



**RMP**  
REGIONAL MONITORING  
PROGRAM FOR WATER QUALITY  
IN SAN FRANCISCO BAY

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# CHARTER: Regional Monitoring Program for Water Quality in San Francisco Bay

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# CHARTER

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## Regional Monitoring Program for Water Quality in San Francisco Bay

Purpose, Organization and Governance

## **1.0 Introduction and Background**

### **1.1 Purpose**

This Charter describes the purpose and function of the Regional Monitoring Program for Water Quality in San Francisco Bay (RMP). Established in 1993, the RMP is a collaborative effort between the San Francisco Estuary Institute, the California Regional Water Quality Control Board, San Francisco Bay Region, and the regulated discharger community.

### **1.2 Definitions**

RMP or “the Program” means the Regional Monitoring Program for Water Quality in San Francisco Bay;

The “Regional Board” means Regional Water Quality Control Board, San Francisco Bay Region;

USEPA means the U.S. Environmental Protection Agency, Region IX;

SFEI or “the Institute” means San Francisco Estuary Institute;

“Participants” means organizations that contribute to the RMP to satisfy a permit condition, the Regional Board, USEPA, and SFEI (see Appendix A);

“Participant Groups” means groups of similar types of Participants such as publicly owned treatment works (POTWs), dredgers, stormwater agencies, industrial dischargers, dischargers, and the individual regulatory agencies;

“Representative” means a person who represents a particular Participant Group on a committee;

“Interested Parties” means organizations or individuals who have expressed an interest in the Program, such as non-governmental organizations, state agencies, federal agencies, and businesses, but are not Participants as defined above; and

“Water Board” means the San Francisco Bay Regional Water Quality Control Board.

## 2.0 Guiding Principles of the Regional Monitoring Program

***The overarching goal of the RMP is to collect data and communicate information about water quality in San Francisco Bay in support of management decisions.*** The RMP was created in 1993 through Regional Board Resolution No. 92-043 that directed the Executive Officer to implement a Regional Monitoring Plan in collaboration with permitted dischargers pursuant to California Water Code, Sections 13267, 13383, 13268, and 13385. The goal was to replace individual receiving water monitoring requirements for dischargers with a comprehensive Regional Monitoring Program.

The Program is guided by a Memorandum of Understanding (MOU) between the Regional Board and SFEI, first approved in 1996 and amended at various times since (see Appendix C of this Charter). Section VIII of the MOU states the roles and responsibilities of the Regional Board and SFEI in the implementation of the Program. Participating dischargers pay fees to the Program to comply with discharge permit requirements. The cost allocation schedule for Participants is described in Appendix B. The RMP provides an open forum for a wide range of Participant Groups and other Interested Parties to discuss contaminant issues, prioritize science needs, and monitor potential impacts of discharges on the Bay.

In support of the overarching goal described above, the following guiding principles define the intentions and expectations of RMP Participants. Implementation of the RMP will:

- Develop sound scientific information on water quality in the Bay;
- Prioritize funding decisions through collaborative discussions;
- Conduct decision-making in a transparent manner that consistently represents the diversity of RMP Participant interests;
- Utilize external science advisors for guidance and peer review;
- Maintain and make publicly available the data collected by the Program;
- Enhance public awareness and support by regularly communicating the status and trends of water quality in the Bay; and
- Coordinate with other monitoring and scientific studies in the Bay-Delta region to ensure efficiency.

## **3.0 Regional Monitoring Program Governance Structure**

The RMP governance structure is comprised of a Steering Committee, Technical Review Committee and Workgroups. In addition, Strategy Teams are created to focus on specific program interests. SFEI serves as the Implementing Entity for the RMP. Figure 1 illustrates the RMP structure. The following sections describe the functions, roles, membership, and decision-making protocols of the various committees, workgroups, and teams in the RMP governance structure.

### **3.1 Steering Committee**

The Steering Committee is a formal stakeholder body, structured to represent all of the RMP Participant Groups.

#### *3.1.1 Steering Committee Role*

The Steering Committee is the decision-making body for the RMP. All recommendations and information from various groups in the RMP governance structure ultimately flow to the Steering Committee to support its decision-making. Steering Committee meetings are held quarterly and in person. Meetings are open to the public. Notice is provided to non-participants through an Interested Parties mailing list. Steering Committee Representatives are responsible to communicate relevant RMP information to their respective constituent groups.

The Steering Committee agenda packet is posted on the RMP website no less than one week before the meeting. SFEI staff attend meetings to share information, but do not participate in decision-making. Decisions are made by designated Representatives only (see sections 3.1.2 and 3.4).

The primary tasks of the Steering Committee include:

- Provide a management perspective that guides the direction of the RMP;
- Consider and decide whether to approve Technical Review Committee recommendations;
- Approve an annual workplan and budget;
- Allocate funds for key program areas and special studies;
- Track overall progress of the RMP;
- Review RMP operations and peer review processes to ensure optimal performance; and
- Address other administrative, strategic planning and “big picture” issues as needed.

### *3.1.2 Steering Committee Representatives and Commitment*

The Steering Committee should include Representatives from each of the following Participant Groups:

- 1 seat for Bay Area Clean Water Agencies (BACWA) Principal POTWs;
- 2 seats for BACWA Associate POTWs;
- 1 seat for Bay Area Stormwater Management Agencies Association (BASMAA) representing stormwater agencies;
- 1 seat for the Western States Petroleum Association representing industrial dischargers;
- 1 seat for Bay Planning Coalition representing dredgers;
- 1 seat for the U.S. Army Corps of Engineers;
- 1 seat for the Regional Board.

The Steering Committee may add seats for other Participant Groups or adjust the number of seats for certain Participant Groups by using its decision-making procedures to change the Charter.

Each Participant Group selects their representative in a manner of their own choosing.

All Representatives work in partnership to fulfill their role on the Steering Committee. Representatives have no term limits and may continue to serve indefinitely with support of their Participant Group, unless removed as described in section 3.1.6.

Representatives are expected to read the agenda package and be prepared to discuss and act on recommendations from the Technical Review Committee as well as other issues related to the Steering Committee's primary tasks. Representatives are also expected to keep their Participant Group, as well as Technical Review Committee Representatives for their same Participant Group, informed about Steering Committee activities, decisions, and outcomes, and bring constituent views into the discussion in an informed and transparent manner. Representatives will strive to be physically present at meetings. Conference calls and use of web-based conferencing tools afford an alternative method for Representative attendance at meetings.

### *3.1.3 Steering Committee Chair and Vice Chair*

The diversity of tasks and decision-making that falls upon the Steering Committee necessitates effective agenda planning, facilitation, and Representative participation at any given meeting. To coordinate this process, the Steering Committee will select or reaffirm a Chair and Vice Chair, during the last meeting of the calendar year, using its decision-making procedures (see Section 3.4). The Chair and Vice Chair have no term limits and may continue to serve annual terms indefinitely with support of the Steering Committee.

Meeting agendas will be developed by SFEI staff in consultation with the Chair and Vice Chair of the Steering Committee. The Chair will facilitate each meeting. If the Chair is

absent, the Vice Chair will facilitate the meeting. If both the Chair and Vice Chair are absent from a meeting without notice but there is a quorum, the Representatives present will select a temporary Chair for the meeting.

The Chair and Vice Chair are also responsible for maintaining consistent representation of RMP Participant Groups. This includes communication with existing Representatives to promote regular participation in RMP activities, to address when participation is lacking, and to ensure Representatives remain interested in being involved with the Program.

#### *3.1.4 Steering Committee Alternates*

To ensure continuity and broad Participant Group attendance at Steering Committee meetings, Representatives are encouraged, but not required, to use Alternates on an as-needed basis. Alternates must be identified by the Representative to the RMP Manager and the Steering Committee Chair and Vice Chair in advance of a given meeting, be fully briefed by the Representative, and be able to represent the interests of the Participant Group during the meeting. Alternates are expected to be informed on RMP activities by the Representative on an ongoing basis and be fully prepared to discuss agenda items and participate in decision-making. No items addressed at previous meetings will be revisited to accommodate an Alternate.

#### *3.1.5 Steering Committee Representative Resignation and Replacement*

Representatives may resign from the Steering Committee at their choosing. If this occurs, the Participant Group will be notified and will be requested to select a new Representative for the Group. The Representative will use the following steps to resign:

1. Provide written resignation communication (e.g., letter, email) to the Steering Committee Chair, Vice Chair and RMP Manager at SFEI; and
2. Notify the Representative's Participant Group.

#### *3.1.6 Steering Committee Representative Removal*

Representatives are expected to uphold their commitments to actively participate in all Steering Committee meetings, review all materials in a timely and thoughtful manner, and be prepared to provide input and participate in Committee decision-making. If a Representative does not fulfill these commitments, he/she can be removed from the Steering Committee and be replaced by another person from the same Participant Group. If warranted, a Representative will be removed through the following steps:

1. The Steering Committee Chair will contact the Representative in question to better understand why he/she may not be fulfilling their commitments (as reflected in 3.1.2).
2. The Representative in question (and organization) will be allowed time (as determined by the Chair) to resolve his/her participation challenge and fulfill his/her commitments to the process.



3. If after the prescribed period of time, the Representative in question does not resolve his/her participation challenges, the Chair will provide a removal recommendation to the Steering Committee for discussion.
4. The Steering Committee will use its decision-making procedures outlined in section 3.4 to remove the Representative and/or organization and to start Representative replacement steps.

#### ***3.1.7 Steering Committee Representative Recruitment***

At times, the Steering Committee Chair, Vice Chair, or SFEI staff may need to assist in the recruitment of Representatives, particularly in the event that a Participant Group does not select a Representative or for any other reason a seat remains open. Under this scenario, the Chair, Vice Chair, and RMP Manager will seek out candidates who can represent the Participant Group and are familiar with the Program. If a potential candidate is found, the Chair, Vice Chair, or RMP Manager will present the candidate to the Participant Group. The Participants in this Group will decide whether or not this person will represent them on the Steering Committee.

### **3.2 Technical Review Committee**

Similar to the Steering Committee, the Technical Review Committee is a formal stakeholder body, structured to represent the Program Participant Groups.

#### ***3.2.1 Technical Review Committee Role***

The Technical Review Committee provides oversight of the technical content and quality of scientific investigations conducted for the RMP and serves as an advisory body and critical link for recommendations that emanate from Workgroups and Strategy Teams and advance to the Steering Committee. Representatives are expected to possess either technical expertise or management experience on the topics under consideration by the RMP.

The Technical Review Committee reviews special study proposals developed by the various Workgroups and Strategy Teams. Following a review of proposal pros, cons, and costs, the Technical Review Committee makes recommendations to the Steering Committee on which proposals should be funded. The Technical Review Committee also provides oversight for Status and Trends monitoring, reviews reports from completed studies, and reviews RMP communication products to technical accuracy.

Technical Review Committee meetings are held quarterly and in-person. SFEI staff attends Technical Review Committee meetings to provide information but does not participate in the making of recommendations. Meetings are open to the public. Notice is provided to non-members through the Interested Parties mailing list. The agenda packet is posted on the RMP website no less than one week before the meeting. Technical Review Committee Representatives are responsible to communicate relevant RMP information to their respective constituent groups.

### *3.2.2 Technical Review Representatives and Commitment*

The Technical Review Committee consists of a diversity of technical specialists representing dischargers, regulatory agencies, and non-governmental organizations. To ensure a formalized connection between the Steering Committee and Technical Review Committee, it is desirable (but not required) that one Technical Review Committee Representative also sits on, or at least attends, the Steering Committee.

The Technical Review Committee has seats for Representatives from the following Participant Groups and other parties:

- 3 seats for POTWs, including 1 seat for South Bay dischargers;
- 1 seat for Bay Area Stormwater Management Agencies Association (BASMAA) representing stormwater agencies;
- 1 seat representing refineries;
- 1 seat representing industrial dischargers;
- 1 seat representing dredgers;
- 1 seat for the U.S. Army Corps of Engineers;
- 1 seat for the Regional Board;
- 1 seat for the U.S. Environmental Protection Agency, Region IX;
- 1 seat for the City and County of San Francisco;
- 1 seat for the City of San Jose; and
- 1 seat for a non-governmental organization that specializes in water quality in the Bay.

The Steering Committee may modify the number of seats on the Technical Review Committee by using its decision-making procedures to change the Charter.

Each Participant Group selects their Representative in a manner of their own choosing. The Representatives for the City and County of San Francisco and the City of San Jose are selected by those governments. The Representative from a non-governmental organization will be recruited from an organization that:

- Has focus on water quality issues in the bay;
- Maintains technical knowledge and understanding of RMP related topics/issues;
- Demonstrates a willingness to regularly participate in meetings and the process of making recommendations for Steering Committee consideration; and
- Has been involved in RMP activities or previously expressed interest to participate in the program.

All Representatives work in partnership with each other and SFEI to fulfill their role on the Technical Review Committee. Representatives have no term limits and may continue to serve indefinitely with support of their Participant Group, unless removed as described in section 3.2.6.

Continuity of attendance at Technical Review Committee meetings by a balanced and representative array of Participant Groups is critical to produce informed and equitable recommendations. Representatives are expected to read the agenda package and adequately prepare for meetings in order to discuss agenda items and make recommendations for Steering Committee consideration. Representatives are also expected to keep their respective Participant Groups, as well as Steering Committee Representatives for the same Participant Group, informed about Technical Review Committee activities, decisions, and outcomes, and bring constituent views into the discussion in an informed and transparent manner. Representatives will strive to be physically present at meetings. Conference calls and use of web-based conferencing tools afford an alternate method for Representative attendance at meetings.

### *3.2.3 Technical Review Committee Chair*

The number and type of agenda items to be considered at each Technical Review Committee meeting requires thoughtful agenda planning, preparation of information, facilitation, and Representative participation. To coordinate this process, the Technical Review Committee will, during the last meeting of the calendar year, select or reaffirm a Chair using its decision-making procedures (see Section 3.4). The Chair may continue to serve indefinitely with support of the Technical Review Committee.

Meeting agendas are developed by SFEI staff in consultation with the Chair. The Chair will facilitate each meeting. If the Chair will be absent, he/she will appoint a temporary Chair in advance of the meeting to provide facilitation. If the Chair is absent from a meeting without notice but there is a quorum, the Representatives present will select a temporary Chair for the meeting.

As needed or appropriate, the Chair will attend Steering Committee meetings to explain the rationale behind recommended projects and/or studies and to answer questions.

### *3.2.4 Technical Review Committee Alternates*

To ensure continuity and broad Participant Group attendance at Technical Review Committee meetings, Representatives are encouraged, but not required, to use Alternates on an as-needed basis. Alternates must be identified by the Representative to the RMP Manager and the Technical Review Committee Chair in advance of a given meeting, be fully briefed by the Representative, and be able to represent the interests of the Participant Group during the meeting. Alternates are expected to be informed on RMP activities by the Representative on an ongoing basis and be fully prepared to discuss agenda items and participate in decision-making. No items addressed at previous meetings will be revisited to accommodate an Alternate.

### *3.2.5 Technical Review Committee Representative Resignation and Replacement*

Representatives may resign from the Technical Review Committee at their choosing. If this occurs, the Participant Group will be notified and will be requested to select a new Representative for the Group. The Representative will use the following steps to resign:

1. Provide written resignation communication (e.g., letter, email) to the Steering Committee Chair, Vice Chair TRC Chair, and RMP Manager at SFEI; and
2. Notify the Representative's Participant Group.

#### *3.2.6 Technical Review Committee Representative Removal*

Representatives are expected to uphold their commitments to actively participate in all Technical Review Committee meetings, review all agenda materials in a timely and thoughtful manner, and be prepared to forge recommendations for Steering Committee consideration. If a Representative does not fulfill these commitments, he/she can be removed from the Technical Review Committee and be replaced by another person from the Participant Group. The Technical Review Committee will follow the protocols outlined in section 3.1.6 and gain the concurrence of the Steering Committee to remove Representatives.

