



Executive Board Meeting Minutes

Monday, May 23, 2013, 9:00 a.m. – 12:00 p.m.
EBMUD Lab Library, 2020 Wake Avenue, Oakland, CA

ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Mike Connor, Chair (East Bay Dischargers Authority); Curt Swanson (Central Contra Costa Sanitary District); Joanna De Sa (San Jose); Ben Horenstein (East Bay Municipal Utility District)

Other Attendees: Nohemy Revilla (San Francisco Public Utilities Commission); Cheryl Munoz (San Francisco Public Utilities Commission); Amy Chastain (San Francisco Public Utilities Commission/AECOM); Tim Potter (Central Contra Costa Sanitary District); Melody LaBella (Central Contra Costa Sanitary District); Dana Lawson (Central Contra Costa Sanitary District); Randy Schmidt (Central Contra Costa Sanitary District); Amanda Roa (Delta Diablo Sanitation District); Greg Baatrup (Fairfield-Suisun Sewer District); Bhavani Yerrapotu (Sunnyvale); Dan Stevenson (Sunnyvale); Karin North (City of Palo Alto); David Senn (San Francisco Estuary Institute); Naomi Feger (San Francisco Regional Water Board); Monica Oakley (RMC Environmental); Denise Connors (Larry Walker Associates); Tom Hall (EOA); Lorien Fono (Patricia McGovern Engineers); Dave Williams (BACWA); Alexandra Gunnell (BACWA).

PUBLIC COMMENT

There were no public comments.

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

The Board made a request to move **agenda item 13, BACWA/BAPPG Triclosan Review Comment Letter to EPA**, to the Consent Calendar, and to move **item 9c, Subembayment Boundaries** to the end of the Nutrients discussion.

CONSENT CALENDAR

Agenda items 1 – 3 and 13 were approved in a motion made by Curt Swanson and seconded by Ben Horenstein. The motion carried unanimously.

1. April 15, 2013 BACWA Executive Board Meeting Minutes
2. February 2013 Treasurer's Report
3. March 2013 Treasurer's Report
13. BACWA/BAPPG Triclosan Review Comment Letter to EPA

REPORTS

Committee Reports were reviewed under **agenda item 4**.

The **AIR Committee** report was included in the handout packet and reviewed by Committee Co-Chairs, Nohemy Revilla and Randy Schmidt. They noted that solicitations have been sent AIR members to renew of their membership for fiscal year 2013-14 (FY2014). Some committee members have expressed concerned about the lack of funds to support publishing the AIR annual

newsletter in 2013 and the committee is requesting administrative in-kind support for FY2014, which will be reviewed in more detail under the Budget discussion agenda item.

The **BAPPG** report was included in the handout packet and reviewed by committee representatives, Karin North and Melody La Bella. Karin North distributed a demolition brochure produced by the committee and explained that Palo Alto's contract with Stephanie Hughes was utilized for this effort. The brochure was designed to distribute to contractors and drive traffic to related pages on the Baywise website. It was also noted that the committee has produced a Spanish translation of their copper pool and spa brochure. Melody La Bella and Karin North informed the Board that they presented information on emerging contaminants at a recent San Francisco Regional Water Board staff training, and received favorable reviews from attendees. They also noted that they are seeking letters from law enforcement to support pending pharmaceutical disposal legislation.

Dan Stevenson, **Collection Systems Committee** Chair, reviewed the report that was included in the handout packet. He noted that the committee is satisfied with the changes made by the State Water Board in the most recent draft of the Amended Monitoring and Reporting Program (MRP) of the Sanitary Sewer System (SSS) Waste Discharge Requirements (WDR).

The **Permits Committee** report was distributed and reviewed by Committee Chair, Tim Potter. He noted that at their last meeting the committee discussed revisions to the West County Agency (WCA) tentative order in which, contrary to WCA comments, effluent limits were not adjusted using the updated mixing zone study. WCA has indicated that they will not participate in the stormwater diversion pilot. The Nutrient Watershed Permit concept was also discussed at the meeting, and members expressed concern about the pace of the process and details of the content. Some questions about the composition of the proposed Steering Committee were raised. The committee also reviewed the court ruling on EPA's interpretation of blending regulations.

