



Executive Board Meeting Minutes

Thursday, September 27, 2012, 9:00 a.m. – 12:00 p.m.
EBMUD Treatment Plant Lab Library
2020 Wake Avenue, Oakland, CA

ROLL CALL AND INTRODUCTIONS

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

Other Attendees: Nohemy Revilla (San Francisco Public Utilities Commission); Amanda Roa (Delta Diablo Sanitation District); Bhavani Yerrapotu (Sunnyvale) Tom Hall (Sunnyvale/EOA); Monica Oakley (RMC); Denise Connors (Larry Walker Associates); Piers Clark (Isle Technologies); Lorien Fono (Patricia McGovern Engineers); Jim Kelly (BACWA); Alexandra Gunnell (BACWA).

PUBLIC COMMENT

There were no public comments.

CONSENT CALENDAR

Agenda items 3 and 4 were pulled from the consent calendar for discussion.

Agenda items 1 – 2 were approved in a motion made by Ben Horenstein and seconded by Laura Pagano. The motion carried unanimously.

1. August 23, 2012 BACWA Executive Board Meeting minutes
2. July 2012 Treasurer's Report

It was noted that the August 23rd minutes contained reference to scheduling another Orinda Nutrients Workshop in October. The Executive Director (ED) responded that no date has been set at this time but proposed a Joint Meeting of the San Francisco Regional Water Quality Control Board (RWQCB) and BACWA Executive Board (Board) on October 10th. The ED or Assistant Executive Director (AED) will send confirmation e-mail to RWQCB staff and Board members.

Agenda item 3, Amendment 1 to Jim Kelly agreement for Interim Executive Director services to extend termination date to December 31, 2012, was approved in a motion made by Mike Connor and seconded by Laura Pagano with the stipulation that the termination date be removed and the contract continue on a month-to-month basis. The motion carried unanimously.

The Board requested to receive an update from the recruiter regarding responses received for the Executive Director position and will consider extending the filing date.

Agenda item 4, a contract with Avila for Prop 84 Grant Administration services, not to exceed \$50,000 was approved in a motion made by Mike Connor and seconded by Laura Pagano. The motion carried unanimously.

It was noted that invoices for grant reimbursement are prepared by the Prop 84 Project Managers, Brian Campbell (EBMUD) and Paul Gilbert-Snyder (EBMUD), reviewed by the ED, and then

submitted to the California Department of Water Resources. Ben Horenstein will have Brian Campbell contact Ann Farrell to answer any additional questions that she may have.

REPORTS

For **agenda item 5, Committee Reports** included in the meeting handout packet were reviewed.

The AIR committee report, included in the handout packet, was reviewed by Committee Co-Chair, Nohemy Revilla. The ED suggested that the Board discuss the committee's financial structure at the Pardee Technical Seminar. In response to Board inquiry about the impact of new U.S. EPA requirements for particulate matter less than 2.5micrometers (PM_{2.5}), Nohemy noted that only those agencies with Title V permits would be affected. An AIR committee representative will attend the November 7th Bay Area Air Quality Management District (BAAQMD) Board meeting and report back to the BACWA Board on this issue. Included in the committee report are talking points for the ED to present to the BAAQMD Director to express specific concerns of AIR members and help improve service from the District. The Board suggested that the ED schedule regular meetings with the BAAQMD Director. Any feedback on the talking points should be directed to the ED. Laura Pagano noted that San Francisco has particular interest in the committee's efforts pertaining to AB32 implementation and Mike Connor mentioned the importance of the committee in tracking new climate change/greenhouse gas emission regulations.

The BAPPG report was included in the handout packet and reviewed by the ED. The ED noted that the committee worked to submit several pesticide comment letters to the EPA. The dichlobenil letter is included as an attachment to the Collection Systems committee report. Ann Farrell praised the committee's successful P2 week campaign, which included various social media outreach efforts and interviews with Melody LaBella.

