

Subject: [Regulatory] CASA January 2021 Regulatory Update

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From: Jared Voskuhl



Good Afternoon,

Please find below regulatory updates from December and for January. Our next workgroup meetings will be through Zoom on Thursday, January 21. Please send along items you would like agendaized, and let us know if you have any problems accessing the hyperlinked materials.

Thank you,
The RWG Team

WATER QUALITY

SWB Volumetric Annual Reports for Wastewater and Recycled Water

On January 5, during their first meeting of 2021, the State Water Resources Control Board (State Water Board/SWB) [heard an informational item](#) on the results of the first annual volumetric reporting for wastewater and recycled water. The reports were due last summer following the Board's update of the recycled water policy in December 2018 and were required under [Executive Order 2019-0037](#).

SWB staff reported a 93% response rate (710 out 756) along with the reuse of 686,000 acre-feet of water in 2019 that was compliant with Title 22 standards. During the meeting, SWB staff acknowledged this figure did not include the expected acre-feet from several large projects which have been initiated but are not yet operational, and likewise, that the figure was based on different criteria than the prior 2015 report which had included a significant amount of agricultural reuse and reuse for environmental enhancements which did not fall under Title 22 and therefore were excluded in the 2019 figure.

CASA and WaterReuse both testified and plan to collaborate with the SWB to attain additional information in the 2020 reports which will provide a fuller picture of the State's progress in achieving its goals. State Water Board members and staff both recognized the need to eventually revise the current numeric recycled water goals to reflect the findings from the [Water Research Foundation study \(#4962\)](#) assessing the quantity of water that feasibly may be recycled. Please reach out to [Jared Voskuhl](#) with any questions.

OPC: Ocean Acidification Expert Panel, Sea Level Rise Leadership Team, and Plastic Pollution Recommendations and SB 1263 Report

California's Ocean Protection Council (OPC) postponed its [December 15 meeting](#) when they were scheduled to vote and endorse an unreleased document entitled, "Top Ten Recommended Actions to Address Plastic Pollution in California's Coastal and Marine Ecosystems." With additional time to develop recommendations and reach consensus, the OPC is tentatively planning to take Action at their [February 16](#) meeting.

Additionally, the [4Q Executive Director's Report](#) details the OPC's new expert panel on ocean acidification and hypoxia, and also notes the formation of a Sea Level Rise Leadership Team comprised of staff at multiple state agencies who will meet quarterly to align statewide actions with the [statewide sea level rise principles](#) from last year.

Finally, and also from the 4Q report, the OPC's work group on microplastics has completed their meetings and is developing a qualitative risk assessment framework to assess the risk of microplastics to the marine environment in California. The working group's report will go through peer review early this year before being finalized and will provide scientific input to the Microplastics Strategy under development by OPC and due to the Legislature at the end of 2021. Please reach out to [Jared Voskuhl](#) with input or remarks about any of these items.

Summit Partners Host Third PFAS Webinar Focused on GeoTracker

On January 6, the Clean Water Summit Partners hosted their third webinar for agencies required to conduct PFAS sampling and testing under [the SWB's July Order](#).

As a resource for your reference, the videos and presentation slide decks are all archived [here](#), along with the agendas and speaker bios. The materials from the first two webinars are also available [here](#). This series has been designed to assist agencies with efficient and consistent compliance with the order and their submission of data. Presentations featured a commercial lab presenting on how to review the sampling results agencies receive back, representatives from the State Water Board answering questions, providing an overview, and performing a live demonstration for entering data in GeoTracker, a public agency's experience and lessons learned for submitting data in GeoTracker, a Temple researcher's work with WRF on PFAS in biosolids, and a special presentation from the Danish Consulate about new technology in use in Europe for capturing and destroying PFAS which is being piloted in North Carolina by US EPA.

A big thank you to each of the panelists for being available in the first week of the new year and providing such valuable guidance and information.

Disclaimer Letter for PFAS Sampling Results Available from SCAP

The Southern California Alliance of POTWs (SCAP), in consultation with Downey Brand LLP, has developed and [provided disclaimer language](#) for submission along with your sampling results in compliance with [the PFAS Order to POTWs](#). Due to the lack of an approved method for analyzing influent, effluent, and biosolids and concerns about the validity and reliability of the results, we are encouraging agencies to consider including disclaimer language for data submitted in GeoTracker. Reach out to [Steve Jepsen](#) with questions or for an editable copy, and thank you to Steve and [Patrick Veasy](#) for their work developing this resource.