Executive Board representatives provided updates from each of the Principal agencies under **agenda item 5, Executive Board Reports**. The ED also provided an opportunity for member agency representatives to provide updates as well.

Curt Swanson reported that **CCCSD** will be working with the State Water Contractors to conduct a repeat of Dr. Swee Teh's copepod study (Evaluation of 31-day lifecycle impacts of ammonia on the copepod *P. Forbesi*), which will provide an ammonia threshold that will be used in the two-component Copepod Study required by their permit. General Manager recruitment efforts continue with the CCCSD Board setting up a second round of interviews. The Board inquired about whether CCCSD has received final report from the State Water Contractors on the study that yielded contradictory results with the addition of ammonia. Melody LaBella responded that the Water Contractors are still working on the ammonia/herbicide spiking studies. Curt also reported that CCCSD held a recent groundbreaking ceremony for their Concord (Recycled Water) Landscape Project.

Ben Horenstein of **EBMUD** informed attendees that Nancy Stoner, Acting Assistant Administrator for Water at the US EPA, visited EBMUD for a tour. They discussed nutrient studies and she noted

that the Long Island Sound is a good conceptual model for trading. Mike Connor commented that her term as Acting Assistant Administrator would be ending soon. Ben Horenstein also reported that he attended a recent ReNUWIt conference and discussed with Dave Sedlak investigating where academics may fit into the trading concept. Mike Connor suggested inviting a speaker with expertise in the Long Island Sound model to present at the BACWA Nutrient Consultant Technological Seminar.

Amy Chastain reported that **SFPUC** is expecting a tentative order on their Bayside permit, and are continuing work to address EPA's concerns surrounding potential excursion issues.

Karin North reported that **Palo Alto** is investigating copper exceedances and have received a waiver letter.

Bhavani Yerrapotu reported that **Sunnyvale** is investigating their chronic toxicity results.

The **Executive Director's May Report** was included in the handout packet for **agenda item 6** and reviewed by Dave Williams. He noted that action items from previous Board meetings have been attached to his report and requested to be notified about any corrections. Also attached the ED report is a Board Calendar (Bodcal) listing future potential Board meeting agenda items. A new item has been added to the end of each Board meeting providing an opportunity for attendees to request future items that will then be added to the Bodcal. The Executive Director (ED) distributed brochures received from the California Water Environment Association (CWEA) and announced that all BACWA members have been invited by Isle Technologies to attend their upcoming meeting on July 29 in Orange County. He also reported that the Water Environment Research Foundation nutrient modeling report has been completed and is available for download from their website. The ED noted that the Nutrient Regulatory Workshop has been scheduled for June 21 at EBMUD from 9:00 am – 11:00 am. The Nutrient Consultant Technological Seminar has not been scheduled yet, but he has received a proposal that he will circulate for Board review in advance of the June Board meeting.

Tim Potter provided an update on the outstanding action item pertaining to FOG manifesting regulations that has requirements to confirm wastes received (e.g. weights and measures, calculations), explaining that he will continue to work with Greg Kester on this issue. He will provide an update to members via the BACWA e-newsletter and relay the information to appropriate BACWA committees. He also noted that the PCB Watershed Permit action item has been completed. Regarding the Pretreatment Workgroup action item, he informed attendees that he will be working to form a group and has discussed the matter further with Jim Fischer. Jim Fischer identified this may be on the next Water Board enforcement coordinators' meeting agenda for further discussion. Mike Connor noted that this matter was discussed at the last Summit Partners meeting.

Mike Connor noted that the Conflict of Interest Ad Hoc Committee, consisting of Laura Pagano and himself, have been periodically receiving satisfactory conflict of interest reports from the ED.

The **Regulatory Program Manager (RPM) Report** was included in the handout packet and reviewed by Lorien Fono under **agenda item 7**. Regarding the draft plan for Toxicity Assessment and Control, she noted that the Western States Petroleum Association (WSPA) is planning to go forward with the compliance phasing proposal, and BACWA is not planning to oppose the current proposal. The workgroup will be meeting with San Francisco Regional Water Board staff member, Lila Tang, on June 6th; Jim Ervin, Laura Pagano, and the RPM are planning to attend. She also mentioned that progress on North Bay Selenium TMDL is stalled pending EPA criteria development. The draft compliance summary was distributed to meeting attendees and reviewed. She will send an electronic version to Mike Connor and await his feedback.

