

NEXT MEETING

The next regular monthly meeting of the Board is scheduled for **Thursday, May 23, 2013, 9:00 a.m. – 12:00 p.m. at** the EBMUD Treatment Plant Lab Library.

ADJOURNMENT (4:00 p.m.)



Executive Board Meeting Minutes

Thursday, March 28, 2013, 9:30 a.m. – 12:30 p.m.

SFPUC, Hetch Hetchy Conference Room
525 Golden Gate Avenue, San Francisco, CA

ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Mike Connor, Chair (East Bay Dischargers Authority); Laura Pagano, Vice Chair (San Francisco Public Utilities Commission); Curt Swanson (Central Contra Costa Sanitary District); Ben Horenstein (East Bay Municipal Utility District).

Other Attendees: Tim Potter (Central Contra Costa Sanitary District); Marla Jurosek (San Francisco Public Utilities Commission); Amanda Roa (Delta Diablo Sanitation District); Greg Baatrup (Fairfield-Suisun Sewer District); Bhavani Yerrapotu (Sunnyvale); Jason Warner (Oro Loma Sanitary District); Catherine Allin (Millbrae); Amy Chastain (AE Com); Michele Pla (EPC); Denise Conners (Larry Walker Associates); Tom Hall (EOA); Monica Oakley (RMC); Lorien Fono (Patricia McGovern Engineers); Jim Kelly (J.M. Kelly Engineering); Dave Williams (BACWA); Alexandra Gunnell (BACWA).

PUBLIC COMMENT

There were no public comments.

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

None.

CONSENT CALENDAR

Agenda items 1 – 3 were approved in a motion made by Laura Pagano and seconded by Mike Connor. The motion carried unanimously.

1. February 28, 2013 BACWA Executive Board Meeting Minutes
2. January 2013 Treasurer's Report

REPORTS

Committee Reports were reviewed under **agenda item 3**.

Tim Potter, Permits Committee Chair, distributed and reviewed the Permits Committee report. He noted that the San Francisco Bay Regional Water Quality Control Board staff (SF Bay Water Board) representative was unable to attend the March committee meeting, but will likely participate in the June 2013 meeting. As requested by the BACWA Executive Board, Tim Potter will investigate forming a pre-treatment workgroup.

Catherine Allin, BAPPG Chair, notified the Board that the fiscal year 2013-14 BAPPG Budget and Workplan is being finalized and will be circulated to the Board for their feedback.

The AIR Committee report was included in the handout packet. Laura Pagano stated that she was interested in continuing discussions regarding the committee's finances. It was suggested that Lorien could reach out to the Co-Chairs, Randy Schmidt and Nohemy Revilla to explore this topic.

Under **agenda item 4, Executive Board Reports**, members of the Board were given an opportunity to report out.

Ben Horenstein of EBMUD called attention to the recent Eighth Circuit Court of Appeals' decision to strike down US EPA's rules regarding blending and use of mixing zones, in the case of the Iowa League of Cities vs. the US EPA.

Tim Potter, of CCCSD expressed concern about California Food and Agriculture, Division of Measurement Standards proposed regulations on FOG manifests. He will work with the Permits committee and Greg Kester, of CASA, to investigate this issue.

Mike Connor of EBDA reported he and Laura Pagano met as the newly formed BACWA Conflict of Interest Ad Hoc Committee, and that they are receiving monthly reports from the Executive Director (ED) that outline any decision where potential conflict of interest could arise and the steps taken by the ED to address potential concerns.

The **Executive Director's March Report** was included in the handout packet for **agenda item 5**. The ED highlighted the following items:

- On March 8th the ED participated in the SFEI/ASC Board meeting during. He informed the SFEI/ASC Board that the BACWA Board decided to have him continue as one of the three ASC representatives, along with Laura Pagano and Stan Dean. He also indicated that BACWA would prefer to continue to have Alternate ASC Board Members in case one of the three representatives could not attend. Since the SFEI 501c(3) rules do not allow alternate board members, it was agreed that when the SFEI/ASC Board is dealing with any SFEI related matter, that the BACWA Alternate would not be considered part of the quorum for the SFEI/ASC Board meeting. This decision was consistent with BACWA Board requests from the February 28, 2013 BACWA Executive Board meeting. The ED also noted that ASC is searching for a new Executive Director and has appointed an interim Executive Director.
- The ED is working with the AED to draft a table that will list miscellaneous contributions and sponsorships and the deliverables associated with each.
- The Finance Committee met to review a first draft of the BACWA/CBC 2013-14 Budget. It will be revised, based on their feedback. The revised draft will be discussed at the April Executive Board meeting with plans for Board approval in May.
- Included with the ED report is a draft Board Calendar that will continue to be updated. The ED will discuss Pardee 2014 planning with Tom Mumley.
- The Bay Protection and Behavior Change Group is looking for a consultant to help with their regional behavior change campaign branding efforts. Recommendations should be directed to BAPPG.
- A representative from the State Lands Commission has inquired about whether BACWA would be interested in serving as a fiscal agent/project manager for their project concerning invasive species in ballast water. The Board agreed that this is not aligned with BACWA core efforts at this time and suggested that Dave Williams and Mike Connor contact SFEI to determine their interest. Tom Hall also suggested approaching the Bay Planning Commission.
- A proposal for a Nutrient Workshop was distributed. The Board suggested that a BACWA Nutrient workshop should provide members with technical presentations by experts from various sources and should also update members on the proposed watershed permit

approach. Ben Horenstein and Dave Williams will work with Carollo to develop a draft plan for the Board to review at the May 23, 2013 meeting.

The **Regulatory Program Manager (RPM) Report** was included in the handout packet and reviewed by Lorien Fono under **agenda item 6**. She noted that the Regulatory Issue Summary, recently distributed at the January 2013 BACWA Members Meeting, will be updated twice a year. As a follow up to the February 28th meeting, she will be drafting a member agency compliance report, summarizing member agency violations, and will distribute it to the Board for feedback about next steps.

The following **Chair and Executive Director Authorized Actions** were taken since February 28, 2013, listed under **agenda item 7**, and supporting information was included in the handout packet.

- a. Executive Director authorization to utilize existing agreement with RMC Water & Environment for as needed technical support related to SSO Enforcement Options in an amount not to exceed \$2,000.00 in FY 2012-13; File 12,733.
- b. Executive Director authorization of agreement with Bri Communications for BAPPG Baywise.org Outreach not to exceed \$860.00 in FY 2012-13; File 12,929.

OTHER BUSINESS

Nutrients issues were discussed under **agenda item 8**.

The ED distributed an updated Governance Structure diagram (v 4.0), reflecting changes discussed during the March 22, 2013 Joint meeting. A Task Force, created at the Joint meeting, will be meeting to populate the boxes in the diagram and then get commitment from individuals to participate in specified roles. They will also establish protocols. It was noted that this process is dependent upon the Steering Committee to drive efforts and concern was raised about who would manage this process considering that resources are limited. It was also suggested that the SF Bay Water Board will need to promote the structure to other participants.

The ED led a discussion on the Watershed Permit concept and distributed two letters, 1) a Letter of Agreement and 2) a Letter of Intent, that were drafted based on recommendations provided during the March 22nd Joint meeting. It was noted that the Governance Structure diagram may be included as an attachment to the Letter of Agreement. Also distributed was a Nutrient Schedule of Activities, laying out various nutrient activities on a timeline. The schedule will be revised to address concerns about timing member outreach efforts to align with finalizing both letters. Based on Board feedback the ED will modify the Letter of Agreement to substitute "decision making process" in place of "consensus-based decision making" and will also modify the Letter of Intent to include "select demonstration projects". The ED will draft an outline of the Letter of Intent, for Tim Potter to present, along with the revised draft Letter of Agreement, to the Permits Committee to obtain BACWA member feedback. Some concern was raised about inclusion of references to trading and offsets rather than only including caps, and some attendees suggested continuing to explore alternatives to numeric limits.

Jim Kelly distributed an outline of a Nutrients White Paper and explained this would be used by members to support communication to their agencies' governing bodies. A Position Paper would describe BACWA policy and strategy. Attendees suggested that the Position Paper should include the following: BACWA's position; strategy; plans for the first five years and the next five; reasons for moving forward; risks; BACWA's stance on the Watershed Permit Concept; and notable differences between subembayments. The AED will send a doodle request to meeting attendees to schedule a subgroup to review drafts and provide feedback for revisions.

The Board will discuss plans to continue funding for SFEI Nutrient Strategy Development at the April 15, 2013 meeting.

The ED and Jim Kelly will be meeting with Sacramento Regional representatives on April 12th and will report back to the Board at the April 15th meeting.

Under **agenda item 9** Monica Oakley led a discussion about **SSO Enforcement Options**. She informed attendees that, as directed by the ED, she and Dan Stevenson, Collection Systems Committee Chair, initiated discussions at the last committee meeting regarding enforcement options. Mandatory Minimum Penalties was the preferred option for the majority of attendees and based on member feedback they will plan to offer training on how to deal with third party lawsuits at an upcoming committee meeting. The Board requested that Monica develop a proposal for the ED to present at the next Joint meeting to obtain SF Bay Water Board staff feedback.

Agenda item 10, Permit Violations Report, was discussed previously under the Regulatory Program Manager's Report.

For **agenda item 11, FOG White Paper**, Bhavani Yerrapotu inquired about whether the Board is still interested in pursuing this topic. It was suggested that efforts should be postponed at this time and revisited in the future.

The ED distributed draft **Collaboration and Sponsorship Funding Criteria** for **agenda item 12** and requested that the Board provide feedback to him in preparation for continued discussion at the April 15th meeting.

Under agenda item 13, the ED informed the Board that has begun to review current BACWA **Policies and Procedures**, and will update them as time permits. The Board suggested that the contracting policy should be the first one to be updated.

It was suggested that the ED investigate scheduling future Board meetings at various locations, and the ED requested that attendees send recommendations to him.

The next monthly BACWA Board meeting is scheduled for, **April 15, 2013, from 1:00 pm – 4:00 pm** at the EBMUD Treatment Plant Lab Library.

The meeting adjourned at 12:30 p.m.

**Report to BACWA Board from AIR Committee
(April 3, 2013)**

Document Control Prepared by Elyse Engel (Project Engineer) and Jim Sandoval (Project Manager)

Committee Request for Board Action None at this time.

Committee Agenda Items None at this time.

Recent Committee Actions:

<p>Recent Committee Actions</p>	<ul style="list-style-type: none"> • The California Wastewater Climate Change Group (CWCCG) Steering Committee recently distributed a request for proposal (RFP) for a new consultant. Proposals were received from CleanTech, RMC, and Carollo Engineers in response to this RFP. The CWCCG Steering Committee interviewed each candidate on March 26, 2013 in Sacramento and has selected Carollo Engineers as the new CWCCG consultant. The California Association of Sanitation Agencies (CASA) is working to contract Carollo Engineers. • Due to an increase in digester and biogas issues, CASA has formed an energy work group to alleviate some of the CWCCG's responsibilities. The energy work group's first meeting was held on March 14, 2013. The next meeting is scheduled for April 11, 2013 via teleconference. • The CWCCG will be requesting \$15,000 from BACWA for fiscal year (FY) 2013-2014 activities during the June BACWA Executive Committee Meeting. • Although the BACWA AIR Committee will keep participation costs at the same levels as last year (approximately \$74,000), it intends to request an additional \$25,000 from BACWA to conduct meetings bimonthly, prepare an annual newsletter, and address recent revisions to the BAAQMD's particulate matter with an aerodynamic diameter of 2.5 microns or less (PM_{2.5}), greenhouse gas (GHG), and new source review (NSR) regulations. • The BACWA AIR Committee will be submitting its FY 2013-2014 budget at the May BACWA Executive Committee Meeting. •
<p>AIR Website</p>	<p>http://bacwa.org/Committees/AirIssuesRegulations.aspx</p>

Next AIR Committee Meeting:

Date May 15, 2013 from 10 am to 1 pm
Venue CH2M HILL's Oakland Office at 155 Grand Avenue, Suite 800, Oakland, CA 94612

April 3, 2013 General BAPPG Meeting Minutes

1. Attendance was light because of spring break. Many new people attended the meeting.
2. Regional Board Update –
 - Dylan is working on the P2 Report Guidance document, he will present it at the June BAPPG general meeting
 - He is reviewing P2 reports now
 - He met with WSPPN and is discussing sharing resources
 - He took a tour of the Oro Loma Plant and discussed constructed wetland and ART – accommodating rising tides
3. Debra Kunisawa from Hayward is retiring
4. Central San has been working with the Contra Costa County Pharmacy Association to advertise existing pharma collection locations
5. BACWA update –
 - David Williams is the new Executive Director of BACWA
 - Blending is an issue for BACWA re. the 8th Circuit Decision
 - Collection System Group is working with the Regional Board about SSOs and 3rd party settlements. RiverWatch has been after many agencies
 - BACWA is in the process of preparing a permit compliance report
 - Discussion of Nutrients and forming a governance structure to get stakeholders together to figure out how decisions are made and funding
 - They are planning one or two workshops for stakeholders to get associates to share concerns with the Regional Board and educate about nutrients
 - Regional Board watershed permit April 2014 (proposed) will group everyone together to protect agencies that have nutrient limits. They are hoping the watershed permit will protect agencies from 3rd party lawsuits
6. Speakers
 - Kamika from Supv. Miley's office - Alameda County Drug Disposal Ordinance
 - On June 17 there will be a Judgment Summary Motion for the lawsuit
 - Information for producers is on their website about how they will be affected
 - Producers need to establish a Product Stewardship Plan and Environmental Health will work with producers to enforce
 - May 30th Alameda Conference re. how to roll out drug ordinance
 - Heidi Sanborn from CA Product Stewardship Council (CPSC)
 - Working on Pharma legislation, SB 727. Sponsored by Hanna-Beth Jackson (Santa Cruz), CPSC, Alameda County and Clean Water Action, (maybe City of SF)
 - CPSC received sponsorship from City of LA and now has a critical mass to make headway in Sacramento, both on moving and stopping legislation. They have 133 resolutions and partnerships with waste haulers
 - San Francisco has paid 3x as much as their settlement for their program
 - CPSC is trying to get people who the problem touches (e.g. Older folks and teens) to represent at hearings

- Hearing on the bill will go to the Environmental Quality Committee on April 17 or May 1
- Jerry Hill is chair of the EQ committee –needs encouragement to bring this forward

7. Regional Projects/Campaigns/Programs

- Champions needed for:
 - Parent groups/co-champion with Jackie Davison
 - Hospital/LT Medical Facilities
- FB and Bay Area News group banner ads will be put up for Baywise by Melody LaBella using FOG outreach funding
- Cynthia Royer will write a script and work with O'Rourke on translation for Asian FOG outreach
- Committee working on spending \$36,000 rollover funds

Agency	Rep Name	Email	Phone	Aug	Sep	Oct	Dec	Feb	Apr	Jun
American Canyon	Veronica Gummo	vgummo@ci.american-canyon.ca.us								
Benicia	Brad Harms				X					
Burlingame	Eva Justimbaste	eva.justimbaste@veoliawaterna.com					X			
Calistoga	Warren Schenstrom									
Central Contra Costa	Melody LaBella	mlabella@centralsan.dst.ca.us		X	X		X	X	X	
Central Marin	Rob Cole	rcole@cmsa.us		X			X	X		
Contra Costa (Port)	Kent Peterson									
Delta Diablo	Amanda Roa	AmandaR@ddsd.org	Gen: (925) 756-1900 Dir: (925)756-1940	X		X			X	
Delta Diablo	Robert Brothers	rbrothers@ddsd.org	925-756-1913					X	X	
Dublin/San Ramon	Stefanie Olson	olsons@dsrsd.com	925-875-2245		X		X	X		
East Bay MUD	Marie Kulka	mkulka@ebmud.com	Gen: (510) 287-0152 Dir: (510) 287-1727	X	X	X	X	X		
East Bay MUD	Nadia Borisova	nborisov@ebmud.com		X						
Fairfield-Suisun	Meg Herston	mherston@fssd.com	707-428-9109					X	X	
Hayward	Jamie Rosenberg	jamie.rosenberg@hayward-ca.gov		X		X				
Las Gallinas Valley	Katerina Capetanos									
Livermore	Steven Aguiar	smaguiar@cityoflivermore.net					X			
Livermore Water Res. Div.	Lynna Allen	lallen@cityoflivermore.net		X						
Millbrae	Catherine Allin	callin@ci.millbrae.ca.us	650-259-2388		X		X	X	X	
Mountain View (E. Bay)	Kelly Davidson									
N San Mateo Cnty	Cynthia Royer	croyer@dalcycity.org						X	X	
Napa	Darcy Aston	DASTON@napasan.com	707-258-6000	X	X	X	X			
Novato	Linda Candelaria									
Oro Loma/Castro Vly	Rodney Smith	rsmith@oroloma.org	510-276-4700			X		X	X	
Pacifica	Elizabeth Claycomb									
Palo Alto	Karin North	karin.north@cityofpaloalto.org	Gen:(650) 329-2598	X	X	X		X	X	
Palo Alto (RWQCP)	Maree Docten				X					
Petaluma - Ellis Creek	Robert C. Wilson	rwilson@ci.petaluma.ca.us	707-776-3777	X		X	X	X		
Pinole-Hercules	Ken Coppo									
Richmond	Stephen Friday	Stephen.Friday@ci.richmond.ca.us	510-621-1269	X		X				
Richmond	Mary Phelps	m_phelps@ci.richmond.ca.us	510-621-1269				X			