Monica Oakley provided an update on Collection Systems committee activities and responded to questions about the committee report, included in the handout packet. She also distributed an *Update on SSS WDR MRP Activities* and reviewed it. It was suggested that the proposed changes may be the result of a State Water Resources Control Board (SWRCB) effort to make enforcement easier. A meeting with SWRCB staff to discuss concerns about the proposed revisions is scheduled for October 4th. Monica Oakley will attend on behalf of CASA/Tri-TAC along with and Bobbi Larson. Laura Pagano will attend as a BACWA representative. Laura will also meet with the State Board staff again on October 5th on behalf of SFPUC to convey concerns about the impact of the proposed revisions on combined sewer systems.

Permits Committee Chair, Jim Ervin reviewed his report which was included in the handout packet. He explained that Lila Tang attended the September 11th Permits committee meeting and informed attendees they should work with Robert Schlipf to address residual chlorine meter concerns. Jim Ervin confirmed that updates regarding Nutrient 13267 reporting are being relayed to both the Lab and Permits committee members. The Regulatory Program Manager responded to Board inquiries regarding the Sausalito-Marin City Sanitary District permit, explaining that BACWA will not submit comments, and that she would provide further details later in the meeting when the Regulatory Program Manager report is discussed.

The ED noted that a report from the Recycled Water committee is available in the handout packet.

BACWA Executive Board members were invited to share any items of interest under **agenda item 6, Executive Board Reports**.

Laura Pagano, of SFPUC, informed the Board that Bayworks is interested in providing BACWA with an update on their program. She explained that they are a collaborative of water and wastewater

agencies that supports workforce training. It was noted that some BACWA members already receive updates through their own agencies. Ben Horenstein requested that Bayworks submit a one-page summary for inclusion in the October Board meeting handout packet and the Board could then determine if they need more information. It was also mentioned that SFPUC may be facing enforcement action on a possible air permit violation due to a ruptured membrane in their Southeast plant digester storage. Of additional concern was an incident at the Oceanside plant where an electric shortage caused monitors to malfunction and resulted in venting.

Ben Horenstein reported that EBMUD is considering working with Oakland's garbage collection services as part of their Waste to Energy program. Currently they are investigating accepting commercial source separated organic waste (from restaurants) and material from multi-residence green bins.

Ann Farrell, of CCCSD, explained that repairs to their cogeneration system have been completed and the unit has been restarted. Investigations revealed that the explosion was due to maintenance error. The insurance company is holding the maintenance contractor responsible and is covering both the increase in energy costs incurred while the system was down and the cost of repairs. Future maintenance will be performed by the original equipment manufacturer. Ann also noted that they have developed a living lab where they are discharging into Walnut Creek and growing algae. Bhupinder Dhaliwal is conducting the studies and has provided tours for David Senn and Dick Dugdale. Mike Connor requests a tour as well. Ann updated the Board that CCCSD is continuing to move forward with Swe Teh to develop a study plan.

San Jose Board representative Jim Ervin noted that they had a failure on their digester gas holder as well. Their second gas storage unit will be on line by end of this week and then they will be flaring intermittently. It will be three to four months before their larger unit will be back in operation.

Mike Connor of EBDA reported that he had a meeting with the San Francisco Estuary Partnership regarding the use of effluent and nutrients from wastewater for marsh restoration. This could tie into IRWMP, Coastal Conservancy, ReNUWit, and other climate change projects. He explained that the goal is to grow wetlands faster than sea level rise and that this could provide a wet weather storage option rather than building tanks. He clarified that ReNUWit uses a ten acres per million gallon rule.

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 State Water Resources Control Board Bay-Delta Plan Workshop was attended by the ED and Mike Connor. Attached to the ED report are notes from the workshop and an article from Phil Isenberg that predicted many of the positions that were seen at this event.
- Also included in the handout packet is a report prepared by Dick Dugdale on the 2010 SWAMP study. It has been accepted for peer review and journal publication. The ED has asked David Senn to include it in his synthesis report.
- David Senn is expected to complete an administrative draft of the phytoplankton and copepod synthesis report. The ED explained that there will be a release of the administrative draft, then a draft version, and the report is expected to be finalized by the end of the year. The Board requested that the administrative draft be circulated for initial review by the funding partners (RWQCB staff and BACWA Board members).
- Mike Connor and the ED also attended the Nutrients Summit meeting. Tom Grovhoug's Tri-TAC issue paper has been included as an attachment to the ED report.
- Stan Dean has not received any new information and there are no recent activities to report