#### *3.2.7 Technical Review Committee Representative Recruitment*

At times, the Technical Review Committee Chair or SFEI staff may need to assist in the recruitment of Representatives, particularly in the event that a Participant Group does not select a Representative or for any other reason a seat remains open. If recruitment is necessary, the Technical Review Committee will follow the protocols outlined in section 3.1.7 as closely as possible.

### **3.3 Workgroups and Strategy Teams**

Various Workgroups and Strategy Teams report to the Technical Review Committee. The Workgroups and Strategy Teams serve as the basis of the "bottom up" planning process by meeting as needed to develop long-term RMP study plans that address high priority topics.

#### *3.3.1 Role of Workgroups and Strategy Teams*

Workgroups and Strategy Teams guide the planning and implementation of pilot and special studies. Specifically, the Workgroups and Strategy Teams make recommendations to the Technical Review Committee regarding research priorities and technical products of specific Program areas. Workgroups cover broad themes (e.g., Emerging Contaminants) whereas Strategy Teams focus on more specific topics (e.g., PCB Strategy). Workgroups also provide peer review for specific Program areas.

Workgroup and Strategy Team meetings are held as needed. Meetings are usually in person, but occasionally via teleconference. SFEI staff develops Workgroup and Strategy Team meeting agendas, prepares relevant materials, and facilitates the meetings. Meetings are open to the public and notice is provided to Interested Parties through the Interested Parties mailing list. The agenda packet is posted on the RMP website no less than one week before the meeting. Conference calls and use of web-based conferencing tools afford an alternative method for attendance. Workgroup and Strategy Team Representatives are responsible to communicate relevant RMP information to their respective constituent groups.

As needed, Workgroup or Strategy Team Representatives may attend Technical Review Committee meetings to explain the rationale behind proposed projects and/or studies and to answer questions.

### *3.3.2 Workgroup and Strategy Team Representatives and Commitment*

Workgroups consist of RMP Participant Group Representatives, invited scientists recognized as experts in their field (Science Advisors, see Section 3.3.3), SFEI staff, and Interested Parties. Strategy Teams consist of RMP Participant Group Representatives, local scientists, SFEI staff and Interested Parties.

Each RMP Participant Group may send Representatives at its own discretion based on interest in a particular Workgroup or Strategy Team topic. Workgroup and Strategy Team Representatives are expected to keep their respective Participant Groups informed about potential studies and research topics in order to bring constituent views into the discussion in an informed and transparent manner. Representatives will strive to be physically present at in-person meetings. Representatives are not required to have Alternates.

Representatives who wish to resign will notify the RMP Manager via email. Participant Groups are encouraged to self-select replacements for Representatives that resign.

### *3.3.3 Science Advisors*

An important component of the RMP planning and implementation process is robust, peer-reviewed science. RMP Workgroups include invited scientists that serve as external peer reviewers (Science Advisors). Science Advisors are individuals who possess expertise on topics applicable to the RMP. Each RMP science advisor is paid an annual honorarium. Science advisors have no personal interest or conflict of interest with studies performed under the RMP. Science Advisors are selected by SFEI in consultation with Steering Committee and Technical Review Committee Representatives that are knowledgeable in the subject area and then reported to the Technical Review Committee. The specific roles of Science Advisors include the following:

- Ensure objectivity and quality of RMP studies;
- Participate in Workgroup meetings and assist in the development of recommendations for pilot and special studies; and
- Provide input and peer review on workplans, progress of studies, and technical products.

Science Advisors shall serve for 5-year terms. There is no limit to the number of terms that an Advisor may serve. A Science Advisor may resign at any time by notifying the RMP Manager.

### *3.3.4 Workgroup and Strategy Team Chairs*

No Workgroup or Strategy Team has an elected Chair. SFEI Senior Scientists prepare the meeting agenda and materials. The RMP Manager or Lead Scientist facilitates Workgroup and Strategy Team meetings except when the Workgroup or Team is making formal recommendations and the facilitation process in Section 3.4.3.2 should be followed. This

arrangement allows the SFEI Senior Scientists with expertise in the topic area to focus on technical presentations and discussion during the course of the meeting, rather than facilitating the discussion.

### *3.3.5 Nutrient Management Strategy*

In 2012, the Regional Board published the San Francisco Bay Nutrient Management Strategy<sup>1</sup> (NMS). Nutrient research studies began in 2013 with partial funding from the RMP and are expected to continue for at least a decade. In 2014, a governance process for the NMS was established and documented in a charter. Multiple funding sources will be pooled to support the ongoing nutrient research including: RMP funds, funds mandated by a Bay-wide nutrient permit<sup>2</sup>, the Regional Board, and other entities. As laid out in its charter, the NMS Steering Committee (NSC) will provide oversight for all nutrient studies completed with these pooled funds. Given that the RMP will likely contribute funds to nutrient research for at least a decade, it is important to outline how the RMP committees will interact with the NSC.

There are several connections between the RMP and the NSC. First, there should be at least one member of the NSC that also serves on the RMP Steering Committee. Second, the NMS Nutrient Technical Workgroup will serve as the forum through which RMP stakeholders can provide technical input on NMS work products, funding priorities, or other issues being considered by the NSC. Finally, both the RMP and NSC will monitor how RMP funds are spent for nutrient research.

The following steps aim to clarify the roles of the two programs when RMP funds are contributed to fund NMS studies:

1. Each year, RMP Participants set the approximate funding level for future, nutrient-related special studies.
2. Following its own charter, the NSC determines the best use of the potentially available RMP funds for studying nutrients in the Bay.
3. The NSC communicates the overall priorities and recommends nutrient projects with clearly defined deliverables to the RMP Technical Review Committee so that these studies can be included in the suite of special studies recommended to the RMP Steering Committee. If there are insufficient RMP funds available for all the nutrient studies, the RMP will request that the NSC modify the specific proposals to match the available funds. RMP funds assigned to nutrient special studies will remain in the RMP account at the Institute but be encumbered for the specific studies.

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<sup>1</sup> [http://sfbaynutrients.sfei.org/sites/default/files/Nutrient\\_Strategy%20November%202012.pdf](http://sfbaynutrients.sfei.org/sites/default/files/Nutrient_Strategy%20November%202012.pdf)

<sup>2</sup> Funds originating from the Bay Area Clean Water Agencies

4. Oversight of the RMP-funded nutrient studies will be the responsibility of the NSC. However, the RMP will receive progress reports prepared for the NSC, which will address both NMS and RMP reporting needs for deliverables. The RMP Steering Committee and Technical Review Committee Representatives will also be included on the mailing list when the deliverables are released for comments and when the deliverables are complete.

The NSC and the RMP Steering Committee may interact regarding nutrients for other reasons besides allocating RMP funds for nutrient-related studies. For example, the NSC may recommend changes to the RMP Status & Trends Monitoring Program. If the NSC has such recommendations, an item will be placed on the agenda for the Steering Committee or Technical Review Committee (whichever is more appropriate) for discussion at the next regularly scheduled meeting.

### **3.4 Decision-Making**

In general, all RMP committees work towards consensus as a fundamental principle. The consensus-seeking decision method described in this section is most applicable, though not exclusive, to the RMP Steering Committee. Consensus is desirable, though not required, at the Technical Review Committee, Workgroups, and Strategy Teams. Varying levels of time and effort are expected to reach consensus with the highest degree of effort required by the Steering Committee.

#### **3.4.1 Definition of Consensus**

Consensus means that all Representatives on the committee support a decision or recommendation, and believe that a majority of their respective constituents do as well. In reaching consensus some Representatives may strongly endorse a particular decision or recommendation while others may accept it as “workable.” Others may only be able to “live with it.” Still others may choose to “stand aside” by verbally noting a disagreement yet allowing the group to reach consensus without them. Any of these actions still constitutes consensus.

#### **3.4.2 Definition of a Quorum**

A quorum is recommended, though not required, for Steering Committee and Technical Review Committee meetings to proceed. A quorum is a minimum of one-half of Steering Committee Representatives or Technical Review Committee Representatives present at their respective meetings, or attending via teleconference (vacant seats do not count in the quorum calculation). If a quorum is not achieved, the Steering Committee or Technical Review Committee meetings proceed and preliminary decisions (Steering Committee) or recommendations (Technical Review Committee) are made. Then, the procedures for making decisions or recommendations between meetings (Section 3.4.5) are followed to propose the preliminary decision or recommendation to the full committee and reach a formal decision or recommendation.



### *3.4.3 Consensus-Seeking Decision Method*

The RMP consensus decision method is based on the principle of “consensus with accountability.” Consensus with accountability requires all RMP Representatives to try to reach consensus, while at all times supporting and expressing their self-interest. In the event a Representative must reject a proposal, that Representative is expected to provide an amendment to the proposal or an alternative proposal that attempts to achieve their interest and interests of other Representatives.

At all times, Representatives will ensure they are providing input commensurate to their prescribed role and reflective of the constituency they represent. In general, all RMP committees, groups, and teams will explore agenda topics and attempt to reach consensus decisions or recommendations using the following steps:

- Facilitate open discussion and dialogue on key agenda items;
- Weigh pros and cons of proposals and/or recommendations being discussed;
- Give minority opinion due consideration; and
- Take time needed to get to consensus.

#### *3.4.3.1 Steering Committee Decisions*

For items requiring Steering Committee decisions, the item in question will be presented and discussed. After discussion is completed, any Steering Committee Representative may make a motion for a decision, followed by a second, followed by a poll of those in favor and not in favor. If there is consensus, or lack thereof, it is noted verbally at the meeting and memorialized in the meeting summary. In the absence of consensus, the Steering Committee with a quorum will vote on a motion (see Section 3.4.4). Attendees who are not Representatives may participate in discussions, but do not weigh in on final decisions (see Section 3.4.6).

#### *3.4.3.2 Technical Review Committee Recommendations*

For approval of administrative decisions (see Section 3.4.4), the Technical Review Committee may express consensus through a simple, informal poll.

For substantive decisions (see Section 3.4.4), the item in question will be presented and discussed among seated Technical Review Committee Representatives.

After discussion is completed, consensus recommendations are made without a formal process or a vote. If recommendations do not reflect broad Representative input due to lack of attendance at a meeting, those not in attendance will be afforded an opportunity to weigh in on preliminary recommendations per the protocols that guide recommendation-making in between meetings (Section 3.4.5). Members of the public attending the meeting can participate in discussions, but do not weigh in on recommendations (see Section 3.4.6).

In the event that Technical Review Committee Representatives cannot come to consensus on a recommendation or set of recommendations, majority and minority



opinions will be noted verbally at the meeting and described in detail, with attribution of seated Representative viewpoints (see Section 3.5), in the meeting summary. The Technical Review Committee Chair will coordinate with the RMP Manager to ensure that the meeting summary adequately documents majority and minority viewpoints of the seated representatives, and will utilize the meeting summary as the primary tool to communicate Technical Review Committee discussions to the Steering Committee.

#### *3.4.3.2 Workgroup and Strategy Team Recommendations*

For approval of administrative decisions (see Section 3.4.4), the Workgroups and Strategy Teams may express consensus through a simple, informal poll.

Workgroups and Strategy Teams make recommendations to the Technical Review Committee regarding use of RMP funds for proposed pilot and special studies. Before these recommendations are made, all the Principal Investigators of the proposed studies and anyone with a conflict of interest are asked to leave the meeting to allow for free discussion of the merits of the proposals. One of the Workgroup members is assigned the duty to facilitate this portion of the meeting. The RMP Manager, RMP Lead Scientist, and a RMP staff person remain to provide information and take notes. After the Principal Investigators have left the meeting, Workgroup and Strategy Team recommendations are made by consensus if possible. In the event that consensus cannot be reached, majority and minority opinions will be noted verbally at the meeting and described in detail, without attribution, in the meeting summary. The RMP Manager will utilize the meeting summary as the primary tool to communicate Workgroup or Strategy Team recommendations to the Technical Review Committee.

#### *3.4.4 Steering Committee Voting Decision Method*

In the absence of consensus, the Steering Committee with a quorum will vote on a motion. For administrative decisions (defined below), the motion will pass if 50% or greater of the Representatives in attendance vote for it. For Substantive Decisions (defined below), the motion will pass if 67% or greater of the Representatives in attendance vote for it.

- Administrative Decisions. Administrative decisions are about the day-to-day activities (including but not limited to logistics, meeting dates and times, agenda revisions, schedules, etc.).
- Substantive Decisions. Substantive decisions concern financial and programmatic issues (including but not limited to budgets, contracts, policies, changes to the Charter, removal of Representatives, etc.)

In the absence of consensus, all other committees, workgroups and teams will simply document majority and minority viewpoints, verbally at the meeting and in the subsequent meeting summary, rather than voting in order to make a recommendation.

#### *3.4.5 Decision-Making in Between Meetings*

Decisions or recommendations in between meetings for any committee, workgroup, or team will be made either by email or, if warranted, by conference call.

For decisions or recommendations by email, the RMP Manager will present the Representatives with a motion and use a poll to determine if there is consensus. If one half of the Representatives reply, there will be a quorum for the decision or recommendation. If needed, the voting decision method from Section 3.4.4 will be used for the Steering Committee to take a formal vote on the motion. The number of Representatives that reply will be considered the number of attendees for calculating percentages of the vote.

Any Representative or the RMP Manager may request a conference call to make a decision or recommendation between meetings. Decisions or recommendations made by conference call would follow the same procedures as an in-person meeting. Criteria by which to forgo an email decision or recommendation in favor of a conference call may include the following:

- Inability to make a decision or recommendation via email;
- Complexity of topic or length of email; and
- Conference call request by a Representative or SFEI staff.

Decisions or recommendations made in between meetings will be reported by the RMP Manager and discussed by the committee at the following meeting. This practice allows for reconsideration of the decision if warranted and feasible. The decision or recommendation will be documented in the summary of that meeting.

#### *3.4.6 Decision-Making and Public Engagement*

For major decisions or recommendations by any RMP committee, workgroup, or team, public input is desirable and beneficial. The Institute will maintain a calendar of RMP events and a broad-based list of Interested Parties to support communication with Participant Groups and the wider public. If there is significant public input at a meeting, the Chair, Vice Chair, or temporary Chair will use the following basic approach to ensure effective discussion by the RMP group and appropriate feedback from the public.

- The meeting agenda with substantive decisions or recommendations will be distributed to Interested Parties no less than one week in advance so that the RMP committee, workgroup, or team and public know such a decision or recommendation is pending.
- The Chair, Vice Chair or temporary Chair will move the committee, workgroup, or team into discussion about the decision or recommendation topic and will begin with discussion by the Representatives only.
- When the committee, workgroup, or team Representatives have completed all the discussion they wish to have, the Chair, Vice Chair or temporary Chair will open the floor for public comment. Public comment will then ensue.
- When all Representatives of the public that wish to speak have spoken, the facilitator will check with the committee, team, or workgroup Representatives to see

- if they have any questions of the public. If so, Representatives will engage with the appropriate members of the public to discuss an item related to the pending decision or recommendation.
- When this/these discussions are complete, the Chair, Vice Chair or temporary Chair will bring the attention of the committee, workgroup, or team back to their decision or recommendation task. The Chair, Vice Chair or temporary Chair will clearly read the motion to ensure the committee, workgroup, or team knows what they are considering. The committee, workgroup, or team will then conduct decision-making and recommendation-making using the method described above.

