



Executive Board Meeting Minutes

Monday, June 27, 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); Laura Pagano, Vice Chair (San Francisco Public Utilities Commission); Curt Swanson (Central Contra Costa Sanitary District); Jim Ervin (San Jose); Ben Horenstein (East Bay Municipal Utility District)

Other Attendees: Melody LaBella (Central Contra Costa Sanitary District); Randy Schmidt (Central Contra Costa Sanitary District); Amanda Roa (Delta Diablo Sanitation District); Greg Bastrup (Fairfield-Suisun Sewer District); Bhavani Yerrapotu (Sunnyvale); Dan Stevenson (Sunnyvale); E. J. Shalaby (West County Agency); Matt Krupp (Palo Alto); David Senn (San Francisco Estuary Institute); Monica Oakley (RMC Environmental); Denise Conners (Larry Walker Associates); Jim Kelly (JMK Engineering); Mike Faulk (HDR); Andre Gharagozian (Carollo Engineers); 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 decided to take various items out of order to accommodate Laura Pagano's request to leave the meeting by 11:30.

CONSENT CALENDAR

Agenda item 5 was pulled from the Consent Calendar for discussion.

Agenda items 1 – 4 and 6 were approved in a motion made by Laura Pagano and seconded by Ben Horenstein. The motion carried unanimously.

CONSENT CALENDAR

1. May 23, 2013 BACWA Executive Board Meeting Minutes
2. April 2013 Treasurer's Report
3. Funding and Collaboration Criteria
4. Fiscal Year 2014 Workplans and Budget
6. Amendments to Fiscal Year 2013 Contracts
 - a. PME for RPM services, extend termination date to 12/31/2013 and increase contract value by \$25,000; File 12,729
 - b. WBA for IRWMP support, extend termination date to 6/30/2014; File 12,786
 - c. SFEI for Nutrients, extend termination date to 12/31/2013; File 12,680
 - d. Avila for Prop 50 Grant Administration, extend termination date to 12/31/2013; File 12,780

For agenda item 5, the Board was reminded of the standard contracting language whereby the

consultant or BACWA can terminate the agreement with a 30-day notice. A discussion of BACWA's contracting policies and procedures, including soliciting technical support proposals from consultants will be added to the Pardee Technical Seminar agenda for discussion. *Laura Pagano made a motion to approve **agenda item 5**. Jim Ervin seconded the motion, and the motion passed unanimously.*

5. Fiscal Year 2014 Contracts

- a. RMC for Collections Systems Committee and As Needed Technical Support, \$45,000; File 12,974
- b. LWA for As Needed Technical Support, \$25,000; File 12,973
- c. EOA for As Needed Technical Support, \$20,000; File 12,972
- d. Kennedy Jenks for Info Share Group Support, \$25,000; File 12,971
- e. J. M. Kelly Engineering for As Needed Technical Support, \$15,000; File 12,975
- f. HDR for As Needed Technical Support, \$30,000; File 12,976
- g. Alexandra Gunnell for AED services, \$75,000; File 12,977
- h. CH2M Hill for AIR Committee Support, \$74,440; File 12,978
- i. SFEI for Nutrients, \$355,000; File 12,980

OTHER BUSINESS

Under **item 13, IRWMP Funding** was discussed. The proposal recommended by IRWMP Representatives (Brian Campbell and Cheryl Munoz) and the Executive Director (ED) was reviewed, and the Board supported their suggestion to utilize the estimated 2015 unspent funds, \$35,600, to fund a portion of the Kennedy Jenks budget overage.

Agenda item 14, Bay Planning Coalition's Energy & Water Nexus Summit Sponsorship, was considered by the Board. Using BACWA's Collaboration and Funding Criteria, the Board reviewed the request and approved a contribution of \$600 in a motion made by Curt Swanson, seconded by Laura Pagano. The motion passed with four yes votes; EBMUD abstained from voting. Laura Pagano noted that including more on resource recovery in the program may be of benefit. The ED will relay the suggestion to John Coleman.

