



Executive Board Meeting Minutes

Thursday, November 29, 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: Dave Williams (East Bay Municipal Utility District); Amanda Roa (Delta Diablo Sanitation District); Bhavani Yerrapotu (Sunnyvale); Tom Hall (Sunnyvale/EOA); David Senn (San Francisco Estuary Institute); Monica Oakley (RMC); Denise Connors (Larry Walker Associates); Holly Kennedy (HDR); Paul Causey (Causey Consulting); Lorien Fono (Patricia McGovern Engineers); Jim Kelly (BACWA); Alexandra Gunnell (BACWA).

PUBLIC COMMENT

There were no public comments.

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

The Board requested that Other Business items be moved to the beginning of the meeting and discussed before all other agenda items.

OTHER BUSINESS

Under **agenda item 8**, the Board appointed Dave Williams and Laura Pagano to serve as **BACWA representatives to the Aquatic Science Center Board**. Kirsten Struve and Jim Ervin will serve as alternates. *The motion was made by Mike Connor, seconded by Ben Horenstein and approved unanimously.* It was noted that Kirsten will attend the upcoming meeting and this action will take effect thereafter. It was also stipulated that representatives serve for a one year term, and that the BACWA Board appoint representatives at the beginning of each calendar year, beginning in January 2014.

For **agenda item 9**, the Board approved use of the existing As Needed agreement with **Larry Walker Associates for Nutrient Framework Development support, not to exceed \$15,000**. *The motion was made by Mike Connor, seconded by Laura Pagano, and passed unanimously.* It was noted that obtaining feedback from member agencies was not included in the scope of work, though LWA will identify related issues. A suggestion was made that the Annual Meeting may provide a forum to communicate potential nutrient regulatory frameworks to BACWA members.

The Board authorized a **revised scope for the existing SFEI Nutrients Strategy Development agreement** under **agenda item 10**. In addition to the proposed reallocation of \$15,000 to address Task 1 in the revised scope, the Board authorized reallocation of \$12,000 to move forward with Task 2a. *The motion, made by Mike Connor and seconded by Jim Ervin, was approved unanimously.* The Executive Director (ED) informed the Board that Naomi Feger has reviewed the scope revision and is amenable to the reallocation, though she expressed concerns that this shift could detract from current efforts, could reduce support for the modeling effort, could move focus from

determining how to fund long-term projects, and funding Suisun Bay monitoring could be of greater benefit. Dave Senn also clarified that his drafting of the straw man Suisun Science Plan, as discussed at the last Suisun work group meeting, can be funded from the original portion of the BACWA scope (Feb 9 2012, Task 2), not funds allocated to this revised portion of the scope, though the Board agrees this could be tied into Task item 1c.

Paul Causey provided an update to the **Board on the Sewer Rate Survey** for **agenda item 11**. He noted the following corrections to the handouts included in the meeting packet: BACWA has been providing administration of the survey since August 2010 (not 2011); the State Water Board is no longer administering an annual survey. Paul reviewed options for increased administration and management of the survey, as well as possibilities for acquiring more comprehensive information. He compared BACWA's current survey to what is published by NACWA. The Board requested that Paul work with the ED to develop an analysis of the BACWA survey to present at the Annual Meeting and obtain member feedback. Based on member response, Paul could draft a scope of work for proposed services in 2013-14. The Board recommended competitive bids should be reviewed for this contract.

Under **agenda item 12**, the ED requested an update from any agency that had staff attend the **TAG November 8th Meeting**. Though there were individuals from EBDA and SFPUC that were interested in attending they were not able to due to scheduling conflicts. The Board requests that they be notified of future opportunities to attend meetings.

For **agenda item 13, Pardee Follow-up**, the Board reviewed various items that were discussed at the Technical Seminar on November 5 – 7. No further discussion was necessary for the **Nutrient Permit Concept Framework** since it had already been covered under agenda item 9.

Nutrient Governance Development status was reviewed by Ben Horenstein. As a result of his meeting with Naomi, the schematic developed at Pardee was edited with the addition of a Management Committee that could consist of the State Water Board staff, Regional Water Quality Control Board staff (RWQCB) and others. The Management Committee would meet less frequently than the Steering Committee (possibly annually for the Management and quarterly for the Steering Committee). The current Science Advisory Group (SAG) might evolve into the Steering Committee, which could provide a more formal structure for determining priorities and funding. Ben agreed to draft a document providing a more detailed description of the proposed Management and Steering committees to facilitate further discussions. He will also follow up with Naomi for more information about resources that may be needed.

The Regulatory Program Manager, Lorien Fono, updated the Board about **CEC's and the Pulse article**. As a follow up to discussions she has had with Tom Mumley and Karin North, she will draft a proposal for consideration at the next Board meeting (1/3/2013) outlining how she could support completion of the article.

The Board decided to forego further investigation into the development of a **BACWA Opportunities Subcommittee** until ED recruitment efforts have concluded, at which time a broader discussion about BACWA priorities could take place and provide better background for consideration of this proposal. The ED also distributed recommendations from Tom Hall for improved communication among BACWA members via the website. Paul Causey noted concerns about the current distribution process for the Sewer Survey. The ED and Assistant Executive Director will work with BACWA's web consultants on possible changes to the website and communication methods.

The ED will work to schedule the next **Joint meeting** between January 3, 2013 and January 24, 2013.

The ED informed the Board that he requested feedback from BACWA members on the proposed phased approach for **Toxicity** testing. Of the twelve responses he received, only three opposed phasing. Concerns were raised about cost increases that may result from monthly testing requirements, especially for small and mid-sized agencies. The State Board will not adopt the policy until February. The Board suggests that the ED continue to work with CASA and add this item to the next Board meeting agenda (January 3rd) for discussion in preparation for the next Joint meeting.