Agency	Rep Name	Email	Phone	Aug	Sep	Oct	Dec	Feb	Apr	Jun
Richmond	Dan Duffield			X			X			
Rodeo	Andrew Alva	alvaa@rodeosn.org	510-230-3475		X	X				
Saint Helena	John Ferons									
San Francisco PUC	Meg Gale	MGale@sfgwater.org	Gen: (415)695-7310 Dir: (415)695-7378	X	X	X	X	X		
San Francisco PUC	Karri Ving	kving@sfgwater.org	415-695-7366	X	X		X	X	X	
San Francisco PUC	Lindsay Goodwin	lgoodwin@sfgwater.org	415-695-7383	X	X		X	X	X	
San Jose/Santa Clara	Sharon Newton	Sharon.Newton@sanjoseca.gov	408-793-5351	X		X			X	
San Jose/Santa Clara	Paul Prauge	paul.prauge@sanjoseca.gov	408-793-5325			X	X	X	X	
San Leandro	Tiffany Treece	ttreece@sanleandro.org	Gen: (510) 577-3401 Dir: (510) 577-6031	X	X	X	X		X	
San Mateo	Shelli StClaire	SStClair@cityofsanmateo.org								
Santa Rosa	Heather Johnson	Hjohnson@srcity.org	707-543-3369			X	X	X		
Santa Rosa	Rena Gundy	rgundy@srcity.org						X		
Sewer Auth Mid-Coastside	Anthony Pullin									
Sewer Agency South Marin	Jeff Carson									
SF Airport	Jennifer Acton	jennifer.acton@flysf.com	650-871-8380		X			X	X	
SF Regional Water Board	Dylan Garner	dgarner@waterboards.ca.gov	510-622-2116	X	X	X	X	X	X	
Sonoma Valley County Sanitraty	Marty Swift									
South Bayside System Authority	Susan Hiestand	shiestand@sbsa.org		X	X		X		X	
South Bayside System Authority	Peter Fong	dfong@sbsa.ca.gov	650-832-6269					X		
SSF & San Bruno	Cassie Prudhel		Gen: 650-829-3848	X	X	X	X			
SSF & Son Burno	Andrew Wemmer	andrew.wemmer@ssf.net	650-829-3848			X		X		
Sunnyvale	Sarah Scheidt	sscheidt@ci.summyvale.ca.us	408-730-7267							
Sunnyvale	Jackie Davison	jdavison@sunnyvale.ca.gov	408-730-7738		X			X		
Sunnyvale	Mary Jeyaprakash	mjeyaprakash@sunnyvale.ca.gov	408-730-7737	X				X		
Union Sanitary Dist	Michael Auer	mike_auer@unionsanitary.com		X	X			X	X	
Union Sanitary District	Andy Eggleston	andy_eggleston@unionsanitary.com							X	
Union Sanitary Dist	Mike Dunning	michael_dunning@unionsanitary.com	510-477-7500			X				
US Naval Treasure Island										
Vacaville	Bob Panerio	BPanerio@cityofvacaville.com	707-469-6421	X	X			X	X	
Vallejo Sanitation	Jennifer Kaiser	jkaiser@vsfed.com	707-644-8949 x292	X	X	X	X	X		
West County Agency (WCWD)	Joe Neugebauer	jneugebauer@wcwd.org	510-237-6603 x3228	X	X	X		X	X	

Agency	Rep Name	Email	Phone	Aug	Sep	Oct	Dec	Feb	Apr	Jun
Yountville	Don Moore									
Other Groups/Plants/Contractors										
BACWA	David Williams	dwilliams@bacwa.org	925-765-9616					X		
EOA (Oakland)	Kristen Kerr	kakerr@eoainc.com					X			
Larry Walker & Associates	Alina Constantineslu	alinac@lwa.com	510-625-1580			X				
Larry Walker & Associates	Kate Lundberg	kate@lwa.com	510-625-1580				X	X		
CMSA	Mary Jo Ramey			X						
Sunnyvale	Randy Moeller			X						
Sunnyvale	Jin Huang			X						
SFEP	Athena Honore	ahonore@waterboards.ca.gov	510-622-2325			X				
City of Livermore	Steve Aguiar	smaguiar@cityoflivermore.net	925-960-8100			X				
City of Hayward	Bashir Sarwary	bashir.Sarwary@hayward.ca.gov	510-881-7908			X				
City of Richmond	Irma Montano	irma_montano@ci.richmond.ca.us	510-621-1285			X	X			
City of American Canyon	Pam Konoval	pkonoval@cityofamericancanyon.org	707-647-4514			X				
Source Control Consultant	Stephanie Hughes	steifehughes@yahoo.com	408-499-9271					X		
San Leandro	John Camp	jcamp@sanleandro.org	510-577-6029					X		
Hayward	Corinne Ferreyra	corinne.rerreyra@hayward-ca.gov							X	
Hayward	Alejandro Perez	alejandro.perez@hayward-ca.gov	510-881-7993				X		X	
Hayward	Aparna Chatterjess	aparna.chatterjee@hayward-ca.gov	510-881-7950						X	
Santa Rosa	Caden Hare	chare@srcity.org	707-543-3396						X	
CMSA	Gretchen Mueller	gmueller@cmsa.us	415-459-1455						X	

March 15, 2013 Steering BAPPG Meeting Minutes

1. Bay Area Shoreline and Waterways posters
 - Paul Prange needs three lines of text in Go Green section:
 - Heading – Tips for a Healthy Bay Healthy You
 - www. Baywise.org
 - 1-888-Baywise (229-9473)
 - Paul will do final invoice, ~60 locations will be posted by early summer
2. Contact List
 - Susan will work with Dylan to finalize the list
3. P2 Report Guidelines
 - Dylan has been directed by Bill Johnson to make guidelines a priority
 - He will be reviewing more about emerging contaminants
 - He will bring ideas and will be asking for input from the steering committee along with surveying the whole group.
 - Focus on emerging contaminants – parallel on FOG programs Pulse of the Estuary on ECs what people put in their P2 reports into a spreadsheet as comparison
 - Best of the best in reports
 - FOG on the backburner in the case there isn't much on ECs.
 - Proactive role in ECs
 - Know in a advance of P2 reports and what the RB will be focusing on.
4. OWOW Fact Sheet in Spanish
 - People have reviewed and said it is a good translation
 - Will be completed for April meeting
5. Cloud file storage
 - Pull old files off yahoo group and drop in the drop box.
 - Save presentations with 6 slides/pg
 - Susan will work with Jen on Dropbox solution
6. Asian FOG
 - Something will be developed for 13-14 Lunar New Year
7. Toilet Displays
 - Well received at P3S conference
 - Will be brought to CWEA Statewide Conference
 - Burlingame brought to Sewer Science and showed to new city manager who loved it
 - Some failures in construction of the display, will work with the vendor to revise. Many people statewide are interested in ordering
 - EBMUD is looking at changing some of the graphics before they use it.
8. SB 727 – Pharma Bill
 - CPSC, Clean Water Action, Hanna-Beth Jackson sponsors
 - Creates EPR for home generated pharmaceuticals
 - Will be in Senate Environmental Quality Committee in April
 - Need letters of support from all agencies

- If you can go to Sacramento to help support or send a fact sheet to your agency lobbyist
9. April presentations
 - Kamika and Heidi
 10. June
 - Emerging contaminants
 - Dylan – draft of guidelines
 11. Looking for secretary for CWEA State Public Education Committee
 12. Permits and BMPs for Mobile Cleaners
 - Meg – SFPUC should have a draft by June
 13. Eat Real Festival
 - September 27-29, 2013
 - Will need people to table the entire time
 - Dylan working with Marie from EBMUD

Agency	Rep Name	Email	Phone	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Central Contra Costa	Melody LaBella	mllabella@centralsan.dst.ca.us	925-229-7370	X	X	X		X		X	X	X			
Central Marin	Rob														
Delta Diablo	Amanda Roa	AmandaR@ddsd.org	Gen: (925) 756-1900 Dir: (925)756-1940												
Dublin/San Ramon	Stephanie Olson	olsons@dsrsd.com	925-875-2245								X				
East Bay MUD	Marie Kulka	mkulka@ebmud.com	510-287-1727	X	X	X	X	X		X	X	X			
East Bay MUD	Nadia Borisova	nborisov@ebmud.com	510-287-1065		X										
Millbrae	Catherine Allin	callin@ci.millbrae.ca.us		X		X	X	X	X	X	X	X			
Palo Alto	Karin North	karin.north@cityofpaloalto.org			X	X	X	X	X	X	X	X			
Petaluma	Robert Wilson	rwilson@ci.petaluma.ca.us	707-776-3654												
San Francisco PUC	Meg Gale	MGale@sfgwater.org			X	X	X	X	X	X	X	X			
San Francisco PUC	Karri Ving	kving@sfgwater.org		X	X	X		X		X	X	X			
San Francisco PUC	Lindsay Goodwin	lgoodwin@sfgwater.org	415-695-7383	X	X	X			X		X				
San Jose/Santa Clara	Sharon Newton	Sharon.Newton@sanjoseca.gov		X	X	X	X	X		X	X				
San Jose/Santa Clara	Paul Prange	paul.prange@sanjoseca.gov	408-793-5325				X		X	X	X	X			
Santa Rosa	Rena Gundy	rgundy@srcity.org									X				
Santa Rosa	Heather Johnson	Hjohnson@srcity.org									X				
SF Regional Water Board	Dylan Garner	dgarner@waterboards.ca.gov	510-622-2116	X		X	X	X	X	X	X	X			
SBSA	Susan Hiestand	shiestand@sbsa.org		X	X	X	X		X	X		X			
SSF & San Bruno	Cassie Prudhel		Gen: 650-829-3848		X	X	X		X						
Sunnyvale	Jackie Davison	jdavison@ci.sunnyvale.ca.us	408-730-7738			X					X	X			
Sunnyvale	Sarah Scheidt	sscheidt@ci.summyvale.ca.us	408-730-7267	X			X					X			
Sunnyvale	Mary Jeyaprakash										X				
Union Sanitary District	Mike Auer	mike_auer@unionsanitary.com									X				
Union Sanitary District	Andy Eggleston	andy_eggleston@unionsanitary.com													
Vallejo Sanitation	Jennifer Kaiser	jkaiser@vsfed.com	707-644-8949 x292	X	X										
Self/Consultanting Eng	Stephanie Hughes, P.E.	steifehughes@yahoo.com	408-499-9271					X			X				
BACWA	David Williams	dwilliams@bacwa.org	925-765-9616								X				

April 4, 2013 Steering BAPPG Meeting Minutes

1. We had a lengthy discussion and update of the 2013/14 project list – see updated list
2. Contact List
 - Susan will work with Dylan to finalize the list by the end of the week
3. Discussion of Regional Bay – Ocean – Delta campaign
 - Should we blend with the Baywise effort?
 - Will they be running out of money soon?
 - Who is the lead person now?
4. Chinook Book Advertising
 - We have opportunity to join their mobile app for same cost as previous in book
 - More Baywise information/ads will show up as people access the mobile app
 - It's a regional app as Chinook merged with Zebra
 - Lindsay from SFPUC will research and work with the rep to download Baywise information and links
5. OWOW Spanish translation Pool Fact Sheet is finalized
6. BACWA
 - Wants thought process and violations considerations explained in annual report and how we are addressing these through our work
 - Karri will present at the August meeting the process she has developed for pollutant prioritization.

Agency	Rep Name	Email	Phone	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Central Contra Costa	Melody LaBella	mlabella@centralsan.dst.ca.us	925-229-7370	X	X	X		X		X	X	X	X		
Central Marin	Rob														
Delta Diablo	Amanda Roa	AmandaR@ddsd.org	Gen: (925) 756-1900 Dir: (925)756-1940										X		
Dublin/San Ramon	Stephanie Olson	olsons@dsrsd.com	925-875-2245								X				
East Bay MUD	Marie Kulka	mkulka@ebmud.com	510-287-1727	X	X	X	X	X		X	X	X			
East Bay MUD	Nadia Borisova	nborisov@ebmud.com	510-287-1065		X										
Millbrae	Catherine Allin	callin@ci.millbrae.ca.us		X		X	X	X	X	X	X	X	X		
Palo Alto	Karin North	karin.north@cityofpaloalto.org			X	X	X	X	X	X	X	X	X		
Petaluma	Robert Wilson	rwilson@ci.petaluma.ca.us	707-776-3654												
San Francisco PUC	Meg Gale	MGale@sfgwater.org			X	X	X	X	X	X	X	X			
San Francisco PUC	Karri Ving	kving@sfgwater.org		X	X	X		X		X	X	X	X		
San Francisco PUC	Lindsay Goodwin	lgoodwin@sfgwater.org	415-695-7383	X	X	X			X		X		X		
San Jose/Santa Clara	Sharon Newton	Sharon.Newton@sanjoseca.gov		X	X	X	X	X		X	X		X		
San Jose/Santa Clara	Paul Prange	paul.prange@sanjoseca.gov	408-793-5325				X		X	X	X	X	X		
Santa Rosa	Rena Gundy	rgundy@srcity.org									X				
Santa Rosa	Heather Johnson	Hjohnson@srcity.org									X				
SF Regional Water Board	Dylan Garner	dgarner@waterboards.ca.gov	510-622-2116	X		X	X	X	X	X	X	X	X		
SBSA	Susan Hiestand	shiestand@sbsa.org		X	X	X	X		X	X		X	X		
SSF & San Bruno	Cassie Prudhel		Gen: 650-829-3848		X	X	X		X						
Sunnyvale	Jackie Davison	jdavison@ci.sunnyvale.ca.us	408-730-7738			X					X	X			
Sunnyvale	Sarah Scheidt	sscheidt@ci.summyvale.ca.us	408-730-7267	X			X					X	X		
Sunnyvale	Mary Jeyaprakash										X				
Union Sanitary District	Mike Auer	mike_auer@unionsanitary.com									X		X		
Union Sanitary District	Andy Eggleston	andy_eggleston@unionsanitary.com											X		
Vallejo Sanitation	Jennifer Kaiser	jkaiser@vsfed.com	707-644-8949 x292	X	X										
Self/Consultanting Eng	Stephanie Hughes, P.E.	steifehughes@yahoo.com	408-499-9271					X			X				
BACWA	David Williams	dwilliams@bacwa.org	925-765-9616								X				

Committee Request for Board Action: None

Highlights of New Items Discussed and Action Items

Update - Changes to SSS WDR Monitoring and Reporting Program

On April 1, 2013, State Water Board staff released a revised draft of the Amended Monitoring and Reporting Program (MRP) of the Sanitary Sewer System (SSS) Waste Discharge Requirements (WDR). Unfortunately, this version does not reflect the agreements that POTW representatives believed they had reached with State Water Board staff over the last two months. Continuing concerns with the draft MRP changes include at a minimum:

- The 2-hour timeframe for reporting Category 1 overflows (those reaching surface waters) greater than 1,000 gallons to the California Emergency Management Agency (Cal EMA) starts when a phone call is received from any party, not when the agency staff is able to confirm that an overflow is occurring.
- There is a very long list of required information to provide Cal EMA when calling to get a control number. Cal EMA does not require all these things, and although it is technically the “template” which is a menu of information they could potentially collect when someone calls, they don’t usually request all the information.
- For the water quality monitoring that will now be required for overflows greater than 50,000 gallons, CASA and State Water Board staff had agreed that the constituents to be sampled would be ammonia and an appropriate bacteria indicator, yet the revised version proposed that sampling be required for total nitrogen, total phosphorus, ammonia, total coliform, fecal coliform, enterococcus, and E. Coli.
- Extensive photographs are required for all Cat 1 and Cat 2 overflows (all SSOs to surface water and all SSOs > 1,000 gallons), without any regard to the fact that usually only one person is on the scene to stop the overflow, and the first priority should be stopping the overflow, not taking photos.
- A detailed complaint log must be maintained for each overflow (as applicable), which includes a requirement to indicate “whether or not the complainant or informant reporting the potential SSO thinks the SSO has reached surface waters, drainage channels or storm drains” (as if they are even going to know what this is).

The deadline for comments on this revised draft is Monday, April 15. POTW representatives will be discussing these and other changes with State Water Board staff in the coming days, and expects to submit a comment letter by the deadline also. Individual agencies are also encouraged to submit a comment letter.

Next Collection System Committee Meeting

Our next meeting will be held on Thursday, April 11, 2013 from 1:30 – 3:00 PM. The meeting will be held at the Bay Area Boy Scouts Council, 1001 Davis Street, San Leandro.

Recycled Water Committee
Report to BACWA Board

April 9, 2013

Prepared By: Cheryl Muñoz
Committee Chair

Committee Requests for Board Action:

None.

Business Discussed and Action Items:

Business	Discussion
<p>BAIRWMP and Prop 84 Updates</p>	<p><u>BAIRWMP/Prop 84 Updates</u></p> <ul style="list-style-type: none"> • Update on BAIRWMP Activities <ul style="list-style-type: none"> ○ Chapter reviews are continuing. Each of the 16 chapters will go through three rounds of review: 1) BAIRWMP Project Update Team (PUT); 2) targeted reviewers (includes BACWA agencies and stakeholders), then; 3) public review. - Three chapters were posted for public comment from 2/16/13 – 3/28/13. The chapters included Chapter 2 Region Description, Chapter 3 Objectives, and Chapter 6 Project Review. - “Target reviewers” will continue to receive chapters for review after they have been prepared, and reviewed by the PUT. Agencies are encouraged to review and provide comments on the chapters. • Update on Prop 84 Activities <ul style="list-style-type: none"> ○ The Round 2 Bay Area application was submitted at the end of March containing 19 projects, totaling \$20M. • Information on the BAIRWMP/Prop 84 status can be found at http://bairwmp.org/
<p>Legislative/Regulatory Updates</p>	<p><u>AB 803 - Water Recycling Act of 2013 (Hueso) Update</u></p> <ul style="list-style-type: none"> • The draft bill was distributed to the WaterReuse Association membership for review. A number of BACWA agencies provided comments on the draft. Comments from agencies are being pulled together and will be distributed by 4/12/13, so they can be discussed at the Legislative/Regulatory Committee meeting on that date. • The Committee will continue to track and discuss this bill.
<p>Committee Budget for 2013-14</p>	<ul style="list-style-type: none"> • The Committee is interested in preparing a Salt/Nutrient Management Plan template for basins categorized as “non-priority” by the RWQCB. The Plans are required to be completed by 2014 as indicated in the CA Recycled Water Policy. • The Committee will work with the RWQCB staff on this.
<p>Partnership Updates</p>	<p><u>Western Recycled Water Coalition (WRWC)</u></p> <ul style="list-style-type: none"> • The Bay Area Recycled Water Coalition has changed its name to the Western Recycled Water Coalition with the addition of new members including Brentwood, Ceres, Modesto, Fresno, Turlock, and Patterson's Del Puerto Water District, boosting the group to 21 members.

	<ul style="list-style-type: none"> • The Coalition is continuing to work with Congress on the development of a water infrastructure low-interest loan program. <p><u>North Bay Water Recycling Association (NBWRA)</u></p> <ul style="list-style-type: none"> • The Authority is wrapping up Phase 1 construction and beginning scoping for Phase 2. The Phase 2 studies explore options for recycled water use and, as feasible, to develop a program expanding recycled water use within the North San Pablo Bay region beyond the projects currently being constructed as Phase 1 of the NBWRP. • They are working with the Bureau of Reclamation on guidelines for grants to help fund larger projects. • The Authority has two new members – Petaluma and Marin Municipal Water district.
Projects	<p><u>Recycled Water Landscape Guide</u></p> <ul style="list-style-type: none"> • The project lead is reviewing the draft, and will distribute it to the Committee for review in April. <p><u>On-line Recycled Water Site Supervisor Training</u></p> <ul style="list-style-type: none"> • The WaterReuse Association CA Section is working on developing an on-line Recycled Water Site Supervisor Training Program that will be available to its membership. A draft of the PowerPoint is anticipated to be circulated for review in May.
Next RW Committee Meeting	<p>May 1, 2013, from 10:00 am to 12:00 pm EBMUD Headquarters, 2nd Floor Small Training Room.</p>



Executive Director's Report to the Board

March 27, 2013 - April 11, 2013

Prepared for the April 15, 2013 Executive Board Meeting

NUTRIENTS: Made several revisions to the proposed governance structure operating protocols and roles/responsibilities spreadsheet. Met with SFEI to review the Loading Report and presented comments to address BACWA Principals' concerns. Worked with BACWA consultant to develop a White Paper and Position Paper. Met with the Nutrient Task Force which includes RWQCB staff to gain approval on the Governance Structure and plan for Steering Committee meetings. Discussed proposed changes to the Letter Agreement by the RWQCB and to finalize the form of the Letter Agreement. Met with Sac Regional to discuss their potential participation in the funding of nutrient studies. Met with Water Board staff to reach agreement on finalizing the framework and numeric of a watershed permit. Coordinated with JMK consultant on nutrient related issues.

