



## Executive Board Meeting Minutes

Thursday, August 23, 2012, 9:00 a.m. – 12:00 p.m.  
EBMUD Treatment Plant Lab Library  
2020 Wake Avenue, Oakland, CA

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### ROLL CALL AND INTRODUCTIONS

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

Other Attendees: Amanda Roa (Delta Diablo Sanitation District); Tom Hall (Sunnyvale/EOA); Georg Krammer (Koff & Associates); Lorien Fono (Patricia McGovern Engineers); Jim Kelly (BACWA); Alexandra Gunnell (BACWA).

### PUBLIC COMMENT

There were no public comments.

### CONSENT CALENDAR

*Consent calendar **agenda items 1 – 4** were approved in a motion made by Mike Connor and seconded by Laura Pagano. The motion carried unanimously.*

1. July 26, 2012 BACWA Executive Board Meeting minutes
2. June 2012 Treasurer's Report
3. Contribution to Tri-TAC Pyrethroid Working Group (PWG); \$15,000
4. Contribution to Support Layperson's Guide to Wastewater; \$6,000

Mike Connor reported that he and Melody LaBella of Central Contra Costa Sanitary District participate in the Pyrethroid Working Group and praised the work being carried out by the group.

The Board inquired about the distribution process and timeline for the Layperson's Guide to Wastewater. The Executive Director (ED) will follow up and also consider whether portions of the guide could be extracted for BACWA to use in outreach materials.

### REPORTS

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

Laura Pagano notified attendees that Harlan Kelly has been named as the new SFPUC General Manager. He previously served as the Assistant General Manager of the Infrastructure Division and his wife Naomi is the City Administrator.

Ann Farrell updated the Board that she has been responding to press inquiries regarding Central Contra Costa's pension plan and public scrutiny surrounding pension spiking.

Mike Connor explained that Karl Royer is retiring in the next month and Dave Stoops will be taking his place at EBDA. He also noted that the City of Hayward is implementing a plan to provide recycled water to Calpine.

Ben Horenstein notified the Board that EBMUD is developing a two-year budget plan and is investigating different rate structures, less dependent on direct consumption, to address their infrastructure gap. EBMUD is also considering bringing the City of Richmond into their service area

and will be reviewing a study that should be completed in January 2013. It was noted that Vivian Housen is working with the City of Richmond.

The ED noted that he has been communicating with Paul Causey about creating repository of 218 notices. The Board requested that Paul provide an update to the Board on his sewer rate database work at an upcoming BACWA meeting this fall.

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

- The Nutrient 13267 Letter was discussed at the August 20<sup>th</sup> joint meeting with the San Francisco Regional Water Quality Control Board (RWQCB).
- The agenda for the SWAMP meeting scheduled for August 27<sup>th</sup> has been released. It was noted that the spiking study is proceeding.
- An update on nutrients strategy development will be covered later in the agenda.
- Rescheduling Pardee continues to be a challenge. The Board agreed to have the ED contact Bruce Wolfe to consider holding the technical seminar on November 5 – 7, even if Bruce will not be able to attend.
- In response to a request from the AIR committee, the ED will work with committee Chair and Vice Chair to review their fee structure and services provided, and potentially develop a recommendation for financial restructuring.
- The Board confirmed that the ED should proceed with scheduling a presentation from Isle Technologies lasting approximately 30 minutes for the September 27<sup>th</sup> BACWA Board meeting.
- The ED explained that he has been communicating with Alex Parker regarding his request for POTW's to collaborate on an effluent/receiving water toxicity study proposal that he has submitted to the Interagency Ecological Program (IEP). The ED and Mike Connor plan to continue discussions at a meeting on August 29<sup>th</sup> with Sacramento Regional County Sanitation District, City of Stockton and Alex Parker. Then next steps will be determined and BACWA may want to consider reviewing the proposal and providing input.

The **Regulatory Program Manager (RPM) Report** for **agenda item 7** was included in the handout packet and reviewed by Lorien Fono. Lorien noted that Jim Kelly e-mailed a summary of the August 21<sup>st</sup> state toxicity workshop to the Board. The ED will contact Bobbi Larson to inquire about CASA's continued efforts and will also continue discussions with the RWQCB. Laura Pagano will continue to participate in the toxicity workgroup on behalf of SFPUC.

The RPM distributed the Preliminary Results of the PCB Data Analysis. It suggests a possible cost savings could be achieved if monitoring requirements were changed to reduce the number of congeners and testing frequency. Lorien will send an e-mail inviting agencies to participate in the workgroup.

