



## 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

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### 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 8<sup>th</sup> 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 28<sup>th</sup> 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 22<sup>nd</sup> 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 12<sup>th</sup> and will report back to the Board at the April 15<sup>th</sup> 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 15<sup>th</sup> 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.