BACWA BOARD MEETING: Worked with the AED in preparing for the April monthly BACWA Board including reviewing the agenda with the chair. Attended the March monthly meeting and noted action items requiring follow-up.

ASC/SFEI: Participated in the monthly Executive Committee conference call focused on interim operations while the ED recruitment is on-going, and financial matters.

PERMITS COMMITTEE: Attended the BACWA monthly Permits Committee meeting. Assisted the chair in explaining the BACWA plan for moving ahead on the nutrient issues including the decision trees, Governance Structure, and watershed permit. Described the BACWA White Paper and Position Paper and received comments.

MONTHLY BULLETIN: Worked with RPM and AED to prepare and post the BACWA monthly bulletin.

SELENIUM: Worked with RPM to move ahead with setting up a Selenium seminar for BACWA members in conjunction with WSPA's offer to share investigation on selenium completed by TetraTech.

FINANCE: Discussed budget requests with Committee chairs. Worked with SFEI to develop their proposed workplan for FY 14. Discussed future participation of the former interim ED on assisting BACWA on nutrient related efforts in upcoming FY. Worked with the AED to refine the BACWA multi-year budget proposal and incorporate comments received from the Finance Committee. Draft budget will be presented to the BACWA Board at the April meeting.

ORGANIZATIONAL EFFORTS: Coordinated with outside consultant on upgrading the BACWA email and calendar functions.

ADMINISTRATION: signed off on invoices, reviewed correspondence, prepared for upcoming Board meeting, responded to inquiries on BACWA efforts, and provided general direction to BACWA staff.

MISCELLANEOUS MEETINGS/CALLS:

- discussion with Andria Ventura on SB 727 (pharmaceuticals)
- David Senn on several nutrient issues
- coordinated with CASA on AB 371 (Kern County biosolids)
- Brian Campbell on Prop 50 and Prop 84
- coordinated with Athena Honore regarding the Bay Protection and Behavior Change
- Amy Chastain on SFPUC nutrient presentation
- CWEA on Inside Edition offer for interview on finding materials in sewers
- CCCSD on 60 day notice

Attachments:

- 1) Status on Action Items from February 28, 2013 BACWA Executive Board Meeting
- 2) Status on Action Items from March 28, 2013 BACWA Executive Board Meeting

February 28, 2013 BACWA Board Meeting Action Items

Subject (Lead)	Task	Deadline	Status
BAPPG (Amanda Roa)	Provide monthly updates at BACWA Board meetings and provide liaison between Board and BAPPG for committee prioritization/planning efforts in September.	4/15/13	Completed (Added to BODCAL)
SSO 3 rd party lawsuits (Collection Committee)	Work with the Regulatory Program Manager, the Collection Systems Committee to identify options that would be acceptable as a preemptive enforcement action needed to avoid 3 rd party lawsuits.	3/15/2013	Completed
Permit Violations Report (RPM)	Prepare table of effluent vs. administrative violations using the CIWCS database.	3/28/2013	Completed
SFPUC for BACWA Board Meeting (Laura Pagano)	Investigate hosting March 28 th BACWA Executive Board Meeting	3/28/2013	Completed
Nutrients – Sac Regional (ED / Jim Kelly)	Meet with Sac Regional Reps to discuss coordinated efforts.		Completed
(BACWA Board)	Discuss Amicus Brief filing.	3/28/2013	Pending
Pulse CECs Article (Board / RPM)	Board to review draft article and provide feedback. RPM to continue work with Tom Mumley and Karin North.	3/18/2013	Completed
WET Policy (RPM)	Schedule workgroup conference call and meet with Lila to discuss.	3/13/2013	Completed
Issue Summary Matrix (RPM / ED)	Determine frequency for updating (annually?)	11/1/2013	Completed
Joint Water Board/BACWA Meeting (ED)	Schedule meeting for mid-March Work with Tom Mumley to draft agenda, including the following items: <ul style="list-style-type: none"> • West County Permit Renewal (Nutrients limit) • Review of Revised Org Chart • Funding ongoing Nutrient studies • 13267 Data and Reporting Requirements 	3/15/2013	Completed
ASC/RMP (ED / Mike Connor)	Discuss opportunities for additional BACWA representation/participation with Rainer Hoenicke and Kirsten Struve.	3/28/2013	Completed
Nutrients Member Outreach (ED)	Add workshop planning as a discussion item for March 28 th Board Meeting.	3/28/2013	Completed
Nutrients-Watershed Permit Concept (ED / Board / Jim Kelly / LWA)	Laura Pagano will have SFPUC staff review the latest draft documents from Larry Walker Associates and provide feedback. LWA to draft preamble and Board to provide feedback.	3/28/2013	Completed

	LWA, Jim Kelly and Dave Williams to revised draft Watershed Permit Letter Agreement; Board to provide feedback.		
Nutrients – Governance Structure (ED)	Revised Org Chart and review with Naomi Feger.	3/15/2013	Completed
Nutrients – Strategy Development (ED)	Discuss continued funding with David Senn.	3/15/2013	Completed
Collaboration/Sponsorship Funding (ED)	Develop criteria for evaluating contribution requests.	3/28/13	Completed
ReNUWit (Mike Connor/Ben Horenstein)	Provide update to BACWA Board.	8/29/2013	Completed (Added to BODCAL)
PCB Watershed Permit (Jim Ervin/Tim Potter)	Continue discussions with Lila Tang re: P2 requirement.	3/22/13	Pending
Pardee 2014 (ED)	Discuss with Tom Mumley consideration of alternate venue.	3/15/13	Pending
Nutrients – 13267 Letter Reporting Requirements (Permits Committee)	Permits Committee to review which fields should considered for elimination and outline concerns about cost efficiency of reporting requirements in preparation for the Joint Meeting.	3/15/2013	Completed
2013-14 Budget (ED)	Notify members of CBC fee increase.	3/1/2013	Completed
FOG White Paper (Bhavani Yerrapotu)	Investigate possible development of a document on cost/benefit analysis factors from a pollution prevention and engineering perspective. Determine if consultant support is necessary and if so, draft scope for BACWA approval.	3/28/2013	Deferred

**March 28, 2013 BACWA Board Meeting
Action Items**

Subject (Lead)	Task	Deadline	Status
Pre-Treatment Workgroup (Permits Committee Chair)	Work with Permits Committee to investigate formation of pre-treatment workgroup.	4/15/2013	Pending
AIR Financial Update (ED/AED)	Work with AIR Co-Chairs to inform Board about committee's financial concerns.	4/15/2013	Discussed as part of budget.
Weights and Measures FOG Manifest Regulations (Permits Committee Chair)	Work with the Permits Committee and Greg Kester to investigate issue of proposed regulations to FOG manifests.	4/15/2013	Pending
State Lands Commission Proposal (ED/Mike Connor)	Contact SFEI to determine interest in providing support services to the State Lands Commission for their project.	4/15/2013	Completed
Pardee 2014 (ED)	Discuss with Tom Mumley consideration of alternate venue.	5/23/2013	Pending
Nutrients Workshop (ED/Ben Horenstein)	Work with Carollo to develop draft Nutrients Workshop plan to present to the Board for review.	5/23/2013	Pending
Permit Compliance Report (RPM)	Prepare table of effluent vs. administrative violations using the CIWCS database and circulate to Board for feedback.	5/23/2013	completed
Nutrients Watershed Permit Concept (ED/ Permits Committee)	ED with draft an outline of the Letter of Intent. Tim Potter will discuss outline and draft Letter of Agreement with Permits Committee and report back to Board.	4/15/2013	Completed
Nutrients White Paper and Position Paper (AED)	Schedule sub-group conference call to provide feedback to Jim Kelly.	4/15/2013	Pending
SSO Enforcement Options (Monica Oakley/Collection Committee)	Prepare proposal for ED, in preparation for discussion with SF Bay Water Board at next Joint meeting.	4/15/2013	Completed
FOG White Paper (Bhavani Yerrapotu)	Revisit options at future Board meeting.	September 2013	Deferred
Collaboration/Sponsorship Funding (Board)	Review draft criteria and provide feedback to ED. Continue discussions at April Board meeting.	4/15/13	Completed
Policies and Procedures Update (ED)	Update as time permits beginning with Contracting Policy.	5/23/2013	Pending
Alternate Board Meeting Locations (Board)	Provide suggestions to ED for alternate meeting locations.	5/23/2013	Pending
Nutrient Web Page (AED)	Create Nutrient webpage on BACWA website to provide links to Nutrient documents.	5/23/2013	Pending



March 23 - April 9, 2013

Prepared for the April 15, 2013 Executive Board Meeting

DRAFT PLAN FOR TOXICITY ASSESSMENT AND CONTROL: Lila requested the BACWA provide a table of what we propose IWC should be under the Toxicity Plan. Reviewed the member agency dilution factors provided by Robert Schlipf. Developed table showing proposed chronic toxicity dilution factors for member agencies, and distributed it for review to BACWA permits committee members. Will set up a meeting with Lila for future negotiations on IWC.

COMPOUNDS OF EMERGING CONCERN (CECs): Discussed previous draft of Pulse of the Bay article on CECs management with Tom Mumley, and incorporated his recommended changes. Completed and distributed updated draft of article to team members on 4/2. Tom Mumley is currently making edits.

STATE BOARD REALIGNMENT: Participated in conference call on 4/2. Will help develop concepts on *de minimis* contributions to TMDLs (i.e., entities that have less than 2% of source allocation should not be liable for implementation costs), as well as looking at statewide consistency in the use of regulatory tools, such as use attainability analyses and dilution policies.

BACWA BULLETIN: Drafted and distributed April BACWA Bulletin.

SELENIUM CRITERIA AND TMDL: In the process of organizing a joint meeting between BACWA members and WSPA, which represents the Bay Area refineries. Meeting will cover EPA's latest work developing Selenium criteria, as well as progress on the North Bay Selenium TMDL.

MEMBER AGENCIES VIOLATIONS SUMMARY: Will generate summary of member agency violations for next Executive Board Meeting.

MEETINGS ATTENDED: State Board Realignment Conference Call (4/2), Permits Committee (4/9).



SECTION A – TRAVELER INFORMATION

Name Matthew Krupp
Organization: City of Palo Alto
BACWA Affiliation: Biosolids Committee
Telephone No.: 650-496-5958
Email Address: Matthew.krupp@cityofpaloalto.org

SECTION B – REASON FOR TRAVEL

The WEF Biosolids Conference is the leading biosolids conference in North America brining together biosolids managers, researchers, engineers, and policy analysts from across the globe. The conference is an opportunity to learn of the latest technologies to treat biosolids and recover energy and to discuss the impact of new or changing regulations. The focus on using biosolids for energy generation comes at the same time as effort increase to ban biosolids applications across the nation. The conference will provide BACWA members with valuable insights to address upcoming biosolids related challenges.

SECTION C – TRAVEL DESCRIPTION

Number of Days: 3 (May 6, 7 and 8, 2013)
Location: Nashville, TN
Travel Method(s): Air

SECTION D – BUDGET

	<u>Amount</u>	<u>Description</u>
<u>Travel:</u>	\$500	Airline Ticket
<u>Meals:</u>	\$150	\$50 per diem for 3 days
<u>Lodging</u>	\$786	\$189 night for 4 nights
<u>Registration</u>	\$855	
<u>Other</u>	\$50	Airport shuttle
<u>TOTAL</u>	\$2341.00 (estimated)	

Submitted By: Matthew Krupp, Biosolids Committee Chair, 3/19/2013

Approved By: David R. Williams



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 7

FILE NO.: 12,930

MEETING DATE: April 15, 2013

TITLE: Biennial State of the Estuary Conference Sponsorship

MOTION

RESOLUTION

DISCUSSION

RECOMMENDED ACTION

Approve a request from the San Francisco Estuary Partnership to sponsor the 2013 State of the Estuary Conference; not to exceed \$20,000, FY 2012-2013.

SUMMARY

The State of the Estuary Conference is a biennial conference coordinated by the San Francisco Estuary Partnership (SFEP). SFEP is a coalition of agencies, non-profits, citizens and scientists working to protect, restore, and enhance water quality and fish and wildlife habitat in and around the San Francisco Bay Delta Estuary, of which BACWA is a member. The State of the Estuary Conference offers agencies and the public an assessment of the ecological health of San Francisco Bay. This year's theme, "20/20 Vision: Past Reflections, Future Directions", will celebrate the 20th anniversary of SFEP's Comprehensive Conservation and Management Plan, and showcase the latest information about the estuary's changing watersheds, impacts from major stressors, recovery programs for species and habitats, and emerging challenges. Expert speakers will discuss the Estuary's current and emerging issues— such as climate change and sea level rise, Delta inflows, contaminants, invasive species, and other threats to fish and wildlife populations. Presenters will also examine the ways in which government and decision-makers can better engage Bay Area communities in critical decision-making around these challenges.

In 2011 BACWA provided \$20,000 to support the conference. In exchange for sponsorship, BACWA received publicity in all conference materials and fifteen tickets to the event (estimated value of \$4,500). This year, sponsors at this level will again be acknowledged as an anchor sponsor in conference material, 15 full conference passes and exhibitor table space.

FISCAL IMPACT

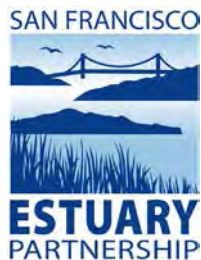
This project was included in the Fiscal Year 2012-2013 approved budget and workplan.

ALTERNATIVES

This action does not require consideration of alternatives.

Attachments:

1. SFEP Request for Support Letter and Invoice, 4-4-2013.



April 4, 2013

Dave Williams
Bay Area Clean Water Agencies
PO Box 24055, MS 59
Oakland, CA 94623

Dear Mr. Williams:

As a long-time Anchor supporter of the Partnership's biennial State of the Estuary conferences, you'll be interested to know that we are hard at work planning for the next conference to be held, once again, at the recently remodeled Oakland Marriott on October 29th and 30th 2013.

As always, the conference brings together scientists, resource managers, elected officials, and community members to meet and assess the health of the Estuary. The 2011 conference featured the release of the *State of the Bay Report* findings, a highly rated panel of Delta policy makers discussing critical issues facing our state water management regime, dozens of excellent presentations about an array of current and critical issues and opportunities facing our bay and watersheds. I am certain that this year's conference will be equally ambitious and exciting.

In view of the state's continuing fiscal issues, the conference planners remain committed to organizing another terrific conference while holding registration fees to the same rate as our last conference. This is why I am writing to you now.

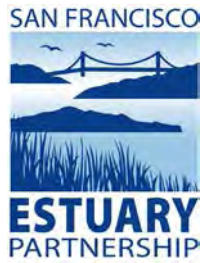
We are very grateful for BACWA's past support of our conferences at the **\$20,000.00** level and I am asking you to make that commitment once again. Sponsors at this level will be acknowledged as an anchor sponsor in conference material, receive 15 full conference passes and exhibitor table space.

We know that you recognize the value of this conference. Please contact me at 510-622-8137 or jakelly@waterboards.ca.gov with any questions you might have about this request and thank you for consideration.

Sincerely,

A handwritten signature in blue ink that reads "Judy A. Kelly". The signature is written in a cursive, flowing style.

Judy Kelly, Director



April 4, 2013

Invoice Request #130004
SFEP Tax ID# 94-2832478

To: Dave Williams
Bay Area Clean Water Agencies
PO Box 24055, MS 59
Oakland, CA 94623

Sponsorship Amount: ____\$20,000.00

For: Sponsorship of the 2013 State of the San Francisco Estuary Conference to be held October 29-30 at the Oakland Marriott City Center Hotel.

Please make check payable to SFEP/ABAG and mail to:

San Francisco Estuary Partnership
1515 Clay Street, Suite 1400
Oakland, CA 94612
Attn: State of the Estuary Conference

Thank you for your support of the conference.

Sponsorship benefits:
\$20,000 – 15 full conference passes + table space

BACWA/CBC Draft Budget for Fiscal Year 2013-14

The Joint Powers Agreement establishing BACWA requires approval of a budget and workplan for the coming fiscal year's activities no later than July 1st. In practice, the budget and workplan should be approved at least thirty days in advance of the start of the fiscal year to allow time for BACWA's Treasurer to enter the budget into the accounting systems. This budget can be amended by the Executive Board at any time in the future.

At the Orinda meeting on February 22, 2013 the BACWA Executive Board agreed to increase CBC dues by 50% for the coming year and not increase BACWA membership dues. On March 22, 2013 the BACWA Finance Committee met to review the draft BACWA and CBC budget. The recommendations from the Board and Finance Committee, as well as feedback from Committee Chairs, have been incorporated into the attached version of the 2014 BACWA/CBC budget.

At this time the Board is being asked to review the draft 2014 BACWA/CBC Budget and provide feedback, so that a final version can be brought back to the Board for approval at the May 23, 2013 BACWA Board meeting.

