

# **Executive Board Meeting Agenda**

Thursday, August 29, 2013, 8:00 a.m. – 12:00 p.m. EBMUD Lab Library, 2020 Wake Ave., Oakland, CA

Age	nda Item	<u>Time</u>	Page #
ROL	CALL AND INTRODUCTIONS	8:00 a.m. – 8:03 a.m.	
PUB	LIC COMMENT	8:03 a.m. – 8:05 a.m.	
The	Board will meet in Closed Session to discuss personnel ters pursuant to California Government Code section 54957.	0.05 0.00	
	ORT OUT FROM CLOSED SESSION	8:05 a.m. – 9:00 a.m. 9:00 a.m. – 9:02 a.m.	
	SIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER	9:02 a.m. – 9:04 a.m.	
	SENT CALENDAR	9:04 a.m. – 9:07 a.m.	
1.	July 25, 2013 BACWA Executive Board Meeting Minutes		3 – 8
2.	June 2013 Treasurer's Report		9 – 14
3.	Appointment of ASC/SFEI Board Representatives		
4.	Amendment 1 to agreement with Avila for Prop84 Grant Administration Support to increase contract value not to exceed \$100,000; File 12,803.		15 – 18
5.	Agreement with Quality Assurance Solutions for Lab Committee Training, not to exceed \$550.00 in FY 2013-14; File 13,074.		19 – 22
6.	Agreement with Solano Community College for Bay Area Consortium Water & Wastewater Education Program Services for the Fall 2013 semester, not to exceed \$93,000, File 13,075.		23 – 25
REP	DRTS	9:07 a.m. – 9:40 a.m.	
7.	Committee Reports		26 – 30
8.	Executive Board Reports		
9.	Executive Director Report		31 – 36
10.	Regulatory Program Manager Report		37 – 40
11.	Chair & Executive Director Authorized Actions  a. Chair Authorization of agreement with Causey Consulting for Sewer Rate Survey support, not to exceed \$6,000 in FY 2013-14; File 13,063		41
ОТН	ER BUSINESS	9:40 a.m. – 11:59 a.m.	
12.	<u>Presentation</u> : Greenhouse Gas Emissions Regulations – Sarah Deslauriers, California Wastewater and Climate Change Group.		
13.	<u>Discussion</u> : Debrief – Joint Water Board/BACWA Meeting, August 20, 2013		

14. <u>Discussion</u> : Nutrients		
<ul> <li>a. Technical Work <ul> <li>i. First Year Data Report and Analyses</li> <li>ii. Nutrient Monitoring in Year 2</li> <li>iii. Technical Symposium on Nutrients</li> </ul> </li> <li>b. Governance Structure <ul> <li>i. Debrief - Task Force Conference Call, August 22, 2013</li> <li>ii. BACWA Proposed Steering Committee</li> </ul> </li> </ul>		42 – 44
c. Regulatory i. Nutrient Watershed Permit Member Survey ii. Formation of BACWA's Watershed Permit Negotiating Team 15. <u>Discussion</u> : Pardee Planning		45 –53 54 - 57
16. <u>Discussion</u> : Scheduling Annual Meeting for January 30, 2014		
17. <u>Discussion:</u> CASA Highlights and BACWA Nexus		
SUGGESTIONS FOR FUTURE AGENDA ITEMS	11:59 a.m. – 12:00 p.m.	
NEXT REGULAR MEETING		
The next regular meeting of the Board is scheduled for		
September 26, 2013 at the EBMUD Treatment Plant Lab Library.	1.2.22	
ADJOURNMENT	12:00 p.m.	



# **Executive Board Meeting Minutes**

Monday, July 25, 2013, 9:00 a.m. – 12:00 p.m. EBMUD Lab Library, 2020 Wake Avenue, Oakland, CA

#### **ROLL CALL AND INTRODUCTIONS**

<u>Executive Board Representatives</u>: 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: Joana De Sa (San Jose); Tim Potter (Central Contra Costa Sanitary District); Melody LaBella (Central Contra Costa Sanitary District); Dana Lawson(Central Contra Costa Sanitary District); Amanda Roa (Delta Diablo Sanitation District); Greg Baatrup (Fairfield-Suisun Sewer District); Dan Stevenson (Sunnyvale); Karin North (Palo Alto); Monte Hamamoto (South Bayside System Authority); Beverly James (Novato Sanitation District); David Senn (San Francisco Estuary Institute); Monica Oakley (RMC Environmental); Denise Conners (Larry Walker Associates); Jim Kelly (JMK Engineering); Steve McDonald (Carollo Engineers); Holly Kennedy (HDR); Susan Dennis (CH2M Hill); 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**

None.

#### **CONSENT CALENDAR**

**Agenda items 1 – 4** were approved in a motion made by Curt Swanson and seconded by Laura Pagano. The motion carried unanimously.