SCCWRP Holds Inaugural Stakeholder Meeting for Cerio Study

On December 8, SCCWRP hosted [the first stakeholder meeting](#) for the *cerio* study entitled, "[Development of the Quality Assurance Recommendations for the Ceriodaphnia Toxicity Test](#)," which is associated with the State Water Board's recently adopted toxicity provisions. After introductions, [members of the stakeholder committee](#) discussed potential candidates for the study's science advisory panel in a closed session and are planning to meet again on January 20 to discuss the scope and workplan and possibly finalize recommendations for who should be empaneled.

Please keep an eye out for a message from CASA in the coming weeks requesting agencies

to help fund and/or participate with in-kind lab services, as we attempt to expand the workplan of the study to address some key questions of importance to the POTW community, which members of the State Water Board affirmed during the adoption hearing. To that end, in the coming months, the SWB is expected to receive an update from staff in response to the Board's request for an informational update about the study. You may reach out to [Jared Voskuhl](#) with questions or interest.

San Diego Regional Water Board Adopts Biological Objectives

On December 8, the San Diego Regional Water Quality Control Board adopted basin plan amendments featuring biological objectives, after deferring a vote from their November 18 meeting. The December 8 agenda and supporting materials were released with the Executive Officer's [write-up](#) for the vote referring its Discussion section to a [supporting document](#), but neither engaged substantively with the "key issues" identified in the supporting materials. As implementation efforts roll out, the Executive Officer of the San Diego Board committed to engage "with the many agencies and organizations to identify practical measures and set realistic and socially acceptable outcomes." Please reach out to [Jared Voskuhl](#) for further information.

CWQMC Memorializes New MOU

On December 22, 2020, the Secretaries of the California Environmental Protection Agency and Natural Resources Agency entered into a [new Memorandum of Understanding \(MOU\)](#) supporting the California Water Quality Monitoring Council (Council). As you may recall from the Council's [November 2018 meeting](#), the Natural Resources Agency terminated [the original MOU](#) signed in 2007 which this new MOU replaces. CASA is grateful for Council staff's consideration of input from stakeholders, especially as the new MOU reflects the form and substantive provisions of the original while recognizing the continued need for coordination between the two agencies and the sectors represented by councilmembers in contributing to the collection and use of water quality and ecosystem health data across California. The Council's next meeting will be held on February 11. Please reach out to [Shelly Walther](#) (Council Representative) and [Jared Voskuhl](#) (Alternate) with questions or to get involved in the Council's workgroups.

CVCWA Submits Comments on the Cost Estimates for Chrome-6 MCL

On December 30, the Central Valley Clean Water Association (CVCWA) [submitted a comment letter](#) to the SWB on [cost documents](#), including [cost methodology and assumptions](#), for a maximum contaminant level (MCL) for hexavalent chromium (CrVI), that were released [for public comment](#) and December workshops. [CASA previously submitted comments](#) on the SWB's [White Paper](#) for assessing the economic feasibility of a hexavalent chromium MCL. (As you may remember, the previously adopted MCL was [rejected in California Superior Court](#) due to features in the State's economic analysis.) While seemingly the economic feasibility analysis may not impact your agency's operations, for some regions and basin plans, an adopted MCL automatically becomes an enforceable water quality objective which will lead to effluent limits for dischargers' NPDES permits or Waste Discharge Requirements. CASA's participating with a coalition of water associations who are actively leading advocacy efforts, as the SWB pursues adoption of the MCL this year. Please reach out to CVCWA's [Debbie Webster](#) with feedback on the letter or to [Jared Voskuhl](#) with inquiries about the development of the MCL.

CASQA Quarterly Meeting: Microplastics, Water Portfolio, Coho Salmon

On January 14, the California Stormwater Quality Association (CASQA) is holding its quarterly meeting. Its agenda is [here](#), and it will feature a presentation on their 2021 priorities, as well as from the California Natural Resources Agency on the water resiliency portfolio, by SCCWRP's Steve Weisberg about the science needs for management of microplastics, and a panel discussion with SFEI and other researchers about their renowned work identifying a tire particle that fatally impacts Coho salmon. You may [register here](#), if interested, though there is a cost to attend.

Water Quality Fee Meetings Schedule and Governor's 2021-22 Budget

The SWB's [schedule for water quality fee meetings](#) has been released and is available [here](#). They'll meet first on February 18. Related, on January 8, Governor Newsom released [his January budget for 2021-22](#), which will inform the fee workshop discussions and any related fee increases. [Jessica Gauger](#), CASA's Director of Legislative Advocacy and Public Affairs, has provided [this summary for budget items](#) of relevance to our sector.

