



Executive Board Meeting Minutes

December 16, 2016

ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Laura Pagano (San Francisco Public Utilities Commission); Jim Ervin (San Jose); Michael Connor (East Bay Dischargers Authority); Vince De Lange (East Bay Municipal Utility District); Lori Schectel (Central Contra Costa Sanitary District).

Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Amanda Roa	Delta Diablo
David Senn	SFEI
Greg Baatrup	FSSD
Karin North	City of Palo Alto
Tom Hall	EOA
Eric Stevenson	BAAQMD
Courtney Mizutani	Representing Carollo
David Sedlak	UC Berkeley
Sasha Harris-Lovett	UC Berkeley
Karri Ving	SFPUC
Dr. Gary Anderson	Lawrence Berkeley Labs
Linda Sawyer	Brown & Caldwell
Amit Mutsuddy	San Jose
Ian Wren	SFEI
Dave Richardson	RMC
Meg Herston	FSSD
Phoebe Grow	EBMUD
David Williams	BACWA
Lorien Fono	BACWA
Sherry Hull	BACWA

A motion to move into a CLOSED MEETING was made by Michael Connor and seconded by Jim Ervin. The motion carried unanimously.

Executive Board and Executive Director then moved into Closed Session to consider business it is permitted to do so pursuant to Government Code Section 54957, and is listed on the closed meeting agenda. The following item was considered during the closed session:

Discussion: Lawsuit by SCAP and CVCWA against EPA on the TST.

In the continuing interest of transparency, the Chair will be reporting in open session any outcomes from the closed session business.

RECESS TO OPEN SESSION.

PUBLIC COMMENT

None.

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

REPORT OUT OF CLOSED SESSION

As a result of the Closed Session today, the Chair reported the following: The BACWA Executive Board decided that BACWA will participate in the Lawsuit by SCAP and CVCWA against EPA on the TST.

CONSENT CALENDAR

1. November 18, 2016, BACWA Executive Board Meeting Minutes – The approved minutes will be placed on the BACWA website.
2. October, 2016 Treasurer's Reports and Financial Summary – A Financial Summary Report was included in the Packet. A copy of the FY17 Budget as of September 30, 2016 (33% of the fiscal year) was included. It, along with the Summary, provides the Board with a concise overview of the Fund Balances and the current status of the Annual Budget and points out any variances in the budget to date.

Consent Calendar items 1 and 2 were approved in a motion made by Michael Connor and seconded by Vince De Lange. The motion carried unanimously.

AUTHORIZATIONS & APPROVALS

3. Approval: Adoption of FY2016 Annual Reports – A Board Authorization Request along with a copy of the FY2016 BACWA Annual Report and LINKS to the FY2016 BACWA Audited Reports, were included in the Packet. The Executive Director gave an overview of the request.

Item 3 was approved in a motion made by Michael Connor and seconded by Lori Schectel. The motion carried unanimously.

4. Approval: Approval of TDC Pesticide Agreement – A Board Authorization Request was included in the Packet. The Executive Director gave an overview of the request.

Item 4 was approved in a motion made by Michael Connor and seconded by Lori Schectel. The motion carried unanimously.

5. Approval: Alternative Investment Proposal – A Board Authorization Request was included in the Packet. The Executive Director gave an overview of the request.

***Item 5** was approved in a motion made by Michael Connor and seconded by Vince De Lange. The motion carried unanimously.*