Attachments:

- 1) 2013 Projections and Draft 2014 Budget for BACWA/CBC
- 2) 2015 and 2016 Anticipated Revenue/Expenditures for BACWA/CBC
- 3) BAPPG 2013 Draft Workplan
- 4) Sponsorship Deliverables Tracking Table
- 5) Draft February 2013 Treasurer's Report
 - a. Fund Balance Report
 - b. Revenue Report
 - c. Expenditures Report

BACWA

Projected for 6/2013 2014 DRAFT Budget

Notes

REVENUES	605,492	622,000		
Principals' Contributions	420,000	450,000	\$30K increase (EBMUD back to \$90K)	
Assoc. & Aff. Contributions	159,000	159,000	No Change Special Program Admin Fees (5% of AIR & BAPPG Budget) (\$2,500 from WOT)	
Fund Transfer	16,151	10,000	2013 Projected includes 2012 carryforward	
Interest Income	3,000	3,000	In 2013: \$5K budgeted but only \$3K projected	
EXPENSES	662,631	641,620		
BACWA Committees	214,374	202,000		
Collections System	25,000	25,000	no change; \$12K meeting admin; \$13K for as needed regulatory tracking/analysis/reporting	
Permit Committee	0	0	no change; continue RPM support	
Water Recycling Committee	13,359	22,000	Committee is requesting funds for: Salt/Nutrient Management Template (\$15K); Prop84 (\$7K); Consultant Committee Support (\$10K) In 2013: \$10K budgeted and projected for IRWMP Update. 2013 Projected includes 2012 carryforward of \$3K	
Biosolids Committee	6,015	5,000	no change; WEF Biosolids Conference attendance 2013 Projected includes 2012 carryforward of \$1K	
InfoShare Groups	25,000	25,000	no change; Mike Barnes support for Operations, Maintenance, Engineering Info Share Groups (\$21K meeting admin; \$4K for as needed regulatory tracking/analysis/response)	
Laboratory Committee	5,000	5,000	no change; Pitcon Conference attendance	
Miscellaneous Tech & Admin Support	140,000	120,000		
<i>Whitley Burchet - IRWMP Update</i>		40,000	0	2013 contract balance will carryforward to complete project
<i>PME - Regulatory Program Mgr</i>		100,000	120,000	\$20K increase to increase support for nutrient strategy implementation
Legal Support	8,000	4,000		
Regulatory Support	6,000	2,000	no change, currently provided by Downey Brand. 2013 projected to exceed 2013 budget by \$4K due to permit dismissal assistance	
Executive Board Support	2,000	2,000	no change, currently provided by Day Carter Murphy	
Collaboratives and Sponsorships	36,500	15,500		
CWAA (US Water Alliance)	1,000	0	\$1K decrease; discontinue annual contribution every other year; 20K authorized in FY 2012-13 for Fall 2013 conference	
State of the Estuary	20,000	0		
CPSC (Ca Product Stewardship Council)	5,000	5,000	continue?	
PSI (Product Stewardship Institute)	500	500	continue?	
Stanford ERC (ReNUWit)	10,000	10,000	no change; annual contribution	
Communications and Reporting	27,514	13,020		
Annual Report	15,000	5,000	\$10K decrease; web only version; ED/RPM to write; funds available for limited hard copy production	
Website Development/Maintenance	12,320	7,820		
<i>Power DNN (web host)</i>		600	600	no change
<i>Box.net (cloud file storage)</i>		720	720	no change
<i>Circlepoint (web editing)</i>		8,000	5,000	\$3K decrease; funds to be used for investigating improvements to website
<i>Adammer as-needed (web tech)</i>		3,000	1,500	no change; 2013 Projected to exceed 2013 budget by \$1,500 due to ED transition assistance
Other Communications	194	200		
<i>I-contact (newsletter application)</i>		194	200	\$1,800 decrease (adjusted for actual subscription cost)
<i>Media relations support</i>		0	0	\$3K decrease; In 2013: \$3K budgeted, but \$0 projected

	Projected for 6/2013	2014 DRAFT Budget	Notes
Special Programs	50,000	65,000	
Contribution to BAPPG	50,000	50,000	<i>no change; see BAPPG workplan</i>
Contribution to AIR		15,000	<i>\$15K increase per AIR Committee request; see AIR Report</i>
General BACWA Support	46,744	45,100	
Contingency	38,032	31,100	<i>5% of revenue; 2013 Projected to exceed 2013 budget by \$7K due to ED transition support</i>
<i>A. Navarret Award</i>		1,000	1,000 <i>every other year</i>
<i>ED Recruitment</i>		31,032	0 <i>no expected expense in 2014</i>
<i>WEF - Layperson's Guide</i>		6,000	0 <i>one-time expense of \$6K in 2013</i>
Meeting Support	8,712	14,000	
<i>EB Meetings</i>		1,000	1,000 <i>no change (catering)</i>
<i>Annual Meeting</i>		1,546	7,000 <i>no change (catering). In 2013: \$7K budgeted but only \$1,500 projected due to shorter meeting/decreased catering cost</i>
<i>Pardee</i>		4,366	5,000 <i>no change (catering/lodging)</i>
<i>Misc.</i>		1,800	1,000 <i>\$1K requested by Collection Systems for meeting venue rental</i>
Administrative Support	279,499	297,000	
Executive Director	164,439	175,000	<i>\$15K increase over 2013 budgeted; ED compensation flat. 2013 Projected to exceed 2013 budget by \$4K due to ED transition</i>
Assistant Executive Director	68,200	75,000	<i>\$5K increase; In 2013: 70K budgeted, but \$68K projected, remaining \$2K allocated to Prop50/84 admin support; AED compensation flat from 2010-2013.</i>
EBMUD Financial Service & Audit	40,000	40,000	<i>no change</i>
Administrative Expenses	3,000	3,000	<i>no change; covers out of pocket expenses</i>
Insurance	3,860	4,000	<i>no change</i>
Reserve Transfer	(57,139)	(19,620)	<i>fund transfer from reserves to balance budget</i>
TOTAL	0	0	<i>revenue - expenses</i>

	<u>Projected for 6/2013</u>	<u>2014 DRAFT Budget</u>	<u>Notes</u>
CBC			
REVENUES	590,928	676,000	
CBC contributions	449,000	675,000	50% increase dues for Principals, Associates, Affiliates
CBC Interest/ Misc	1,000	1,000	In 2013: \$1,600 budgeted but only \$1K projected
EXPENSES	420,749	768,800	
Technical Support	354,749	700,000	
Nutrients	349,799	600,000	estimated at \$600K; actual to be determined by line items below
<i>Nutrients -HDR</i>	19,256	30,000	for modeling tech support. In 2013: \$19,256 projected funded by carryforward from 2012
<i>Nutrients - SFEI</i>	282,974	520,000	for completion of decision tree studies. In 2013: \$175K budgeted; \$100K carryforward from 2012
<i>Nutrients Sac Permit - Somach</i>	0	10,000	regulatory legal support regulatory strategy support. In 2013: \$20K budgeted but \$35K projected due to permit
<i>Nutrients - LWA</i>	35,650	20,000	concept development
<i>Nutrients - Jkelly</i>	10,000 (funded by BACWA ED line item)	20,000	for as needed tech support. In 2013: \$10K funded by BACWA ED line item
<i>Nutrients - Kayla Kirsch</i>	11,919	0	one-time expense of \$12K in 2013
ERS Transition - SFEI	0	55,000	Tasks 2 - 4 est @ \$55K, proceed?
Selenium	0	20,000	criteria review (Amy Chastain projection) In 2013: \$15K budgeted, but \$0 spent because work was
PCBs	0	0	funded by RPM contract In 2013: \$30K budgeted, only \$4,950 spent because some
Whole Effluent Toxicity	4,950	10,000	work was funded by RPM contract
Chemicals of Concern (K. Moran/CASA support)		0	
Triennial Review - EOA			
Risk Reduction	0	15,000	confirm annual requirement?
Collaborations & Sponsorships	25,000	35,000	
CWCCG	0	15,000	\$35K decrease based on CASA request. In 2013: \$50K budgeted but \$0 projected. CASA predicts costs for 2014 and beyond at \$25K.
Chemicals of Concern (K. Moran)	15,000	15,000	no change; Pyrethroid Work Group contract managed by CASA no change, continue? In 2013: funded by contingency, includes \$5K carryforward
FWQC (Fred Andes)	10,000	5,000	from 2012
Commun. & Reporting	26,000	0	
Hg Emissions Report	20,000	0	In 2013: \$20K budgeted but \$0 projected because group report is no longer required.
Rate database	6,000	0	\$6K decrease; investigating use of existing member agencies' rate comparisons in lieu of maintaining BACWA's own rate database.
Contingency	15,000	33,800	5% of revenue
Other	15,000		In 2013: \$45K budgeted, but only \$15K projected because some work was funded by CBC tech support line item
<i>As Needed- EOA</i>	0	10,000	In 2013: \$15K budgeted but \$0 projected
<i>As Needed- RMC</i>	15,000	10,000	In 2013: \$15K budgeted, \$15K projected
<i>As Needed - LWA</i>	30,000 (funded by CBC tech)	10,000	In 2013: \$15K budgeted, \$30K projected (see CBC Tech)
Reserve Transfer	170,179	(92,800)	\$92,800 transfer from reserves to balance budget. In 2013: projected \$170K remaining unspent.
TOTAL	0	0	

BACWA

	<u>Projected for 6/2013</u>	<u>2013 Budget Amended</u>	<u>2014 DRAFT Budget</u>	<u>2015 DRAFT</u>	<u>2015 Notes</u>	<u>2016 DRAFT</u>	<u>2016 Notes</u>
REVENUES	605,492	600,151	622,000	634,440	<i>2% increase for member dues</i>	647,129	<i>2% increase for member dues</i>
EXPENSES	662,631	659,094	641,620	672,922		664,451	
BACWA Committees	214,374	216,874	202,000	206,040	<i>2% increase for expenses</i>	210,161	<i>2% increase for expenses</i>
Legal Support	8,000	4,000	4,000	4,000	<i>2% increase for expenses</i>	4,000	<i>2% increase for expenses</i>
Collaboratives and Sponsorships	36,500	36,500	15,500	35,500	<i>\$20K increase for SoE Conf (odd years only)</i>	15,500	<i>no change from 2014</i>
CWA (US Water Alliance)	1,000	1,000	0	0		0	
State of the Estuary	20,000	20,000	0	20,000		0	
CPSC (Ca Product Stewardship Council)	5,000	5,000	5,000	5,000		5,000	
PSI (Product Stewardship Institute)	500	500	500	500		500	
Stanford ERC (ReNUWit)	10,000	10,000	10,000	10,000		10,000	
Communications and Reporting	27,514	30,720	13,020	13,180	<i>2% increase for expenses</i>	13,344	<i>2% increase for expenses</i>
Annual Report	15,000	15,000	5,000	5,100		5,202	
Website Development/Maintenance	12,320	10,720	7,820	7,876		7,934	
Other Communications	194	5,000	200	204		208	
Special Programs	50,000	50,000	65,000	66,300	<i>2% increase for expenses</i>	67,626	<i>2% increase for expenses</i>
Contribution to BAPPG	50,000	50,000	50,000	51,000		52,020	
Contribution to AIR			15,000	15,300		15,606	
General BACWA Support	46,744	44,000	45,100	45,902	<i>2% increase for expenses</i>	46,720	<i>2% increase for expenses</i>
Contingency	38,032	31,000	31,100	31,722		32,356	
Meeting Support	8,712	13,000	14,000	14,180		14,364	
Administrative Support	279,499	277,000	297,000	302,000	<i>2% increase for expenses</i>	307,100	<i>2% increase for expenses</i>
Reserve Transfer	(57,139)	(58,943)	(19,620)	(38,482)		(17,322)	<i>transfer from reserves to balance budget</i>
TOTAL	0	0	0	0		0	

CBC

	<u>Projected for 6/2013</u>	<u>2013 Budget Amended</u>	<u>2014 DRAFT Budget</u>	<u>2015 DRAFT</u>	<u>2015 Notes</u>	<u>2016 DRAFT</u>	<u>2016 Notes</u>
REVENUES	590,928	592,528	676,000	1,001,020		1,201,040	
CBC contributions	449,000	450,000	675,000	1,000,000	48% increase	1,200,000	2% increase
CBC Interest/ Misc	1,000	1,600	1,000	1,020		1,040	
EXPENSES	420,749	661,928	768,800	895,451		1,105,860	
Technical Support	354,749	525,928	700,000	800,000		1,000,000	
Nutrients	349,799	465,928	600,000	785,000	30% increase	985,000	25% increase
ERS Transition - SFEl		0	55,000	0		0	
Selenium		0	20,000	0		0	
PCBs		0	15,000	0		0	
Whole Effluent Toxicity	4,950	30,000	10,000	0		0	
Risk Reduction	0	15,000	15,000	15,000		15,000	
Collaborations & Sponsorships	25,000	65,000	35,000	45,400		45,808	
CWCCG	0	50,000	15,000	25,000	based on CASA estimate	25,000	based on CASA estimate
Chemicals of Concern (K. Moran)	15,000	15,000	15,000	15,300	2% increase	15,606	2% increase
FWQC (Fred Andes)	10,000		5,000	5,100	2% increase	5,202	2% increase
Commun. & Reporting	26,000	26,000	0	0		0	
Hg Emissions Report	20,000	20,000	0	0		0	
Rate database	6000	6,000	0	0		0	
Contingency	15,000	45,000	33,800	50,051	5% of revenue	60,052	5% of revenue
Reserve Transfer	170,179	(69,400)	(92,800)	105,569		95,180	transfer from (-) or to (+) reserves to balance budget
TOTAL	0	0	0	0		0	

Funding/Revenues			
Funding Source	Funds		
FY 13/14 Projected Revenues	\$80,000	\$80,000	\$50,000 BACWA & \$30,000 member contributions
FY 13-14 - Projects			

Pollutant/ Issue	Projects	Description	Project Managers	12/13 Budget	13/14 Budget	Notes
Mercury	Outreach to Demolition Contractors	See Multi-pollutant line item				
	Dental Amalgam	Dental amalgam list – 2011	Meg Gale, SFPUC	\$2,500	\$2,500	
FOG	Regional Holiday Outreach w/ Spanish	Utilize social media to promote FOG pollution prevention messages in both English and Spanish	Sharon Newton, San Jose Paul Prange, San Jose	8,000	\$8,000	Coordinate with Regional Campaign and SCVURPPP, possibly reducing costs
	Holiday Asian Outreach; SFPUC Chinese NY outreach	Prepare radio spots and other Asian language outreach for distribution during the Chinese New Year holiday season. Explore partnering with SFPUC Chinese New Year coordinators to use event as a forum to point people to Baywise for information.	Melody LaBella, CCCSD Cynthia Royer, San Mateo Cnty Meg Gale, SFPUC	6,000	\$6,000	
	Eat Real Foods Festival	Explore sponsorship opportunities and outreach for the Eat Real Foods Festival scheduled in September at Jack London Sq.	Dylan Garner, SFRWB Marie Kulka, EBMUD Kerri Ving, SFPUC (Tabling)		\$1,000	
	Commercials on Comcast/local cable - Grease message videos	Explore and develop concept for commercials regarding proper handling of food grease on local cable stations. Identify various available videos that can be reformatted and placed on the Baywise site; include the SFGreasecycle.org video.	All		\$2,000	
Pharmaceuticals	No Drugs Down the Drain	Regional Campaign - Facebook (October)	Karin North, Palo Alto Melody LaBella, CCCSD Mike Dunning, Union San Heather Johnson, Santa Rosa	\$4,999	\$4,999	
	Pharms bag with message	Develop pharmaceutical bags with a P2 message that pharmacies can provide to their patrons.	Melody LaBella, CCCSD		\$4,999	
	SB 727 Support (Product Stewardship)	Develop support position and outreach to be used by agencies.	Karin North, Palo Alto Darcy Aston, Napa		\$0	
Copper	Copper pipes	See Multi-Pollutant section – outreach to professional organizations.			\$0	
Dioxins	Partnership with Air District	Seek opportunity to partner with the Bay Area Air Quality Management District on "Don't Burn Day."	Karin North, Palo Alto Melody LaBella, CCCSD	\$2,000	\$2,000	
Pesticides	"Our Water Our World" Program	Specific products are determined by the IPM Partnership Committee but may include shelf talkers, updated less-toxic product list, regional events and trade shows, advertising and website including Ask the Expert feature. The funding for this program has traditionally been 50% BAPPG and 50% BASMAA.	Jennifer Kaiser, VSFCD	\$10,000	\$10,000	Consider including updates regarding permethrin. (Update Flea Factsheet with recommended shampoos)
	Permethrin Outreach	Educate Pet Stores - Partner with Pet Care industry (dog washes, vets, pet smart, groomers, FLEABUSTERS.) School Partnerships, nontoxic head lice and nit removal, scabies, bed bugs	Nina Capetanos, Las Galinas Rob Cole, Central Marin	\$0	\$0	
	Grow It! Guide	Update the Grow It! guide and reformat for web-friendly use & smart phone compatible.	Marie Kulka, EBMUD	\$0	\$0	
SSO / Trash	Outreach to LTC and/or Hospice Care	See Multi Pollutant Campaigns			\$0	
	Youth Outreach	Regional campaign development similar to "Be the Street" and "Keep Oakland Beautiful"	Darcy Aston, Napa		\$0	
Unplanned Issues	Unplanned Issues Budget	The purpose of this budget item is to respond to emerging issues/needs throughout the fiscal year. Possible expenditures include media outreach, literature searches, website enhancement, training costs, etc.	Karri Ving, SFPUC	\$8,000	\$8,000	

Pollutant/ Issue	Projects	Description	Project Managers	12/13 Budget	13/14 Budget	Notes
Multi-Pollutant Campaigns	Parents Groups / Neighborhood Associations Hospital/Long-term Care Facilities	Promote the toilet is not a trashcan message (no flushables, fruit stickers, etc down the drain). Print handout(s) (developed in 11/12) and distribute to target audiences and for daycare counters. Submit info articles to parent magazines. Coordinated run involving developing materials and educating parents groups about multiple pollutant issues. Develop a 'dirty dozen' poster, targeted for young kids.	Andrew Alva, Rodeo Jackie Davison, Sunnyvale Sarah Scheidt, Sunnyvale Paul Prange, San Jose		\$3,000	Multiple pollutant targets, mercury, pharm, FOG, copper, IPM, triclosan
	Training and Outreach to Professional Organizations	Dental Hygienists, Plumbers, and "Nurse students or Hospice workers".	Melody LaBella, CCCSD Meg Gale, SFPUC Karin North, Palo Alto	16,000	\$16,000	Combination of copper, mercury, PCB, pharmaceutical and IPM training.
Misc	Agency Coordination of P2 Week	Agency coordination of regional outreach during P2 week. This project will include coordination with media consultant to develop and distribute press releases, and development of a P2 Week Poster.	Melody LaBella, CCCSD Mike Auer, USD Jackie Davison, Sunnyvale	\$1,500	\$1,500	
	Nutrients	BACWA - cross committee issues revolving around Plant Limits and industrial ammonia/phosphorus	Mike Dunning, USD Melody LaBella, CCCSD	\$0	\$0	P2 for the solar industry
	Maintenance of BAPPG website	Hire consultant to provide maintenance and development of www.BayWise.org for use in public outreach. Develop a LOGO	Catherine Allin, Millbrae Melody LaBella, CCCSD Karin North, Palo Alto	\$6,000	\$6,000	
		Generate "Guidelines for Updating Baywise" and posting updates as needed to website.	Susan Hiestand, South Bay Dylan Garner, SFRWB Paul Prange, San Jose Marie Kulka, EBMUD		\$2,000	
	Available P2 speakers & Presentations	Develop a list of speakers for a variety of P2 topics and presentations and post list to Baywise.	Catherine Allin, Millbrae		\$0	
PSI and CPSC contact	PSI and CPSC contact needed to provide updates at BAPPG meetings	Catherine Allin, Millbrae		\$0		
P2 Commercial	P2 Commercial/Industries buildings	Update P2 messages and develop door hangers for commercial/industrial accounts: painters, hospital/medical buildings, auto repair/body shops, stormwater, commercial office buildings, managing toxics.	Meg Gale, SFPUC		\$1,500	
Metals/oils	Mobile surface cleaners	Partner with BASMAA to develop cleaning certificates for mobile surface cleaning permits. Using the current certification program to expand to a regional program.	Tim Potter, CCCSD Kerri Ving, SFPUC		\$0	
Projects Budget				\$64,999	\$79,498	
BACWA Administration Costs				\$3,815	\$3,975	5% admin cost
Total 2013/14 Budget				\$68,814	\$83,473	
Expected Unobligated Cash at End of FY 12-13						