- 1. June 27, 2013 BACWA Executive Board Meeting Minutes
- 2. May 2013 Treasurer's Report
- 3. Reallocation of Remaining SFEI Nutrients 2013 Contract Funds; File 12,680.
- 4. Agreement with Stephanie Hughes for BAPPG Multi-pollutant Outreach not to exceed \$16,000 for FY 2013-14; File 13,065.

In response to Board inquiry, Karin North explained that Stephanie Hughes was chosen to continue to provide support to BAPPG's multi-pollutant outreach efforts because of her expertise, experience, established contacts, and proven track record for executing effective campaigns. She also noted that they must consider the amount of staff time necessary to solicit and review bids for small contracts. The Board will continue discussions about BACWA's contracting policy and procedure at the upcoming Pardee Technical Seminar in October.

#### **REPORTS**

Committee Reports were reviewed under agenda item 5.

Lorien Fono, BACWA's Regulatory Program Manager, distributed and reviewed the <u>AIR Committee</u> Report and in the future will make it available on the BACWA website.

The <u>Collection Systems Committee</u> Report was included in the handout packet and reviewed by Committee Chair, Dan Stevenson. He explained that the cost to develop a full mobile application for documenting SSO responses is estimated at \$80,000 and noted that the committee may be requesting financial support from BACWA in the future. Agencies that are interested in contributing to this effort should contact Andy Morrison of Union Sanitary District.

Tim Potter provided an update on the <u>Permits Committee</u>. He noted that the July meeting had been cancelled. Committee members have been reminded about the deadline for 13267 reporting, which are being sent from each agency to Tim Potter. The first ad hoc Pretreatment Workgroup meeting was held via teleconference on July 23<sup>rd</sup>. Participants agreed to continue as an informal ad hoc group and will convene again in three months. Agency staff interested in participating should contact Tim Potter, and the upcoming BACWA newsletter will be used to notify members about the opportunity to participate in this group.

Executive Board representatives provided updates from each of the Principal agencies under **agenda item 6, Executive Board Reports.** The Chair also provided an opportunity for remaining BACWA member agency representatives in attendance to report out.

Curt Swanson reported that Roger Bailey has been chosen as the new General Manager of <u>Central Contra Costa Sanitary District</u> (CCCSD). The former head of the City of San Diego Department of Public Utilities is expected to assume his position on August 19<sup>th</sup>.

Ben Horenstein reported that <u>East Bay Municipal Utility District</u> (EBMUD) has been working with ReNUWIt Policy Expert, Mike Kiparsky on the issue of sanitary sewer overflow third-party lawsuits. Mr. Kiparsky is the Associate Director for the Wheeler Institute for Water Law and Policy at the University of California Berkeley Law School. He will be developing a scope of work to explore the issue from an academic perspective and may request funding from BACWA in the future. Ben Horenstein explained that the ideal result would be the development of an independent objective white paper, and will be keeping the Board updated on the progress of this effort.

Laura Pagano reported that the <u>San Francisco Public Utilities Commission</u> (SFPUC) is continuing negotiations on their southeast plant NPDES permit. This item will be discussed later under agenda item 11.

Jim Ervin reported that <u>San Jose</u> has been considering the use of internal combustion engines versus turbines, and have been advised that because turbine regulations are becoming more stringent, use of internal combustion engines may be preferable. It was noted that this issue may be discussed further at the August 29<sup>th</sup> BACWA Board meeting during the AIR Committee update.

Mike Connor of East Bay Dischargers Authority (EBDA) had no report.

The **Executive Director's July Report** was included in the handout packet for **agenda item 7** and reviewed by Dave Williams. He notified attendees that we will be switching to a new e-mail server this weekend but will back online by Monday, July 29th. The Executive Director (ED) also announced that anyone interested in using BACWA's complementary registrations to the Bay Planning Coalition's Energy and Water Nexus Summit (four passes for September 12<sup>th</sup>) or the State of the Estuary Conference (fifteen passes for October 29-30) should contact Alexandra Gunnell, BACWA's Assistant Executive Director (AED). The ED explained that the California Association of Sanitation Agencies (CASA) will be conducting a survey on wastewater innovation and has invited BACWA members to participate. BACWA Board representatives expressed their support, and the ED will follow up with CASA to distribute it to BACWA agencies.

The **Regulatory Program Manager (RPM) Report** was included in the handout packet and reviewed by Lorien Fono under **agenda item 8.** She distributed draft Summary of Agency Efforts to Reduce Nutrients and noted that further discussion will take place under the Nutrients Symposium agenda item, 10.a.iv.