The following **Chair and Executive Director Authorized Actions** were taken since the April 15, 2013 Board meeting, listed under **agenda item 8**, and supporting information was included in the handout packet.

- a. Executive Director authorization of agreement with Linde Group for E-mail Transition support, not to exceed \$4,999 in FY 2012-13; File 12,950.
- b. Executive Director Authorization of agreement with O'Rorke for BAPPG Flushable Wipes Outreach, not to exceed \$4,999 in FY 2012-13; File 12,951.
- c. Executive Director Authorization of agreement with JM Kelly Engineering for Technical support, not to exceed \$4,999 in FY 2012-13; File 12,952.

The ED informed the Board that BACWA's current contracting policy will be discussed at the June Board meeting. The Board suggested that the BACWA's contract bidding process should be similar to member agencies' policies.

OTHER BUSINESS

Under **agenda item 9a David Senn** provided a **Presentation on the Nutrients Conceptual Model**. A link to the conceptual model report, funded by the RMP, can be provided upon request. It is currently being revised by the technical team to incorporate the feedback they have received and a final version is expected in June.

For **agenda item 9b** David Senn reviewed the **SFEI Proposed FY 2014 Workplan** for Nutrients, which was updated in response to the April 15th Board request that funding be linked to the proposed work. The ED reviewed the decision trees and noted that although different decision trees have been developed for subembayments there is overlap between many of the proposed studies which would reduce overall cost. SFEI is requesting \$675,000 from BACWA for fiscal year 2013-14 (FY2014) and funding from other sources is likely.

Agenda item 9c, Subembayment Boundaries, was moved to the end of the Nutrients discussion.

For item **9d, BACWA/Water Board Collaboration** topics were reviewed. **Governance Structure** was discussed under item **9di**. The ED reported that they are working with a facilitator to develop the Steering Committee which would consist of key stakeholders who provide funding, plus other non-funding stakeholders. The facilitator is conducting outreach to potential Steering Committee members. Naomi Feger and Dave Williams have heard from the State Water Contractors about their interest in participating and will be meeting with Bay Keeper to invite them to join the Steering Committee. The Task Force members, Naomi Feger, Tom Mumley, Mike Connor, David Senn and Dave Williams, are developing a list of potential stakeholders for the facilitator.

The Nutrients **Regulatory Model** was discussed under item **9dii**. The Nutrient White Paper and Position Paper were conveyed to members at the last Permits Committee meeting. The Water Board plans to go forward with a watershed permit. They will be drafting a single page explanation of the rationale behind their decision. Lila Tang has taken a first pass at drafting key tenets, which were distributed to the Board with a request to provide feedback to the ED prior to June 7th, when the Task Force will meet to review them. Tim Potter will also distribute the document at the next Permits committee meeting, stressing that this is an initial draft that will continue to be crafted through collaboration between the Water Board and BACWA, and inviting feedback to be relayed to Dave Williams.

The date for the **Nutrients Workshop, item 9diii**, has been set for June 21, at EBMUD from 9 – 11 am.

For **item 9e a Sacramento Regional Permit Update** was provided by the ED. Sacramento Regional has agreed to a partial settlement of their lawsuit. BACWA will need to determine if it will weigh in via an amicus brief filing.

Subembayment Boundaries, item 9c was moved to the end of the Nutrients discussion. The Board discussed use of existing two-dimensional models to determine subembayment boundaries. David Senn explained that better tools are being developed, though interested agencies can contact him for more information on the current RMA two-dimensional model.

For **agenda item 10** the ED led a discussion on the draft **Fiscal Year 2013-14 BACWA/CBC Budget and Workplan**, noting changes that were made based on feedback from the April 15th Board meeting. The following action items from the May meeting were discussed.