BACWA/CBC Funded Projects and Sponsorships

Project/Program	Date Approved	Amount Paid	Payable To	Budget line/FY	Project Lead	Deliverable/Description	Est. Completion Date	status
Layperson's Guide to Wastewater	8/23/2013	\$ 6,000	WEF	BACWA Contingency/ 12-13	ED	participation on editorial board; 1000 copies to funding partners; PDF Editorial Summary; ED to investigate use of Editorial Summary as outreach material	Mar/Apr 2013 (6 mo from project start)	accepting comments thru Feb2013, then will finalize and distribute
RW Landscape Guide	3/24/2011	\$ 40,000	WaterReuse	WQA CBC CAS / 11-12	RW Cmte	work w/ CMTE (is C.Munoz BACWA's rep?) to produce guide; produce 2 3-hour seminars to promote guide	Guide produced by Jan2013; Seminars Apr-Jun2013	delayed
ERS Transition	2/23/2012	\$ 12,000	SFEI	BACWA Misc CMTE/ 11-12	ED	Task 1	March 2013	completed
Nutrient WQ Monitoring	12/19/2011	\$ 10,000	WERF	WQA CBC Other/ 11-12	ED	N/A; additional information available on website http://www.werf.org/c/TCRs/Site_Specific_Nutrie.aspx	unknown	unknown
Federal Water Quality Coalition (FWQC)	1/29/2013	\$ 5,000	Barnes Thornburg	WQA CBC Other/ 12-13	ED	periodic e-mails from Fred Andes to Board and ED	thru Dec 2013	N/A
US Water Alliance (USWA) Product Stewardship Institute (PSI)	1/9/2013	\$ 1,000	USWA	BACWA CAS-CWAA/ 12-13	ED	none	thru Dec 2013	N/A
Product Stewardship Institute (PSI)	8/27/2012	\$ 500	PSI	BACWA CAS-PSI/ 12-13	ED	periodic e-mails from PSI to AED and ?	thru Dec 2013	N/A
Pyrethroid WG/ CECs	8/23/2012	\$ 15,000	CASA	WQA CBC CAS/ 12-13	ED	periodic e-mails from Kmoran to AED, ED, and ?	thru June 2013	N/A
Ca Product Stewardship Council (CPSC)		\$ 5,000	CPSC	BACWA CAS-CPSC/ 12-13	ED	associate membership/periodic e-mails to AED and ?	thru June 2013	N/A
Ca Wastewater Climate Change Group (CWCCG)	9/22/2011	\$ 43,750	CASA	WQA CBC CAS/ 11-12	R Schmidt	periodic e-mails to AED	thru June 2013	N/A
ReNUWit	1/3/2013	\$ 10,000	Stanford ERC	BACWA CAS-STERC/ 12-13	Horenstein/ Connor	quarterly updates from Project Lead	thru Dec 2013	N/A

updated: 4/2/2013

Fund Balances as of month end 02/28/13

DESCRIPTION	BEGINNING FUND BALANCE 07/1/12	TOTAL RECEIPTS	TOTAL DISBURSEMENTS	ENDING FUND BALANCE 02/28/13	OUTSTANDING ENCUMBRANCES	UNOBLIGATED FUND BALANCE 02/28/13
BACWA	597,182.02	500,612.78	245,386.89	852,407.91	375,267.49	477,140.42
TRNG FND	247,407.05	621.40	-	248,028.45	-	248,028.45
AIR	3,372.18	72,444.59	26,146.55	49,670.22	53,409.45	(3,739.23)
BAPPG	41,498.18	29,622.54	48,015.19	23,105.53	9,014.13	14,091.40
LEGAL RSRV	302,899.56	760.78	-	303,660.34	-	303,660.34
WQA CBC	214,405.51	389,894.38	185,585.38	418,714.51	246,778.95	171,935.56
BACWAOPRES	152,407.54	382.79	-	152,790.33	-	152,790.33
RWR	16,676.01	41.89	-	16,717.90	-	16,717.90
RESERVE	120,000.00	-	-	120,000.00	-	120,000.00
WOT	67,661.90	140,783.23	77,500.00	130,945.13	-	130,945.13
PRP84	39,115.70	872,499.02	833,470.39	78,144.33	47,744.54	30,399.79
WQA EMERG	403,866.08	1,014.37	-	404,880.45	-	404,880.45
TECHACTION	252,416.30	633.97	-	253,050.27	-	253,050.27
CBC OPRSRV	163,565.93	410.82	-	163,976.75	-	163,976.75
PRP50	167,637.69	2,674,279.02	2,659,378.13	182,538.58	29,708.55	152,830.03
	2,790,112	4,684,002	4,075,483	3,398,631	761,923	2,636,708

BACWA Revenue Report for February 2013

DEPARTMENT	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE				UNOBLIGATED
			DIRECT	INVOICED	JVS	DIRECT	INVOICED	JVS	ACTUAL	
Bay Area Clean Water Agencies	Administrative & General	-	-	-	-	7,341	-	-	7,341	(7,341)
Bay Area Clean Water Agencies	BDO Member Contributions	420,000	-	-	-	-	330,000	-	330,000	90,000
Bay Area Clean Water Agencies	BDO Fund Transfers	10,277	-	-	-	-	-	1,942	1,942	8,335
Bay Area Clean Water Agencies	BDO Interest Income	5,000	-	-	-	-	-	2,329	2,329	2,671
Bay Area Clean Water Agencies	BDO Assoc.&Affiliate Contr	159,000	-	-	-	-	159,000	-	159,000	-
	BACWA TOTAL	594,277	-	-	-	7,341	489,000	4,272	500,613	93,664
BACWA Training Fund	BDO Interest Income	-	-	-	-	-	-	621	621	(621)
	TRNG FND TOTAL	-	-	-	-	-	-	621	621	(621)
AIR-Air Issues&Regulation Grp	BDO Member Contributions	78,354	-	-	-	-	72,354	-	72,354	6,000
AIR-Air Issues&Regulation Grp	BDO Interest Income	-	-	-	-	-	-	91	91	(91)
	AIR TOTAL	78,354	-	-	-	-	72,354	91	72,445	5,909
BAPPG-BayAreaPollutnPreventGrp	BDO Member Contributions	79,505	-	-	-	-	29,505	-	29,505	50,000
BAPPG-BayAreaPollutnPreventGrp	BDO Interest Income	3,079	-	-	-	-	-	118	118	2,961
	BAPPG TOTAL	82,584	-	-	-	-	29,505	118	29,623	52,961
BACWA Legal Reserve Fnd	BDO Interest Income	-	-	-	-	-	-	761	761	(761)
	LEGAL RSRV TOTAL	-	-	-	-	-	-	761	761	(761)
WQA-WtrQualityAttainmntStratgy	BDO Member Contributions	450,000	-	-	-	-	389,000	-	389,000	61,000
WQA-WtrQualityAttainmntStratgy	BDO Other Receipts	-	-	-	-	-	-	-	-	-
WQA-WtrQualityAttainmntStratgy	BDO Interest Income	1,600	-	-	-	-	-	894	894	706
	WQA CBC TOTAL	451,600	-	-	-	-	389,000	894	389,894	61,706
BACWA OperatingRsrve Fnd	BDO Interest Income	-	-	-	-	-	-	383	383	(383)
	BACWAOPRES TOTAL	-	-	-	-	-	-	383	383	(383)

BACWA Revenue Report for February 2013

DEPARTMENT	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE				UNOBLIGATED
			DIRECT	INVOICED	JVS	DIRECT	INVOICED	JVS	ACTUAL	
Regional Water Recycling	BDO Interest Income	-	-	-	-	-	-	42	42	(42)
RWR TOTAL		-	-	-	-	-	-	42	42	(42)
WOT - Wtr/Wwtr Operat Training	BDO Member Contributions	150,000	-	-	-	-	140,500	-	140,500	9,500
WOT - Wtr/Wwtr Operat Training	BDO Interest Income	-	-	-	-	-	-	283	283	(283)
WOT TOTAL		150,000	-	-	-	-	140,500	283	140,783	9,217
Prop84BayArealIntegRegnlWtrMgmt	BDO Interest Income	-	-	-	-	-	-	184	184	(184)
Prop84BayArealIntegRegnlWtrMgmt	Administrative Support	-	-	-	-	-	71,569	-	71,569	(71,569)
Prop84BayArealIntegRegnlWtrMgmt	Novato North Area Proj.	-	-	-	-	-	593,750	-	593,750	(593,750)
Prop84BayArealIntegRegnlWtrMgmt	Sears Point Wtind & Wtrshd Res	-	-	-	-	-	6,667	-	6,667	(6,667)
Prop84BayArealIntegRegnlWtrMgmt	Bair Island Restoration	-	-	-	-	-	6,667	-	6,667	(6,667)
Prop84BayArealIntegRegnlWtrMgmt	South Bay Salt Pond Habitat Re	-	-	-	-	-	6,667	-	6,667	(6,667)
Prop84BayArealIntegRegnlWtrMgmt	Regional Green Infrastructure	-	-	-	-	-	24,041	-	24,041	(24,041)
Prop84BayArealIntegRegnlWtrMgmt	Watershed Partnership Technica	-	-	-	-	-	11,417	-	11,417	(11,417)
Prop84BayArealIntegRegnlWtrMgmt	Stream Restoration w/Schools i	-	-	-	-	-	149,491	-	149,491	(149,491)
Prop84BayArealIntegRegnlWtrMgmt	Flood Infrastructure Mapping	-	-	-	-	-	2,047	-	2,047	(2,047)
PRP84 TOTAL		-	-	-	-	-	872,315	184	872,499	(872,499)
WQA Emergency Resrve Fnd	BDO Interest Income	-	-	-	-	-	-	1,014	1,014	(1,014)
WQA EMERG TOTAL		-	-	-	-	-	-	1,014	1,014	(1,014)
WQA Tech Action Fund	BDO Interest Income	-	-	-	-	-	-	634	634	(634)
TECHACTION TOTAL		-	-	-	-	-	-	634	634	(634)
CBC Operating Resrve Fnd	BDO Interest Income	-	-	-	-	-	-	411	411	(411)
CBC OPRSRV TOTAL		-	-	-	-	-	-	411	411	(411)
Prop50BayArealIntegRegnlWtrMgmt	BDO Interest Income	-	-	-	-	-	-	424	424	(424)
Prop50BayArealIntegRegnlWtrMgmt	South Bay Advanced Regional RW	-	-	-	-	-	2,673,855	-	2,673,855	(2,673,855)
PRP50 TOTAL		-	-	-	-	-	2,673,855	424	2,674,279	(2,674,279)

BACWA Expense Report for February 2013

DEPARTMENT	EXPENSE TYPE	AMENDED BUDGET	CURRENT PERIOD				YEAR TO DATE				OBLIGATED	UNOBLIGATED
			ENC	PV	DA	JV	ENC	PV	DA	JV		
Bay Area Clean Water Agencies	BC-Collections System	25,000	(2,957)	2,957	-	-	8,348	16,652	-	-	25,000	-
Bay Area Clean Water Agencies	BC-Permit Committee	-	-	-	-	-	-	-	-	-	-	-
Bay Area Clean Water Agencies	BC-Water Recycling Committee	13,359	-	-	-	-	12,903	367	-	-	13,269	90
Bay Area Clean Water Agencies	BC-Biosolids Committee	6,515	-	-	-	-	500	1,015	-	-	1,515	5,000
Bay Area Clean Water Agencies	BC-InfoShare Groups	25,000	-	-	-	-	21,040	3,960	-	-	25,000	-
Bay Area Clean Water Agencies	BC-Laboratory Committee	7,000	-	-	-	-	-	-	-	-	-	7,000
Bay Area Clean Water Agencies	BC-Miscellaneous Committee Sup	140,000	-	-	-	-	96,059	48,592	-	(349)	144,302	(4,302)
Bay Area Clean Water Agencies	LS-Regulatory Support	2,000	-	-	-	-	2	2,418	-	-	2,420	(420)
Bay Area Clean Water Agencies	LS-Executive Board Support	2,000	-	-	-	-	1,470	530	-	-	2,000	-
Bay Area Clean Water Agencies	CAS-CWAA	1,000	-	-	-	-	-	-	1,000	-	1,000	-
Bay Area Clean Water Agencies	CAS-PSSEP	20,000	-	-	-	-	-	-	-	-	-	20,000
Bay Area Clean Water Agencies	CAS-CPSC	5,000	-	-	-	-	-	-	5,000	-	5,000	-
Bay Area Clean Water Agencies	CAS-PSI	500	-	-	-	-	-	-	500	-	500	-
Bay Area Clean Water Agencies	CAR-BACWA Annual Report	15,000	-	-	-	-	15,433	-	-	-	15,433	(433)
Bay Area Clean Water Agencies	CAR-BACWA Website Development/	10,720	(473)	473	-	-	8,970	3,539	794	(2,285)	11,018	(298)
Bay Area Clean Water Agencies	AS-BACWA Admin Expense	3,000	-	-	-	-	-	-	1,529	-	1,529	1,471
Bay Area Clean Water Agencies	CAR-Other Communications	5,000	-	-	-	-	2,000	-	-	-	2,000	3,000
Bay Area Clean Water Agencies	SP-BAPPG Contribution	50,000	-	-	-	-	-	-	-	-	-	50,000
Bay Area Clean Water Agencies	GBS-Contingency	30,000	(4,076)	4,076	6,032	-	946	24,054	16,510	(4,478)	37,032	(7,032)
Bay Area Clean Water Agencies	GBS- Meeting Support	13,000	-	-	1,546	-	569	431	6,334	-	7,334	5,666
Bay Area Clean Water Agencies	AS-Executive Director	160,000	-	-	-	-	154,445	58,225	-	-	212,670	(52,670)
Bay Area Clean Water Agencies	AS-Assistant Executive Directo	70,000	(5,940)	5,940	-	-	28,804	39,396	-	-	68,200	1,800
Bay Area Clean Water Agencies	AS-EBMUD Administrative Servic	40,000	-	-	-	-	23,778	16,222	-	(8,427)	31,573	8,427
Bay Area Clean Water Agencies	AS-Insurance	4,000	-	-	-	-	-	-	3,860	-	3,860	140
Bay Area Clean Water Agencies	BDO-CAS-Stanford ERC	10,000	-	-	-	-	-	-	10,000	-	10,000	-
BACWA TOTAL		658,094	(13,446)	13,446	7,578	-	375,267	215,400	45,527	(15,539)	620,654	37,440
AIR-Air Issues&Regulation Grp	Administrative Support	3,977	-	-	-	-	-	-	-	-	-	3,977
AIR-Air Issues&Regulation Grp	BDO Contract Expenses	79,556	-	-	-	-	53,409	26,147	-	-	79,556	-
AIR TOTAL		83,533	-	-	-	-	53,409	26,147	-	-	79,556	3,977
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Fog	14,000	-	-	-	-	-	-	8,000	-	8,000	6,000
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Mercury	-	-	-	-	-	-	-	-	-	-	-
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Pesticides	10,000	-	-	-	-	-	-	10,000	-	10,000	-
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Copper	5,000	-	-	-	-	-	-	4,833	-	4,833	167
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Pharmaceutical	7,499	-	-	-	-	-	6,499	2,346	-	8,845	(1,346)
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-General P2	-	-	-	-	-	-	-	-	-	-	-
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Emerging Issues	8,000	-	-	-	-	-	-	313	-	313	7,687
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Other	16,539	-	-	-	-	3,999	5,039	-	-	9,038	7,501
BAPPG-BayAreaPollutnPreventGrp	Administrative Support	3,800	-	-	-	-	-	-	-	-	-	3,800
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Multi-Pollutant	19,000	(1,766)	1,766	-	-	5,015	10,985	-	-	16,000	3,000
BAPPG TOTAL		83,838	(1,766)	1,766	-	-	9,014	22,523	25,492	-	57,029	26,809
WQA-WtrQualityAttainmntStratgy	WQA-CE-Technical Support	525,838	(7,110)	-	-	-	220,612	137,860	11,919	(4,644)	365,747	160,091
WQA-WtrQualityAttainmntStratgy	WQA-CE-Collaborations & Sponso	65,000	-	-	-	-	-	-	15,000	-	15,000	50,000
WQA-WtrQualityAttainmntStratgy	WQA-CE-Commun. & Reporting	26,000	-	-	-	-	6,000	-	-	-	6,000	20,000
WQA-WtrQualityAttainmntStratgy	WQA-CE-Other	45,000	(200)	200	4,996	-	20,167	10,454	14,996	-	45,617	(617)
WQA CBC TOTAL		661,838	(7,310)	200	4,996	-	246,779	148,314	41,915	(4,644)	432,364	229,474

BACWA Expense Report for February 2013

DEPARTMENT	EXPENSE TYPE	AMENDED BUDGET	CURRENT PERIOD				YEAR TO DATE				OBLIGATED	UNOBLIGATED
			ENC	PV	DA	JV	ENC	PV	DA	JV		
WOT - Wtr/Wwtr Operat Training	Administrative Support	2,500	-	-	-	-	-	-	-	-	-	2,500
WOT - Wtr/Wwtr Operat Training	BDO Contract Expenses	158,000	-	-	-	-	-	77,500	-	77,500	-	80,500
	WOT TOTAL	160,500	-	-	-	-	-	77,500	-	77,500	-	83,000
		-										
Prop84BayAreaIntegRegnIWtrMgmt	Administrative Support	-	(45)	45	-	-	8,260	464	36,204	1,942	46,869	(46,869)
Prop84BayAreaIntegRegnIWtrMgmt	BDO Contract Expenses	-	(6,945)	6,945	-	-	39,485	14,115	-	-	53,600	(53,600)
Prop84BayAreaIntegRegnIWtrMgmt	Novato North Area Proj.	-	0	0	-	-	-	-	593,750	-	593,750	(593,750)
Prop84BayAreaIntegRegnIWtrMgmt	Regional Green Infrastructure	-	0	0	-	-	-	-	24,041	-	24,041	(24,041)
Prop84BayAreaIntegRegnIWtrMgmt	Weather Based Irrigation Contr	-	0	0	-	-	-	-	162,955	-	162,955	(162,955)
	PRP84 TOTAL	-	(6,990)	6,990	-	-	47,745	14,579	816,949	1,942	881,215	(881,215)
		-										
Prop50BayAreaIntegRegnIWtrMgmt	Administrative Support	-	(22)	22	-	-	842	158	167	(337)	830	(830)
Prop50BayAreaIntegRegnIWtrMgmt	BDO Contract Expenses	-	(3,570)	3,570	-	-	28,867	10,038	-	(1,608)	37,297	(37,297)
Prop50BayAreaIntegRegnIWtrMgmt	South Bay Advanced Regional RW	-	-	-	-	-	-	-	2,650,961	-	2,650,961	(2,650,961)
	PRP50 TOTAL	-	(3,592)	3,592	-	-	29,709	10,196	2,651,127	(1,945)	2,689,087	(2,689,087)



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 10

FILE NO.: N/A

MEETING DATE: April 15, 2013

TITLE: Nutrients White Paper and Position Paper

MOTION

RESOLUTION

DISCUSSION

RECOMMENDED ACTION

Obtain Principals' endorsement of Nutrients White Paper and Nutrients Position Paper.

SUMMARY

At the March 28, 2013 BACWA Executive Board meeting a draft outline of a BACWA Nutrients White Paper was presented and feedback from meeting attendees was incorporated into what is now two documents; the attached draft white paper and position paper. The Nutrients White Paper is intended to be an internal document that provides factual information for BACWA members about the nutrient regulatory issue and the potential impact on Bay Area POTWs. The Nutrients Position Paper would also be an internal document that would be used to convey to member agencies a proposed regulatory strategy designed to address permitting issues during the period in which needed scientific studies are being conducted to inform the establishment of future regulations.