OTHER BUSINESS-POLICY/STRATEGIC

Agenda Item 6 – Discussion: Reg 11-18 White Paper - Eric Stevenson from BAAQMD gave a presentation on the Draft Rule 11-18 – Toxic Risk Reduction. There are three programs for control of Air Toxics: 1) New source review; 2) AB2588 “Hot Spots” program; and 3) Air Toxics control measures. Overall Bay Area risk levels have declined since 1990. The Draft Rule would reduce health risks to the lowest achievable levels. Development of this rule began following the Richmond Refinery fire in 2012 as proposed Reg. 12-16. Due to legal issues, the rule has been expanded beyond refineries to include all facilities under Reg. 11-18. Approximately one thousand facilities might be impacted by this Rule. This Rule would require the implementation of all technically and economically feasible risk reduction measures to significant sources of toxic air contaminants and would 1) reduce cancers and acute health impacts from 100 in a million to 10 in a million; and 2) incorporate new OEHHA guidelines and health values. Air District staff will conduct the health risk assessments and a contractor will provide socioeconomic analysis. The District expects to issue the final draft in March 2017, with public hearings in May 2017, although Air District staff support extending that timeframe. There will be a CEQA EIR. POTW’s are likely to be included in implementation phase 1 or 2 with an emphasis on diesel particulate matter. BACWA Board members encourage POTW’s to become involved in the process and particularly to comment to the BAAQMD Board. The Board also requested an update to the Reg. 11-18 White Paper and asked Carollo to develop a scope for more research on diesel and cogeneration. The Regulatory Program Manager will obtain comments from the BACWA AIR Committee on the White Paper and communicate their comments to Carollo. The Executive Director will approach the BAAQMD Board to request an opportunity to present the concerns of the POTW community, possibly at a Stationary Sources Committee meeting. The Board also requested that the issue be added to the next BACWA Board meeting agenda.

Agenda **Item 7** – Discussion: Nutrients

a. Regulatory

- i. CMG Meeting – Meeting notes from the December 12, 2016 CMG meeting were included in the Packet. The Executive Director gave an overview of the meeting. HDR is preparing a presentation for the BACWA Annual Meeting which will be reviewed by the CMG.
- ii. 2nd Watershed Permit – A report on the status of the 2nd Watershed Permit negotiations was included in the Packet. The Executive Director gave an overview of

- the report and asked the Board to provide any additional direction to the Nutrient Strategy Team. The only comment was that the total science funding amounts will likely be larger than noted.
- iii. Trading Meeting Debrief – EBMUD gave an update on the study noting that they are utilizing leftover grant funds from the EPA sidestream grant to fund the Freshwater Trust to look at nutrient trading in the San Francisco Bay. The project began in early November, 2016 and is currently underway. It will be complete this winter. The focus is very high-level and conceptual at this point. EBMUD will provide documentation of the scope, as well as work products, to BACWA for dissemination to its members. The Executive Director will add the item to the agenda for the Nutrient Strategy Team meeting.
 - iv. NST Agenda – A draft agenda for the January 5, 2017 Nutrient Strategy Team meeting, along with a list of NST Members, was included in the Packet.
- b. Technical Work -
- i. Suisun Synthesis – A LINK to a Summary on the Suisun Synthesis II was included in the Packet. SFEI provided an overview of the goals, providing the differences between Synthesis I from 2014. The question that the Suisun Synthesis II document addresses is “was there actually a phytoplankton community shift due to nutrients?”, or is the apparent shift due to an artifact in data collection? An analysis of the methodology from both before and after 1987 was performed and it was concluded that the data after 1987 is significantly less reliable.
- c. Governance Structure
- i. Steering Committee Meeting #11 – An Agenda from the December 9, 2016 meeting, along with a report on the NMS Observation Program, a Financial Update and Program Overview, and a Summary of Actions from the meeting were included in the Packet.
 - ii. Joint Strategy for Scenario Planning – SFEI introduced David Sedlak and Sasha Harris-Lovett, of UC Berkeley. They are creating a framework for decision making utilizing multi-criteria decision analysis. They expect to have a draft presentation of goals in late Spring, 2017. This work dovetails with the effort through SFEI on scenario planning for future nutrient-related decision making. Several BACWA members asked to be included in the group being interviewed and it was suggested that the major city Mayors also be included.

Agenda **Item 8** – Discussion: Water Board Joint Meeting Agenda Draft – A Draft Agenda for the December 22, 2016 meeting was included in the Packet.