- pertaining to the Sacramento Regional discharge permit at this point.
- The ED and Lorien Fono participated in a conference call on September 25th regarding the draft Toxicity Policy during which phasing in the TST was discussed. Tam Doduc of the SWRCB requested that POTWs coordinate efforts with agriculture and stormwater agencies and encouraged regulated parties to work with other SWRCB members. A follow up conversation is planned for next week. The ED requests that Jim Ervin attend a meeting with Steve Moore and Charlie Hoppin on October 9th, though that may necessitate rescheduling the Permits Committee meeting. It was noted that the date also conflicts with the RMP Annual Meeting. The policy is scheduled for SWRCB review on November 6th and BACWA would need to have package put together by then.
 - WEF is requesting a representative from BACWA to serve on the editorial Board for the Laypersons Guide to Wastewater project. Interested parties should contact the ED.
 - Flow based pricing for wastewater is being promoted by the Natural Resources Defense Council (NRDC). Bert Michalczyk and Dave Williams have been representing Bay Area POTWs in conversations surrounding this issue. The Board inquires about whether the SWRCB has the authority to weigh in on this matter and notes that this may be a Prop 218 issue.

The **Regulatory Program Manager (RPM) Report for agenda item 7** was included in the handout packet. The ED has requested that the RPM, Lorien Fono, review tentative orders for BACWA members. Lorien reviewed Sausalito-Marin City Sanitary District's permit renewal and intends to discuss the matter with RWQCB Staff at the next Joint meeting. The RPM noted that she attended the first Bay-Delta Plan Workshop and plans to attend the second one next week. Mike Connor is also planning to attend, so the ED will follow up with Lorien to confirm that her attendance is necessary. CCCSD remarked that they will also have representatives there.

The following **Chair & Executive Director Authorized Actions (agenda item 8)** were taken since the last Executive Board meeting and supporting information was included in the meeting handout packet.

- a) Chair authorization of agreement with O'Rorke for BAPPG Pharmaceutical and P2 Week Outreach support, not to exceed \$6,499 in FY 2012-13; File 12,789.
- b) Executive Director authorization of agreement with Prodigy Press for BAPPG Pharmaceutical Outreach support, not to exceed \$2,500 in FY 2012-13; File 12,802.
- c) Executive Director authorization of agreement with Norcal Printing for BAPPG Copper Outreach support, not to exceed \$4,850 in FY 2012-13; File 12,786.
- d) Executive Director authorization of agreement with Jen Jackson for BAPPG Baywise.org and Steering Committee support, not to exceed \$4,999 in FY 2012-13; File 12,811.

OTHER BUSINESS

For **agenda item 10, Designation of BACWA Representatives for Aquatic Science Center Board**, a suggestion was made to appoint Dave Williams and Laura Pagano with Kirsten Struve to serve as alternate and possibly explore other opportunities for her to represent BACWA on SFEI/RMP subcommittees and workgroups. This item will be discussed further at the October 25th BACWA Board meeting.

Under **agenda item 11**, the Board agreed to **continue funding of existing contract with SFEI for Nutrient Strategy Development, not to exceed \$175,000 from FY 2012-13 BACWA/CBC budget** of

which \$100,000 would be used to fund the modeling study once the scope has been finalized. *The motion was made by Mike Connor, seconded by Laura Pagano, and approved unanimously.*

For **agenda item 12, Nutrients**, the ED reported that he is working with Kayla Kirsch of Leapfrog Consulting to finalize the scope for **Governance Development Facilitation** and schedule Board member interviews. He expects that materials will be ready for discussion at Pardee. It was suggested that BACWA should provide the RWQCB staff with information about governance structures that are being developed in other regions. The Board expressed concern about the RWQCB co-authoring Dugdale's 2010 SWAMP paper (attached to the ED Report) and inquired whether there is an opportunity for BACWA to comment on this publication.

