



## Executive Board Meeting Minutes

Thursday, May 24, 2012, 8:30 a.m. – 12:00 p.m.

EBMUD Treatment Plant Lab Library  
2020 Wake Avenue, Oakland, CA

### ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Ben Horenstein, Chair (East Bay Municipal Utility District); Laura Pagano (San Francisco Public Utilities Commission); Mike Connor (East Bay Dischargers Authority); Ann Farrell (Central Contra Costa Sanitary District); James Ervin (City of San Jose).

Other Attendees: Brian Campbell (East Bay Municipal Utility District); Amanda Roa (Delta Diablo Sanitation District); Tom Hall (Sunnyvale/EOA); Denise Conners (Larry Walker Associates); Monica Oakley (RMC Water and Environment); Jim McGrath (San Francisco Bay Regional Water Quality Control Board); Jim Kelly (BACWA); Alexandra Gunnell (BACWA).

### PUBLIC COMMENT

There were no public comments.

### CLOSED SESSION

The Board met in Closed Session to discuss personnel matters pursuant to California Government Code section 54957.

### REPORT OUT FROM CLOSED SESSION

The Board discussed the Executive Director recruitment process. No actions were taken.

### PRESENTATIONS

Under **agenda item 1**, Jim McGrath, Water Quality Appointee to the San Francisco Regional Water Quality Control Board (RWQCB), led a discussion about **San Francisco Water Board Strategic Planning**. Included in the meeting handout packet was a list of questions he proposed to guide this discussion and previous discussions he has had with representatives from the U.S. Environmental Protection Agency Region IX (Alexis Strauss, Water Division Director), the California State Water Resources Control Board (Tam Dudoc, Board Member) and Save the Bay (David Lewis, Executive Director). The BACWA Executive Board (Board) expressed an interest in hearing about insight Jim McGrath has gained from these interviews.

The Board identified Nutrients as a priority, and suggested that development of a new framework for strategic collaboration may be necessary to address this complex issue. There was agreement that San Francisco Estuary Institute serves as a credible resource to address dueling science concerns, but the Board proposed that the Aquatic Science Center (ASC) may provide a suitable constituency of high-level decision makers that could work together to develop a general framework that would include all stakeholders.

The Board praised the efforts of the RWQCB staff and spoke highly of the good working relationship that has been developed with them. Concern was raised about the process of developing the Whole Effluent Toxicity (WET) Policy, specifically where the combined efforts of BACWA and the RWQCB supported the existing RWQCB toxicity procedure, but was not supported by the RWQCB during policy development at the state level.

Jim McGrath inquired about how BACWA agencies are addressing impending issues of sea level rise, and Board representatives discussed how such issues are impacting their master planning and infrastructure improvements. The Board expressed their appreciation for the opportunity to

participate in Mr. McGrath's strategic planning efforts and invited him to return, if possible, on an annual basis.

### **CONSENT CALENDAR**

*Consent calendar **agenda items 2 and 3** were approved in a motion made by Ben Horenstein and seconded by Laura Pagano. The motion carried unanimously.*

2. May 3, 2012 BACWA Executive Board Meeting minutes
3. March 2012 Treasurer's Report

### **REPORTS**

**Committee Reports** for **agenda item 4** were included in the meeting handout packet and attendees were invited to discuss the reports.

As noted in the Permits Committee report, requirements of the Nutrient 13267 letter have been conveyed to permit holders along with a template to report historic data characterization. The Board requested that Jim Ervin send another reminder to the agencies. Jim reminded the attendees of the upcoming Toxicity Workgroup meeting scheduled for Thursday, May 31, 2012 at 10:00 a.m. at EBMUD to discuss TREs, and suggested that agencies bring their individual TRE plan. The Board mentioned that it may be beneficial to develop general steps that could be included in an agency's TRE. Jim Ervin will send another reminder to the Board about the upcoming workshop.

The Recycled Water Committee report explained that the committee will discuss the State Water Resources Control Board (SWRCB) draft amendment to the Recycled Water Policy regarding Constituents of Emerging Concern (CECs) at their upcoming committee meeting on June 6, 2012. The Board expressed their support for the committee to determine whether to draft comments, and the Executive Director agreed to report back to the Board on this matter at the June 28th meeting.