For **agenda item 14, NPDES Permit Petition Dismissal**, the ED proposed that the Principals dismiss their outstanding petitions, and then he will follow up with the remaining affected agencies. SFPUC and San Jose Board representatives give their permission to dismiss their petitions.

Attendees discussed the **BACWA Annual Member Meeting** scheduled for **January 24, 2013**, under **agenda item 15**. It was mentioned that the Collection Systems Committee would like to hold their meeting afterward, if time allows, otherwise the ED recommended holding the Collection Systems meeting separately. In addition to Paul Causey, many others were suggested as possible speakers or panel members. Amanda Roa agreed to provide a presentation to introduce members to nutrients issues. Mike Connor and Ann Farrell offered to assist her. A recommendation was made to include regional issues in this presentation. Felicia Marcus or Steve Moore were suggested as potential speakers to provide perspective on State Board priorities and could be scheduled with Bruce Wolfe's presentation on RWQCB priorities. Speakers or panel members to address nutrients strategy, framework, potential impact, and costs could also include Tom Grovhoug, Tom Mumley, and Tom Hall. It was noted that Dave Senn may be able to contribute some slides about the decision tree and that Ben or Ann could serve as a panel facilitator. The ED or Chair could also provide an introduction that would include a review of BACWA efforts over the past year, including WDR SSO MRP and Hg TMDL work. Monica Oakley offered to provide the ED with a write up on the MRP. The Chair will follow up with the suggestion to include a speaker from Baykeeper, by contacting Deb Self. Terry Flemming was suggested to provide EPA perspective. Other potential topics included BAPPG and other BACWA committee activities, CARB implementation, and BACWA member fees. CECs were noted but may also be considered for 2014 instead. Jim Ervin could provide a presentation on Toxicity (WET). ED and AED will work to secure speakers and draft an agenda to circulate for Board feedback.

CONSENT CALENDAR

Agenda items 1 and 2 were approved in a motion made by Ben Horenstein and seconded by Ann Farrell. The motion carried unanimously.

1. October 25, 2012 BACWA Executive Board Meeting Minutes
2. September 2012 Treasurer's Report

REPORTS

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

Is indicated in the **AIR Committee** report included in the handout packet, a BAAQMD representative will be attending the next AIR meeting, and it was noted that this may be of interest to other BACWA members. The Board inquired about the committee's financial concerns that were brought up during Pardee and requested that the AIR committee draft a proposal for increased funding. Included as an attachment to the AIR report was a presentation on CAMBI. A suggestion was made to include a CAMBI presentation at the Annual Meeting or that it could be included along with other pilot studies of removal technologies at a BACWA-sponsored workshop. Laura Pagano will

investigate scheduling a speaker from SFPUC for a CAMBI presentation at the Annual Meeting. The ED will follow up on the suggestion to include pilot technologies on the Annual Meeting agenda by contacting Don Gray to speak on behalf of WERF.

Of note in the **Collection Systems** committee report, included in the handout packet, was the notification from RWQCB that submission of SSO Annual Reports will no longer be required.

The **Permits** committee report in the handout packet provided a brief update on the Mercury PCB Watershed Permit and the Regulatory Program Manager (RPM) noted that some member agencies have expressed interest in the Permits and Lab committees work on an inter-laboratory comparison. The Board would like to review the results of Palo Alto and Delta Diablo's investigation, along with Mary Lou Esparza's analysis of reporting and then determine next steps, as recommended by the Lab Committee.

Executive Board Reports were covered under **agenda item 4**.

Ben Horenstein of **EBMUD** reported that he attended a wastewater managers meeting where he presented information on their FOG program. Attendees remarked that a white paper on analyzing potential cost and benefits of FOG programs could be beneficial for member agencies considering implementation. Bhavani Yerrapotu will investigate utilizing engineering and pollution prevention staff that could work on this paper, with possible assistance from DDS staff, BAPPG, and the Engineering Info Share Group members. A scope of work for consultant support could be brought back to the Board for approval.

Laura Pagano reported that **SFPUC** is continuing investigations and clean up of a sewage discharge from a manhole cover at the intersection of the Great Highway and Balboa.

Ann Farrell provided an update on implementation of California Public Pension Reform Legislation (AB 197) affecting **CCCSD** employees. The Deputy Sheriff's Association and International Association of Firefighters have filed suit to prevent implementation of AB 197 and the Central Contra Costa County Superior Court has issued a stay order. This court order is in effect until 60 days after the court enters judgment in this case and determines whether or how AB 197 should be implemented. Ann also reported that Paul Causey is a new member of the CCCSD Board and that Barbara Hockett is no longer on the Board.

Representatives from **EBDA** and **San Jose** declined to report out.

The **Executive Director Report** for **agenda item 5** was included in the handout packet and reviewed by the ED. The ED informed the Board that BACWA has been contacted by Fred Andes regarding continued participation in the Federal Water Quality Coalition (FWQC). The Board recommended that the Chair use his authority to pay the outstanding 2012 membership dues. The Board also requested that they be included on the FWQC e-mail distribution list.

The **Regulatory Program Manager Report** for **agenda item 6** was also included in the handout packet. Most issues were already covered under other agenda items.

The next regular BACWA Board meeting is scheduled for, January 3rd, 2013 at the EBMUD Treatment Plant Lab Library from 9 a.m. – 2 p.m. and includes a holiday lunch.

The meeting adjourned at 12:00 p.m.