The Board agreed to continue discussions with the RWQCB regarding dilution policy for ocean dischargers. Tom Hall noted that the RWQCB has been receptive to discussing allowing shallow water dilution for chronic toxicity with Sunnyvale during recent meetings.

No **Chair & Executive Director Authorized Actions (agenda item 8)** had been made since the July 26, 2012 BACWA Board Meeting, at the time this agenda was finalized. Last week, the ED

authorized utilization of the of the agreement with RMC for as needed technical support to obtain assistance with state water Board proposed changes to the Monitoring and Reporting Program (MRP) of the Sanitary Sewer System (SSS) Waste Discharge Requirements (WDR). Documentation for this task authorization will be included in the September Board meeting handout packet.

## **OTHER BUSINESS**

For **agenda item 9, Designation of BACWA Representatives for Aquatic Science Center Board**, the Board agreed to postpone discussion of this topic for a future meeting when Dave Williams could be present. The topic will be added to a future board meeting along with a discussion of current BACWA representation for SFEI/RMP groups and consideration of other organizations where BACWA representation could be beneficial.

For **agenda item 10a, Nutrients**, *in a motion made by Ben Horenstein and seconded by Mike Connor the Board unanimously approved to **grant the Executive Board Chair authority to execute an agreement with Leapfrog for assistance with governance development.*** The ED will work to finalize the scope and ensure that RWQCB suggestions are addressed. The Board suggested that notes from Joint meetings with the RWQCB should be circulated.

Under **agenda item 10b**, the ED proposed scheduling the next **Nutrients Orinda Special Meeting** in October and will consider having Naomi Feger and Kayla Kirsch of Leapfrog attend.

The **SFEI Nutrients Strategy Development Progress Report** was included in the handout packet for **agenda item 10c**. Approval of further funding for this project will be included on the agenda for the September BACWA Board meeting.

Mike Connor reported that he has completed a presentation for the upcoming Bay Delta Workshops. He is scheduled to participate on a panel for "In Delta Water Interests" on Day 2 of the September 5 – 6 workshop entitled "Ecosystem Changes and the Low Salinity Zone". Workshop 2 and 3 are tentatively scheduled for October 1 – 3 and November 13 – 14, respectively. The series of workshops are focused on setting flow standards for the Bay. So far over 500 pages of material have been submitted by presenters for Workshop 1 and Mike has forwarded these materials to Dave Senn. Mike's presentation emphasizes 1) the need for better coordination in the Bay and Delta NNE development process, and 2) that this complex issue can only be solved by complex water quality modeling. The presentation has been distributed to the Board and feedback should be directed to Mike Connor.

The ED has forwarded correspondence from Bobbi Larson regarding an August 30<sup>th</sup> Nutrient Summit that is being convened by Tri-TAC and CASA to discuss a proposed approach to influencing the State Water Board's Nutrient Policy. The ED plans to attend on behalf of BACWA and will report back to the Board.

**Agenda items 11, Dilution Policy, and 12, Rescheduling Pardee** were discussed earlier in the meeting under the Regulatory Program Manager Report and Executive Director's Report.

**Agenda item 13, ReNUWIt meeting, October 25 – 26**, was not discussed due to time constraints.

For **agenda item 14**, the Board discussed their most recent **Joint BACWA/RWQCB Meeting on August 20<sup>th</sup>**. The ED will review the HDR contract to develop a recommendation for utilizing their support. Ben Horenstein will work with Mike Connor, Laura Pagano and the ED to draft a one-page white paper exploring development of a regional approach to address nutrients that includes

consideration of capital planning. Ann Farrell suggested that CCCSD's Facilities Plan may be a useful reference for this effort.

It was mentioned that the State Water Resources Control Board will hold a workshop on August 28<sup>th</sup> to discuss proposed changes to the Monitoring and Reporting Program (MRP) of the Sanitary Sewer System (SSS) Waste Discharge Requirements (WDR). The ED is utilizing the as needed support agreement with RMC to have Monica Oakley investigate possible implications, and will update the Board on this matter next week.

**CLOSED SESSION**

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

**REPORT OUT FROM CLOSED SESSION**

No formal actions were taken by the Board during closed session.

The next regular BACWA Board meeting is tentatively scheduled for September 27, 2012 at the EBMUD Treatment Plant Lab Library from 9 a.m. – 12 p.m.

The meeting adjourned at 12:00 p.m.