### **3.5 Record Keeping**

SFEI staff prepares summaries for all Steering Committee, Technical Review Committee, Workgroup, and Strategy Team meetings. As noted above, decisions, recommendations, and majority/minority viewpoints on substantive issues at any RMP meeting will be noted verbally at the meeting and subsequently memorialized in the appropriate summary. Any RMP Representatives holding a minority viewpoint will have the opportunity to coordinate with SFEI staff to ensure accurate representation of said viewpoint. In general, summaries will include the following:

- Attendees;
- Decisions or recommendations made;
- Action items;
- Pros, cons, and rationale behind proposals and decisions; and
- Documentation of majority/minority viewpoints on decisions or recommendations.

It is expected that Technical Review Committee meeting summaries will have the most level of detail, including attribution of Representative viewpoints on proposed recommendations. Steering Committee meeting summaries may follow the same general approach but have significantly less detail than Technical Review Committee meeting summaries. Workgroup meeting summaries will be similar to those for the Technical Review Committee except that comments during the anonymous review session will not be attributed to individuals.

### **3.6 RMP Implementing Entity**

SFEI is the Implementing Entity for the RMP. In this capacity SFEI largely plays a facilitative and operational role for a stakeholder-driven process that prioritizes key questions and associated scientific investigations. Operating in this context SFEI helps identify stakeholder information needs, develops scientific workplans that address these needs, and then implements these plans. SFEI is also the fiduciary agent for RMP stakeholder funds. The SFEI Board does not provide direct oversight of the RMP but does approve the yearly RMP Workplan.

#### **3.6.1 SFEI Roles and Responsibilities**

Specific SFEI staff roles and responsibilities include, but are not limited to, the following:

- Provide fiscal, contractual, and programmatic administration;

- Conduct or cause to be conducted long-term monitoring of the Bay and implement special studies based on Technical Review Committee recommendations and subsequent Steering Committee approval;
- Organize and staff meetings of the Steering and Technical Review Committees, Workgroups, and Strategy Teams;
  - Prepare and disseminate information packages, meeting agendas, and announcements to all committees, workgroups, teams, and Interested Parties no less than one week before meetings, and post materials on relevant Program web pages;
  - Coordinate between-meeting decision-making (via email or teleconference) with all committees, workgroups, and teams on an as needed basis;
  - Prepare and disseminate all committee, workgroup, and team meeting summaries and post on the RMP webpage and other venues as appropriate.
- Coordinate with other agencies or organizations which monitor the water quality of the San Francisco Bay;
- Report on progress in executing annual workplan on a quarterly basis;
- Produce an annual report which provides analysis and interpretation of the results of the Program;
- Make all data available for public review;
- Ensure that thorough technical review of reports are conducted, and that reports are made available to the public; and
- Organize an annual meeting of the Program Participants for the purpose of review of the Program results.

### **3.7 Program Review**

Periodically, with no fixed schedule, a Program Review of the RMP should be conducted. The Program Reviews are performed by experts in estuarine monitoring and management who are not associated with the RMP. The Steering Committee convenes these experts and provides them with a set of charge questions regarding how well the Program is achieving its mission. The specific charge questions for any given Program Review will depend on the priorities of the Steering Committee at the time. The reviewers report back to the Steering Committee with their findings.

Program Reviews for the RMP were performed in 1997 and 2003.

## **4.0 Finances**

### **4.1 Funding for the Regional Monitoring Program**

#### *4.1.1 Core Funds from Participant Fees*

Participating dischargers pay fees to the Program annually to comply with discharge permit requirements and satisfy obligations under section 13267 of the California Water Code (see Appendix C). Each year, the Steering Committee agrees on the total amount of core funds to be collected to fund the Program. This total cost is divided between the Participant Groups according to the cost allocation schedule in Appendix B. Core Funds are allocated to projects and programmatic expenses in the Annual Detailed Workplan which is approved by the Steering Committee.

#### *4.1.2 Alternative Monitoring Requirement Funds*

In March 2016, the Water Board adopted Order R2-2016-0018, establishing an alternative monitoring requirement (AMR) for municipal wastewater discharges to San Francisco Bay and its tributaries, in exchange for a set schedule of increased payments to the RMP. Participating wastewater treatment facilities who opt-in to this alternative are able to reduce their effluent monitoring costs for most organic priority pollutants and chronic toxicity sensitive species rescreening. In exchange for the reduced monitoring requirements, facilities make supplemental payments to the RMP for regional studies to inform management decisions about water quality in the Bay. The intended use of these funds is for monitoring and special studies for contaminants of emerging concern. However, the Steering Committee of the RMP has the authority to allocate these funds to other types of studies at its discretion. The required payment for each agency is described in Appendix D (Order R2-2016-0018, Attachment D).

#### *4.1.3 Supplemental Environmental Project Funds*

In October 2015, the Water Board and SFEI entered into an agreement that made the RMP an authorized Supplemental Environmental Project (SEP) funds administrator (Attachment E). Therefore, for an enforcement action against a discharger, the discharger has the option to direct up to half of the penalty to the RMP as a SEP. The State Water Resources Control Board SEP Policy requires a nexus between the violation and the SEP. There is nexus between the RMP and violations in general because the RMP studies a water body that is potentially affected by violations in the San Francisco Bay region. For smaller violations with Mandatory Minimum Penalties (MMP), this general nexus is sufficient and the funds may be assigned to any study (subject to the “above and beyond” requirement described below). For larger Settlements that are negotiated between the Water Board and the discharger, studies with a more specific nexus to the violation (e.g., geographical) need to be identified through the RMP planning process.

##### *4.1.3.1 SEP Budgeting Process*

For MMP payments, SFEI will receive the funds and save them separately from the base RMP fees. The Steering Committee will allocate the accumulated funds to a project of its choosing through its normal budgeting process. Separate MMP payments may be combined to jointly

fund a larger project. MMP payments may also be combined with Settlements (described below) to jointly fund a larger project.

For Settlements, the Water Board will request a list of eligible projects that have been vetted by the RMP to present as options during the negotiations. If the Water Board and the discharger agree to implement one of the RMP projects, the project will be incorporated into the Settlement Agreement. Funds for the project will be sent to the RMP after the Settlement Agreement is fully executed. These funds cannot then be allocated by the Steering Committee to any other project. The RMP Manager will communicate with the SC members about upcoming settlements as much as possible without compromising the negotiations.

#### *4.1.3.2 Requirements for RMP Projects to be Eligible for SEP Funding*

- The SEP Policy requires that the SEP must “go above and beyond” other applicable obligations of the discharger that proposes to satisfy a part of its monetary penalty with a SEP.
- SEP funds must be used to implement only those elements of the Program that would not otherwise be implemented through the base funding for the Program.
- To be eligible for SEP funding, RMP projects must have been reviewed and recommended by the Steering Committee but not funded.
- SEP funds may not be used to satisfy any permit requirements for any permittees but may augment a basic permit compliance study to make it more rigorous and comprehensive than it otherwise would have been.
- For Settlements, the project must be acceptable to both the Water Board and the discharger and must have a nexus to the violation.
- The project must implement or support implementation of the RMP’s Multi-Year Plan.

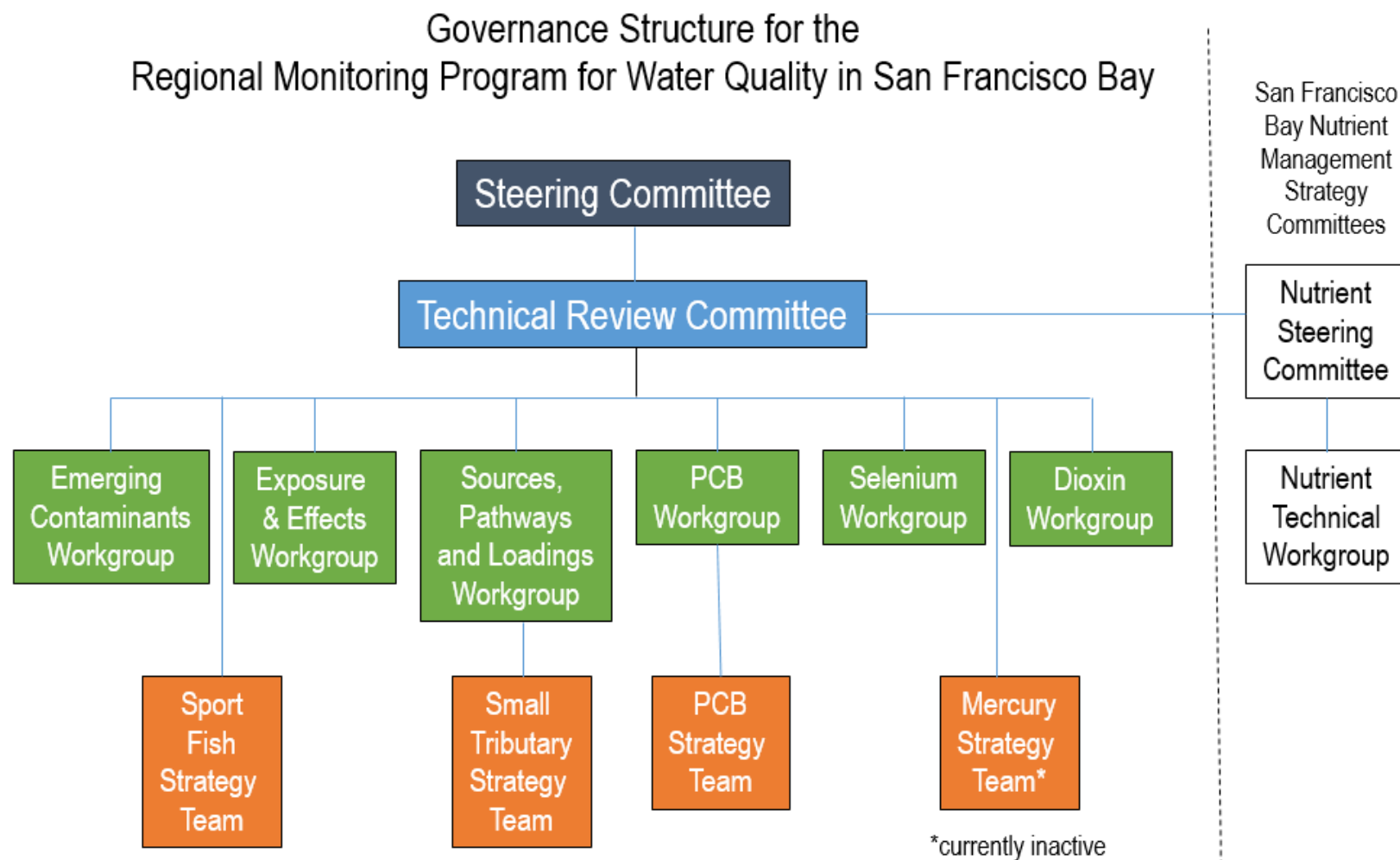
The Steering Committee will maintain a list of eligible projects that can be used during settlement negotiations. The list will reflect the priority science needs of the RMP at that time.

The Steering Committee can update the list at any time but at least once per year in July after the special studies for the following year are selected. The Steering Committee will have to the option to add the studies that were recommended but not funded to the list and to delete some older studies that are no longer a priority.

## **5.0 Charter Revisions**

The Steering Committee, as the primary decision-making body of the RMP, may amend this Charter by following the consensus decision method described in section 3.4 above. Charter amendments may be proposed by Steering Committee or Technical Review Committee Representatives, or SFEI staff, either during or between meetings. Any proposed amendments will be placed on the Steering Committee meeting agenda for discussion and possible action, or decided through email or conference call communication if feasible and appropriate.

Figure 1. Governance Structure of the Regional Monitoring Program





## Appendix A RMP Participants

### POTW Dischargers

Central Contra Costa Sanitary District\*  
Central Marin Sanitation Agency  
City of Benicia  
City of Burlingame  
City of Calistoga  
City of Millbrae  
City of Palo Alto  
City of Petaluma  
City of Pinole/Hercules  
City of St. Helena  
City and County of San Francisco, PUC\*  
City of San Jose\*  
City of San Mateo  
City of South San Francisco/San Bruno  
City of Sunnyvale  
Delta Diablo Sanitation District  
East Bay Dischargers Authority\*  
East Bay Municipal Utility District\*  
Fairfield-Suisun Sewer District  
Las Gallinas Valley Sanitation District  
Marin County Sanitary District #5, Tiburon  
Mountain View Sanitary District  
Napa Sanitation District  
Novato Sanitation District  
Rodeo Sanitary District  
San Francisco International Airport  
Sausalito/Marin City Sanitation District  
Sewerage Agency of Southern Marin  
Silicon Valley Clean Water  
Sonoma County Water Agency  
Town of Yountville  
Union Sanitary District  
U.S. Navy, Treasure Island  
Vallejo Sanitation & Flood Control District  
West County Wastewater Dist., Richmond

*\*Asterisk indicates BACWA Principals*

### Stormwater

Alameda Clean Water Program  
Caltrans  
City and County of San Francisco  
Contra Costa Clean Water Program  
Fairfield-Suisun Urban Runoff Management Program  
Marin County Stormwater Pollution Prevention Prog.  
Santa Clara Valley Urban Runoff Poll. Prevention Prog.  
San Mateo Countywide Water Poll. Prevention Program  
Vallejo Sanitation & Flood Control District

### Dredgers\*

Port of San Francisco  
Port of Oakland  
Chevron Richmond Long Wharf Terminal  
Valero Refinery Terminal  
Phillips 66 Company, Rodeo Terminal  
U.S. Army Corps of Engineers  
*\*The dredgers listed pay an annual fee to the RMP.  
There are also smaller dredgers who pay a fee to  
the RMP intermittently for specific dredging projects.*

### Industrial Dischargers

Chevron Products Company  
Phillips 66 Company  
Shell Martinez Refinery  
Tesoro Refining & Marketing LLC  
Valero Refining Company  
C&H Sugar Company  
Crockett Cogeneration  
Eco Services Operations Corp.  
USS - POSCO Industries

### Regulatory Agencies

SF Bay Regional Water Quality Control Board  
U.S. Environmental Protection Agency, Region IX

## **Appendix B**

### **Allocation of Costs for the Regional Monitoring Program**

The total cost of the Program is set by the Steering Committee and divided up between the Participant Groups using cost allocation percentages. The current cost allocation for 2018<sup>3</sup> and subsequent years is shown below:

<b>Participant Group</b>	<b>Percent of Total Program Cost</b>
Publicly Owned Treatment Works	45.8%
Stormwater Agencies	24.5%
Dredgers	18.2%
Refineries and Industrial Dischargers	11.5%

Each Participant Group uses a formula of its own choosing to divide up its cost allocation between the Participants in the Group.

The formula used by a Group must be flexible enough to account for Participants joining and leaving the Program. The formula for a Group may be changed by the Group at any time so long as the Group as a whole contributes the full cost allocation to the Program.

If all the Participants in a Participant group leave the Program, the Steering Committee will discuss and use its decision-making procedures to determine how best to allocate fees among the remaining Participants.

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<sup>3</sup> In 1997, Cooling Water participants phased out of the RMP because they ceased to have discharges to the Bay. One effect of the phase out of Cooling Water fees was that the cost allocation percentages for the Program, which had been in place since at least 1996, needed to be updated. Through 1997, the cost allocation for Cooling Water participants had been 4%. The new cost allocation percentages for 2018 and subsequent years divide up the 4% of the budget that was formerly assigned to Cooling Water to the other Participant Groups in proportion to the amount that each group contributes to the Program. The increased percentages do not mean that the remaining Participant Groups are responsible for covering the lost Cooling Water fees. The Steering Committee agreed that the 4% of fees formerly paid by the Cooling Water Participants would not be made up by the other participants. The new numbers just reflect the fact that the contributions from the remaining groups will make up the total budget and, therefore, their percentages need to sum to 100%, not 96%.