OTHER BUSINESS-OPERATIONAL

Agenda **Item 9** – Discussion: Biosolids Presentation & Survey Results – A copy of the Biosolids Survey was included in the Packet. BACWA’s Regulatory Program Manager gave a presentation

on the BACWA 2016 Biosolids Survey Preliminary Results. The main challenges to biosolids programs, as reported by respondents, are rising costs and regulatory restrictions. SFPUC staff noted a lack of available research on beneficially reusing biosolids and suggested some objectives and scope for a biosolids literature review. She then introduced Dr. Gary Anderson from the University of California, Berkeley who gave a presentation on comparing biosolids soil amendments to traditional amendments such as OMRI Certified compost and synthetic fertilizer, with the benefits of soil carbon sequestration and water retention of various organic amendments on soil. The research would benefit most Bay Area Agencies, many of which use landfill disposal and ADC as a destination for their biosolids, which may be phased out by 2025.

Agenda Item 10 – Discussion: Risk Reduction Update – Two documents created by the community based organizations providing Risk Reduction services to BACWA, along with a LINK to other documents on the BACWA website, were included in the Packet. These materials were presented by the grantees at the October 25, 2016 report to the Regional Water Board.

Agenda Item 11 – Discussion: Pesticide Comment Letter – A LINK to BACWA’s Comment Letter requesting additional time to comment on a detailed risk assessment for several pyrethroids was included in the Packet.

Agenda Item 12 – Discussion: CASA Regulatory Workgroup - Notes and Action Items from the December 7, 2016 Nutrient Workgroup call were included in the Packet. The Executive Director gave an overview of the report. A suggestion was made by the Regulatory Workgroup leadership that BACWA AIR, BAPPG, Biosolids, and Permit Committee representatives meet with the CASA group in 2017. The Permits Committee is amenable to this suggestions, and the ED will contact biosolids and AIR committees. Dave Smith and Lauren Fondahl of EPA attended the December CASA Regulatory Workgroup meeting and gave an update on EPA’s priorities for the coming year. They also commented that their office was reviewing the selenium data submitted by the Lower South Bay dischargers, and using them to update their models for the proposed selenium criteria. Additionally, they will speak to their colleagues in the air program about a Bay Area POTW cogeneration project that is being stopped due to restrictive air quality regulations.

Agenda Item 13 – Discussion: Agenda for Annual Meeting 2017 – A Final Draft Agenda was included in the Packet. The Executive Director asked the Board if there were any final suggestions and it was suggested that while some Hot Topics are less urgent at this time, all the Hot Topics at least have an update included in the Regulatory Issues summary for the meeting. It was recommended that BAAQMD Rule 11-18, and the ELAP changes be added to the agenda, and selenium and toxicity removed. It was also suggested that the Board hold a short business meeting prior to the Annual Meeting. The Assistant Executive Director informed the Board that there are currently 54 (plus BACWA Staff) signed up for the meeting and asked that anyone who had not yet signed up please do so prior to the deadline of January 13, 2017.

Agenda **Item 14** – Discussion: Recycled Water Policy Update – An update from the RWRCB was included in the Packet. The Regulatory Program Manager stated that the State Water Board issued a proposed resolution to update the Recycled Water Policy and reaffirm support for the Salt/Nutrient Management Plans. CASA commented at the State Water Board hearing that the salt nutrient management plan effort be decoupled from the Recycled Water Policy, since not all salt and nutrient problems stem from recycled water.

Agenda **Item 15** – Discussion: Proposition 50 Close & Reporting Update– A letter from the California State Department of Water Resources, along with two emails, was included in the Packet. The Executive Director explained to the Board that the letter from DWR requires BACWA to provide Post Performance Reports following the close of the Proposition 50 Grant. The second email clarifies which projects require post performance reports and that the Grantee, not BACWA, will be responsible for actual preparation of the reports however BACWA is ultimately responsible for ensuring that the reports are submitted.. BACWA will work with the Grantees to ensure that the annual post performance reports are submitted in a timely way and will assure that this ten-year commitment is documented for future BACWA staff.

REPORTS

Agenda **Item 16** – Committee Reports – BACWA Committee Reports were included in the Packet.

AIR Committee: A report from the November 30, 2016 meeting was included in the Packet.

BAPPG: A report from the December 7, 2016 meeting was included in the Packet.

Biosolids Committee: No meeting.