The ED also noted that he has been asked to participate as a panel member for an upcoming Bay Planning Coalition seminar on stormwater, and inquired if any agency staff may be available to take his place. Bhavani Yerrapotu will check with Melody Tovar on her availability, and Melody LaBella suggested checking with Tim Potter. Ben Horenstein and Lorien Fono were also noted as possible candidates.

For agenda item 15, Proposed Revisions to ASC Bylaws were included in the handout packet and discussed. The ED noted that legal counsel has reviewed and provided revisions to the San Francisco Estuary Institute (SFEI) bylaws and that they have been approved by the SFEI governing board. This version of the Aquatic Science Center (ASC) bylaws has been subjected to the same legal review and revision process. There is no liability for BACWA, and if concerns arise about the direction of the Joint SFEI/ASC Board, then the ASC could be dissolved, as a vote of dissolution is limited to the ASC signatory members. *In a motion made by Laura Pagano and seconded by Jim Ervin, the Board unanimously approved the new ASC Bylaws.* The ED recommended including a discussion on the July

agenda to review BACWA's process for loaning one of the representative positions to Sacramento Regional, specifically examining the process of determining who serves as the representative.

For Item 16, Executive Board Chair and Vice Chair Nomination/Election, *Jim Ervin made a motion to reappoint the existing Chair, Mike Connor, and Vice Chair, Laura Pagano. Mike and Laura accepted their nominations. Curt Swanson seconded and the motion passed unanimously.*

Under Item 17, Upcoming BACWA Executive Board Meetings were discussed. The ED informed the Board that Bruce Wolfe may have a scheduling conflict that would prevent him from attending the Pardee Technical seminar on October 25th. As requested by the Board, the ED will investigate Bruce's availability for attending on either October 23rd or October 24th. Ben Horenstein noted that as the agenda is crafted the Board will need to consider who else might be asked to attend. The ED will investigate the possibility of scheduling a separate meeting that could be convened at Orinda, which would include a larger group. Bhavani Yerrapotu expressed interest in participating in an Orinda meeting.

Attendees were notified that the August 22, 2013 BACWA Board meeting has been rescheduled for August 29th.

Based on Board member availability, starting in November 2013, BACWA monthly Board meetings will be scheduled on the third Friday of each month from 9:00 a.m. to 12:00 p.m.

REPORTS

Executive Board representatives provided updates from each of the Principal agencies under **agenda item 8, Executive Board Reports.**

Ben Horenstein reported that EBMUD will be applying for an EPA grant to explore sidestream nutrient removal technology. The deadline to submit proposals is July 8th and agencies interested in partnering with EBMUD should contact him. The Board will schedule a special meeting to determine BACWA's level of support and consider reallocating EBMUD's outstanding in-kind 2012/2013 contribution to BACWA to fund this effort.

Laura Pagano provided an update on SFPUC's permit negotiation process. Laura and Monica explained that SFPUC has concerns about proposed permit language that requires the permittee to comply with enforcement provisions contained within their old permit even when new permit is being appealed. The ED will consult with this issue with BACWA legal counsel but may not be able to do so prior to the comment submission deadline of July 1st, in which case the ED will report back to the Board about the possibility of commenting on future permits. Laura Pagano also noted that SFPUC is concerned about proposed permit language that states "in the future the Board may reduce the ammonia effluent limit". The Board may consider discussing this with Water Board staff at an upcoming Joint meeting.

Jim Ervin reported that San Jose has been experiencing intermitted toxicity incidents. They held a workshop to kick off TRE efforts. Melody LaBella noted that the pyrethroid report is being drafted and will likely be completed by the end of the summer.

Curt Swanson reported that CCCSD is working with consultants to conduct the nutrient studies required in their permit. CCCSD Board approval of a contract for the new General Manager is expected in July.