## **APPENDIX C**

### **RMP Memorandum of Understanding**

**MEMORANDUM OF UNDERSTANDING**  
**between the**  
**SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD**  
**and the**  
**SAN FRANCISCO ESTUARY INSTITUTE**  
**concerning the implementation of the**  
**REGIONAL MONITORING PROGRAM FOR TRACE SUBSTANCES**

This Memorandum of Understanding is made and entered into by the San Francisco Bay Regional Water Quality Control Board (the Board) and the San Francisco Estuary Institute (the Institute). The purpose of this Memorandum is to document the relationship between the Board and the Institute as it pertains to the implementation of the Regional Monitoring Program for Trace Substances (the Program) adopted by the Board on April 18, 1992. It outlines the responsibilities of both parties, and establishes a process for oversight and management of the Program.

**I. BACKGROUND**

Beginning in 1989, the Board has been conducting pilot studies to develop a long-term multimedia monitoring program for the San Francisco Estuary. The Board has been conducting the pilot studies using funds from the Bay Protection and Toxic Cleanup Program, Basin Planning Program, and grants from the U.S. Environmental Protection Agency. During State Fiscal Year (FY) 1991-1992 the Board conducted a pilot regional monitoring program that included the monitoring of chemical concentrations in water, sediment, and tissues and the measurement of toxicity in water and sediments throughout the San Francisco Estuary. The Board continued its monitoring and research efforts in FY 1992-1993.

On April 15, 1992, the Board adopted Resolution 92-043 endorsing in concept the Regional Monitoring Program and instructing the Board's Executive Officer to begin implementation. The Board's Executive Officer requested the participation of 48 permit holders to implement the baseline portions of the Program. The 48 permit holders began collectively implementing the Program through the Institute in 1992, and funded the first year of monitoring (1993). In 1993, 15 additional permit holders were added to the program, and paid for the RMP in 1994 and subsequent monitoring years.

The San Francisco Estuary Project (SFEP), a State/Federal cooperative endeavor, conducted a Regional Monitoring Workshop in 1991 to begin identifying long-term program elements of the strategy including institutional arrangements and research needs. Subsequently, SFEP has developed a Regional Monitoring Strategy in which the SFEI was named as one of the organizations responsible for coordinating and overseeing the implementation of the Strategy.

## **II. DEFINITIONS**

In this document the following terms shall have the following meanings:

- (a) Board shall mean the California Regional Water Quality Control Board, San Francisco Bay Region.
- (b) Institute shall mean the San Francisco Estuary Institute or its successor.
- (c) Program shall mean the Regional Monitoring Program for Toxic Pollutants as adopted by the Board, currently referred to as the Regional Monitoring Program for Trace Substances.
- (d) Implementation Plan shall mean the detailed plan for implementing the baseline portion of the Program by the Institute.
- (e) Program Participants shall mean those entities that the Board has required to participate in the Program, and that have agreed to satisfy this requirement through participating in a joint effort through the Institute.
- (f) Cost Allocation Schedule shall mean the document, developed by the program participants, that documents the amount that each category of participants will contribute to the execution of the Implementation Plan.
- (g) Program Plan means the plan by which the Program is carried out, and which includes the Implementation Plan, the Cost Allocation Schedule, this MOU, and other relevant documents.

## **III. EFFECTIVE DATE OF AGREEMENT**

The effective date of this MOU is January 1, 1996.

## **IV. STATEMENT OF WORK**

The work carried out under this MOU involves a baseline program for the monitoring of trace substances in the San Francisco Estuary. It includes chemical analysis of ambient water, sediment and tissue, and toxicity tests of ambient waters and sediment at 16 fixed stations, or subsets of those stations, throughout the Estuary. In addition, a variety of pilot studies to test new program elements and special studies to improve program design or the interpretability of results, are conducted.

## **V. PROGRAM MANAGEMENT**

The Board will hold the Institute responsible for ensuring that the Implementation Plan is executed in a technically sound manner, and for cost-effective expenditure of funds provided by program participants. The Board is committed to working with the Institute to ensure that the Implementation Plan is technically sound and is executed in a cost-effective manner.

The Institute shall not be responsible for financial participation by individual participants. Designating program participants, working with participants to establish equitable allocation of costs, and ensuring their participation, will remain solely the responsibility of the Board.

## **VI. ALLOCATION OF COSTS AND FULFILLMENT OF PERMITTEE OBLIGATIONS**

The cost of this Program shall be set annually by the Executive Officer of the Board after consultation with the program participants. Each program participant shall pay a portion of those costs, according to discharger category. The Board shall assign each participant to a discharger category and shall determine the amount to be paid by each participant. The final cost allocation formula shall be provided in the Implementation Plan. The Board shall consider each program participant that provides funding in the required amount to the Institute to have fulfilled its obligation under section 13267 of the California Water Code. The Institute will inform the Board on a quarterly basis of which program participants are contributing financially in the Program.

In the event that there are excess funds at the conclusion of the year of execution of the Implementation Plan, they shall be applied to subsequent years of implementation. In the event that funds are insufficient to carry out the full Implementation Plan, including the reasonable management costs of the Institute, the Institute shall propose amendments to the Implementation Plan such that it can be implemented within the budget, or propose to use other sources of funds, such as interest or matching funds, to complete the program.

## **VII. COMMITTEES**

The Board and the Institute will form a Steering Committee to work on such issues as allocation of future program costs, selection criteria for contractors, participation in proposal review and selection, review of progress, and evaluation of the effectiveness of the program on a periodic basis. Program participants will be represented on the Steering Committee by at least one per discharger category.

The Board and the Institute will form a Program Technical Review Committee to periodically review program design and program results.

## **VIII. RESPONSIBILITIES OF SIGNATORIES**

It shall be the responsibility of the Board to:

1. Approve the Implementation Plan and any subsequent amendments. The Board will notify the Institute in writing regarding approval of the Implementation Plan including any amendments made by the Board.
2. Select the dischargers that must participate in the Program, and notify them of their responsibilities.
3. Document any concerns it may have regarding the progress of work to the Institute and other members of the Steering Committee throughout the year.

4. Share results of related monitoring and research carried out by the Board in a timely fashion, and provide access to all available data collected in such efforts.
5. Review and comment on the draft annual report and approve a final report in a timely manner.
6. Make any additional requirements for future efforts known to the participants at least three months prior to the time at which they must be implemented.
7. Take the results and experience of the effort of the first and subsequent years of work into account prior to imposing new requirements.
8. Identify and notify additional permitted dischargers of their responsibility to participate in the program, and inform the Institute and current participants of additional dischargers to be included.

It shall be the responsibility of the Institute to:

1. Enter into agreements with participants such that they can be invoiced for their share of program costs.
2. Set up a separate account for such funds, and use it to pay for program costs.
3. Contract for services required by the Implementation Plan.
4. Manage contracts entered into to fulfill the Implementation Plan.
5. Organize and staff meetings of the Steering and Program Technical Review Committees as needed.
6. Coordinate with all other agencies or organizations which monitor the water quality of the Estuary.
7. Report to the Board on the progress in executing the Implementation Plan on a quarterly basis.
8. Produce an annual report which provides analysis and interpretation of the results of the Program. Data upon which the report is based will be made available for public review.
9. Ensure that thorough technical review of the report is conducted, and that the report is made available to the public.
10. Organize an annual meeting of the program participants for the purpose of review of the Program results.

## IX. DURATION OF AGREEMENT

It is anticipated by the signatories that the Program will be of long-term duration, and that this agreement or a similar agreement will be in effect for many years. This agreement was originally entered into by the Board and the Institute on July 1, 1992 with an expiration date of December 31, 1993. On December 23, 1993, through written notification by the Board, the expiration date was extended to December 31, 1995. This agreement will now expire, unless reenacted, on December 31, 1997. This agreement may be reenacted for periods of one to three years at any time after December 31, 1996.

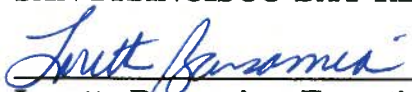
## X. AMENDMENTS TO THE AGREEMENT

This agreement may be modified only by written amendment to this agreement and signed by both parties. Whenever this agreement is modified, the Institute shall inform all program participants in a timely fashion.

## XI. FINANCIAL RECORDS AND ACCOUNTING

The Institute shall set up an account for funds received for the purpose of execution of the Implementation Plan. The Institute shall keep adequate financial records of all transactions relating to the execution of the Implementation Plan. The Institute will report quarterly to the Board on the financial status of the RMP account. The report will include the status of payments from each participant, payments made to subcontractors, and amounts used to reimburse the Institute for time and materials expended according to the Implementation Plan. All participants in the Program shall have access to financial records regarding this account. Financial records shall be audited on an annual basis. Receipts and expenditures shall be detailed in an annual report on the Program which shall be provided to each participant.

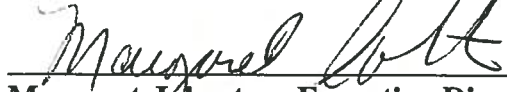
**FOR THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,  
SAN FRANCISCO BAY REGION:**



Loretta Barsamian, Executive Officer

DATE: April 17, 1996

**FOR THE SAN FRANCISCO ESTUARY INSTITUTE:**



Margaret Johnston, Executive Director

DATE: March 19, 1996



**APPENDIX D**

**San Francisco Bay Regional Water Quality Control Board  
Order No. R2-2016-0008**

**Alternate Monitoring and Reporting Requirements for Municipal Wastewater Dischargers for  
the purpose of adding support to the San Francisco Bay Regional Monitoring Program (RMP)**

**San Francisco Bay Regional Water Quality Control Board**

**Order No. R2-2016-0008**

**ALTERNATE MONITORING AND REPORTING REQUIREMENTS FOR  
MUNICIPAL WASTEWATER DISCHARGERS  
FOR THE PURPOSE OF ADDING SUPPORT TO THE  
SAN FRANCISCO BAY REGIONAL MONITORING PROGRAM (RMP)**

The following discharger is subject to the alternative monitoring and reporting requirements set forth in this Order provided it directs 100 percent of its avoided analytical laboratory costs to supplement the RMP consistent with Provision VI.C.1 of this Order:

**Table 1. Discharger Information**

<b>Discharger</b>	Dischargers and NPDES permits subject to this Order are specified in Attachment B, and Table 1A of NPDES permit CA0038849 (Watershed Permit for Mercury and PCBs). Facilities information is specified in the respective individual NPDES permits.
<b>Facility Name</b>	
<b>Facility Address</b>	
<b>CIWQS Place Number</b>	

**Table 2. Discharge Locations**

<b>Discharge Point</b>	<b>Effluent Description</b>	<b>Discharge Point Latitude</b>	<b>Discharge Point Longitude</b>	<b>Receiving Water</b>
Discharge locations are specified in the individual NPDES permits listed in Table 1.				

**Table 3. Order Information**

This Order was adopted by the Regional Water Quality Control Board on:	<b>March 9, 2016</b>
This Order shall become effective starting on:	<b>April 1, 2016</b>
This Order shall remain in effect until rescission by the Board or its Executive Officer. When the Regional Water Board reissues the NPDES permits referenced in Table 1, this Order shall apply to the new order(s) unless the reissuance order(s) specifically indicate otherwise. Note that the alternate monitoring requirements in this Order do not affect other requirements in Attachment E (Monitoring and Reporting Program) of the individual permits referenced in Table 1 except for the requirements specifically described herein.	

I, Bruce H. Wolfe, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on the date indicated above.

Bruce H. Wolfe, Executive Officer

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## Attachments

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Attachment D – Federal Standard Provisions (Not affected by this Order)	
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## I. FACILITY INFORMATION

Information describing the facilities subject to this Order is summarized in the orders listed in Table 1.

## II. FINDINGS

The California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board), finds the following:

- A. Legal Authorities.** This Order serves as amendment of WDRs that were adopted pursuant to California Water Code article 4, chapter 4, division 7 (commencing with § 13260). This Order also modifies permits issued pursuant to federal Clean Water Act (CWA) section 402 and regulations adopted by U.S. EPA and Water Code chapter 5.5, division 7 (commencing with § 13370).
- B. Purpose of this Order.** This Order reduces the discharge monitoring frequencies for certain parameters conditioned upon the Dischargers applying 100 percent of their cost savings (Attachment C) from avoided laboratory analytical costs to fund studies that would not otherwise be conducted by the San Francisco Bay Regional Monitoring Program for Toxic Pollutants and Trace Substances (RMP) were it not for the funds from the reduced discharge monitoring. The additional studies funded by this cost savings are necessary to provide monitoring data representative of the Dischargers' impacts on receiving waters.
- C. Background and Rationale.** The Regional Water Board developed this Order based on information the Bay Area Clean Water Agencies, on behalf of the Dischargers, submitted on October 29, 2015, which requested reduction in monitoring, and other available information. The Fact Sheet (Attachment F) contains background information and rationale for this Order and is hereby incorporated into and constitutes findings for this Order. Attachments B and C are also incorporated into this Order.
- D. Notification of Interested Parties.** The Regional Water Board notified the Dischargers and interested agencies and persons of its intent to establish alternate monitoring and reporting requirements in WDRs and provided an opportunity to submit comments and recommendations.
- E. Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

**THREFORE, IT IS HEREBY ORDERED** that, pursuant to the provisions of Water Code division 7 (commencing with § 13000) and regulations adopted thereunder, and the provisions of the CWA and regulations and guidelines adopted thereunder, if a Discharger listed in Table 1 supplements the RMP consistent with Provision VI.C.1 of this Order, then the alternate discharge monitoring requirements of this Order (Provisions VI.B and VI.C.2) are effective for that Discharger, unless future permit reissuance orders specifically indicate otherwise.

### III. DISCHARGE PROHIBITIONS

This Order does not amend discharge prohibitions.

### IV. DISCHARGE SPECIFICATIONS

This Order does not amend discharge specifications.

### V. RECEIVING WATER LIMITATIONS

This Order does not amend receiving water limitations.

### VI. PROVISIONS

#### A. Federal and Regional Standard Provisions

This Order does not amend the federal and regional Standard Provisions in attachments D and G of the permits listed in Table 1.

#### B. Monitoring and Reporting Program Requirements

This Order establishes alternate Monitoring and Reporting Program (MRP) specifications of the NPDES permits for those Dischargers who comply with Provision Vi.C.1 of this Order, as described below:

##### 1. Chronic Toxicity Re-screening in Individual NPDES Permits Listed in Table 1

- a. Attachment E, section V.B.1.b, second paragraph, shall read as follows (except minor Dischargers without such section):

- B. Whole Effluent Chronic Toxicity

1. Monitoring Requirements

... *(Subsection B.1.a is not amended)*

- b. **Test Species.** ... *(First paragraph in individual permit that specifies a routine monitoring test species remains the same.)*

The Discharger shall conduct a screening chronic toxicity test as described in Appendix E-1, or as described in applicable State Water Board plan provisions that become effective after adoption of this Order, following any significant change in the nature of the effluent. ~~If there is no significant change in the nature of the effluent, the Discharge shall conduct a screening test and submit the results with its application for permit reissuance.~~

... *(Subsection B.1.c is not amended)*

- b. Attachment E, Appendix E-1, section II.A, shall read as follows (except minor Dischargers without such section):

- A. The Discharger shall perform screening phase monitoring:

- ~~1. S~~ subsequent to any significant change in the nature of the effluent discharged through changes in sources or treatment, except those changes resulting from reductions in pollutant concentrations attributable to source control efforts, ~~or~~
- ~~2. Prior to permit reissuance. S~~ Representative screening phase monitoring data shall be included in the NPDES permit application for reissuance. ~~The information shall be as recent as possible, but may be based on screening phase monitoring conducted within 5 years before the permit expiration date.~~

## 2. Dioxin-TEQ Monitoring in Individual NPDES Permits Listed in Table 1

Attachment E, section IV.A. as it pertains to effluent monitoring for Dioxin-TEQ is replaced with the following (except for Dischargers without such monitoring):

Parameter	Units <sup>1</sup>	Sample Type <sup>2</sup>	Minimum Sampling Frequency <sup>3,4</sup>
...			
Dioxin-TEQ	µg/L	Grab	Once per permit term

This Order puts into effect a once per permit term frequency for dioxin-TEQ for all Dischargers covered by this Order. This is regardless of whether a Discharger's individual permit specifies, or does not specify, dioxin-TEQ effluent limits. Permits without dioxin-TEQ limits currently require dioxin-TEQ monitoring for the purpose of effluent characterization to inform future permit reissuance. Once per permit term monitoring satisfies both effluent characterization and effluent limit compliance monitoring. The Order also does not amend footnotes or monitoring frequencies for other parameters specified in individual NPDES permits (typically Table E-3).