At this time, the BACWA Board is being asked for their endorsement of both draft documents, the "San Francisco Bay Nutrient White Paper" and "BACWA's Position on Nutrient Regulations", so that they can be presented to the rest of the BACWA members to obtain their feedback.

FISCAL IMPACT

N/A

ALTERNATIVES

This action does not require consideration of alternatives.

Attachments:

- 1) San Francisco Bay Nutrient White Paper DRAFT
- 2) BACWA's Position on Nutrient Regulations DRAFT

SAN FRANCISCO BAY NUTRIENT WHITE PAPER

Introduction: The San Francisco Regional Water Quality Control Board (Water Board) and the State Water Resources Control Board (SWRCB) are developing nutrient water quality objectives for the San Francisco Bay estuary, using an approach known as the Nutrient Numeric Endpoint (NNE) framework. This approach is part of a state and nationwide effort to prevent or curtail nutrient over-enrichment of waterbodies by establishing numeric endpoints for narrative standards using ecological responses (eutrophication, e.g. algal biomass, dissolved oxygen). In order to avoid using assumptions that lead to numeric endpoints that are overly conservative and expensive to meet, the NNE approach requires an ongoing monitoring program and models that link ecological response to nutrient loads and other management controls. An NNE effort requires nutrient loading estimate from all of sources, including wastewater. Wastewater treatment plants in the Bay Area are currently gathering data to support the NNE approach as directed by the Water Board in a *13267 Order*¹.

Joint Implementation: The Water Board is working collaboratively with the Bay Area Clean Water Agencies (BACWA) as well as other entities on studies that are being identified as part of a *Regional Nutrient Strategy*². Load analyses and modeling are included in this strategy. The San Francisco Estuary Institute (SFEI) and the Regional Monitoring Program are supporting this effort. While BACWA is collaborating with the Water Board, the *Water Board's letter*³ accepting BACWA's proposal on collaboration stated if BACWA did not complete the collaboration effort as proposed, it was the Water Board's intent to direct Bay Area POTWs to complete the effort using 13267 Orders.

Investigations to Date: The Water Board has been leading a study known as the Suisun Bay Surface Water Ambient Water Monitoring Program (SWAMP) which looks at the effects of ammonia in Suisun Bay. The study is being conducted in collaboration with the University of California San Francisco, the State and Federal Contractors Water Agency (SFWCA), Central Contra Costa Sanitary District (CCCSD), and BACWA. The SWAMP Study was a topic of discussion at the last Stakeholder Advisory Group (SAG) meeting on March 8, 2013. The SAG is composed of interested stakeholders and is a forum for providing input to the Water Board's SF Bay Nutrient Project. Representative of the Central Valley Regional Water Quality Control Board (Region 5) and the Sacramento Regional County Sanitation District (Sac Regional) both attended that meeting and stated that they were planning to continue to participate in the SF Bay SAG. The Region 5 representative stated he is preparing a Science Plan for the Region 5 portion of the Suisun Bay which will be available for review in the near future. Sac Regional Representatives stated they are working with the USGS/SFSU collaborative study partly funded by the Interagency Ecological Program (IEP). Sac Regional also plans to conduct a study of the impact of their effluent on the

¹ Regional Water Board, "Water Code Section 13267 Technical Report Order Requiring Submittal of Information on Nutrients in Wastewater Discharges," letter to Municipal Waste Dischargers, March 2, 2012.

² Regional Water Board, "Final Draft Nutrient Management Strategy," November 2012.

³ Regional Water Board, "Water Board Support for Nutrient Strategy Development and Implementation," letter to BACWA, January 24, 2012.

Sacramento River by diverting their wastewater to holding ponds for an extended period and then monitor the river for what, if any, effects. Sac Regional has indicated an interest in funding additional studies to the extent they were of mutual benefit.

Impacts on NPDES Permits: The State Water Contractors and Delta Mendota Water Authority (Water Contractors) have cited some of the recent studies and other related work as part of their expressed concerns regarding Suisun Bay and Carquinez Straights ammonia levels, total nitrogen (TN), and the nitrogen to phosphorus (N:P) ratio as key factors contributing to the documented decline of phalagic organisms in Suisun Bay. Recognizing that POTWs are major contributors of nitrogen to Suisun Bay, the Water Contractors testified at the CCCSD, Vallejo Flood Control and Sanitation District (VFCS D) and Sac Regional permit adoption hearings at the SWRCB. The SWRCB issued a *precedential permit*⁴ to Sac Regional that stated in part that both the San Francisco Regional Water Board (Region 2) and Region 5 should start working to reduce nutrients being discharged from their regions. Sac Regional's NPDES permit limits for effluent ammonia are 1.5 mg/l monthly average for the summer and 2.4 mg/l for the winter, and 10 mg/l for nitrate. The permit allows Sacramento a total of 10 years to meet the new limits. The Water Contractors appealed the CCCSD permit but CCCSD was able to work with the Water Contractors to drop their appeal. In exchange CCCSD agreed to help fund Suisun Bay nutrient studies, increase effluent monitoring for nutrients, accept a cap on future ammonia discharges, and prepare a facilities plan on how to treat nutrients if a standard was imposed during the next permit cycle. The Water Contractors appealed the VFCS D permit, and the appeal has been placed in abeyance.

In recent permits the Water Board has stated its intentions by inserting the following standard language in the fact sheet of recently issued permits:

In the future, the Regional Water Board may grant less dilution credit or change the ammonia limitations in other ways to address growing concerns about nutrients in the receiving water. Currently, a region-wide effort is underway to study and evaluate potential effects. This effort, which is referred to as the San Francisco Bay Nutrient Strategy, includes developing a nutrient assessment framework that can be used to calculate water quality-based effluent limits for nutrients. The Regional Water Board, through its Executive Officer, has also required wastewater dischargers, including this Discharger, to monitor nutrients, including ammonia, in their influent and effluent. This information will be used to compare nutrient loads from wastewater discharges to loads from other sources, to support modeling and evaluation of load reduction scenarios, and to determine the need for additional wastewater treatment to address nutrients.

The San Francisco BayKeeper has also commented on several permits, but has not appeal permits based on nutrient issues.

⁴ State Water Board Order WQ 2012-0013, "Waste Discharge Requirements Order No. R5 2010-0114 for Sacramento Regional Wastewater Treatment Plant.

Is SF Bay Demonstrating Symptoms of Eutrophication Using NNE Indicators: For part of the Bay, there is not adequate data to make an assessment of eutrophication. Where there is adequate data, dissolved oxygen is much higher and phytoplankton biomass and productivity is lower than would be expected given the high nutrient concentrations found in SF Bay, implying that eutrophication is controlled by processes other than nutrient limitation. However, all regions of SF Bay have experienced increases in phytoplankton biomass since the late 1990's. Recent analysis of water quality data collected by USGS from 1978 to 2009 show a significant increase in water column *chlorophyll a* (30-50% per decade from Suisun Bay to South Bay respectively) and a decline in DO concentrations (1.6 to 2.5% per decade in South Bay and Suisun Bay respectively). Thus it appears the historic resilience of SF Bay to the harmful effects of nutrient enrichment is weakening. The causes for the Bay wide trends could include improvements in water clarity due to less suspended sediment, seeding by oceanic algae, and declines in consumption by bivalves due to increases in predation by juvenile English sole and speckled sanddabs. Data suggest that primary productivity in Suisun Bay is limited by strong grazing pressure by invasive clams, light limitation by high turbidity, and may be limited by ammonium inhibition of diatom uptake of nitrate. Few harmful algal blooms (HABs) have been reported recently in SF Bay. However, there have been historical occurrences, and recently cyanobacteria and dinoflagellate blooms have been increasingly documented. At this time the SF Bay is not listed as impaired, nor is there a water quality objective for nutrients. The Water Board has not indicated any intent to list the SF as impaired for nutrients in the next listing cycle.⁵

⁵ Personal Communication, Naomi Fager, Regional Water Board.

BACWA'S POSITION ON NUTRIENT REGULATIONS

Regulatory Background: The San Francisco Regional Water Quality Control Board (Water Board) has expressed an interest in using a Watershed Permit to regulate nutrients and to work collaboratively with BACWA to develop the permit. The Water Board indicated a watershed permit should include several key provisions as follows: 1. The ability to limit nutrient loads to the Bay; 2. Ensurance that permitted entities participate in funding and development of the science and management strategies for ongoing nutrient management/control; 3. Requirements to conduct special studies for subembayments (as needed); 4. Providing flexibility for future management options (trading, credit for past activities, etc.); and 5. Deferral of the adoption of water quality objectives or listing of the Bay as impaired until the Nutrient Strategy effort has been completed.

Regarding loads, the Water Board has expressed the need to have some form of nutrient "caps" for dischargers in a watershed permit to gain EPA approval of the Permit. The Water Board has indicated the permit would likely be similar to the Watershed Permit for Hg and PCB. The caps could be similar to those for mercury, where an individual cap would trigger action, not a violation, and an exceedence of both the individual cap and the group cap would be a violation. Other options, including a no cap option in the initial permit term, are also being considered.

The Watershed Permit would be expected to include specific commitments/studies for permittees to perform or support (as authorized by Section 13267 of the Water Code). The studies and activities are outlined in the *Nutrient Strategy*¹. The *Nutrient Strategy* specifically cites the need for Suisun Bay studies and notes that modeling efforts would focus initially on Suisun Bay, Lower South Bay and South Bay. Accordingly, the Watershed Permit would be expected to include provisions to ensure permittees in subembayments participate in studies needed for their specific area and not of general benefit. It is not clear how the Water Board may consider segmenting the Bay, for other activities, such as developing load caps.

The Water Board has suggested that they are interested in working with BACWA do develop language to facilitate future trading. They also indicated it would be desirable to build into the first watershed permit provisions that might be needed or useful in future permits. The Water Board has indicated they plan to use the information developed by the studies (that would be funded as part of the first watershed permit) as a basis for future effluent limits (if needed) and does not plan to list the SF Bay as impaired for nutrients in the current listing cycle.

Recent EPA Policy Statements on Nutrients that Might Influence a Watershed Permit: The EPA has recently indicated to Regions they should "*place new emphasis on working with states to achieve near-term reductions in nutrient loadings.*" The EPA appeared to be offering the states schedule flexibility for numeric standards rulemaking with the proviso that near-term reductions are made and while at the same time presuming that states will eventually develop numeric criteria: "*The timetable*

¹ Regional Water Board, "Final Draft Nutrient Management Strategy," November 2012.

reflected in a State's criteria development schedule can be a flexible one provided the state is making meaningful near-term reductions in nutrient loadings to state waters while numeric criteria are being developed.”²

Also the EPA, in their rejection of a request by NRDC to redefine secondary treatment, strongly stated their position that nutrient removal will not be incorporated into the definition of secondary treatment. The EPA stated it found the need to control nutrients to be highly site specific. The EPA prefers a water quality based approach which gives the EPA and the states the flexibility to decide where POTW nutrient controls are needed and to establish controls as part of a comprehensive effort to address surface water impairment due to excessive levels of nutrient from POTWs and other sources.³

BACWA’s Position on the Watershed Permit Regulatory Approach: BACWA’s preferred option is to collaboratively pursue developing a watershed permit with the Water Board. BACWA developed two issue papers that evaluated permit alternatives and concluded that a Watershed Permit with initial narrative limits was found to be the most beneficial approach to nutrient regulations.^{4 5} The goal of the Watershed Permit would be to implement provisions of the overall nutrient management approach for the Bay, dovetailed with the NNE process, while not adopting numeric objectives until the studies have been completed, and not listing the Bay as impaired in the interim. The second best alternative involved collaboration with the regulators on a permit-by-permit basis in order to implement the Nutrient Strategy. This alternative should be considered only if the watershed permit approach becomes unworkable due to lack of agreement amongst the BACWA members. Also, a no-action alternative was developed which describes a likely scenario if the collaborative process pursued in the watershed and permit by permit approaches fails to develop an acceptable permit.

The Collaborative Approach: The two collaborative approaches (watershed permit and permit-by-permit) have many things in common:

- Joint fact finding for loads and impact of loads.
- Joint fact finding for cost-effectiveness of management strategies to control nutrients
- Support development and use of modeling tools to evaluate management options.
- Use independent experts to evaluate/review outcomes/recommendations.
- Use the information gathered by the foregoing efforts to develop a nutrient management plan.

² EPA, “Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions” Memo to EPA Regional Administrators from Acting Assistant Administrator Nancy Stoner, March 16, 2012.

³ EPA, Letter to NRDC re Petition, Michael Shapiro, December 14, 2012)

⁴ LWA, “Evaluation of BACWA Nutrient Watershed Permit Concept,” October 22, 2012.

⁵ LWA, “Evaluation of BACWA Nutrient Watershed Permit Concept-Task 2-Implementing the Best Apparent Alternative,” November 2, 2012.

- Use the nutrient management plan to develop numeric limits, if needed. (adaptive management might suffice).
- The nutrient management plan would have enforceable elements to require specific actions to implement management measures and utilize an adaptive management approach (continued monitoring, etc.)

Both collaborative approaches would: 1. Support the NNE process; 2. Use a Letter of Agreement or MOU between BACWA and the Water Board to articulate respective commitments; 3. Support the development of a nutrient management plan; 4. Support completion of joint fact finding; and 5. Include adopting a basin plan amendment to memorialize the nutrient management approach agreed upon in the Letter of Agreement/MOU. BACWA support would include both financial participation and commitment of resources.

In both of the collaborative alternatives, the schedule is the same or very similar. In the first 5 years, the following would be expected:

- Develop and implement letter agreement or MOU; begin development of Basin Plan amendment.
- Support NNE process/fund studies.
- Negotiate Watershed permit or negotiate template for nutrient portion of individual permits.
- Begin development of Nutrient Management Plan.

And in the following 5 years, the following would be expected:

- Adopt Basin Plan Amendment.
- Adopt Initial Nutrient Management Plan.
- Reissue Watershed permit, modified to reflect Basin Plan amendment and Nutrient Management Plan.
- Implement Nutrient Management Plan requirements in permit.

Regarding risk, both collaborative approaches face the risk of a permit appeal with unforeseen impacts if the appeal is upheld. Secondly, both run the risk of having a nutrient cap imposed on the watershed or individual agency that could result in increased compliance costs. The individual agency approach would most likely provide less protection because the cap would likely apply only to the individual agency and there would be less pooling of risk.

The issue of imposition of nutrient caps is a significant concern to BACWA. Ideas on possible approaches to reducing the impact of caps are as follows:

- Have caps have an adequate safety factor.
- Have caps apply initial only to agencies greater than 10 mgd design flow.
- Have different caps apply for different subembayments.
- Have Caps apply only to those who provide conventional secondary treatment only.
- Make allowance for special cases (e.g. those who currently provide a higher level of treatment than required).
- Don't apply caps to the Lower South Bay in the initial permit cycle.
- A combination of the above concepts or other viable options

Also, there will be a need to address special cases and needs regarding a Watershed Permit, such as:

- Future way to provide for credits and trading.
- A way to provide credit for those providing higher than required level of treatment, recycling water, etc.
- Credit for those pursuing sidestream treatment, etc.

No Action Alternative: If BACWA chooses to not collaborate with the Water Board, it is expected the Water Board would use a 13267 Order to direct a joint fact finding process that would be paid for by the permitted entities. However, information from the 13267 order would only inform the NNE process, and lead to the development of the Nutrient Management Plan, and development of numeric objectives; it would not afford the level of participation embodied in the collaborative process. There would be no agreement on what would be included in the future NPDES permits, so numerical limits could be developed and imposed sooner than they would have been imposed otherwise. If the limits are not attainable, it could lead to a TMDL or related action. Lack of an agreement could also lead to an earlier listing for impairment.

Schedule wise, in the no action alternative, the time line would be for the permits to be reissued as they expire. The 13267 Order would be expected in the next 6 months or so, and the ordered studies would be completed in the first 5 years. Much of the Nutrient Management Plan should be completed within 5 years. The NPDES permits could be expected to have additional required studies in them, depending upon local conditions. In the second 5 years, there would be a strong likelihood of either numeric permit limits or requirements to substantially reduce nutrient discharge (enhanced caps).

Regarding risk, the No Action Alternative has a greater likelihood of resulting in entities receiving permits that will require meeting an effluent limit or substantially reducing nutrient discharges. There is a similar likelihood of receiving a nutrient cap (without the benefit of pooling risk) as with the

collaborative approaches, since the underlying EPA policy driving the reduction of nutrients is the same for all alternatives.

Conclusion: The Watershed Permit with a narrative standard provides a greater chance of developing an effective, acceptable, adaptive nutrient management strategy and plan at what appears to be a lower risk at this time. The key risk is for the potential Watershed Permit to have nutrient caps proposed that are so low they provoke dissent. It should be noted that under all alternatives caps should be expected, so all alternatives share this risk to some degree. The Water Board has been pushing for action and commitment of resources in an effort to keep the NNE development on track; as discussed above, failure to work collaboratively with the Water Board would be expected to result in a 13267 Order to support needed studies, with no agreements with the Water Board about using joint fact finding to develop peer reviewed science to develop the nutrient strategy and plan to serve as the basis for determine the need for water quality objectives.

SFEI has just completed summarizing effluent nutrient data for 2006 to 2011, and three calendar quarters of nutrient data have been gathered under the 13267 Order. BACWA plans to work with the Water Board using this data in an effort to develop an acceptable approach for showing progress in reducing nutrient loading to the Bay. This process is in its initial phase.

The BACWA Plan: The ED will work with the Water Board to develop a Watershed Permit with narrative limits, as described above. Work will include the development of acceptable caps (if required). Communication will be undertaken with the BACWA membership on this regulatory approach to educate, receive input and hopefully gain acceptance of the approach.

Summary of Recent Clean Water Act Citizen Suit Litigation

The California Association of Sanitation Agencies (CASA) has assembled the following informational summaries pertaining to citizen suit litigation against local public agencies in California under the federal Clean Water Act (CWA). Given the diversity of petitioners, courts, types of lawsuits, and other factors, it is not possible to assemble a comprehensive list of all examples where entities have invoked the citizen suit provisions of the CWA in the state. Moreover, as described in greater detail below, many of these actions are “resolved” through settlement after the petitioner issues a sixty-day notice letter (“60-day letter”) but prior to the initiation of any official litigation reflected in court records. Unfortunately, there is no comprehensive database of all 60-day letters that have been sent by petitioners in the state, nor is there a repository of all settlement agreements that have been entered into as a result of those letters having been sent. The following is intended to be a representative subset of the types of CWA citizen suit actions that have been initiated against local public agencies in California since 2006.