The PCB report attached to the BAPPG Committee report was discussed and it was suggested that the Board confirm reporting requirements with the RWQCB staff at their upcoming Joint meeting. It was also noted that the BACWA Regulatory Program Manager (RPM) may be able to coordinate this effort across the committees, and that Jim Kelly may want to contact the BAPPG Chair and Dylan Garner for further discussion.

Information in the Collection Systems Committee report on recent changes to PG&E's cross-bore program were highlighted as especially important for those agencies with programs that require residents to replace private sewer laterals.

BACWA Executive Board members were invited to share any items of interest under **agenda item 5, Executive Board Reports**.

Jim Ervin noted that San Jose hosted the most recent AIR Committee meeting, where attendees toured their new fuel cell.

Ben Horenstein and Mike Connor attended the ReNUWit Bi-Annual Members' Meeting on May 21-22 at Stanford. Ben will forward a website link to provide the Board with more information about the organization and their efforts. It was suggested that the ED investigate having Dave Sedlak and/or Josh Dickenson consider development of a workshop for BACWA members.

The Board requested that Dave Williams, BACWA's Aquatic Science Center (ASC) representative lead a Board effort looking into the feasibility of developing a stakeholder-based framework to address the governance issues related to the Bay nutrient work, including the possibility of having the ASC play a leadership role in the development and/or implementation and bringing on consultant/facilitation support to assist the development effort. Mike Connor and Ann Farrell offered to be part of the workgroup.

Laura Pagano noted that SFPUC staff have moved to their new location, and attendees requested scheduling an upcoming Board meeting at the new office.

Ann Farrell related concerns about obtaining information required in CCCSD's Nutrient Work Plan and requested more information on the various studies, how they relate to one another and how they are being coordinated. It was suggested that David Senn provide an update on his work, and explain the relationship between the RMP conceptual model study and his efforts. Next steps to authorize additional funding for David's work will be discussed at the upcoming Joint BACWA/RWQCB meeting. Ann also noted that the previous request for BACWA funding of the SWAMP pesticides analysis may not be needed.

Mike Connor attended the RMP Modeling Strategy Workgroup and noted that guidelines for who is invited to participate in these types of meetings may need to be reviewed. They also mentioned that David Senn would like to convene Ed Gross, Jim Fitzpatrick, and a representative from the SFEI Modeling Workgroup to discuss coordination of modeling efforts, which may require use of BACWA's agreement with HDR for funding. Mike also attended a recent State and Federal Contractors Water Agency (SFCWA) conference, and will follow up with Val Connor regarding her request that BACWA assist with the development of a nutrients conference.

For **agenda item 6**, the **Executive Director's Report**, was included in the meeting handout packet and reviewed by the Executive Director (ED). Meeting attendees were given the opportunity to discuss the contents of the report. The ED also highlighted the following issues/activities:

- The ED distributed an e-mail from Bobbi Larson regarding Stan Dean's Layperson's Guide to Wastewater proposal. The Board requested that Summit Partners' representative, Dave Williams report back to the Board following the next Summit Partners meeting.
- The Oregon Association of Clean Water Agencies (ORACWA) has invited the Dave Williams and the ED or another BACWA representative to attend their upcoming conference. ORACWA would fund travel costs incurred.
- Mike Connor and the ED attended a recent RWQCB Board Meeting during which Tam Dudoc mentioned Toxicity as priority and Adam Olivieri reported on recycled water and CECs.
- The ED requested feedback on the location for upcoming Board meetings, and noted that the rest of the 2012 meetings are scheduled to take place in the EBMUD Lab Library, not the Operations Center. The ED will investigate holding a future meeting at SFPUC.
- The next RWQCB/BACWA joint meeting is tentatively scheduled for Monday, June 18th from 2:30 – 4:30 at RWQCB office. The EBDA representative will be Rich Currie because Mike Connor is unable to attend.

The following **Chair & Executive Director Authorized Actions (agenda item 7)** were made since the May 3, 2012 BACWA Board Meeting.