## 3. VOC and BNA Pretreatment Monitoring in Individual NPDES Permits with Required Pretreatment Programs Listed in Table 1

Attachment E, section VII, as it pertains to required pretreatment monitoring for Dischargers with required Pretreatment Programs for volatile organic compounds (VOC) and base neutral and acid extractable organic compounds (BNA), is replaced with the following:

Constituents	Sampling Frequency			Sample Type	
	Influent INF-001 <sup>[1]</sup>	Effluent EFF-001 <sup>[1]</sup>	Biosolids BIO-001	Influent and Effluent	Biosolids <sup>[6]</sup>
VOC	Unchanged. Refer to individual permits.	Once per permit term	Unchanged. Refer to individual permits.	Unchanged. Refer to individual permits.	
BNA		Once per permit term			
...					

This Order does not amend footnotes and does not amend influent, biosolids, or the pretreatment monitoring frequencies for other pretreatment parameters specified in individual permits (typically Table E-5, E-6, or E-7 of individual permits).

#### 4. PCBs Aroclors in Watershed Permit for Mercury and PCBs (NPDES Permit CA0038849)

Attachment E, section III, Tables E-1 and E-2, shall read as follows:

**Table E-1. Monitoring Station Locations**

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
Discharge point indicated in individual NPDES permits for discharge from the Discharger's wastewater treatment plant (often but not always <u>EFF-001 or E-001</u> )	Location as indicated in individual NPDES permits for mercury or other toxic pollutants. For C&H Sugar Company, location is EFF-002. For GenOn Delta, LLC, locations are E-001B through to and including E-001I. For San Francisco International Airport, location is EFF-001A for both its Sanitary and Industrial Plants. For Calistoga, <del>annual</del> monitoring shall <u>occur at alternate each year between EFF-001 and EFF-002.</u>	As described in individual NPDES permits for mercury or other toxic pollutants

**Table E-2. Monitoring Requirements**

Parameter	Units <sup>1</sup>	Sample Type <sup>2</sup>	Minimum Sampling Frequency <sup>3,4</sup>
Total mercury <sup>5</sup>	(Unchanged. Refer to Watershed Permit for Mercury and PCBs)		
Total PCBs (as aroclors) <sup>7</sup>	µg/L	Grab	Semi annually for Major Dischargers
			AnnuallyOnce per permit term for Minor Dischargers
PCBs (as congeners) <sup>8</sup>	(Unchanged. Refer to Watershed Permit for Mercury and PCBs)		

### C. Special Provisions

#### 1. Conditions to Qualify for Coverage and Reporting Under this Order – Added Provision

##### a. Direct Analytical Laboratory Cost Savings to RMP

The Discharger shall provide to the RMP, by September 30 of each year for minimum terms consisting of 5 consecutive years, the amount of funds listed for the Discharger in Attachment C of this Order<sup>1</sup>. The cost for the Discharger once subject to the Order shall be constant over the 5-year opt-in period. The intended use of these funds is for monitoring and special studies for contaminants of

<sup>1</sup> To qualify for this Order, the Discharger must commit to payments for full terms each made up of 5 consecutive years because the amounts in Attachment C are based on annualized cost savings relative to the individual permits' requirements, such as for chronic toxicity re-screening once every 5-year permit term. If the Discharger opts in by paying the RMP by September 30, 2016, then the period of coverage under this Order shall start from the effective date (April 1, 2016) until December 31, 2021 (or 5 years plus). Opt-ins after September 30, 2016, will result in coverage from January 1 of the next calendar year for 5 years.

emerging concern. However, the Steering Committee of the RMP shall have the authority to allocate these funds to other types of studies at its discretion. Starting in 2017, the Executive Officer is authorized, but not required, to adjust these amounts annually by April 30 to reflect changes in analytical costs consistent with the assumptions used for Attachment C. These adjustments may be based on changes in contract laboratory costs. The Executive Officer shall provide a 30-day public comment period on proposed adjustments and consider comments received prior to putting proposed adjustments into effect. The adjusted costs will come into effect for the Discharger when it next opts into a new 5-year term.

**b. Report Amount of Cost Savings Directed to the RMP**

The Discharger shall, either individually or in collaboration with other Dischargers, submit or cause to submit a report each year that shows an accounting of each Discharger's payment<sup>2</sup> to the RMP for coverage under this Order. The report is due on the same date as the letter certifying the Discharger's annual payment in support of RMP receiving water monitoring (currently on February 1).

**c. Report Conditional Modification in Discharge Monitoring Report (DMR)**

For Dischargers covered by this Order, as necessary and appropriate in DMR forms, the Discharger should enter code 9 to indicate conditional waiver of some of the individual permit-required monitoring put in place by this Order.

**2. Effluent Characterization Study and Report (VOC, BNA, Chlorinated Pesticides) – Modified Provision**

This Order replaces Provision VI.C.2 of the individual NPDES permits listed in Table 1, for Dischargers that comply with Provision C.1 of this Order, with the following (except for any receiving water characterization the permit requires):

**2. Special Studies and Additional Monitoring**

**a. Effluent Characterization Study and Report.** The Discharger shall continue to monitor and evaluate the discharge from the following discharge point(s) to verify that the "no" or "unknown" reasonable potential analysis conclusions of this Order<sup>3</sup> remain valid and to inform the next permit reissuance. Also summarized below is compliance monitoring required by this Order's<sup>3</sup> Attachment E (Monitoring and Reporting Program or MRP) for specific limited pollutants. The Discharger shall collect representative samples at the monitoring locations set forth below, as defined in the MRP, at no less than the frequency specified:

<u>Discharge Point</u>	<u>Monitoring Location</u>	<u>Parameter</u>	<u>Minimum Frequency</u>
Point(s) specified in Discharger's NPDES permit.	Location(s) described in Discharger's NPDES permit.	VOCs, BNAs, and chlorinated pesticides without effluent limits; and dioxin-TEQ.	Once per permit term.

<sup>2</sup> The Regional Water Board will consider enforcement action against a Discharger that reduces monitoring from what is required by its individual NPDES permit, or the Watershed Permit for Mercury and PCBs, but does not provide the cost savings listed in Attachment C of this Order to the RMP.

<sup>3</sup> "Order" in this context refers to the individual NPDES permits in Table 1 and not to this alternate MPR Order.



<u>Discharge Point</u>	<u>Monitoring Location</u>	<u>Parameter</u>	<u>Minimum Frequency</u>
Point(s) specified in Discharger's NPDES permit.	Location(s) described in Discharger's NPDES permit.	VOC/BNA/pesticide pollutants with effluent limits; and all other pollutants <sup>4</sup> (e.g., metals, CN).	Frequency specified in Discharger's NPDES permit.

Priority pollutants (VOCs, BNAs, chlorinated pesticides) are listed in Attachment G, Table C, and monitoring shall be in accordance with Attachment G sections III.A.1 and III.A.2. As indicated above, for other pollutants where the MRP requires more frequent monitoring than once per permit term, the Discharger shall monitor for those specific pollutants at the frequencies specified in the MRP. For pollutants for which there are no water quality criteria (see Fact Sheet table on Reasonable Potential Analysis Summary), no monitoring is required.

Analytical methods for VOCs, BNAs, and chlorinated pesticides are capable of quantifying many priority pollutants. For purposes of determining compliance with specific effluent limitations when VOCs, BNAs, and chlorinated pesticide monitoring is otherwise not required, the Discharger may, at its option, set its analyses to calibrate for and quantify only those pollutants with limitations.

The Discharger shall evaluate its data in a timely fashion and determine if it should include any pollutants detected as a "pollutant of concern" in the Discharger's Pollutant Minimization Program, described in Provision VI.C.3.

## **b. Reporting Requirements**

The Discharger shall submit the data with the application for permit reissuance and indicate which pollutants, if any, were added to its "pollutant of concern" list for the Pollutant Minimization Program.

<sup>4</sup> For the City of Calistoga, City of St. Helena, and Town of Yountville, as required in the individual NPDES permits, the list of parameters include those listed in Basin Plan Tables 3-5 (MUN) and 3-6 (AGR), except for odor and radioactivity, and are required once per permit term.

## ATTACHMENT B – DISCHARGERS AND INDIVIDUAL NPDES PERMITS

Discharger	NPDES Permit No.	Existing Order No. <sup>1</sup>	Expiration Date <sup>1</sup>	Pretreatment Program Required
American Canyon, City of	CA0038768	R2-2011-0046	8/31/16	Yes
Benicia, City of	CA0038091	R2-2014-0023	7/31/19	Yes
Burlingame, City of	CA0037788	R2-2013-0015	6/30/18	Yes
Calistoga, City of	CA0037966	R2-2016-0013	5/1/21	
Central Contra Costa Sanitary District	CA0037648	R2-2012-0016	3/31/17	Yes
Central Marin Sanitation Agency	CA0038628	R2-2012-0051	7/31/17	Yes
Crockett Community Services District, Port Costa Sanitary Department	CA0037885	R2-2013-0035	11/30/18	
Delta Diablo	CA0038547	R2-2014-0030	9/30/19	Yes
East Bay Dischargers Authority	CA0037869	R2-2012-0004	2/28/17	
Union Sanitary District				Yes
Oro Loma and Castro Valley Sanitary Districts				Yes
Hayward, City of				Yes
San Leandro, City of				Yes
Dublin San Ramon Services District	CA0037613	R2-2012-0005	2/28/17	Yes
Livermore, City of	CA0038008	R2-2012-0006	2/28/17	Yes
East Bay Municipal Utility District WWTP	CA0037702	R2-2015-0018	6/30/20	Yes
Fairfield-Suisun Sewer District	CA0038024	R2-2015-0013	4/30/20	Yes
Las Gallinas Valley Sanitary District	CA0037851	R2-2015-0021	6/30/20	
Marin County (Paradise Cove), Sanitary Dist. No. 5 of	CA0037427	R2-2011-0016	5/31/16	
Marin County (Tiburon), Sanitary Dist. No. 5 of	CA0037753	R2-2013-0027	9/30/18	
Millbrae, City of	CA0037532	R2-2013-0037	1/31/19	Yes
Mt. View Sanitary District	CA0037770	R2-2010-0114	12/31/15	
Napa Sanitation District	CA0037575	R2-2011-0007	3/31/16	Yes
Novato Sanitary District	CA0037958	R2-2010-0074	6/30/15	Yes
Palo Alto, City of	CA0037834	R2-2014-0024	7/31/19	Yes
Petaluma, City of	CA0037810	R2-2011-0003	2/28/16	Yes
Pinole, City of	CA0037796	R2-2012-0059	9/30/17	
Rodeo Sanitary District	CA0037826	R2-2012-0027	5/31/17	
San Francisco, City and County of, San Francisco International Airport	CA0038318	R2-2013-0011	6/30/18	
San Francisco (Southeast Plant), City and County of	CA0037664	R2-2013-0029	9/30/18	Yes
San Jose/Santa Clara Water Pollution Control Plant and Cities of San Jose and Santa Clara	CA0037842	R2-2014-0034	10/31/19	Yes
San Mateo, City of	CA0037541	R2-2013-0006	4/30/18	Yes
Sausalito-Marín City Sanitary District	CA0038067	R2-2012-0083	12/31/17	
Sewerage Agency of Southern Marin	CA0037711	R2-2012-0094	1/31/18	
Silicon Valley Clean Water	CA0038369	R2-2012-0062	9/30/17	Yes
Sonoma Valley County Sanitary District	CA0037800	R2-2014-0020	6/30/19	
South San Francisco and San Bruno, Cities of	CA0038130	R2-2014-0012	5/31/19	Yes
St. Helena, City of	CA0038016	R2-2016-0003	2/28/21	
Sunnyvale, City of	CA0037621	R2-2014-0035	10/30/19	Yes
US Department of Navy, Treasure Island	CA0110116	R2-2015-0004	3/31/20	

Discharger	NPDES Permit No.	Existing Order No. <sup>1</sup>	Expiration Date <sup>1</sup>	Pretreatment Program Required
Vallejo Sanitation and Flood Control District	CA0037699	R2-2012-0017	3/31/17	Yes
West County Agency (West County Wastewater District and City of Richmond Municipal Sewer District)	CA0038539	R2-2013-0016	6/30/18	Yes
Yountville, Town of	CA0038121	R2-2015-0029	7/31/20	

<sup>1</sup> These order numbers and expiration dates are for reference only. Permit amendment orders are not listed. When the Regional Water Board reissues these permits, the provisions of this Order shall apply to the new order(s) unless the new order(s) specifically indicate otherwise.

**ATTACHMENT C – PAYMENT TO RMP TO QUALIFY FOR COVERAGE**

<b>Discharger</b>	<b>Payment to RMP due September 30</b>
<b>American Canyon, City of</b>	<b>\$9,726</b>
<b>Benicia, City of</b>	<b>\$8,886</b>
<b>Burlingame, City of</b>	<b>\$8,886</b>
<b>Calistoga, City of</b>	<b>\$184</b>
<b>Central Contra Costa Sanitary District</b>	<b>\$9,726</b>
<b>Central Marin Sanitation Agency</b>	<b>\$9,181</b>
<b>Crockett Community Services District, Port Costa Sanitary Department</b>	<b>\$184</b>
<b>Delta Diablo</b>	<b>\$8,886</b>
<b>East Bay Dischargers Authority</b>	<b>\$9,726</b>
<b><i>Union S.D.</i></b>	<b>\$1,926</b>
<b><i>Oro Loma</i></b>	<b>\$1,926</b>
<b><i>Hayward</i></b>	<b>\$1,926</b>
<b><i>San Leandro</i></b>	<b>\$1,926</b>
<b><i>Livermore</i></b>	<b>\$1,926</b>
<b><i>Dublin San Ramon Services District</i></b>	<b>\$1,926</b>
<b>East Bay Municipal Utilities District WWTP</b>	<b>\$9,726</b>
<b>Fairfield-Suisun Sewer District</b>	<b>\$9,726</b>
<b>Las Gallinas Valley Sanitary District</b>	<b>\$7,656</b>
<b>Marin County (Paradise Cove), Sanitary District No. 5 of</b>	<b>\$184</b>
<b>Marin County (Tiburon), Sanitary District No. 5 of</b>	<b>\$3,886</b>
<b>Millbrae, City of</b>	<b>\$8,886</b>
<b>Mt. View Sanitary District</b>	<b>\$7,886</b>
<b>Napa Sanitation District</b>	<b>\$7,656</b>
<b>Novato Sanitary District</b>	<b>\$9,726</b>
<b>Palo Alto, City of</b>	<b>\$9,726</b>
<b>Petaluma, City of</b>	<b>\$7,656</b>
<b>Pinole, City of</b>	<b>\$8,886</b>
<b>Rodeo Sanitary District</b>	<b>\$8,886</b>
<b>San Francisco, City and County Of, San Francisco International Airport</b>	<b>\$8,886</b>
<b>San Francisco (Southeast Plant), City and County of</b>	<b>\$9,726</b>
<b>San Jose/Santa Clara Water Pollution Control Plant and Cities of San Jose and Santa Clara</b>	<b>\$9,726</b>

<b>Discharger</b>	<b>Payment to RMP due September 30</b>
<b>San Mateo, City of</b>	<b>\$8,886</b>
<b>Sausalito - Marin City Sanitary District</b>	<b>\$3,886</b>
<b>Sewerage Agency of Southern Marin</b>	<b>\$4,886</b>
<b>Silicon Valley Clean Water</b>	<b>\$9,726</b>
<b>Sonoma Valley County Sanitary District</b>	<b>\$8,886</b>
<b>South San Francisco and San Bruno, Cities of</b>	<b>\$8,886</b>
<b>St. Helena, City of</b>	<b>\$184</b>
<b>Sunnyvale, City of</b>	<b>\$9,726</b>
<b>US Department of Navy (Treasure Island)</b>	<b>\$7,466</b>
<b>Vallejo Sanitation and Flood Control District</b>	<b>\$9,726</b>
<b>West County Agency</b>	<b>\$8,886</b>
<b><i>Richmond Municipal Sewer District</i></b>	<b>\$967</b>
<b><i>West County Wastewater District</i></b>	<b>\$967</b>
<b>Yountville, Town of</b>	<b>\$184</b>
<b>TOTAL</b>	<b>\$289,027</b>

## ATTACHMENT F – FACT SHEET

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## ATTACHMENT F – FACT SHEET

This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order. As described in section II.B of the Order, the Regional Water Board incorporates this Fact Sheet as its findings supporting the issuance of the Order.