Background

Section 505(a) of the CWA (33 U.S.C. § 1365(a)) grants “any citizen” the right to commence a civil action on his own behalf against “any person” who is alleged to be discharging pollutants to waters of the United States without an NPDES permit. The CWA requires plaintiffs to provide 60 days’ notice to the alleged violator, the state, and the EPA before filing suit.¹ A citizen may not bring a citizen suit to enforce the CWA where either the federal or state government is “diligently prosecuting” a civil or criminal action regarding the same violations,² however in California, the existence of a past enforcement action alone will not bar a citizen suit for the same violations unless the violator has paid an administrative penalty.³ The CWA imposes strict liability for violations, and there are very limited defenses available. The CWA provides for civil penalties, injunctive relief, and attorneys fees for prevailing plaintiffs.

Many, if not most, of the 60-day letter and petitions filed against public entities in California are for alleged sanitary sewer overflows (SSOs), either directly or via discharge to the entity’s municipal separate storm sewer system (MS4). Plaintiffs such as the California Sportfishing Protection Alliance (CSPA), San Francisco BayKeeper, and Northern California River Watch have targeted numerous local sewer collection agencies with CWA citizen suits and sent 60-day letters to numerous California communities for SSOs. These suits are attractive to citizen plaintiffs for several reasons. First, SSOs are prohibited, and thus every SSO that reaches waters is a violation of the CWA. SSOs can be reduced, but not completely prevented, and therefore all sewer systems have exposure to enforcement. Moreover, liability under the statute is strict, meaning that violations are subject to enforcement and penalties without regard to the good faith efforts of the collection system owner and operator. The availability of attorneys fees is also a significant motivation for some third party plaintiffs to bring or threaten lawsuits. Under

¹ 33 U.S.C. § 1365(b)(1)(A).

² 33 U.S.C. §§ 1365(b)(1)(B), 1319(g)(6).

³ *Citizens for a Better Environment v. Union Oil*, 83 F.3d 1111 (9th Cir. 1996).

the CWA, a “prevailing” citizen plaintiff is entitled to attorneys fees and costs, while a prevailing defendant may only recover fees if it can demonstrate that the plaintiff’s suit was frivolous or entirely without merit. Thus, there is very little downside to pursuing litigation for a citizen plaintiff, whereas if a local agency decides to take a case to trial, even if it significantly reduces the penalty assessed, it may find itself responsible for the payment of not only its own attorneys' fees, expert fees, and costs, but also similar costs and fees incurred by the plaintiff. These realities place the plaintiff’s attorney in a very strong bargaining position with regard to settlement.

For the reasons noted above, despite the significant number of 60-day letters sent and petitions filed under the CWA, these types of SSO cases rarely go to trial. Most proceed to settlement negotiations before the 60-day notice period runs. These settlement agreements generally include elements such as an agreement by the public agency to reduce SSOs to a numeric spill goal within a specified timeframe, an agreement by the agency to undertake specific improvements, operational changes or enactments related to the sewer system, payment to an environmental mitigation fund or Supplemental Environmental Project (SEP) in lieu of civil penalties, payment of plaintiff’s attorneys fees in a negotiated amount, and in some cases, payment of a “compliance monitoring fee” to compensate plaintiff’s counsel for the costs of monitoring implementation of the settlement agreement. The tables below provide just a few representative examples of the types of CWA actions brought public entities in the state.

1. CSPA Filings in Federal District Court, Eastern District of California

CSPA is one of the most common plaintiffs/petitioners to utilize the citizen suit provisions of the CWA against public entities in the state. According to court records, CSPA has filed at least 93 different cases in one federal district court, the Eastern District of California, between March of 2006 and the present date. The following table contains a subset of these filings: petitions filed against public entities, including cities and special districts.

Petitioner	Court District	Defendant	Case No.	Date Filed	Description	Notes
CSPA	Eastern	Tuolumne Utilities District	1:12-cv-01051-AWI-SMS	6/26/12	CWA Citizen Suit initiated alleging violations pertaining to SSOs and improper effluent discharges from a specified reservoir.	
CSPA	Eastern	City of Redding	2:12-cv-01884-GEB-KJN	07/17/12	CWA Citizen Suit initiated alleging violations pertaining to alleged violations of California's General Industrial Permit for Storm Water Discharges and storm water	

					violations related to a recycling, composting, waste transfer and trucking facility.	
CSPA	Eastern	City of Modesto	1:12-cv-02027-LJO-SKO	12/13/12	CWA Citizen Suit initiated alleging violations pertaining to SSOs and discharges of sewage and associated pollutants into the MS4.	
CSPA	Eastern	City of Stockton	cv-08-2184-LKK-KJM)	09/16/08	CWA Citizen Suit initiated alleging violations pertaining to discharges of pollutants in violation of the City's permit and overflows and other violations of the Waste Discharge Requirements for Sanitary Sewer Systems (SSO WDR). Resulted in Consent Decree with \$250,000 in fees, \$15,000 in compliance monitoring and \$300,000 in mitigation payments.	
CSPA	Eastern	El Dorado Irrigation District		01/28/10	CWA Citizen Suit initiated alleging violations pertaining to SSOs and discharges of sewage from the collection system.	District had well run system; many claims dealt with releases of highly treated recycled water to storm drains which resulted from faulty pipes installed by contractor; settlement included no injunctive type relief. District has fully complied with terms of CD.
CSPA	Eastern	Vallejo Unified School District	2:10-cv-00943-KJM-GGH	04/19/10	CWA Citizen Suit initiated alleging violations pertaining to District's discharges of polluted storm water and non-storm water pollutants from a school bus storage and maintenance facility.	

CSPA	Eastern	City of Chico	2:10-cv-01347-MCE-GGH	06/01/10	CWA Citizen Suit initiated alleging violations pertaining to alleged violations of California's General Industrial Permit for Storm Water Discharges and storm water violations related to an airport facility in the City.	
CSPA	Eastern	City of Redding	2:10-cv-01741-JAM-DAD	06/07/10	CWA Citizen Suit initiated alleging violations pertaining to SSOs and discharges of sewage and associated pollutants into the MS4.	
CSPA	Eastern	City of Redding	2:10-cv-01389-WBS-CMK	07/07/10	CWA Citizen Suit initiated alleging violations of California's General Industrial Permit for Storm Water Discharges and storm water violations related to a landfill facility.	
CSPA	Eastern	Butte County Department of Public Works	2:10-cv-03203-LKK-CKD	11/29/10	CWA Citizen Suit initiated alleging violations pertaining to alleged violations of California's General Industrial Permit for Storm Water Discharges and related stormwater violations.	
CSPA	Eastern	Glenn County	2:11-cv-00298-JAM-CKD	02/01/11	CWA Citizen Suit initiated alleging violations pertaining to contaminated storm water discharges of from a landfill facility.	
CSPA	Eastern	Sacramento Area Sewer District	2:11-cv-00575-KJM-EFB	03/01/11	CWA Citizen Suit initiated alleging violations pertaining to SSOs that enter the municipal separate storm sewer system (MS4).	Well run system had been fully audited and inspected by state of CA; some SSOs to waters had already been enforced by state and penalty paid; District had high number of SSOs because of ownership

						of laterals which caused total numbers of spills to be inflated.
CSPA	Eastern	City of Sacramento	cv-11-00601-KJM-EFB	03/03/11	CWA Citizen Suit initiated alleging violations of the City's Municipal Separate Storm Sewer System Sacramento (MS4) Permit. Resulted in Consent Decree.	City had no SSOs to waters of the U.S.; suit was potentially defensible but because of significant risk and cost of defense, decision to settle. City user rates must be increased by double digits over next several years to pay for programs and capital projects required by CD.
CSPA	Eastern	County of Yolo	2:12-cv-01794-MCE-CKD	07/07/12	CWA Citizen Suit initiated alleging violations pertaining to contaminated storm water discharges from a municipal landfill and steam electric generating facility.	

2. Northern California River Watch: CWA Related Actions Since 2006

Northern California River Watch (River Watch) maintains a list of the CWA actions it has initiated dating back to 2006 on its website.⁴ River Watch specifically identifies instances where it has invoked CWA citizen suit provisions against various public entities under the CWA, and the results of those actions, along with others known by our members, are summarized below:

Petitioner	District	Defendant / Recipient	Case No.	Date Notice Letter Sent or Complaint Filed	Description	Notes
River Watch	Northern	City of Yreka	3:12-CV-05872 JSC	01/07/13	CWA Citizen Suit initiated pertaining to alleged Sanitary Sewer Overflows (SSOs) by	Many of claims related to recently improved pond treatment system not

⁴ Available at <http://www.ncriverwatch.org/legal/resolved/index.php>. Petitions, sixty-day notices, and settlement agreements for each of the identified actions are also available on the website.

					the City of Yreka. Resulted in Settlement Agreement with payment of \$35,000 in attorneys' fees.	even regulated by an NPDES permit and with no evidence of discharge to receiving waters; many claims had been resolved by payment of penalty to Regional Water Board.
River Watch	N/A	City of Antioch	N/A	11/13/12	Sixty-Day Notice of Intent to File Suit under the CWA sent alleging SSOs by the City of Antioch. Resulted in Settlement Agreement with payment of \$35,000 in attorneys' fees.	Well run system with very few sewer spills for a system of that size. Settled because cheaper than litigating.
River Watch	N/A	City of Benicia	N/A	06/04/12	Sixty-Day Notice of Intent to File Suit under the CWA sent alleging SSOs by the City of Benicia. Resulted in Settlement Agreement with payment of \$45,000 in attorneys' fees.	Well run system with very few sewer spills for a system of that size. Settled because cheaper than litigating.
River Watch	N/A	County Sanitation District 2-3 of Santa Clara	N/A	01/23/12	Sixty-Day Notice of Intent to File Suit under the CWA sent alleging SSOs by the County Sanitation District. Resulted in Settlement Agreement.	
River Watch	N/A	West Valley Sanitation District	N/A	03/01/12	Sixty-Day Notice of Intent to File Suit under the CWA sent alleging SSOs by the West Valley Sanitation District. Resulted in Settlement Agreement.	
River Watch	N/A	City of Healdsburg	N/A	08/18/11	Sixty-Day Notice of Intent to File Suit under the CWA sent alleging SSOs by the City of Healdsburg. Resulted in Settlement Agreement.	

River Watch	N/A	Bodega Bay Public Utilities District	N/A	02/11/11; Settled 10/10/12	Sixty-Day Notice of Intent to File Suit under the CWA sent alleging collection system overflows via exfiltration, SSOs, and storage pond overflow. Resulted in Settlement Agreement with payment of \$45,000 in attorneys' fees.	
River Watch	N/A	City of Blue Lake Wastewater Treatment Facility	N/A	04/04/11	Sixty-Day Notice of Intent to File Suit under the CWA sent alleging overflows due to excess inflow and infiltration.	
River Watch	N/A	Brooktrails Township	N/A	10/01/10	Sixty-Day Notice of Intent to File Suit under the CWA sent alleging sewer system overflows due to excess inflow and infiltration. Resulted in Settlement Agreement.	
River Watch	N/A	City of Tiburon	N/A	01/27/09	Sixty-Day Notice of Intent to File Suit under the CWA sent alleging receiving water limit violations and sewer overflows. Resulted in Settlement Agreement.	
River Watch	N/A	City of Arcata	N/A	08/03/09	Sixty-Day Notice of Intent to File Suit under the CWA sent alleging effluent violations and sewer system overflows. Resulted in Settlement Agreement with payment of \$30,000 in attorneys' fees.	In addition to main claims, raised issues as to whether the City's constructed treatment wetlands were "waters of the United States"; settled around that issue.
River Watch	N/A	San Rafael Sanitation District	N/A	04/10/09	Sixty-Day Notice of Intent to File Suit under the CWA sent alleging effluent violations and sewer	Very well run system with GIS mapping of all lines and all improvements/repairs made to system.

					system overflows. Resulted in Settlement Agreement with payment of \$35,000 in attorneys' fees.	Settled because cost to litigate too high.
River Watch	Northern	City of Sausalito	Unknown	04/14/08	CWA Citizen Suit initiated pertaining to alleged collection and sewer system overflows by the City. Resulted in Settlement Agreement.	
River Watch	N/A	Novato Sanitary District	N/A	01/29/08	Sixty-Day Notice of Intent to File Suit under the CWA sent alleging effluent limit violations and SSOs. Resulted in Settlement Agreement.	
River Watch	N/A	Sausalito-Marin City Sanitary District	N/A	08/05/07	Sixty-Day Notice of Intent to File Suit under the CWA sent alleging effluent limit violations and SSOs. Resulted in Settlement Agreement.	

3. San Francisco BayKeeper: CWA SSO Related Actions Since 2006

Similar to River Watch, San Francisco BayKeeper (BayKeeper) also maintains a summary of representative CWA actions it has initiated pertaining to alleged sewer spills on its website.⁵ These examples are summarized briefly below:

Petitioner	District	Defendant / Recipient	Case No.	Date Filed / Dismissed	Description	Notes
San Francisco BayKeeper	Northern	West Bay Sanitary District	C-09-05676 EMC	12/02/09; Dismissed 03/07/12	Citizen suit alleging discharges of SSOs without an NPDES permit, violations of the Clean Water Act, state law, and municipal ordinances. Resulted in dismissal of the case without injunctive relief, mitigation payment or penalties; settlement	Two of the 3 claims had been dismissed., though Plaintiff's lawyers received \$1.4 million in attorneys fees in order to dismiss the case. The settlement did not require any actions on the part of the Defendant since they had a very well run

⁵ Available at <http://baykeeper.org/articles/baykeepers-legal-actions-end-sewage-spills>.

					was for the payment of attorney's fees only in the amount of \$1.4 million.	system.
San Francisco BayKeeper	Northern	Town of Hillsborough	3:08-cv-03760-BZ	08/06/08; Settled 10/16/09	Citizen suit alleging discharges of SSOs in violation of stormwater permit and other violations of the Clean Water Act. Resulted in a settlement agreement with payment of \$200,000 in fees and \$50,000 SEP	Case brought even as the State was prosecuting a similar action for the same events and paid a \$405,000 penalty.
San Francisco BayKeeper	Northern	City of Richmond, West County Agency, and West County Wastewater District	3:05-cv-3829	09/22/05; Settled 10/18/06	Citizen suit alleging discharges of SSOs and effluent in violation of permit, and other violations of the Clean Water Act.	Resulted in two settlement agreements with total payment of \$695,000 in fees and \$4,236,000 in SEPs.

Entity	Defendant / Recipient	Date	Description	Notes
San Francisco BayKeeper	City of San Bruno	July 2011	Invocation of CWA citizen suit provisions resulted in settlement requiring sewage system upgrades as well as improvements in operations and maintenance practices to in some cases exceed industry standards.	
San Francisco BayKeeper	Oakland, Berkeley, Alameda, Albany, Emeryville, Piedmont, and the Stege Sanitary District	March 2011	Invocation of CWA citizen suit provisions resulted in each identified city being required to develop individual plans for repairing and operating their sewage pipes and making said repairs on an aggressive timetable.	
San Francisco BayKeeper	City of South San Francisco	March 2011	Invocation of CWA citizen suit provisions resulted in City's commitment to reduce spills over the next five years, make improvements in operations and maintenance practices to in some instances exceed industry standards, and distribute \$300,000	

				in grants to eligible homeowners for replacement of household sewer lines.	
San Francisco BayKeeper		City of Millbrae	July 2010	Invocation of CWA citizen suit provisions resulted in agreement to make significant collection system improvements, repair pipes on a set schedule, clean sewage pipes more frequently, provide financial support for property owners to replace broken household sewer lines, and provide subsidies for measures such as rain barrels and permeable paving.	
San Francisco BayKeeper		City of San Carlos	February 2010	Invocation of CWA citizen suit provisions resulted in agreement to spend tens of millions of dollars on sewer system upgrades and improvements and a study to identify capacity problems.	
San Francisco BayKeeper		Burlingame Hills	July 2009	Invocation of CWA citizen suit provisions resulted in agreement to upgrade City's system to achieve reductions in sewage spills and to educate residents about how to reduce sewage spills.	
San Francisco BayKeeper		Burlingame	August 2008	Invocation of CWA citizen suit provisions resulted in agreement to substantially improve sewage infrastructure over ten years, including spending tens of millions of dollars to make collection system improvements and undertaking a study to identify capacity problems and eliminate near-shore discharges.	

4. Other "Keeper" Organizations: CWA Related Actions Since 2006

Similar to the San Francisco BayKeeper, other "Keeper" organizations (i.e. Santa Monica BayKeeper) have also brought CWA actions against California municipalities. These examples are summarized briefly below:

Petitioner(s)	District	Defendant / Recipient	Case No.	Date Filed	Description	Notes
Santa Monica Baykeeper and Natural	Central	City of Malibu	CV-08-01465 AHM (PLAx)	03/03/08; Dismissed	Citizen suit alleging discharges of stormwater in violation of an NPDES	After 4 years of litigation and on the eve of trial, the case

Resources Defense Council				04/16/12	permit, and violations of the Clean Water Act.	ended with a settlement agreement with attorneys' fees of \$750,000 and \$250,000 going towards a SEP.
Santa Monica Baykeeper and Natural Resources Defense Council	Central	Los Angeles County, Los Angeles County Flood Control District	2:08-cv-1467 AHM	03/03/08	Citizen suit alleging discharges of stormwater in violation of an NPDES permit, and violations of the Clean Water Act.	District Court found no proof of violations on Watershed claims. Overturned by Ninth Circuit. Appealed to and currently on remand from the Supreme Court at the Ninth Circuit Court of Appeals.
Coalition for Sustainable Delta	Eastern	City of Stockton; County of San Joaquin	2:09-cv-00486 JAM	02/18/09	Citizen suit alleging discharges of stormwater in violation of an NPDES permit, and violations of the Clean Water Act.	Still in settlement discussions, delayed due to City of Stockton declaring bankruptcy.

Law Office of Jack Silver

P.O. Box 5469 Santa Rosa, California 95402
Phone 707-528-8175 Fax 707-528-8675
lhm28843@sbcglobal.net



RECEIVED

APR 08 2013

CCCSD-Secretary of the District

***Via Certified Mail -
Return Receipt Requested***

April 4, 2013

James A. Nejedly - Board President
Board of Directors
Curt Swanson - Provisional General Manager
Central Contra Costa Sanitary District
5019 Imhoff Place
Martinez, CA 94553

Re: Notice of Violations and Intent to File Suit Under the Clean Water Act

Gentlemen:

NOTICE

The Clean Water Act ("CWA" or "Act") requires that 60 days prior to the initiation of a civil action under CWA § 505(a), 33 U.S.C. § 1365(a), a citizen must give notice of the intent to sue to the alleged violator, the Environmental Protection Agency ("EPA") and the State in which the violations occur.

California River Watch ("River Watch") hereby places Central Contra Costa Sanitary District, hereinafter referred to as "the Discharger" on notice, that following the expiration of 60 days from the date of this Notice, River Watch intends to bring suit in the United States District Court against the Discharger for continuing violations of an effluent standard or limitation, permit condition or requirement, a Federal or State Order or Permit issued under CWA § 402 pursuant to CWA § 301(a), and consistent with the Code of Federal Regulations, and the Regional Water Quality Control Board, San Francisco Bay Region, Water Quality Control Plan ("Basin Plan") as exemplified by the violations of permit conditions or limitations in the Discharger's National Pollutant Discharge Elimination System ("NPDES") Permit.

