption. This Recycled Water Policy revision includes the following changes: • Removal of mandate to achieve numeric percentage of use with goals; • Adding in narrative goals to minimize treated wastewater to the ocean, enclosed bays, and coastal discharge except when other BU's are threatened, and to promote recycled water in inland areas for impacted groundwater basins. • Adding in a narrative goal to increase the use of recycled water in areas where groundwater is in a state of overdraft. • Adds a requirement to develop a system for tracking and reporting of recycled water use. After adoption, SB Director will issue a super order (Statewide 13267 Order) that will update individual MRPs to require tracking and reporting and to include updated CEC monitoring requirements. State Board will avoid duplicate reporting this effort to centralize data. Rebecca Greenwood is a new staff member that will be working on this. • Updating process on how RBs can review and approve SNMPs. • Removing streamlining criteria for non-potable water projects since this is now included in the Statewide Recycled Water General Order. • Updates CEC monitoring requirements for GW recharge projects and Reservoir Water Augmentation Projects. Proposing estrogenic receptor and dioxin receptor bioanalytical tools for monitoring. Debate as to how far along those tools are. Advisory Panel and SB feels the tools are acceptable. 3 years for monitoring systems to be up and running. Panel also recommended institutional changes for SB to add and remove CECs from the Policy without having to reconvene the Panel every 5 years. Matt wants to know how much bioanalytical tests cost. Expensive. Quarterly monitoring requirements until they show compliance and then removal of testing. Brandi has a draft of the first Surface water augmentation NPDES permit and is willing to share once adopted to be used as a template for other RBs. She stated that R9 is having a hard time figuring out how to incorporate the CEC monitoring requirements into the draft permit. Laura recommended that R9 not include the CEC monitoring and to wait for the super order to address it. Brandi also stated that R9 received approval from EPA to utilize DDW laboratory methods that are more sensitive than the 40CFR part 136 methods for certain pollutants.
Decisions	None
Action Items	Laura will share the draft Recycled Water Policy with the RT. Regional Board staff to provide feedback on the draft Policy.

ITEM	13	Assigned to:	Time
Title of Topic	**ADD-ON AGENDA ITEMS, REGIONAL BOARD UPDATES, AND WRAP UP**	Afrooz Farsimadan State Board	2:10-2:15 (5 mins)
Purpose	Brief Updates on Regional Board issues and Conclude meeting		
Desired Outcome	Summarize action items from this meeting, potential agenda items for future meetings, and confirm future meeting date.		
Background	Discuss next quarterly meeting location and decide whether teleconference or face to face. Decide on note taker.		
Attachments/ Links:			
Contact Person	Afrooz Farsimadan (916) 341-5544 Afrooz.Farsimadan@waterboards.ca.gov		
	Matt Buffleben provided an update on EPA's state review framework (every 5 years). Recently released Draft Report of the 2016 review. SB have 45 days to review (comments to Matt by the end of the month). Matt stated the following: • Inspections at majors, minors and storm water facilities and compliance with effluent limitations were good. • Need to work on data concerns with ICIS. • Inspection reports are poor. Sometimes no narrative. Timely and appropriate enforcement is insufficient. ---------- Zane Poulson gave an update on the Toxicity Provisions which will be posted for public comment beginning October 19 with notification through Lyris. There will be two Workshops: Oct 29 in Southern California (SCWRP building) and Oct 31 in CalEPA building. and the October 31 work shop will be broadcast online. Responses to the 2012 comments should be up by Oct 29. Board Hearing will be Nov 28 (will be broadcast). Comment period December 7. Hope to have this item before the State Board by April 2019 (tentative based on public comments). Several aspects of the Toxicity Provisions were highlighted as follows: • These will supersede Basin Plan numeric WQOs but not narrative WQOs. • Toxicity analytical test methods will not be changed. • Includes requirements for species sensitivity screening, • Includes requirements for what info needs to be submitted for reasonable potential (RP) determinations and what constitutes RP. RP results if there is a fail or if percent effect is > 10%. • Requires use of TST and pass/fail approach. • Includes numeric AMELs and MDELs. • Mixing zones are not allowed for either acute and chronic toxicity. Still need receiving water capacity for that toxicity. Julio Lara (R8) asked if the challenge to the TST procedure been worked out. Cassandra (R4) asked if storm water and non-point sources are required to do toxicity testing and whether these sources are amenable to TST analysis, then you have to use the TST. She stated that certain pesticides affect other sensitive species, if you use species required under the TST, then use the TST. Will need to issue 13267 Order for non-point source discharger to use TST.		

Notes	**Regional Board Updates:** Region 1: Justin McSmith gave an update on the use of the use of Ammonia Impact Ratio effluent limitations in two recent Region 1 permits. The McKinleyville permit was adopted at the September 6, 2018 Board Meeting, and the Ferndale permit which is scheduled for adoption at the November 14, 2018 Board Meeting. The AIR method was developed by U.S. EPA Region 9, but Region 1 staff only learned of this method of establishing ammonia effluent limitations when McKinleyville staff expressed concern about stringent discrete limits that were proposed in their permit. The AIR method allows a discrete compliance limit (ammonia impact ratio of 1), calculation of limits based on the receiving water pH and temperature at the time that the effluent sample is collected, then converts the result to a discrete number, then calculation of the AIR by dividing the effluent result by the calculated limit. Region 2: Robert Schlipf reported that Region 2's watershed permit process has begun. There will be an informational item at R2's October Board Meeting. The process will include assimilative capacity evaluations of San Francisco Bay, monitoring for harmful algae toxins using mussels, and looking into treatment plant upgrades to address nutrients, including options that include the use of wetlands to polish treated wastewater before discharge. Region 3: Phil Hammer stated that R3 staff are working on standard permit re-issuance. He also mentioned the Monterey One Water project that will be accepting contaminated ag wastewater in the Salinas Valley, and R3s efforts to identify funding to support new staff to oversee desalination projects. Region 4 is working on targets. Region 5. Kari stated that R5 is working on discharger compliance with the Sufficiently Sensitive Methods (SSM) rule. R5 staff has done a lot of work to develop a table that identifies methods for each pollutant that comply with SSM. R5 staff are proposing to include this table in permits starting sometime in the next several months, after R5 management have approved it. R5 staff are willing to share the table with the RT group. Region 6: Absent Region 7: Absent for this item. Region 8: – Poseidon Desal Facility is keeping R8 staff very busy. They are also focused on permit renewals. Region 9. Absent for this item. SB – Gil said EPA is moving forward with contracts for Fiscal Year 2019 and that EPA will be contacting the regions soon to kick off approved items (permits, inspections).

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Decisions	The next Roundtable meeting will be on January 9, 2019. • Region 1 will host. • Region 2 will be the note-taker. • Afrooz would like this to be a face to face meeting.
Action Items	• See actions noted in Items 2, 3, 6, 7, 9, 10, 11, and 12. • Afrooz will send EPA's 2016 State Review Framework report (Item 13 Add-On) to NPDES program managers for their review. Comments due on October 30, 2018. • Region 1 will send request for agenda items by mid-December to ensure that all regions have an opportunity to provide agenda items even if Program Managers/key staff are off for the holidays.

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