### I. PERMIT INFORMATION

The following table summarize information related to the facilities covered by this Order as of the date of adoption of this Order:

**Table F-1. Facility Information**

Discharger	Facility Contact, Title, and Phone Number	Mailing Address	Effluent Description	Facility Permitted Flow (mgd)
American Canyon, City of	Stacey Ambrose Wastewater Systems Manager (707) 647-4525	151 Mezzetta Court American Canyon, CA 94503	Advanced Secondary	2.5
Benicia, City of	Jeff Gregory Wastewater Treatment Plant Superintendent (707) 746- 4790	615 East 5 <sup>th</sup> Street Benicia, CA 94510	Secondary	4.5
Burlingame, City of	Manuel Molina Plant Manager (650) 342-3727	501 Primrose Burlingame, CA 94010	Secondary	5.5
Calistoga, City of	Mike Kirn Public Works Director (707) 942-2828	414 Washington Street Calistoga, CA 94515	Advanced Secondary	0.84
Central Contra Costa Sanitary District	Lori Schectel Environmental Manager (925) 229-7336	5019 Imhoff Place Martinez, CA 94553	Secondary	53.8
Central Marin Sanitation Agency	Robert Cole Environmental Services Manager (415) 459-1455	1301 Anderson Drive San Rafael, CA 94901	Secondary	10
Crockett Community Services District	Michael Kirker Port Costa Dept. Manager (510) 787-2992	Crockett Community Services District, Port Costa Sanitary Department P.O. Box 578 Crockett, CA 94525	Secondary	0.033
Delta Diablo	Gary W. Darling General Manager (925) 756-1920	2500 Pittsburg-Antioch Highway Antioch, Ca 94509	Secondary	19.5
East Bay Dischargers Authority: EBDA Common Outfall	Michael S. Connor General Manager (510) 278-5910	2651 Grant Avenue San Lorenzo, CA 94580	Secondary	107.8
Hayward Water Pollution Control Facility				
San Leandro Water Pollution Control Plant				

<b>Discharger</b>	<b>Facility Contact, Title, and Phone Number</b>	<b>Mailing Address</b>	<b>Effluent Description</b>	<b>Facility Permitted Flow (mgd)</b>
Oro Loma/Castro Valley Sanitary Districts Water Pollution Control Plant				
Raymond A. Boege Alvarado Wastewater Treatment Plant				
Dublin San Ramon Services District Wastewater Treatment Plant				
City of Livermore Water Reclamation Plant				
East Bay Municipal Utility District Main Wastewater Treatment Plant	Kurt H. Haunschild Manager of Wastewater Treatment (510) 287-1407	EBMUD WW Treatment P.O. Box 24055, MS 59 Oakland, CA 94623	Secondary	120
Fairfield-Suisun Sewer District	Greg Baatrup General Manager (707) 429-8930	1010 Chadbourne Road Fairfield, CA 94534	Advanced Secondary	23.7
Las Gallinas Valley Sanitary District	Mark Williams District Manager (415) 472-1734	300 Smith Ranch Rd San Rafael, CA 94903-1929	Secondary	2.92
Marin County (Paradise Cove), Sanitary District No. 5 of	Tony Rubio Chief Plant Operator (415) 435-1501	P.O. Box 227 Tiburon, CA 94920	Secondary	0.04
Marin County (Tiburon), Sanitary District No. 5 of	Tony Rubio Chief Plant Operator (415) 435-1501	2001 Paradise Drive Tiburon, CA 94920	Secondary	0.98
Millbrae, City of	Joseph Magner Superintendent (650) 259-2388	621 Magnolia Avenue Millbrae, CA 94030	Secondary	3
Mt. View Sanitary District	Michael D. Roe District Manager (925) 228-5635 ext. 32	P. O. Box 2757 Martinez, CA 94553	Advanced Secondary	3.2
Napa Sanitation District	Tim Healy General Manager (707) 258-6000	P.O. Box 2480 Napa, CA 94558	Secondary	15.4
Novato Sanitary District	Beverly James Manager-Engineer (415) 892-1694 x111	500 Davidson Street Novato, CA 94945	Secondary	7.05
Palo Alto, City of	Ken Torke Environmental Compliance Manager (650) 329-2243	2501 Embarcadero Way, Palo Alto, CA 94303	Advanced Secondary	39
Petaluma, City of	Leah Walker Environmental Services Manager (707) 776-3777	3890 Cypress Drive Petaluma, CA 94954	Secondary	6.7
Pinole, City of	Ron Tobey Plant Manager (510) 724-8963	2131 Pear Street, Pinole, CA 94564	Secondary	4.06
Rodeo Sanitary District	Steven S. Beall Engineer-Manager (510) 799-2970	800 San Pablo Avenue Rodeo, CA 94572	Secondary	1.14



<b>Discharger</b>	<b>Facility Contact, Title, and Phone Number</b>	<b>Mailing Address</b>	<b>Effluent Description</b>	<b>Facility Permitted Flow (mgd)</b>
San Francisco (San Francisco International Airport), City and County of	Peter Acton Utilities Manager (650) 821-5400	P.O. Box 8097 San Francisco, CA 94128	Secondary	2.2
San Francisco (Southeast Plant), City and County of	Tommy Moala Assistant General Manager of Wastewater (415) 554-2465	525 Golden Gate Avenue, 13th Floor San Francisco, CA 94102	Secondary	150
San Jose/Santa Clara, Cities of	James Ervin Acting Environmental Compliance Officer (408) 945-5124	700 Los Esteros Road San Jose, CA 95134	Advanced Secondary	167
San Mateo, City of	Ramon Towne Interim Director of Public Works (650) 522-7300	330 West 20 <sup>th</sup> Avenue San Mateo, CA 94403	Secondary	15.7
Sausalito-Marin City Sanitary District	Kenvin Beneda General Manager (415) 331-4711	P.O. Box 39 Sausalito, CA 94966-0039	Secondary	1.8
Sewerage Agency of Southern Marin	Mark Grushayev General Manager (415) 388-2402	26 Corte Madera Ave. Mill Valley, CA 94941	Secondary	3.6
Sonoma Valley County Sanitary District	Pam Jeane Deputy Chief Engineer (707) 521-1864	Sonoma County Water Agency 404 Aviation Blvd. Santa Rosa, CA 95403	Secondary	3
Silicon Valley Clean Water	Daniel Child Manager (650) 591-7121	1400 Radio Road Redwood City, CA 94065	Secondary	29
South San Francisco and San Bruno, Cities of	Brian Schumacker Plant Superintendent (650) 877-8555	South San Francisco-San Bruno Water Pollution Control Plant 195 Belle Air Road South San Francisco, CA 94080	Secondary	13
St. Helena, City of	Steven Palmer Public Works Director (707) 967-2792	1480 Main Street, St. Helena, CA 94574	Secondary	0.5
Sunnyvale, City of	Melody Tovar Division Manager (408) 730-7808	Sunnyvale Water Pollution Control Plant P.O. Box 3707 Sunnyvale, CA 94088-3707	Advanced Secondary	29.5
U.S. Department of Navy (Treasure Island)	Patricia A. McFadden BRAC Field Team Leader San Francisco Bay Area (415) 743-4720	Navy BRAC PMOW 410 Palm Avenue, Bldg 1, Suite 161 Treasure Island, San Francisco, CA 94130-1807	Secondary	2
Vallejo Sanitation and Flood Control District	Melissa Morton District Manager (707) 644-8949 X211	450 Ryder Street Vallejo, CA 94590	Secondary	15.5

<b>Discharger</b>	<b>Facility Contact, Title, and Phone Number</b>	<b>Mailing Address</b>	<b>Effluent Description</b>	<b>Facility Permitted Flow (mgd)</b>
West County Agency (West County Wastewater District and City of Richmond Municipal Sewer District)	E.J. Shalaby District Manager (510) 222-6700	2910 Hilltop Drive Richmond, CA 94806	Secondary	28.5
Yountville, Town of	Donald Moore Utility Oper. Manager (707) 944-2988	6550 Yount Street Yountville, CA 94599	Advanced Secondary	0.55

- A.** The Regional Water Board issued waste discharge requirements that serve as National Pollutant Discharge Elimination System (NPDES) permits for the dischargers listed in Table 1 (hereinafter, Dischargers). These Dischargers own and operate municipal wastewater treatment facilities as described in their individual permits. Treated wastewater is discharged to San Francisco Bay and its tributaries, which are waters of the United States within the San Francisco Bay Region.

The Regional Water Board also issued NPDES permit CA0038849 (currently Order No. R2-2012-0096) implementing the total maximum daily load requirements for mercury and PCBs from wastewater dischargers (including the Dischargers in this Order) to San Francisco Bay and its tributaries.

- B.** By Resolution No. 92-043, the Regional Water Board directed its Executive Officer to implement a regional monitoring plan in collaboration with permitted dischargers pursuant to Water Code sections 13267 and 13383. The goal was to replace individual receiving water monitoring requirements with a comprehensive regional monitoring program (RMP). The guiding principal of the RMP is to collect data and communicate information about water quality in the San Francisco Estuary in support of management decisions to restore and protect beneficial uses of the region's waters.

The RMP is guided by a Memorandum of Understanding (MOU) between the Regional Water Board and the San Francisco Estuary Institute (SFEI), first approved in 1996. To meet permit requirements, participating dischargers pay annual fees to the RMP. The fees are in accordance with a budget allocation approved by the Executive Officer. The RMP provides an open forum for a wide range of participant groups and other interested parties to discuss contaminant issues, prioritize science needs, and monitor potential impacts of discharges on the Bay.

The MOU established that the Regional Water Board and SFEI form a Steering Committee to work on issues such as allocation of future RMP costs, participation in study proposal review and selection, and evaluation of the effectiveness of the RMP. In 2015, this Steering Committee finalized a charter describing the governance structure and decision making process for the RMP. The 2015 charter establishes the process for SFEI's development of annual work plans and budgets and charges the Steering Committee with final approval of those work plans and budgets.

Historically, SFEI and others have identified more water quality issues meriting study than the Regional Water Board's cost allocations can support.

- C.** In October 2015, the Bay Area Clean Water Agencies, on behalf of the Dischargers, proposed reduction of monitoring frequencies for certain parameters so that 100 percent of the Dischargers' cost savings from the reductions can be directed to supplement additional RMP studies.

## **II. FACILITIES DESCRIPTION**

### **A. Description of Wastewater Treatment**

Wastewater treatment is described in the individual permits listed in Attachment B.

### **B. Discharge Points and Receiving Waters**

Discharge points and receiving waters are identified in the individual permits listed in Attachment B.

## **III. APPLICABLE PLANS, POLICIES, AND REGULATIONS**

The requirements in the Order are based on the requirements and authorities described below:

### **A. Legal Authorities**

This Order amends WDRs issued pursuant to California Water Code article 4, chapter 4, division 7 (commencing with § 13260). This Order also modifies NPDES permits pursuant to federal regulations adopted by U.S. EPA and Water Code chapter 5.5, division 7 (commencing with § 13370).

### **B. California Environmental Quality Act (CEQA)**

Under Water Code section 13389, this action to modify an NPDES permit is exempt from the provisions of the California Environmental Quality Act, Public Resources Code division 13, chapter 3 (commencing with § 21100).

### **C. San Francisco Bay Region Water Quality Control Plan (Basin Plan)**

The Regional Water Board adopted the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan), which designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Requirements in this Order implement the Basin Plan. Specifically, this Order is consistent with section 6.1 (Regional Monitoring Program) of the Basin Plan and does not alter Dischargers' obligations under section 6.5 compliance monitoring conducted to ensure each Discharger's activities comply with their respective permit(s).

### **D. Anti-Backsliding**

CWA sections 402(o) and 303(d)(4) and 40 C.F.R. section 122.44(l) restrict backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. No effluent limitations are changed and no impacts to receiving waters will occur as a result of this Order, which only amends monitoring

requirements.

#### **IV. RATIONALE FOR DISCHARGE PROHIBITIONS AND SPECIFICATIONS**

This Order does not amend discharge prohibitions and specifications.

#### **V. RATIONALE FOR RECEIVING WATER LIMITS**

This Order does not amend receiving water limits.

#### **VI. RATIONALE FOR PROVISIONS**

##### **A. Standard Provisions**

This Order does not amend the federal and regional Standard Provisions in attachments D and G of the permits listed in Attachment B.

##### **B. Rationale for Alternate Monitoring and Reporting Provisions**

Pursuant to 40 C.F.R. section 122.48, NPDES permits must specify requirements for recording and reporting monitoring results. 40 C.F.R. section 122.44(i) specifies monitoring requirements to assure compliance with permit limitations. Water Code section 13383, and 40 C.F.R. sections 122.41(h) and (j), authorize the Regional Water Board to require technical and monitoring reports. This Order establishes alternate monitoring and reporting requirements that implement these federal and State requirements.

- 1. Eliminate Permit Reissuance Trigger for Chronic Toxicity Re-screening.** The alternate monitoring requirements described in VI.B.1 of this Order eliminate one of the two triggers for a chronic toxicity re-screening required in Attachment E of each major Discharger's individual permit. The purpose of re-screening is to determine the most sensitive species for routine testing. The trigger retained requires re-screening after change in the nature of the discharge such as from significant treatment modification or addition of a significant industrial source. The trigger eliminated would have also required re-screening with each permit reissuance.

Chronic toxicity screenings started in the late-1980s with the Regional Water Board's Effluent Toxicity Characterization Program. Regular re-screenings for all major Dischargers occurred with every 5-year permit term starting in the mid-1990s. This means that there is over two decades of information on what species are most sensitive. The Dischargers report that their current cost for each re-screening is from \$24,000 to \$30,000 (with only one Discharger reporting a cost of \$35,000). Assuming the upper-end cost of \$30,000 per screening, the total cost is \$180,000 per year for all the major Dischargers. While there remains some benefit to verifying that future monitoring will use the most sensitive species, the "significant change" trigger will continue to help capture which is the most sensitive species. Moreover, the high cost of

each re-screening, balanced against the opportunity and potential benefits from advancing knowledge to inform future management decisions through additional RMP studies, justifies directing those funds instead to the RMP at this time.