Collections Committee: No meeting.

InfoShare - Asset Management: A report from the November 30, 2016 meeting was included in the Packet.

InfoShare – Operations & Maintenance: No meeting.

Lab Committee: No meeting.

Permits Committee: Reports from the December 13, 2016 meeting was included in the Packet.

Pretreatment Committee: No meeting.

Recycled Water Committee: A Draft BACWA Comment Letter to DWR on the draft report implementing Executive Order B-37-16 was included in the Packet. It was approved by the Board.

Agenda **Item 17** - Discussion: Member Highlights - Executive Board Representatives (Board) were given an opportunity to provide updates from each of the Principal agencies. Non-principal members were also given an opportunity to report out on behalf of their agencies. No actions were taken on the report-outs.

EBDA: No comment.

EBMUD: No comment.

Central Contra Costa: From the CASA Legislative Committee: SB163 – Hertzburg will now have to be vetted by four committees.

San Francisco: No comment.

San Jose: No comment.

Delta Diablo: No comment.

Palo Alto: No comment.

Sunnyvale: No comment.

Fairfield Suisun: No comment.

Agenda **Item 18** - The **Executive Director's Report**, along with the Board Calendar, and BACWA Action Items, were included in the Packet. It was noted that 92 of the 97 action items from FY16 and 21 of the 26 action items from FY17 have been completed. The Executive Director noted that his scope includes attendance at the National Water Policy Forum and asked if he could substitute the WEF Nutrient Symposium Conference. The Board agreed.

Agenda **Item 19** - The **Regulatory Program Manager (RPM) Report** was included in the Packet.

Agenda **Item 20** - **Other BACWA Representative Reports** – BACWA Representative were given an opportunity to provide updates. No actions were taken based on the reports.

- a. RMP-TRC: Rod Miller; Laura Pagano – No report.
- b. RMP Steering Committee: Karin North; Jim Ervin – No report.
- c. Summit Partners: Dave Williams – No report.
- d. ASC/SFEI: Laura Pagano; Dave Williams – No report.
- e. Nutrient Governance Steering Committee: Ben Horenstein; Jim Ervin – No report.
- f. SWRCB Nutrient SAG: Dave Williams – No report.
- g. SWRCB Focus Group – Bacterial Objectives: Lorien Fono; Amy Chastain – No report.
- h. SWRCB Focus Group – Mercury Amendments to the State Plan: Tim Potter – No report.
- i. Nutrient Technical Workgroup: Eric Dunlavey – No report.
- j. NACWA Taskforce on Dental Amalgam: Tim Potter – No report.
- k. BAIRWMP: Cheryl Munoz, Linda Hu, Dave Williams – No report.
- l. NACWA Emerging Contaminants: Karin North, Melody La Bella – No report.
- m. CASA Statewide Pesticide Steering Committee: Melody La Bella – No report.
- n. CASA State Legislative Committee: Lori Schectel – No report.
- o. CASA Regulatory Workgroup – No report.
- p. RMP Microplastics Liaison: Nirmela Arsem – No report.
- q. ReNUWIt: Mike Connor; Ben Horenstein – No report.
- r. AWT Certification Committee: Maura Bonnarens – No report.
- s. Bay Area Regional Reliability Project: Roger Bailey; Mike Connor – No report.

Agenda **Item 21** - **SUGGESTIONS FOR FUTURE AGENDA ITEMS:** None.

ANNOUNCEMENTS:

The next meeting of the Board is the BACWA Annual Members' meeting that will be held on January 27, 2017 at the Metropolitan Golf Course, 10051 Doolittle Drive, Oakland, CA from 9:00 AM to 3:00 PM. Lunch will be included.

The next regular meeting of the Board is scheduled for **February 17, 2017 from 9:00 am – 12:30 pm** at the **SFPUC, Hetch Hetchy Room, 13th Floor, 525 Golden Gate Ave., San Francisco, CA**

To receive a copy of any materials provided to the Board at a BACWA Executive Board meeting contact Sherry Hull at shull@bacwa.org.

The meeting adjourned at 12:45 pm.