The ED noted that the most recent **SFEI Project Status** report and invoice have been included in the handout packet.

Also included in the handout packet, a **Draft Nutrient Watershed Permit Concept Paper** was reviewed in a discussion led by Ben Horenstein. He suggested that a nutrient permit or 13267 letter specifying various requirements could provide protection and an opportunity to codify the work that is already being done by the POTW community. Also, once requirements are in place, it will be easier to determine which studies are necessary. Mike Connor and Ben Horenstein have had initial discussions with Dave Sedlak to see where ReNUWIt efforts may fit in with this concept. Mike Connor notes that while this approach may allow BACWA to seize the initiative, they may not be able to foresee the outcome of these actions. Ben Horenstein suggests that this may be a way for the region to present a unified front. The ED notes that member agencies have permit renewals coming up in 2014. Ben suggests that the Board could continue to explore this idea taking one of the following approaches: 1) proceed with drafting a request for proposal; 2) execute a small contract; or 3) integrate this into the work that Leapfrog consulting is providing. Some Board members suggested moving quickly since individual agencies are already moving forward with their permit renewal efforts. Amanda Roa says that she would recommend the approach to Gary Darling. Tom Hall noted that he would prefer a 13267 letter rather than a permit and the ED suggested a 13267 letter would ensure all dischargers would participate in a study effort. Ben Horenstein remarked that it is uncertain how a 13267 letter might affect subsequent permits, but a watershed permit could be more effective. Laura Pagano suggested that BACWA acquire assistance to explore the concept and develop materials to continue discussions at Pardee. It was noted that this might be done under BACWA's existing contract with HDR. Jim Ervin expressed concern about defining a direction before the real problem is identified, inquiring whether nutrients could be traded, and suggesting that impairment in one location may not mean that it occurs in another location. Also, he cautioned that BACWA may not get much from the RWQCB in return. Ben suggested BACWA could approach the RWQCB with what the POTWs would already be planning to do, but that this would give permittees an umbrella of protection and documentation for their planned efforts. Mike Connor remarked that currently everyone has to work individually on a permit by permit basis, and while segments of the Bay may have some important differences, ultimately the issue is how much nitrogen all the POTWs are discharging into the Bay. Jim Ervin noted that he supports BACWA facilitating agencies coming together to discuss what they are doing individually, but that this concept has risk of inviting regulation. Tom Hall says that BACWA may want to look at what they can do to assist members in upcoming permit renewals. The Board agreed to meet via conference call in the next few weeks consider approval of a \$20,000 - \$30,000 scope for consultant assistance to explore the concept and prepare discussion materials for Pardee.

For **agenda item 13**, the ED distributed **Mercury and PCB's Risk Reduction** Board Action Request (BAR) form. This topic will be added to the upcoming Joint meeting for discussion with the RWQCB staff. Comments due October 29th. Ben Horenstein will circulate the EBMUD study to the Board members.

Agenda item 14, a discussion of **CEC State-Wide Monitoring**, was postponed for the October 25th meeting. The Board noted that they support the agencies working together to develop a plan.

For **agenda item 15**, the **BACWA 2013 Calendar** was included in the handout packet. SFPUC is willing to host an upcoming meeting at their new downtown location. EBDA and CCCSD are unable to attend meetings on the third Thursday of the month and request that those meetings be rescheduled.

Piers Clark presented under **agenda item 17**, on **Isle Technologies' TAG Program**. He reviewed key technologies that they have brought forth which have been beneficial to the POTW community. The Board requested that Piers provide more information about the electrical current technology that they were able to help implement. It was noted that WERF's program is not looking at market ready technology. Those interested in attending the upcoming TAG meeting should contact the ED.

The meeting concluded with **agenda item 16**, where the Board took a moment to reflect on the memorial service held in honor of **Arleen Navarret**, her contributions to BACWA, positive impact clean water community, and the many lives she touched through her personal and professional life.

The next regular BACWA Board meeting is tentatively scheduled for, October 25, 2012 at the EBMUD Treatment Plant Lab Library from 9 a.m. – 12 p.m.

The meeting adjourned at 12:00 p.m.