- 2. Reduce Frequency of EPA 1613 (Dioxin-TEQ).** The alternate monitoring requirements described in provision VI.B.2 of this Order reduce the required monitoring frequencies for testing with EPA method 1613 for 2,3,7,8-tetrachlorinated dibenzo-p-dioxin and its 17 dioxin and furan congeners (together referred to as dioxin-TEQ). The Dischargers have monitored using EPA 1613 since the mid-1990s. The data show that all the congeners are non-detect except for minute and occasional hepta-congeners detects, and more typically octa-congeners. These are the least toxic of dioxin-TEQ, less toxic than other congeners by one hundred to one thousand fold. The primary sources of these dioxin-TEQ values in Bay Area municipal wastewater are food and human waste and laundry grey water. These ubiquitous sources are not likely to change.

There is no regulatory minimum for effluent limit compliance monitoring; however, the Regional Water Board has generally required once per year as the minimum based on the 40 C.F.R. section 122.44(i)(2) requirement to report no less than annually. The Regional Water Board has reduced monitoring frequencies since the mid-1990s. The current individual permit required frequencies for EPA 1613 range from once per permit for minor Dischargers (without effluent limits) up to twice per year for the largest major Discharger. While this Order does not refute the reasonableness of these already minimal frequencies for determining compliance with effluent limitations, the estimated savings is \$49,600 per year if frequencies are reduced to the level set forth in this Order assuming the upper end of \$1,000 per test. The Dischargers report that the current cost ranges from \$600 up to \$1,000 for each analysis. Therefore, the wealth of past data for the discharges together with the high cost of each analysis, balanced against the opportunity and potential benefit from advancing knowledge to inform future management decisions through additional RMP studies, justify directing those funds instead to the RMP at this time.

- 3. Reduce Frequency of EPA 624 (VOC) and 625 (BNA) in Pretreatment Monitoring.** The alternate monitoring requirements described in provision VI.B.3 of this Order reduce the required effluent monitoring frequencies for EPA methods 624 (volatile organics) and 625 (base neutral acid extractable organics) for most major Dischargers. The Pretreatment Program requires treatment and control of pollutants from industrial sources that discharge to the sanitary sewer system. Its purposes are to (1) prevent pass-through and upset of municipal wastewater treatment facilities, and (2) protect wastewater workers. The purpose of pretreatment monitoring then is to determine the effectiveness of the program and if additional measures, such as changes to local ordinances, are necessary. Except for a few pollutants, these 624 and 625 scans of effluent often result in non-detects. The exceptions are rare, and, when they occur, they trigger permit effluent limits for the detected pollutant. This is further discussed in section C.2, below.

There is no regulatory minimum for pretreatment monitoring; the permit required

frequencies have declined since inception of the Pretreatment Program in the 1980s. Frequencies currently range from once per permit for the smallest pretreatment Dischargers to twice per year for the largest major Discharger. These are minimal and reasonable to provide verification that there is no change in the nature of the discharges that warrants change to pretreatment ordinances. The cost for each EPA 624 is from \$143 to \$295; for EPA 625, from \$360 to \$545. Assuming the upper end of \$840 per 624/625 test, the estimated cost savings for all the Pretreatment Program Dischargers from this alternate monitoring frequency would be about \$35,000 per year. Therefore, the marginal benefit from continuing to verify mostly non-detect levels, balanced against the opportunity and potential benefit from advancing knowledge to inform future management decisions through additional RMP studies, justifies directing those funds instead to the RMP at this time.

4. **Reduce Frequency of EPA 608 (PCBs aroclors).** The alternate monitoring requirements described in provision VI.B.4 of this Order reduce the required monitoring frequencies for testing with EPA method 608. EPA method 608 measures PCBs aroclors (and chlorinated pesticides). Every sample taken by the Dischargers since 2002 has resulted in non-detects for PCBs aroclors. (On rare occasion, results have shown detectable quantities of a few chlorinated pesticides, which upon further monitoring are at non-detect levels.)

There is no regulatory minimum for effluent limit compliance monitoring; however, the Regional Water Board has generally required once per year as the minimum based on the 40 C.F.R. section 122.44(i)(2) requirement to report no less than annually. The current Watershed Permit for Mercury and PCBs-required frequencies for EPA 608 range from once per year for minor Dischargers up to twice per year for major Dischargers. While this Order does not refute the reasonableness of these frequencies for determining compliance with effluent limitations, the estimated savings is \$16,650 per year with the reduced frequencies set forth in this Order assuming an upper end of \$230 per test. This is based on the Dischargers report that their current cost is about \$145 to \$230 for each analysis. Therefore, with the wealth of past data for the discharges since 2002 showing all non-detects for PCBs aroclors, balanced against the opportunity and potential benefit from advancing knowledge to inform future management decisions through additional RMP studies, justify directing those funds instead to the RMP at this time.

## **C. Rationale for Special Provisions**

### **1. Conditions to Qualify for Coverage Under this Order**

- a. This Order adds a requirement to pay a specified amount to the RMP to qualify for the reduced monitoring in this alternate monitoring program Order to supplement RMP studies. The supplemental RMP studies are necessary to provide data representative of the Dischargers' impact on receiving waters.

The date of payment is based on typical discharger budget cycles and the invoice timeframe for regular RMP annual fees. The amounts are based on

estimated analytical cost savings by each Discharger shown in Tables F-2 and F-3 using the following assumptions:

- Upper end of typical contract laboratory cost.
- Difference in monitoring frequencies between that required by the permits listed in Table 1 and that allowed by this Order.

The requirement for full 5-year terms is because the amounts in Attachment C are based on annualized cost savings relative to the individual permits' requirements, such as for chronic toxicity re-screening once every 5-year permit term. The allowance of 5 plus years coverage if opt-in occurs by September 30, 2016, is to incentivize early initial opt-in. Subsequent opt-ins would start with January 1 of the next calendar year for 5 years because all permit monitoring frequencies are calendar year-based.

The Order also authorizes the Executive Officer to make annual ministerial adjustments to the amounts using the same assumptions as described in this Order. The adjustments would be in a timeframe that accommodates the Dischargers' budget cycles. Occasional adjustments are appropriate to ensure consistency with the purpose and intent of this Order, which is to apply 100 percent of the Dischargers' analytical cost savings to supplement RMP studies.

- b. This Order adds a requirement to report annually the payments made to the RMP. This reporting is necessary and reasonable to ensure compliance with the basis for the monitoring reductions allowed by this Order.
- c. This Order adds language that provides guidance to Dischargers to use code "9" as necessary and appropriate when reporting to U.S. EPA's discharge monitoring reports (DMR) to indicate waiver of some of the individual permit-required monitoring put in place by the reduced frequencies this Order.

## **2. Reduce Frequency of EPA 624, 625, 608 (Other Priority Pollutant Scans)**

For qualifying Dischargers, Provision C.2 of this Order reduces the frequency of other priority pollutant scans using EPA 624 (volatile organics), 625 (base neutral and acid extractable organics), and 608 (chlorinated pesticides, in addition to PCBs aroclors noted above), and related reporting, for most Dischargers to once per permit term. The Regional Water Board has required these scans starting in 2002, shortly after the State Implementation Policy was adopted. The purpose of the effluent characterization is to verify that the priority pollutants in the discharges have no reasonable potential to cause exceedance of water quality criteria and to inform future permit reissuances. In effect, this Order puts into place once per permit term priority pollutant scans for all Dischargers covered by this Order.

Except for a few pollutants, 624/625/608 scans often result in non-detects. The exceptions are rare, and, when they occur, they trigger permit effluent limits for the detected pollutant. Effluent limits, in turn, would trigger pollutant-specific monitoring at a more appropriate frequency in the MRP of the individual permit. This is the



reason why the alternate monitoring frequencies in this Order do not affect the pollutant-specific MRP monitoring frequencies typically in Table E-2 and/or E-3 of individual permits<sup>1</sup>.

With the reduction in frequency, this Order also puts into place a commensurate reduction in reporting, from reporting annually to reporting just once with each application for permit reissuance.

The modifications put into effect by Provision C.2 makes the monitoring frequencies for EPA 624/625/608 consistent with the reductions put into effect by provisions VI.B.3 and 4, and are thus based on the same rationale. The estimated cost savings from this alternate monitoring frequency would be about another \$10,000 per year.

## VII. RATIONALE FOR MONITORING AND REPORTING PROGRAM (MRP)

See above discussion in section VI.B.

## VIII. PUBLIC PARTICIPATION

The Regional Water Board considered the adoption of the alternate monitoring and reporting requirements in this Order. As a step in the adoption process, Regional Water Board staff developed a tentative order and encouraged public participation in the adoption process.

**A. Notification of Interested Parties.** The Regional Water Board notified the Dischargers and interested agencies and persons of its intent to establish alternate monitoring and reporting requirements for the Dischargers and provided an opportunity to submit written comments and recommendations. Notification was provided by transmitting electronic copies of the tentative order to the Dischargers and other interested parties and by publishing a notice in the Recorder. The public had access to the agenda and any changes in dates and locations through the Regional Water Board website at [www.waterboards.ca.gov/sanfranciscobay](http://www.waterboards.ca.gov/sanfranciscobay).

**B. Written Comments.** Interested persons were invited to submit written comments concerning the tentative order as explained through the notification process. Comments were due either in person or by mail at the Regional Water Board office at 1515 Clay Street, Suite 1400, Oakland, CA 94612, to the attention of **Lila Tang**. For full staff response and Regional Water Board consideration, the written comments were due at the Regional Water Board office by **5:00 p.m.** on Monday, **February 1, 2016**.

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<sup>1</sup> Individual permit monitoring frequencies, typically more frequent than once per permit, are appropriate for effluent limited pollutants to ensure compliance with limits even for those pollutants that are only occasionally detected. While this Order allows for once per permit monitoring for PCBs aroclors and dioxin-TEQ, which are effluent limited, PCBs aroclors have never been detected in municipal wastewater effluent and monitoring (more frequent than once per permit) continues for PCBs congeners using EPA 1668. For dioxin-TEQ, there is a greater wealth of data (since 1990), the sources are ubiquitous, and the cost per analysis is an order of magnitude higher.

- C. Public Hearing.** The Regional Water Board held a public hearing on the tentative order during its regular meeting at the following date, time, and location:

Date: **March 9, 2016**  
Time: 9:00 a.m.  
Location: Elihu Harris Building  
1515 Clay Street, 1<sup>st</sup> Floor Auditorium  
Oakland, CA 94612

Contact: Lila Tang, (510) 622-2425, [lila.tang@waterboards.ca.gov](mailto:lila.tang@waterboards.ca.gov)

Interested persons were invited to attend. At the public hearing, the Regional Water Board heard testimony pertinent to the tentative order. For accuracy of the record, important testimony was requested to be in writing.

Dates and venues change. The Regional Water Board web address is <http://www.waterboards.ca.gov/sanfranciscobay>, where one could access the current agenda for changes in dates and locations.

- D. Reconsideration of Waste Discharge Requirements.** Any aggrieved person may petition the State Water Board to review the Regional Water Board decision regarding the final Order. The State Water Board must receive the petition at the following address within 30 calendar days of the Regional Water Board action:

State Water Resources Control Board  
Office of Chief Counsel  
P.O. Box 100, 1001 I Street  
Sacramento, CA 95812-0100

For instructions on how to file a petition for review, see [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/wqpetition\\_instr.shtml](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml).

- E. Information and Copying.** Supporting documents and comments received are on file and may be inspected at the address above at any time between 9:00 a.m. and 5:00 p.m., except noon to 1 p.m., Monday through Friday. Copying of documents will be at the requester's expense and may be arranged by calling (510) 622-2300.
- F. Register of Interested Persons.** Any person interested in being placed on the mailing list for information regarding this matter or NPDES permits in general should contact the Regional Water Board, reference the matter, and provide a name, address, and phone number.
- G. Additional Information.** Requests for additional information or questions regarding this Order should be directed to Lila Tang at (510) 622-2425 or [lila.tang@waterboards.ca.gov](mailto:lila.tang@waterboards.ca.gov).

Table F-2. Cost Savings from Chronic Toxicity Re-screening and Dioxin-TEQ

Discharger	Individual Permit Order Number	Permit Dioxin-TEQ frequency (per year)	Dioxin-TEQ Frequency if Covered by Alternate MRP (per year)	Difference in Dioxin-TEQ Frequency btw Permit and Alternate MRP (per year)	Cost Savings per year from Dioxin-TEQ reduced frequency (\$1,000 per test)	Permit Chronic Toxicity Re-screening frequency (per year)	Cost Savings per year from Eliminating Chronic Toxicity Re-screening (\$30,000 per test)
American Canyon, City of	R2-2011-0046	2	0.2	1.8	\$1,800	0.2	\$6,000
Benicia, City of	R2-2014-0023	2	0.2	1.8	\$1,800	0.2	\$6,000
Burlingame, City of	R2-2013-0015	2	0.2	1.8	\$1,800	0.2	\$6,000
Calistoga, City of	R2-2016-00XX	0.2	0.2	0	\$0	0	\$0
Central Contra Costa Sanitary District	R2-2012-0016	2	0.2	1.8	\$1,800	0.2	\$6,000
Central Marin Sanitation Agency	R2-2012-0051	2	0.2	1.8	\$1,800	0.2	\$6,000
Crockett Community Services District, Port Costa Sanitary Dept.	R2-2013-0035	0.2	0.2	0	\$0	0	\$0
Delta Diablo	R2-2014-0030	2	0.2	1.8	\$1,800	0.2	\$6,000
East Bay Dischargers Authority	R2-2012-0004	2	0.2	1.8	\$1,800	0.2	\$6,000
<i>Union S.D.</i>							
<i>Oro Loma</i>							
<i>Hayward</i>							
<i>San Leandro</i>							
<i>Livermore</i>	R2-2012-0006						
<i>Dublin San Ramon Services District</i>	R2-2012-0005						
East Bay Municipal Utilities Dist. WWTP	R2-2014-0044	2	0.2	1.8	\$1,800	0.2	\$6,000
Fairfield-Suisun Sewer District	R2-2015-0013	2	0.2	1.8	\$1,800	0.2	\$6,000
Las Gallinas Valley Sanitary District	R2-2015-0021	1	0.2	0.8	\$800	0.2	\$6,000
Marin County (Paradise Cove), Sanitary District No. 5 of	R2-2011-0016	0.2	0.2	0	\$0	0	\$0
Marin County (Tiburon) Sanitary District No. 5 of	R2-2013-0027	1	0.2	0.8	\$800	0.07	\$2,000
Millbrae, City of	R2-2013-0037	2	0.2	1.8	\$1,800	0.2	\$6,000
Mt. View Sanitary District	R2-2010-0114	1	0.2	0.8	\$800	0.2	\$6,000
Napa Sanitation District	R2-2011-0007	1	0.2	0.8	\$800	0.2	\$6,000
Novato Sanitary District	R2-2015-0034	2	0.2	1.8	\$1,800	0.2	\$6,000
Palo Alto, City of	R2-2014-0024	2	0.2	1.8	\$1,800	0.2	\$6,000
Petaluma, City of	R2-2011-0003	1	0.2	0.8	\$800	0.2	\$6,000
Pinole, City of	R2-2012-0059	2	0.2	1.8	\$1,800	0.2	\$6,000
Rodeo Sanitary District	R2-2012-0027	2	0.2	1.8	\$1,800	0.2	\$6,000
San Francisco, City and County Of, San Francisco International Airport	R2-2013-0011	2	0.2	1.8	\$1,800	0.2	\$6,000
San Francisco (Southeast Plant), City and County of	R2-2013-0029	2	0.2	1.8	\$1,800	0.2	\$6,000
San Jose/Santa Clara Water Pollution Control Plant and Cities of San Jose and Santa Clara	R2-2014-0034	2	0.2	1.8	\$1,800	0.2	\$6,000
San Mateo, City of	R2-2013-0006	2	0.2	1.8	\$1,800	0.2	\$6,000
Sausalito - Marin City Sanitary District	R2-2012-0083	1	0.2	0.8	\$800	0.07	\$2,000
Sewerage Agency of Southern Marin	R2-2012-0094	2	0.2	1.8	\$1,800	0.07	\$2,000
Silicon Valley Clean Water	R2-2012-0062	2	0.2	1.8	\$1,800	0.2	\$6,000
Sonoma Valley County Sanitary District	R2-2014-0020	2	0.2	1.8	\$1,800	0.2	\$6,000
South San Francisco and San Bruno, Cities of	R2-2014-0012	2	0.2	1.8	\$1,800	0.2	\$6,000
St. Helena, City of	R2-2016-0003	0.2	0.2	0	\$0	0	\$0
Sunnyvale, City of	R2-2014-0035	2	0.2	1.8	\$1,800	0.2	\$6,000
US Department of Navy (Treasure Island)	R2-2015-0004	1	0.2	0.8	\$800	0.2	\$6,000
Vallejo Sanitation and Flood Control District	R2-2012-0017	2	0.2	1.8	\$1,800	0.2	\$6,000
West County Agency	R2-2013-0016	2	0.2	1.8	\$1,800	0.2	\$6,000
<i>Richmond</i>							
<i>WCWD</i>							
Yountville, Town of	R2-2015-0029	0.2	0.2	0	\$0	0	\$0
<b>Total</b>					<b>\$50,600</b>		<b>\$180,000</b>