- The Recycled Water Committee line item was edited to accommodate the committee's revised proposal. Committee Chair, Cheryl Munoz, endorsed the proposed funding. Naomi Feger will check with Dyan Whyte about Salt/Nutrient Management Plan requirements.
- There were no concerns about continued funding of the Info Share Groups for fiscal year 2013-14 (FY2014), though the Board requested that it be included under a more in-depth discussion of committee support at the Pardee Technical Seminar.

- Melody LaBella and Karin North provided background on the Product Stewardship Institute (PSI) and California Product Stewardship Council (CPSC), and explained that they work with these two organizations to make sure that POTW concerns are heard. Though both PSI and CPSC are asking for increased annual contributions, BACWA's contribution for FY2014 will remain the same.
- The AIR Committee will draft a budget for Board approval in June based on expected revenue from committee member contributions, seeking no additional monetary support from BACWA in FY2014. The Regulatory Program Manager will provide additional support to the committee. An examination of BACWA committee structure will be included on the Pardee agenda.
- The Regulatory Program Manger proposal was included in the handout packet and reviewed by the ED. It was noted that additional support for the Permits committee has been included under the "Other Regulatory Support" line item of the proposal.
- The ED held a call with Tom Hall and Mike Connor to discuss the SFEI ERS Transition budget item. Unspent funds from fiscal year 2012-2013 will be carried forward into FY2014 to allow SFEI staff to address any specific requests for data. Any BACWA member request for data should be directed to Lorien who will coordinate with SFEI to collect the requested data.
- As a follow up to the April 15th Board meeting, Curt Swanson and Greg Baatrup discussed BACWA's sewer rate survey with finance contacts at their agencies. It was noted that EBMUD, CCCSD and FSSD conduct their own research, separate from the BACWA survey. Joanna De Sa remarked that she has used the BACWA survey in discussions with San Jose finance personnel. Based on the discussion it was concluded that depending on the cost, a more robust survey, containing accurate, current, and more detailed data, and incorporating a library might be of value to the membership. The ED will contact Paul Causey to request a proposal and make any final changes to the budget in preparation for Board approval at the June 27th meeting.

Attendees were updated on items discussed the San Francisco Regional Water Board/BACWA **Joint Meeting**, held on May 9, 2013, under **agenda item 11**. The ED reported that much of the Joint Meeting focused on nutrient issues, previously discussed under agenda item 9. SSO Enforcement was also discussed at the Joint meeting. Monica Oakley explained that the Collection Systems committee has expressed interest in developing a proposal for enforcement that would not require significant Water Board staff resources, though it may require BACWA funding. Joanna De Sa noted that San Jose is interested in exploring options for a regional response. Monica Oakley will draft a scope of work for Dave Williams to review.

For **agenda item 12, Collaboration and Funding Criteria** were included in the packet. There were no additional comments and the Board recommended including the current version for approval in June.

Per Board request, **agenda item 13**, the **BACWA/BAPPG Triclosan Review Comment Letter** to was moved to the consent calendar and approved.

Under **agenda item 14, Upcoming BACWA Executive Board Meetings** were discussed. For **item 14a**, the dates for the **Pardee Technical Seminar**, scheduled for October 23 – 25, 2013 were confirmed. The ED will also work to schedule a mid-year meeting at Orinda with the Water Board per their request. For **item 14b**, the Board requested that the ED and SFPUC representative investigate alternating monthly Board meetings between EBMUD and SFPUC. Under **agenda item c**, attendees were asked to send suggestions for potential guest speakers that could be invited to future Board meetings. For **agenda item d**, the AED agreed to poll the Board to reschedule the August 22nd BACWA Board meeting, and the Board will also consider whether to cancel the meeting as the date approaches. She will also investigate permanently changing the monthly meeting schedule for 2014, by polling the Board to determine if the fourth Thursday of every month is the optimal meeting schedule. Ben Horenstein notified attendees that he will not be able to attend the June 27th Board meeting.

SUGGESTIONS FOR FUTURE AGENDA ITEMS

There were no suggestions for future agenda items.

The next monthly BACWA Board meeting is scheduled for, **June 27, 2013** at the EBMUD Treatment Plant Lab Library.

The meeting adjourned at 12:00 p.m.