- a. Chair Authorization to utilize As Needed contract with Larry Walker Associates for

- assistance with Sacramento Regional Permit comments; not to exceed \$9,900; FY 2011-12; File 12,448
- b. Chair Authorization to execute an agreement with Somach Simmons & Dunn for assistance with Sacramento Regional Permit comments; not to exceed \$9,900; FY 2011-12; File 12,730
- c. Executive Director Authorization to utilize As Needed contract with RMC Water & Environment for assistance with 13267 letter sampling plan requirements; not to exceed \$4,999; FY 11-12; File 12,436.

## OTHER BUSINESS

*For agenda item 8, the Board approved the **Grant Agreement between BACWA and the State Coastal Conservancy to fund Prop 84 Grant Administration for \$50,000, File 12,731**, in a motion made by Ben Horenstein and seconded by Laura Pagano. The motion passed unanimously.*

Brian Campbell explained that agreement provides a mechanism for the State Coastal Conservancy to contribute their portion of the upfront administration funding for Prop84, and that there is overlap between this agreement and their Local Project Sponsor agreement with BACWA.

*For agenda item 9, the Board authorized execution of an **Agreement with Patricia McGovern Engineers for Regulatory Program Manager services for \$100,000 in FY 2012-13, File 12,729**, in a motion made by Mike Connor and seconded by Laura Pagano. The motion passed with CCCSD abstaining from voting.*

The ED noted that the original rate quoted by Patricia McGovern Engineers has increased and the selection committee confirmed their continued support for this candidate despite the change in rate.

For agenda item **10a, Nutrients - Sac Regional Permit workshop on SWRCB draft order in July; comments due June 15th**, Tom Grovhoug of Larry Walker Associates, Bobbi Larson and Paul Simmons (both from Somach Simmons & Dunn) participated in the discussion by phone. They explained that after having filed an appeal of the NPDES permit issued by the Central Valley Regional Water Quality Control Board in December 2010, Sacramento Regional County Sanitation District (SCRSD) filed a lawsuit requesting relief from the filtration, disinfection, ammonia removal and denitrification requirements contained in, and that this lawsuit and some permit requirements and schedules are currently stayed until July 1, 2012. In the meantime the State Water Resources Control Board (SWRCB) decided to review the permit on its own motion and on May 14, 2012, the SWRCB issued a draft order on the permit petition that largely supported all permit requirements, except for denitrification. A handout of Key Issues and Concerns from Bobbi Larson was distributed at the meeting, of which the following were noted to be of greatest concern for BACWA member agencies: REC-1 designated use requirements, denial of mixing zone for ammonia, and most importantly the precedent set by the regulatory processes/procedures and interpretation of scientific studies used to develop these requirements, and each of these was discussed.

The BACWA Board agreed to consider drafting a comment letter and participating in the July 18, 2012 State Board workshop. The Executive Director will continue to work with Tom Grovhoug and Bobbi Larson on this issue.

Under agenda item **10b, Nutrients – SWAMP Meeting with north Bay Dischargers**, the ED and Ann Farrell reported out on the meeting that occurred at CCCSD on May 22, 2012, during which attendees requested a the development of a more detailed plan for governance and management which they would review to consider offering their support. The Board suggested having Dave Senn develop a list studies, how they fit together, and their cost/scope.

*For **agenda item 11, the Board Nominated and Elected Ben Horenstein to serve as Chair and Laura Pagano as Vice Chair for fiscal year 2012-13**, in a motion made by Mike Connor and seconded by Ann Farrell. The motion passed unanimously.*

Under agenda item **12, Pardee, October 23-26, 2012**, the ED requested that the Board members check their availability for the proposed dates. The Board discussed working with Gary Darling to consider ways that BACWA could increase member support, participation and engagement. Ben Horenstein will contact Gary and ask him to develop a presentation for Pardee. It was also suggested that BACWA investigate if there are other opportunities for member representatives to participate and possibly schedule a meeting with them at the EBMUD Watershed meeting facility in Orinda.

The next regular BACWA Board meeting will be held on June 28, 2012 at the EBMUD Treatment Plant Lab Library from 9 a.m. – 12 p.m.

The meeting adjourned at 12:00 p.m.