Mike Connor of EBDA notified attendees that the Coastal Conservancy is rewriting wetlands goals to be updated for climate change. The draft is being reviewed by the science committee and will likely affect those agencies attempting to conduct projects on the edge of the Bay.

Committee Reports were reviewed under **agenda item 7**.

The **BAPPG** report was included in the handout packet and reviewed by committee representative Melody La Bella. As noted in the report, BAPPG will be working with Dylan Garner to consider updating Pollutant Minimization Program requirements to more closely match Pollution Prevention Reporting Guidelines (2005), though Jim Ervin's concern that the guidelines should not be incorporated into permits will be taken into consideration. For fiscal year 2014 Karri Ving of SFPUC will serve as BAPPG Chair and Mike Auer of USD will be the Vice Chair. Information on applying for the annual Dr. Teng-Chung Wu award was also included in the handout packet.

Matt Krupp, Biosolids Committee Chair, reviewed the committee report included in the handout packet and updated the Board on the recent facility tour hosted by City of American Canyon. The committee is continuing to work with CASA on numerous issues including concerns surrounding EPA's consideration to reduce biosolids staff resources and pending state and federal biosolids legislation. He suggested that member agencies work with their legislative representatives on state and federal issues noted in his report.

The Permits Committee report was included in the handout packet and reviewed by Regulatory Program Manager (RPM), Lorien Fono. At the June committee meeting Lila Tang and Bill Johnson noted that in the future SF Bay Regional Water Board staff may be conducting compliance inspections instead of contractors. Proposed toxicity plan requirements developed at the last Task Force meeting were included in the committee report and reviewed by the RPM.

The **Executive Director's May Report** was included in the handout packet for **agenda item 9** and reviewed by Dave Williams.

The **Regulatory Program Manager (RPM) Report** was included in the handout packet and reviewed by Lorien Fono under **agenda item 10**. It was noted that for fiscal year 2014 the RPM will provide support for the Recycled Water and AIR committees. She also reported that she has confirmed ERS query process with SFEI and included the data request form as an attachment to the RPM report in the packet.

The Board returned to the remaining **OTHER BUSINESS agenda item, 12, to discuss Nutrients**.

Under item **12.a.i.**, the Board reviewed **the Consultant Technical Seminar on Nutrients** draft agenda. The ED, RPM, Ben Horenstein, and Bhavani Yerrapotu will work with the consultant to consider removing section one from the agenda to be addressed in a separate national case study

workshop. They will also revise section four to increase San Jose segment to 30 minutes by decreasing EBMUD portion by 15 minutes and will consider adding a discussion of how these items integrate with proposed watershed permit requirements. Speaker availability will be confirmed and then a notification to save the date will be sent to BACWA members.

Under item **12.b.**, the Board discussed **Nutrients Governance Structure** issues, and the ED distributed and reviewed a draft agenda for the June 27th Task Force meeting. It was noted that Sacramento Regional has expressed interest in participating on the Steering Committee. The Board suggested investigating development of a secondary group in addition to the core group and determining participation based on financial contribution. There was also a suggestion to include BASMAA instead of the RMP, and possibly including the Bay Planning Coalition as well as smaller dischargers and those representing subembayments.

Under item **12.c.**, **Nutrients Regulatory** issues were discussed. The ED distributed a handout summarizing take-aways from the June 21st BACWA Members' Workshop and outlining proposed next steps. In an effort to gain additional feedback from members, the Board suggests reviewing the proposed next steps at the next Permits Committee meeting. The ED will also survey member agency representatives.

The RPM notes that Bob Seyfried will come to the July 25th BACWA Board meeting to present on the Sacramento Regional Permit. Lorian will circulate a copy of the presentation to the Board to determine whether to include it on the agenda.

SUGGESTIONS FOR FUTURE AGENDA ITEMS

There were no suggestions for future agenda items.

The next monthly BACWA Board meeting is scheduled for, **July 25, 2013** at the EBMUD Treatment Plant Lab Library.

The meeting adjourned at 12:00 p.m.