INTRODUCTION

The CWA regulates the discharge of pollutants into navigable waters. The statute is structured in such a way that all discharge of pollutants is prohibited with the exception of enumerated statutory exceptions. One such exception authorizes a polluter who has been issued a permit pursuant to CWA § 402, to discharge designated pollutants at certain levels subject to certain conditions. The effluent discharge standards or limitations specified in a NPDES permit define the scope of the authorized exception to the CWA § 301(a), 33 U.S.C. § 1311(a) prohibition, such that violation of a permit limit places a polluter in violation of the CWA. Private parties may bring citizens' suits pursuant to 33 U.S.C. § 1365 to enforce effluent standards or limitations, as defined under 33 U.S.C. § 1365(f) and elsewhere within the Act or enumerating state and federal statutes and limitations.

The CWA provides that authority to administer the NPDES permitting system in any given state or region can be delegated by the EPA to a state or to a regional regulatory agency, provided that the applicable state or regional regulatory scheme under which the local agency operates satisfies certain criteria. *See* 33 U.S.C. § 1342(b). In California, the EPA has granted authorization to a state regulatory apparatus comprised of the State Water Resources Control Board and several subsidiary regional water quality control boards, to issue NPDES permits. The entity responsible for issuing NPDES permits and otherwise regulating discharges in the region at issue in this Notice is the Regional Water Quality Control Board, San Francisco Bay Region ("RWQCB").

The CWA requires that any Notice regarding an alleged violation of an effluent standard or limitation of an order with respect thereto shall include sufficient information to permit the recipient to identify the following:

1. *The specific standard, limitation, or order alleged to have been violated.*

To comply with this requirement River Watch has identified the Discharger's NPDES Permit, specifically identifying in this Notice the applicable permit standard, limitation or condition being violated.

2. *The activity alleged to constitute a violation.*

Most often, the NPDES Permit limitations being violated are self-explanatory and an examination of the language of the Permit itself is sufficient to inform the Discharger. In addition, River Watch has set forth narratives in this Notice describing with particularity the activities leading to violations and has incorporated by reference the Discharger's own records and other public documents in the Discharger's possession or otherwise available to the Discharger regarding its NPDES Permit, compliance with the Permit and any other information designed to inform the Discharger or the public of the violations alleged.

3. *The person or persons responsible for the alleged violation.*

The entity responsible for the alleged violations identified in this Notice is the Central Contra Costa Sanitary District as owner and operator of the Central Contra Costa Wastewater Treatment Plant and its related collection system, and those of its employees responsible for compliance with the NPDES Permit.

4. *The location of the alleged violation.*

The location or locations of the various violations are identified in the Discharger's NPDES Permit and also in records created and/or maintained by or for the Discharger which relate to the Central Contra Costa Wastewater Treatment Plant and related activities as further described and identified in this Notice.

5. *The date or dates of violation or a reasonable range of dates during which the alleged activity occurred.*

River Watch has examined both RWQCB files and the Discharger's records with respect to the Central Contra Costa Treatment Plant for the period from April 1, 2008 through April 1, 2013. The range of dates covered by this Notice is from April 1, 2008 through April 1, 2013. River Watch may from time to time update this Notice to include all violations of the CWA by the Discharger which occur after the range of dates currently covered. Some of the violations are continuous, and therefore each day constitutes a violation.

6. *The full name, address, and telephone number of the person giving notice.*

The entity giving this Notice is California River Watch, referred to herein as "River Watch," 290 S. Main Street, #817, Sebastopol, CA 95472 – a 501(c)(3) non-profit, public benefit corporation organized under the laws of the State of California, dedicated to protect, enhance and help restore the surface waters and groundwater of the State of California including all rivers, creeks, streams, wetlands, vernal pools and tributaries. River Watch may be contacted via email: US@ncriverwatch.org or through its attorneys. River Watch has retained legal counsel with respect to the issues set forth in this Notice. All communications should be addressed as follows:

Jerry Bernhaut, Esq. or Jack Silver, Esq.
Law Offices of Jack Silver
P.O. Box 5469
Santa Rosa, CA 95402-5469
Tel. 707-528-8175
Email: lhm28843@sbcglobal.net

THE DISCHARGER'S OPERATION

The Discharger owns and operates the Central Contra Costa Wastewater Treatment Plant (the "Plant"), and its associated wastewater collection system consisting of approximately 1,500 miles of gravity sewer main and 16 pump stations. The discharge of treated wastewater from the Plant is regulated under Order No. R2-2012-0016, NPDES Permit CA0037648. The discharge was formerly regulated under Order No. R2-2007-0008, NPDES Permit CA0038849. The Discharger provides sewage collection services for a population of over 462,000 residents and businesses in central Contra Costa County. The Plant has design treatment capacities of 53 mgd average dry weather flow and 250 mgd peak wet weather flow. The Plant provides secondary treatment of wastewater collected from its service area and discharges the wastewater to Suisun Bay.

The Discharger's ageing collection system has historically experienced high inflow and infiltration (I/I) during wet weather. Structural defects which allow I/I into the sewer lines, result in a buildup of pressure which causes sewage system surface overflows (SSOs). Overflows caused by blockages and I/I result in the discharge of raw sewage into gutters, canals, and storm drains which are connected to adjacent surface waters and North Slough – all waters of the United States. As recorded in California Integrated Water Quality System's ("CIWQS") Public SSO Reports, the Plant has experienced 250 SSOs between April of 2008 and April 2013, with an estimated combined volume of 60,130 gallons - 37,156 gallons of which were reported as reaching surface waters. For example, on June 14, 2011, a reported spill of 7,320 gallons occurred at 3568 Silver Springs Road in the City of Lafayette, all of which were reported as reaching Jonas Creek.

The Discharger has a history of non-compliance with the SSO reporting requirements mandated by the Statewide General Requirements for Sanitary Sewer Systems, Waste Discharge Requirements ("WDR") Order No. 2006-0003-DWQ, governing the operation of sanitary sewer systems. The Discharger is a permittee under the Statewide WDR which requires the reporting of SSOs to the CIWQS. SSO reports shall include an estimate of the volume of any spill, the volume recovered, and the volume which reached a surface water.

The Discharger's field reports regularly indicate the SSO start time as the same time the Discharger was notified of the SSO. For example, in reporting the spill which occurred at 61 Sleepy Hollow Lane on March 1, 2012, the Discharger's field report indicates the estimated spill start time and the time the sanitary sewer agency was notified as 12:37:00.0, exactly the same time. These equivalencies are highly unlikely and result in an underestimation of the duration of the spill. The Discharger's common practice of underestimating the duration of the spill leads to underestimating the volume of the spill. The Discharger's SSO records generally do not indicate what method was used to estimate the total volume of the spill, which also calls into question the estimates of volume recovered and volume

reaching a surface water. River Watch contends there is a high degree of likelihood that the Discharger regularly under estimates the volume of SSOs as well as the volume which reached a surface water.

In addition to SSOs which discharge over land into surface waters, underground leakages (“exfiltration”) caused by pipeline cracks and other structural defects result in discharges to adjacent surface waters via underground hydrological connections. Studies tracing human markers specific to the human digestive system in surface waters adjacent to defective sewer lines have verified the contamination of the adjacent waters with untreated sewage.¹ Surface waters and groundwater become contaminated with fecal coliform, exposing people to human pathogens. The Discharger’s chronic collection system failures pose a substantial threat to public health. River Watch alleges that such discharges are continuous wherever ageing, damaged, structurally defective collection system sewer lines are located adjacent to surface waters throughout Contra Costa County including Orinda Creek, Lauterwasser Creek, and Alhambra Creek.

The Discharger’s illegal discharge of untreated wastewater exceeding Basin Plan standards is a significant contribution to the degradation of Suisun Bay and the waters located in Contra Costa County identified in this Notice, with adverse effects on beneficial uses of those waters. River Watch members residing in the area have a vital interest in bringing the Discharger’s operations at the Plant and associated collection system into compliance with the CWA.

REMEDIAL MEASURES REQUESTED

1. DEFINITIONS

- A. Condition Assessment: A report that comprises inspection, rating, and evaluation of the existing condition of a sewer collection system. Inspection is based upon closed circuit television (“CCTV”) inspections for gravity mains; manhole inspections for structural defects; and, inspections of pipe connections at the manhole. After CCTV inspection occurs, pipe conditions are assigned a grade based on the Pipeline Assessment and Certification Program (“PACP”) rating system, developed by the National Association of Sewer Service Companies. The PACP is a nationally recognized sewer pipeline condition rating system for CCTV inspections.

¹See the Report of the Human Marker Study issued in July of 2008 and conducted by Dr. Michael L. Johnson, U.C. Davis water quality expert, performed for the City of Ukiah, finding the presence of human derived bacteria in two creeks adjacent to defective sewer lines.

- B. Full Condition Assessment: A Condition Assessment of all sewer lines in the sewer collection system with the exception of sewer lines located within two hundred (200) feet of surface waters.
- C. Surface Water Condition Assessment: A Condition Assessment of sewer lines in the sewer collection system located within two hundred (200) feet of surface waters, including gutters, canals and storm drains which discharge to surface waters.
- D. Significantly Defective: A sewer pipe is considered to be Significantly Defective if the pipe's condition receives a grade of 4 or 5 based on the PACP rating system. The PACP assigns grades based on the significance of the defect, extent of damage, percentage of flow capacity restriction, and/or the amount of pipe wall loss due to deterioration. Grades are assigned as follows:
 - 5 – Most significant defect
 - 4 – Significant defect
 - 3 – Moderate defect
 - 2 – Minor to moderate defect
 - 1 – Minor defect

2. REMEDIAL MEASURES

River Watch believes the following remedial measures are necessary to bring the Discharger into compliance with its NPDES permit and the Basin Plan, and to prioritize remedial measures to reflect the biological impacts of the Discharger's ongoing non-compliance:

A. SEWAGE COLLECTION SYSTEM INVESTIGATION AND REPAIR

- 1. The repair or replacement of all sewer lines in the Discharger's sewage collection system located within two hundred (200) feet from surface waters, including gutters, canals and storm drains which discharge to surface waters, which have been CCTV'd within five (5) years and which are Significantly Defective within two (2) years.
- 2. The completion of Surface Water Condition Assessment of sewer lines which have not been CCTV'd within two (2) years.
- 3. Within two (2) years after completion of the Surface Water Condition Assessment under section A.2. above, the Discharger will:

- a. Repair or replace all sewer lines which have been found to be Significantly Defective;
 - b. Repair or replace sewer pipe segments that contain defects with a rating of 3 based on the PACP rating system, if such defect resulted in an SSO, or, if in the Discharger's discretion, such defects are in close proximity to Significantly Defective segments that are in the process of being repaired or replaced;
 - c. Sewer pipe segments that contain defects with a rating of 3 that are not repaired or replaced within five (5) years after completion of the Surface Water Condition Assessment shall be re-CCTV'd every five (5) years to ascertain the condition of the sewer line segment. If the Discharger determines that the grade-3 sewer pipe segment has deteriorated and needs to be repaired or replaced, the Discharger shall complete such repair or replacement within two (2) years after the last CCTV cycle.
4. Beginning no more than (1) year after completion of the Surface Water Condition Assessment, the Discharger shall commence a Full Condition Assessment to be completed within seven (7) years.
 - a. Any sewer pipe segment received a rating of 4 or 5 based on the PACP rating system shall be repaired or replaced within two (2) years of the rating determination.

B. SSO REPORTING AND RESPONSE

1. Modification of the Discharger's Backup and SSO response plan to include the method or calculations used for estimating total spill volume, spill volume that reached surface waters and estimating spill volume recovered.
2. For Category I Spills, creation of a listing of nearby residents or business operators who have been contacted to attempt to establish the SSO start time, duration, and flow rate, if such start time, duration, and flow rate have not been otherwise reasonably ascertained, such as from a caller who provides information that brackets a given time that the SSO began.
3. Taking of photographs of the manhole flow at the SSO site utilizing the District's photographic volume estimation guide or other photographic evidence that may aid in establishing the spill volume.

4. A requirement for water quality sampling and testing whenever it is estimated that fifty (50) gallons or more of untreated or partially treated waste water enters surface waters. Constituents tested for to include: Ammonia, Fecal Coliform, E. coli and a CAM-17 toxic metal analysis. The Discharger shall collect and test samples from three (3) locations: the point of discharge, upstream of the point of discharge, and downstream of the point of discharge.

If any of said constituents are found at higher levels in the point of discharge sample and the downstream sample than in the upstream sample, the Discharger is to determine and address the cause of the SSO that enters surface waters, and employ the following measures to prevent future overflows: (a) if the SSO is caused by a structural defect, then immediately spot repair the defect or replace the entire line; (b) if the defect is non-structural, such as a grease blockage or vandalism to a manhole cover, then perform additional maintenance or cleaning, and any other appropriate measures to fix the non-structural defect.

5. The creation of web site capacity to track information regarding SSOs; or, in the alternative, the creation of a link from the Discharger's website to the CIWQS SSO Public Reports. The Discharger would notify all customers and other members of the public of the existence of the web based program, including a commitment to respond to private parties submitting overflow reports.
6. Performance of human marker sampling on creeks, rivers, and wetlands adjacent to sewer lines to test for sewage contamination from exfiltration.

C. LATERAL INSPECTION/REPAIR PROGRAM

Creation of a mandatory, private sewer lateral inspection and repair program triggered by any of the following events:

1. Transfer of ownership of the property if no inspection/replacement of the sewer lateral occurred within twenty (20) years prior to the transfer;
2. The occurrence of two (2) or more SSOs caused by the private sewer lateral within two (2) years;
3. A change of the use of the structure served (a) from residential to non-residential use, (b) to a non-residential use that will result in a higher flow than the current non-residential use, and (c) to non-residential uses where the structure served has been vacant or unoccupied for more than three (3) years;

4. Upon replacement or repair of any part of the sewer lateral;
5. Upon issuance of a building permit with a valuation of \$25,000.00 or more;
6. Upon significant repair or replacement of the main sewer line to which the lateral is attached.

VIOLATIONS

River Watch contends that from April 1, 2013 through April 1, 2013, the Discharger has violated the requirements of its NPDES Permit, the Basin Plan and the Code of Federal Regulations, as those requirements are referenced in the Discharger's NPDES Permit, with respect to the Plant and associated sewage collection system. Said violations are evidenced and reported in the Discharger's Self Monitoring Reports, testing data compiled in compliance with the NPDES Permit or other orders of the RWQCB, and other documentation filed with the RWQCB or in the Discharger's possession, and as evidenced by unpermitted discharges due to failures in the Discharger's collection system. River Watch also contends these violations are continuing.

The violations, established in Self Monitoring Reports, raw data and records of the RWQCB, and the CIWQS Public SSO Reporting Program Database records include, but are not limited to, the following categories in the NPDES Permit:

Discharge Prohibitions

Violations Description

1500 **Collection system overflows caused by underground exfiltration** – an event in which untreated sewage is discharged from the sewage collection system prior to reaching the Plant. Underground discharges are alleged to have been continuous throughout the 5 year period from April 1, 2008 to April 1, 2013.

(Order No. R2-2007-0008, NPDES Permit CA0038849 -
Discharge Prohibitions III.E: "Any sanitary sewer overflow that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.")

(Order No. R2-2012-0016, NPDES Permit CA0037648 -
Discharge Prohibitions III.E: "Any sanitary sewer overflow that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.")

Evidence to support the allegation of underground discharge of raw sewage exists in the Discharger's own mass balance data regarding the number of connections in the service area, estimates of average daily volume of wastewater per connection, influent flow volumes to the Plant reported in Self Monitoring Reports, video inspection of the sewage collection system and testing of waterways adjacent to sewer lines, creeks, and wetlands for human markers, nutrients, pathogens and other constituents indicating sewage contamination.

250 SSOs – as evidenced in the CIWQS Interactive Public SSO Reports, including the reports discussed above. Also, unrecorded surface overflows witnessed by local residents.

(Order No. R2-2007-0008, NPDES Permit CA0038849 - Discharge Prohibitions III.E: “Any sanitary sewer overflow that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.”)

(Order No. R2-2012-0016, NPDES Permit CA0037648 - Discharge Prohibitions III.E: “Any sanitary sewer overflow that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.”)

Monitoring Requirements

Violations /Description

150 Failure to monitor, report or adequately describe violations – The majority of these violations occur due to failure to report violations of Discharge Prohibitions III.E. of Order No. R2-2012-0016 and Order No. R2-2007-0008, as well as failure to adequately describe reported violations of said provisions.

CONCLUSION

The violations as set forth in this Notice effect the health and enjoyment of members of River Watch who reside and recreate in the affected communities. These members use the affected watershed for domestic water supply, agricultural water supply, recreation, sports, fishing, swimming, hiking, photography, nature walks and the like. Their health, use and enjoyment of this natural resource is specifically impaired by the Discharger's violations of the CWA as alleged in this Notice.

River Watch believes this Notice sufficiently states grounds for filing suit. At the close of the 60-day notice period or shortly thereafter River Watch intends to file a citizen's suit under CWA § 505(a) against the Discharger for the violations identified in this Notice. During the 60-day notice period, River Watch is willing to discuss effective remedies for the

violations noted. However, if the Discharger wishes to pursue such discussions in the absence of litigation, it is suggested those discussions be initiated soon so that they may be completed before the end of the 60-day notice period. River Watch does not intend to delay the filing of a lawsuit if discussions are continuing when that notice period ends.

Very truly yours,



Jerry Bernhaut

JB:lmh

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CRITERIA FOR DECISION MAKING ON REQUESTS FOR FUNDING COLLABORATIVE INITIATIVES OR SPONSORSHIPS

THRESHOLD CRITERIA

Are there funds available in the current fiscal year budget line item where these types of initiatives are specifically budgeted? ***If not consider rejecting the request.***

ADDITIONAL CRITERIA

1. Is the mission of the organization making the request or the specific initiative for which funding is sought sufficiently aligned with BACWA's mission or specific initiatives to warrant funding? ***If there is not a reasonable linkage, consider rejecting the request.***
2. Will there be any direct benefit to BACWA or its membership? ***It is preferable to have a direct measurable benefit to BACWA or a majority of its membership.***
3. Will there be any accountability as to how the funds are spent? ***It is preferable to have some feedback mechanism, as to how specifically the funds were used.***
4. Is the request for a one time contribution or is it a recurring contribution; or is there an expectation of a recurring contribution? ***A one time contribution is preferable.***
5. Are there any identified downsides to BACWA making the contribution? ***Identified downsides should be examined to see if they may constitute a fatal flaw with making the contribution in which case it should be rejected.***
6. Is the amount requested in-line with other BACWA contributions? ***If a request is greater than \$25,000 or cumulatively more than \$50,000, serious consideration should be given to issues associated with a JPA making such as contribution.***
7. In exchange for the contribution does BACWA gain a voice in the initiative or the activities of the organization? ***BACWA being offered a voice in the governance associated with the completion of the initiative or carrying out the mission of the organization is preferable.***
8. Does BACWA have an urgent need to spend the available funds elsewhere? ***If so the request should be rejected.***