



## Executive Board Meeting Minutes

Thursday, January 3, 2013, 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, 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); Dan Stevenson (Sunnyvale); Greg Baatrup (Fairfield-Suisun Sewer District); Nina Capetanos (Las Gallinas Valley Sanitary District); David Senn (San Francisco Estuary Institute); Naomi Feger (San Francisco Regional Water Quality Control Board); Tom Hall (EOA); Monica Oakley (RMC); Tom Grovhoug (Larry Walker Associates); 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**

A request was made to move agenda item 6, **Executive Board Reports** out of order.

### **REPORTS**

#### **Agenda item 6, Executive Board Reports was taken out of order,**

Ben Horenstein announced that Dave Williams was appointed BACWA's Executive Director and that his first day would be February 1, 2013. Ben further stated that he would be stepping down from being BACWA's Chairperson over the next couple of months.

Dave Williams reported that progress is being made on making combining the ASC and SFEI Boards. Five committees have been formed: Executive, Governance, Science, Outreach, and Audit. The number of Board members is expected to be increased from 13 to 18. Reiner Hoenicke has indicated he would like to step down from being the /executive Director of SFEI.

Jim Ervin had no report.

Ann Farrell reported that CCCSD was working with Contra Costa County and the Flood Control District to consider developing wetlands near CCCSD's outfall and the Suisun Bay.

Mike Connor announced that Union San was working with UCD on a pilot test of a zeolite/ammanox process to treat its supernatant, and that EBDA is investigating ecological Wetlands for sea level rise and nutrient treatment.

Laura Pagano had no report.

## CONSENT CALENDAR

**Agenda items 1 – 4** were approved in a motion made by Ann Farrell and seconded by Jim Ervin. The motion carried unanimously.

1. November 29, 2012 BACWA Executive Board Meeting Minutes
2. October 2012 Treasurer's Report
3. Amendment 3 to Prop 84 legal support agreement with Day Carter Murphy to extend contract termination date to June 30, 2013; File 12,490
4. Amendment 2 to Recycled Water Committee support agreement with EPC Consultants, Inc to extend the contract termination date to June 30, 2013; File 12,381

## REPORTS

**Committee Reports** were reviewed under **agenda item 5**.

**Executive Board Reports, agenda item 6** were covered at the beginning of the meeting.

The **Executive Director Report** for **agenda item 7** was included in the handout packet and reviewed by the ED.

The **Regulatory Program Manager (RPM) Report** for **agenda item 8** was also included in the handout packet and reviewed by the RPM.

The following **Chair and Executive Director Authorized Actions** took place since the last regular monthly BACWA Executive Board meeting of November 29, 2012, and were included on the **agenda under item 9**. Supporting material was provided for informational purposes in the Handout Packet.

- a. Vice Chair authorization of agreement with Hanson Bridgett for ED recruitment support, not to exceed \$9,999.00 in FY 2012-13; File 12,855
- b. Executive Director authorization of agreement with International Contact for BAPPG Cu Algaecide outreach assistance, not to exceed \$313.00 in FY 2012-13; File 12,872.

## OTHER BUSINESS

Under **agenda item 10**, the Board approved execution of a **contract with Solano County Community College for WOT program (Bay Area Consortium for Water & Wastewater Education), not to exceed \$104,500 for Spring 2013 semester; File 12,876**. In response to a request for further information Dave Williams noted that EBMUD staff could provide a brief presentation to the Board on various work development programs. Board also expressed willingness to hear from Baywork about how BACWA could support their efforts.

*The motion was made by Laura Pagano, seconded by Mike Connor, and passed unanimously.*

The Board accepted the **SFEI Technical Memo, Selenium Fractionation and Speciation in Final Effluents of Selected San Francisco Bay Area Municipal Wastewater Treatment Facilities, April 24, 2012** under **agenda item 11**. *The motion to accept the document was made by Mike Connor, seconded by Jim Ervin, and passed unanimously.*

*In a motion made by Mike Connor and seconded by Laura Pagano, the Board approved **renewal of BACWA's annual membership for Stanford ERC ReNUWit, not to exceed \$10,000, FY 2012-13, under agenda item 12. The motion passed unanimously.***

It was noted that BACWA does not have a designated representative, but Mike Connor attends many of the meetings, as well as other member agency staff. The Board recognized value of this program and the need for BACWA to further explore the potential benefits of this partnership. For the February 28<sup>th</sup> BACWA Board meeting, Mike Connor will provide an overview of the program, and consideration to appointing BACWA representative will be included on the agenda.

For **agenda item 13**, the Board approved a **revised scope for SFEI Nutrients Strategy Development contract to redirect up to \$25,000 of the current funds to support initial efforts toward assessing nutrient exchange through the Golden Gate.** *The motion, made by Laura Pagano and seconded by Ann Farrell, carried unanimously.*