Table F-3. Cost Savings from EPA 608, 624, and 625 Monitoring Reductions

Discharger	Order Number	Permit EPA 608 Frequency (per year)	Difference in EPA 608 Frequency btw Permit and Alternate MRP (per year)	Cost Savings per year from EPA 608 reduced frequency (\$230 per test)	Permit Pretreatment EPA 624 Frequency (per year)	Permit EPA 624 Frequency (per year)	Difference in EPA 624 Frequency btw Permit and Alternate MRP (per year)	Cost Savings per year from EPA 624 reduced frequency (\$295 per test)	Permit Pretreatment EPA 625 Frequency (per year)	Permit EPA 625 Frequency (per year)	Difference in EPA 625 Frequency btw Permit and Alternate MRP (per year)	Cost Savings per year from EPA 625 reduced frequency (\$545 per test)
American Canyon, City of	R2-2011-0046	2	1.8	\$414	2	1	1.8	\$531	2	1	1.8	\$981
Benicia, City of	R2-2014-0023	2	1.8	\$414	0.2	1	0.8	\$236	0.2	1	0.8	\$436
Burlingame, City of	R2-2013-0015	2	1.8	\$414	0.2	1	0.8	\$236	0.2	1	0.8	\$436
Calistoga, City of	R2-2016-00XX	1	0.8	\$184		0.2	0	\$0		0.2	0	\$0
Central Contra Costa Sanitary District	R2-2012-0016	2	1.8	\$414	2	1	1.8	\$531	2	1	1.8	\$981
Central Marin Sanitation Agency	R2-2012-0051	2	1.8	\$414	2	1	1.8	\$531	1	1	0.8	\$436
Crockett Community Services District, Port Costa Sanitary Dept.	R2-2013-0035	1	0.8	\$184		0.2	0	\$0		0.2	0	\$0
Delta Diablo	R2-2014-0030	2	1.8	\$414		1	0.8	\$236		1	0.8	\$436
East Bay Dischargers Authority	R2-2012-0004	2	1.8	\$414		2	1.8	\$531		2	1.8	\$981
Union S.D.		2	1.8	\$414	2		1.8	\$531	2		1.8	\$981
Oro Loma		2	1.8	\$414	2		1.8	\$531	2		1.8	\$981
Hayward		2	1.8	\$414	2		1.8	\$531	2		1.8	\$981
San Leandro		2	1.8	\$414	2		1.8	\$531	2		1.8	\$981
Livermore	R2-2012-0006	2	1.8	\$414	2		1.8	\$531	2		1.8	\$981
Dublin San Ramon Services District	R2-2012-0005	2	1.8	\$414	2		1.8	\$531	2		1.8	\$981
East Bay Municipal Utilities Dist. WWTP	R2-2014-0044	2	1.8	\$414	2	1	1.8	\$531	2	1	1.8	\$981
Fairfield-Suisun Sewer District	R2-2015-0013	2	1.8	\$414	2	2	1.8	\$531	2	2	1.8	\$981
Las Gallinas Valley Sanitary District	R2-2015-0021	1	0.8	\$184		1	0.8	\$236		1	0.8	\$436
Marin County (Paradise Cove), Sanitary District No. 5 of	R2-2011-0016	1	0.8	\$184		0.2	0	\$0		0.2	0	\$0
Marin County (Tiburon) Sanitary District No. 5 of	R2-2013-0027	2	1.8	\$414		1	0.8	\$236		1	0.8	\$436
Millbrae, City of	R2-2013-0037	2	1.8	\$414	0.2	1	0.8	\$236	0.2	1	0.8	\$436
Mt. View Sanitary District	R2-2010-0114	2	1.8	\$414		1	0.8	\$236		1	0.8	\$436
Napa Sanitation District	R2-2011-0007	1	0.8	\$184	1	1	0.8	\$236	1	1	0.8	\$436
Novato Sanitary District	R2-2015-0034	2	1.8	\$414	2	2	1.8	\$531	2	2	1.8	\$981
Palo Alto, City of	R2-2014-0024	2	1.8	\$414	2	2	1.8	\$531	2	2	1.8	\$981
Petaluma, City of	R2-2011-0003	1	0.8	\$184	1	0.2	0.8	\$236	1	0.2	0.8	\$436
Pinole, City of	R2-2012-0059	2	1.8	\$414		1	0.8	\$236		1	0.8	\$436
Rodeo Sanitary District	R2-2012-0027	2	1.8	\$414		1	0.8	\$236		1	0.8	\$436
San Francisco, City and County Of, San Francisco International Airport	R2-2013-0011	2	1.8	\$414		1	0.8	\$236		1	0.8	\$436
San Francisco (Southeast Plant), City and County of	R2-2013-0029	2	1.8	\$414	2	1	1.8	\$531	2	1	1.8	\$981
San Jose/Santa Clara Water Pollution Control Plant and Cities of San Jose and Santa Clara	R2-2014-0034	2	1.8	\$414	2	2	1.8	\$531	2	2	1.8	\$981
San Mateo, City of	R2-2013-0006	2	1.8	\$414	0.2	1	0.8	\$236	0.2	1	0.8	\$436
Sausalito - Marin City Sanitary District	R2-2012-0083	2	1.8	\$414		1	0.8	\$236		1	0.8	\$436
Sewerage Agency of Southern Marin	R2-2012-0094	2	1.8	\$414		1	0.8	\$236		1	0.8	\$436
Silicon Valley Clean Water	R2-2012-0062	2	1.8	\$414	2	1	1.8	\$531	2	1	1.8	\$981
Sonoma Valley County Sanitary District	R2-2014-0020	2	1.8	\$414		1	0.8	\$236		1	0.8	\$436
South San Francisco and San Bruno, Cities of	R2-2014-0012	2	1.8	\$414	0.2	1	0.8	\$236	0.2	1	0.8	\$436
St. Helena, City of	R2-2016-0003	1	0.8	\$184		0.2	0	\$0		0.2	0	\$0
Sunnyvale, City of	R2-2014-0035	2	1.8	\$414	2	2	1.8	\$531	2	2	1.8	\$981
US Department of Navy (Treasure Island)	R2-2015-0004	2	1.8	\$414		0.5	0.3	\$89		0.5	0.3	\$164
Vallejo Sanitation and Flood Control District	R2-2012-0017	2	1.8	\$414	2	0.2	1.8	\$531	2	0.2	1.8	\$981
West County Agency	R2-2013-0016	2	1.8	\$414		1	0.8	\$236		1	0.8	\$436
Richmond					2		1.8	\$531	1		0.8	\$436
WCWD					2		1.8	\$531	1		0.8	\$436
Yountville, Town of	R2-2015-0029	1	0.8	\$184		0.2	0	\$0		0.2	0	\$0
<b>TOTAL (Permit only)</b>				<b>\$15,962</b>				<b>\$3,216</b>				<b>\$5,941</b>
<b>TOTAL (Pretreatment)</b>								<b>\$12,272</b>				<b>\$21,037</b>

## **Appendix E**

### **Supplemental RMP Memorandum of Understanding: Implementation of the Supplemental Environmental Products Fund**

**SUPPLEMENTAL**  
**to**  
**MEMORANDUM OF UNDERSTANDING**  
  
**between the**  
  
**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**  
**SAN FRANCISCO BAY REGION**  
  
**and the**  
  
**SAN FRANCISCO ESTUARY INSTITUTE**  
  
**concerning the implementation of the**  
  
**SUPPLEMENTAL ENVIRONMENTAL PROJECTS FUND**  
  
**of the**  
  
**REGIONAL MONITORING PROGRAM FOR TRACE SUBSTANCES**

This Supplemental to the Memorandum of Understanding<sup>1</sup> (Memorandum) between the Board and the Institute is made and entered into for the purpose of ensuring that funds for supplemental environmental projects from Board enforcement actions (1) are utilized in a manner consistent with the State Water Resources Control Board Policy on Supplemental Environmental Projects (SEP Policy), and (2) supplement, not replace or reduce, funds that the Board requires for studies under the Regional Monitoring Program (Program), also referred to as the Regional Monitoring Program for Toxic Pollutants or the Regional Monitoring Program for Trace Substances. This Supplement follows the organization and terminology in the Memorandum.

**I. BACKGROUND**

In 1996, the Board and the Institute entered into the Memorandum for the purpose of documenting the relationship between the Board and the Institute for the implementation of the Program. The Memorandum established that the Board and Institute form a Steering Committee to work on such issues as allocation of future program costs, participation in study proposal review and selection, and evaluation of the effectiveness of the Program. In 2015, the Steering Committee for the Program finalized a Charter describing the governance structure and decision making process for the Program.

The Memorandum establishes that the cost of the Program be set annually by the Executive Officer of the Board. It further establishes that the Board would consider a Program Participant who provides its annual share of funding to have fulfilled its obligation for the Program for that year. The 2015 Charter establishes the process for the Institute's development of annual work plans and budgets, and charges the Steering Committee with final approval of

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<sup>1</sup> The Memorandum from 1996 has been amended every few years to extend it past its expiration dates (originally in December 1997). The most recent extension establishes an expiration date of December 31, 2016.

those work plans and budgets. Historically, the Institute and others have identified more water quality issues meriting study than the Board's cost allocations can support.

In 2009, the State Water Resources Control Board adopted the SEP Policy. The SEP Policy allows a discharger to satisfy part of a monetary assessment imposed in an administrative civil liability (ACL) order by completing or funding one or more supplemental environmental projects (SEPs). The SEP Policy establishes qualification criteria and other conditions that must be met.

The SEP Policy requires a nexus between the violation and the SEP. There is nexus between the Program and violations subject to ACLs because the Program studies water bodies that are potentially affected by violations in the San Francisco Bay region. The 2015 Charter establishes guiding goals and principals for the Program namely to collect data and communicate information about water quality in the San Francisco Estuary in support of management decisions on restoring and protecting the beneficial uses of the region's waters.

The SEP Policy also requires that the SEP must go above and beyond other applicable obligations of the discharger that proposes to satisfy a part of its monetary penalty with an SEP. This Supplement meets this requirement by limiting SEP funds to implementing only those elements of the Program that would not otherwise be implemented through the Board's annual cost allocations.

## **II. DEFINITIONS**

The definitions in the Memorandum are supplemented with the following terms and meanings for the purpose of this supplemental document:

SEP Fund shall mean a supplemental environmental project (or SEP), as allowed by the SEP Policy and developed as a result of Board enforcement actions, to fund execution of Program elements that go above and beyond the obligation of Program Participants.

SEP Funder shall mean an entity who chooses to satisfy part of a monetary assessment imposed in an ACL order by completing or funding one or more SEPs. A SEP Funder may include Program Participants as defined in the Memorandum.

Supplement shall mean this supplement to the Memorandum of Understanding between the Board and the Institute that was entered into for the Regional Monitoring Program in 1996.

## **III. EFFECTIVE DATE OF AGREEMENT**

The effective date of this Supplement is the later of the dates of signature by both parties.

## **IV. STATEMENT OF WORK**

The section of the Memorandum is not supplemented.

## **V. PROGRAM MANAGEMENT**

The Institute shall be responsible for identifying in each annual work plan and annual budget for the Program those elements, or a portion of an element, that are to be funded by the SEP Fund. The Institute shall identify these elements separately from elements that are funded by Program Participants through their fulfillment of the annual cost allocations required by the Board. Program elements to be funded by the SEP Fund must go above and beyond the elements funded by Program Participants, and their priority for funding may be determined by the Steering Committee.

## **VI. ALLOCATION OF COSTS AND FULFILLMENT OF PERMITTEE OBLIGATIONS**

The Institute shall track SEP Fund contributions and expenditures separately from Program Participant funds pursuant to section XI (Financial Records and Accounting). A SEP Funder fulfills its obligation under a Board enforcement action after its contribution to the SEP Fund has been received by the Institute.

## **VII. COMMITTEES**

The section of the Memorandum is not supplemented.

## **VIII. RESPONSIBILITIES OF SIGNATORIES**

This Supplement adds the following responsibilities of the Board to the Memorandum:

9. Notify potential SEP Funders of the option of contributing to the SEP Fund.
10. Establish oversight costs to be paid by a SEP Funder that are in addition to the amount of the SEP contribution so as to cover the Institute's administrative cost of oversight of the SEP Fund. Initially, the oversight cost will be 5 percent of the amount of the SEP contribution, except that it will be zero oversight costs for SEP contributions involving straightforward penalty actions such as mandatory minimum penalties. The Board will take results and experience from this and reset the oversight rates as appropriate in accordance with the terms for amendment of this Supplemental.
11. Notify the Institute when an ACL order will come into effect involving a future contribution to the SEP Fund.

This Supplement adds the following responsibility of the Institute to the Memorandum:

11. Indicate on the Program website, and annual and other reports, that funding for a part of the Program is the result of settlement of "San Francisco Bay Water Board" enforcement actions consistent with SEP Policy section G.6.

## **IX. DURATION OF AGREEMENT**

This Supplement shall be effective for as long as the Memorandum is effective.



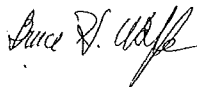
**X. AMENDMENTS TO THE AGREEMENT**

This section of the Memorandum is not supplemented. This Supplement may be amended consistent with the terms of the Memorandum.

**XI. FINANCIAL RECORDS AND ACCOUNTING**

The Institute need not maintain the SEP Fund in segregated accounts, but shall account for the funds separately from funds collected from Program Participants and other Institute monies. The Institute shall disburse SEP Funds under the terms and conditions set forth in the Memorandum. The Institute, in its annual and quarterly financial reports to the Board, shall separately itemize SEP Fund contributions and expenditures by each SEP Funder. As noted above, a SEP Funder fulfills its obligation under a Board enforcement action after its contribution to the SEP Fund has been received by the Institute. The Institute's reports shall indicate when a SEP Funder has met this obligation.

**FOR THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,  
SAN FRANCISCO BAY REGION:**



Digitally signed by Bruce H. Wolfe  
DN: cn=Bruce H. Wolfe, o=SWRCB,  
ou=Region 2,  
email=bwolfe@waterboards.ca.gov, c=US  
Date: 2015.10.22 18:14:59 -07'00'

\_\_\_\_\_  
Bruce H. Wolfe, Executive Officer

\_\_\_\_\_  
Date

**FOR THE SAN FRANCISCO ESTUARY INSTITUTE:**



\_\_\_\_\_  
Warner Chabot, Executive Director

10-27-15  
Date