US EPA Releases Memo on *County of Maui* Implementation

On December 8, US EPA [announced the release](#) of a draft guidance memorandum. You may access the memo [here](#), which was intended to provide focused guidance to the regulated community and permitting authorities, including the U.S. Environmental Protection Agency, on applying the recent decision of the United States Supreme Court in *County of Maui v. Hawaii Wildlife Fund*, 140 S. Ct. 1462 (2020), on a case by case basis, in the Clean Water Act Section 402 National Pollutant Discharge Elimination System (NPDES) permit program. Reach out to [Adam Link](#) to dialogue on this item.

NACWA Meets with and Comments to Biden-Harris Transition Team

In November, [NACWA met with members of the Biden-Harris EPA transition](#) team, called the Agency Review Team (EPA ART), and provided input on key Association priorities that the incoming Administration could focus on when taking office. On December 17, NACWA submitted its [formal transition letter](#) outlining NACWA's advocacy priorities for the incoming administration, as well as their [priorities for the first 100 days](#). Please contact [Nathan Gardner-Andrews](#), NACWA's General Counsel & Chief Advocacy Officer, with any questions.

CASA Winter Conference January 27 & 28

On January 27 and 28, CASA will host its winter conference virtually. The [preliminary program](#) is available, and we are planning for two great days of informational presentations about the future of work and navigating complex communications, roundtable discussions on contemporary issues impacting our sector, and updates for what to expect from Washington DC over the next few months and year, plus all of our usual committee meetings! You may register [here](#), or reach out to [Cheryl Mackelvie](#) with any questions. We look forward to seeing you later this month!

SWB Meeting Agendas, 2021 Strategic Priorities, & E.D. Reports

Here are recent State Water Board agendas for their meetings on [December 15 \(2021 strategic workplan\)](#), [January 5](#) (volumetric annual reporting for wastewater and recycled water), and [January 19 & 20](#) (WDR for winery process water. The Executive Director reports are available for [November](#) (PFAS sampling for military owned wells and systems, CEC's panel) and [December](#). In addition to their strategic priorities, you may also review numerous forthcoming actions planned by the State Water Board in 2021 [here](#).

BIOSOLIDS

New CalRecycle Webpages and FAQs for SB 1383

CalRecycle has published new SB 1383 webpages, including a new homepage, multiple [Frequently Asked Questions](#) (FAQs) for collections, procurement, and food recovery, documents from the final rulemaking package such as the final and approved regulatory text, webpages for jurisdictions dedicated to collection, procurement, and food recovery resources, food donors, and food recovery organizations and services. The webpages will be updated as new resources are made available. Here is a link to the [new main page](#).

On November 30, CalRecycle updated a document from the summer entitled, "Analysis of the Progress Toward the SB 1383 Organic Waste Reduction Goals," to include an addendum with public comments. The updated version can be downloaded [here](#). CalRecycle, in

consultation with the California Air Resources Board, was required to analyze the progress that the waste sector, state government, and local governments have made in reducing organic waste disposal.

CASA and CWEA COVID-19 Webinar on January 27

On January 27, CASA and CWEA will host the next webinar on COVID-19, and you may register [here](#). On December 15, CASA and CWEA held a webinar on COVID-19 with several great panelists featured from the State Water Board, the City of Burlington, VT, Sacramento County Regional Sanitation District, and Biobot. A recording of the webinar can be found [here](#). Reach out to [Greg Kester](#) with questions.

Forthcoming CalRecycle Webinar for CASA on SB 1383

Please keep an eye out for a forthcoming Save the Date for a webinar later this month to explain the SB 1383 regulations and their implementation. Greg Kester is coordinating with the State on setting this event and will notify us when it's slated. Please let [Greg](#) know if you have any questions or comments in the meantime.

U.S. National Biosolids Data Survey – Please Participate!

On January 7, a new survey was released, for which we are requesting our agency members to participate. Greg Kester has been working on this project which seeks 2018 data about biosolids regulation, quality, end use, and disposal, in conjunction with Ned Beecher (NEBRA), Maile Lono (NW Biosolids), Nora Goldstein (BioCycle) and Bill Toffey (MABA). You can start the survey, stop, and come back to it at another time if you are using the same computer, but to avoid duplicate responses, please be sure no one else from one from your WWTP/WRRF completes the survey. For more information, please [click here](#) and to begin the survey [click here](#). If you have additional questions, contact [Greg Kester](#). Thank you in advance for your participation!

DATES

Jan. 5 SWB Meeting

Jan. 6 Summit Partners PFAS Workshop #3

Jan. 7 SWB STORMS IC Meeting

Jan. 14 CASQA Quarterly Meeting

Jan. 19 SWB Meeting

Jan. 21 CASA Regulatory Workgroup

Jan. 27 & 28 CASA Winter Conference (Virtual)

Feb. 2 SWB Meeting

Feb. 11 CWQMC Meeting

Feb. 16 SWB Meeting & OPC Meeting



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