Under **agenda item 14a**, **Dave Senn** provided an **update on Nutrient Strategy Development** efforts. He reviewed materials that were included in the handout packet and requested feedback on the Decision Tree examples. It was noted that the diagrams suggest work would proceed simultaneously along various paths. Dave Senn clarified that current efforts position us somewhere in the middle of the decision tree diagrams, not at the beginning boxes, and while several options would be laid out, the preferred path would be noted. It was noted that these could be beneficial for showing that stakeholder concerns are being addressed in parallel efforts. The decision trees and supporting materials were presented as a tool for communicating the following information: where are we heading; how are we making decisions; how much it is going to cost; and how long will it take. It would be used as a road map to determine if there is impairment. A decision tree could be prepared for each of the five subembayments. For each decision tree, scientific questions to be answered would be developed, a workplan would be formed around these questions, studies would be associated with the workplan, and the cost and timeline for each study would be shown. Complexity and cost of studies would be an important factor in prioritizing. The Board suggested editing the tree to indicate decision points and who would make the decisions. Dave Senn could generate a revised draft that could be reviewed by a stakeholder workgroup for feedback and assistance in determining the preferred level of detail. Concern was raised that it still unclear is how this effort addresses the overarching issue of framework development, though drafting the subembayment decision trees and understanding where studies overlap, could help form the bigger picture. Naomi Fager noted that the Suisun Bay Science Plan should be synchronized with the Cal Fed/IEP work and that the conceptual model findings will be very important and will instruct the science plan and the decision trees. Dave Senn noted the goal, as he understood it, was to prevent future impairment, not reverse impairment after it happened. Mike Connor noted the nutrient loads shown in Dave Senn's Figure 1 were very high.

Dave Senn noted that in all cases a monitoring program and modeling was needed so proceeding with them would be a no regrets action. Several Board Members noted the schedule and budget/expense needed to be added to the decision trees. Ben Horenstein, Jim Kelly, Dave Williams and Dave Senn will continue to work together on the decision trees for further discussion at the

February 28<sup>th</sup> BACWA Board meeting. If additional funds are required, before February 28<sup>th</sup>, the Chair or Executive Director can use their contract approval authority.

There were no new updates **for agenda item 14b, Nutrient Governance Development**. This item is on the agenda for discussion at the upcoming Joint RWQCB/BACWA meeting on January 11<sup>th</sup>.

Under **agenda item 14c**, Tom Grovhoug reviewed the materials provided in the packet on the **Nutrient Permit Concept**. He explained that these materials were drafted in response to discussions at the Pardee Technical Seminar in November. The Board inquired about how this effort might fit with what is occurring statewide. Tom Grovhoug responded that while this is a leadership effort, it dovetails well with California Association of Sanitation Agencies work. The Board requested that Tom Grovhoug continue to develop the concept, including: strengthening the discussion on subembayments and laying out what the next steps would be, e.g. providing a clearer picture of what capturing the framework within an MOU, TMDL-like implementation and a Basin Plan Amendment might look like; quantifying risks and benefits; what sequential steps would be required; and presenting these concepts to the general membership.

Mike Connor requested that trading be included. Amanda Roe suggested why a Watershed permit could be good should be added. Jim Ervin was concerned that it was too early to be considering the type of permit, and noted that all three Lower South Bay POTW's were to have their permits reissued next year. Dave Williams stated that it would be good to have an outline of the MOU and to note what the benefit would be of the approach. Naomi Feger noted that the Regional Board supported the Watershed Permit and MOU approach. All agreed a draft MOU and Watershed Permit would be help future discussions and consideration of what approach to take. Jim Kelly requests that the Board provide any additional feedback to him. Feedback from members will be solicited at the upcoming Annual Meeting and Jim will work with Tom Grovhoug on next steps.

**Agenda items 15 – 17** were discussed earlier in the meeting under the Executive Director and Regulatory Program Manager reports.

**15. Discussion: CEC's and Pulse Article (Lorien)**

**16. Discussion: Whole Effluent Toxicity Policy update (Jim Ervin) - current approach and opportunities for additional information.**

**17. Discussion: NPDES Permit Petition Dismissal update (Jim Kelly).**

There was no update for **agenda item 18**, and the **FOG White Paper** will be added to the February 28<sup>th</sup> Board meeting agenda for discussion.

The draft agenda for the **January 11<sup>th</sup> Joint RWQCB/BACWA** meeting was reviewed under **agenda item 19**. The AED will circulate notes from the last meeting to the Board and RWQCB staff, and feedback on the agenda should be directed to Jim Kelly so he can finalize it.

Attendees provided feedback on the draft **January 24<sup>th</sup> Annual Member Meeting** agenda under **item 20**. Jim will make the following changes and circulate an updated version to the Board for review: change title of Amanda Roa's presentation; move Terry Fleming under nutrients; move "Regulatory Update" to follow "Welcome"; adjust times as necessary to allow each speaker approximately 5 – 10 minutes. Ann Farrell notes that if she is unavailable Jim Kelly may need to serve as moderator for the Nutrients section.

For **agenda item 21**, Jim Kelly requested that the Board review the materials in the handout packet for **Fiscal Year 2013-14 Budget Process/Planning** and provide feedback. He noted that members would need to be notified of dues increases by March 1<sup>st</sup> to meet JPA requirements; the Board responded that they expecting an increase in dues for 2013-14.

Though not included on the agenda Jim Kelly distributed a letter from the US Water Quality Alliance requesting in kind contributions. Individual agencies will determine if they want to participate and if so will contact the organization directly. Ann Farrell notes that the Board should consider the process for evaluating collaborative and sponsorship requests, and add it as a discussion item at an upcoming Board meeting.

The next regular BACWA Board meeting is scheduled for, February 28, 2013 at the EBMUD Treatment Plant Lab Library from 9 a.m. – 12 p.m.

The Annual Member meeting is scheduled for January 24, 3013 at the California Endowment Conference Center, 1111 Broadway, Oakland.

The meeting adjourned at 12:00 p.m.