#### **OTHER BUSINESS**

Remaining **Nutrients** discussions were covered under **agenda item 10**. Topics involving **Technical Work** were addressed under item **10.a**. Under item **10.a.i**, **First Year Data Report and Analysis**, David Senn reviewed suggestions for use of the 13267 data collected during the first year of reporting and explained that he will be conducting a high level analysis. Jim Ervin remarked that each agency should be reviewing their own data submission for accuracy and noted that Richard Looker of the San Francisco Bay Regional Water Board (Water Board) is investigating the possibility of performing an automated consolidation to pull all the data into a single file. The ED will schedule a meeting with Water Board staff, Mike Connor, Jim Ervin, and Tim Potter to review the data and discuss the most cost effective use of the data. The Permits Committee will also review the data and determine if there are items that can be removed from future reporting requirements. A link to the reporting spreadsheet will be included in BACWA's August newsletter. Richard Looker and BACWA member agencies will provide copies of the data to David Senn.

**Nutrient Monitoring in Year 2** was discussed under agenda item **10.a.ii**. A re-evaluation of which forms of Nutrients should be included in future monitoring will be discussed with Water Board staff. If David Senn needs to assist in that re-evaluation, BACWA may need to consider shifting the current budget and resource allocation in his current scope of work.

Under agenda item 10.a.iii the BACWA Board was asked to consider approval of agreement with SFEI for Nutrients, not to exceed \$330,000 for FY 2013-14; File 13,064. David Senn explained that last month the BACWA Board approved the monitoring portion of the scope and that this request would fund work on the Lower South Bay synthesis, Suisun synthesis and program management. In response to Board inquiry he clarified that defining appropriate subembayment boundaries is not part of this scope, but that those efforts would be moving forward under RMP funded work. He also explained that none of the BACWA funded tasks are for actual monitoring work, but instead will be used to develop the monitoring program. The Board expressed some hesitancy for

committing the entire 2014 budget at this time and suggested the possibility of incrementally approving funds. Karin North noted that the RMP has approved project funding with the assumption that BACWA would also be approving their portion and Mike Connor explained that delaying approval of funds may impact David Senn's ability to secure subcontractor support for these projects. The Board agreed to move forward with approval of this agreement but it was noted that continued funding from BACWA in fiscal year 2015 and beyond is still undetermined. The Water Board will be notified about funding approval at the next Joint meeting.

The motion to approve the agreement with SFEI was made by Jim Ervin, seconded by Curt Swanson and passed unanimously.

For agenda item 10.a.iv, Technical Symposium on Nutrients, Steve McDonald of Carollo Engineers and the ED reviewed the revised draft program that was included in the handout packet and solicited feedback from attendees. October 18<sup>th</sup> was suggested as a possible date for the symposium as most speakers have confirmed their availability; however some Board members are not available on that day. Therefore, Steve McDonald will contact speakers to determine availability for October 15<sup>th</sup>, though it was suggested that speaker availability is a higher priority than including all Board members. Any suggestions for questions to be addressed in the presentations should be sent to Steve so that he can compile them for Board review at the September meeting and then forward them to the presenters. In response to a Board request, he noted that cost efficiency could be covered under segment 4 of the program. The RPM will forward summaries of member agency efforts to reduce nutrients to the Board. It was also suggested that there should be an explanation of how this symposium ties into the development of a nutrient watershed permit and that members should understand that this is part of a series of ongoing BACWA sponsored events designed to educate agencies about nutrients. Steve also explained that modeling is discussed in several of the presentations and once he has reviewed them, he will be able to determine whether adding a separate modeling presentation would be beneficial. Segment 3 speakers, including Dave Sedlak from ReNUWIt, will explore opportunities for what wastewater treatment may look like in the future, though the title of Dave Sedlak's presentation may need to be edited to better convey the content. Approximately 150 attendees are expected and Carollo will investigate possible venues.

The **EBMUD Grant Proposal** was discussed under agenda item **10.a.v.** The proposal was included in the handout packet and Ben Horenstein explained that they expect to receive notification by mid-August about whether this pre-proposal has been approved for full proposal submission. There is still an opportunity to get involved, and interested agencies should contact Ben. BACWA will notify the Water Board about this effort and Mike Connor will reach out to EPA contacts.

Under agenda item **10.b Governance Structure** development efforts were discussed, including a **debrief of the Task Force Meeting with the SF Bay Regional Water Board**, held on June 27, 2013, and the **BACWA Proposed Steering Committee.** Dave Ceppos has been working with BACWA and the SF Bay Water Board to identify proposed members of the Steering Committee, and will be obtaining input from various stakeholders. The proposed list of stakeholders that would be interviewed has been included in the packet. It shows the list that the Water Board has proposed and BACWA's comments on that list. The ED requested feedback from attendees and a suggestion

was made to include a representative from a small North Bay agency. The revised draft organizational chart developed by Dave Ceppos was also included in the packet and reviewed by the ED. The Steering Committee (SC) would be comprised of various stakeholders who provide funding. In previous versions of the diagram the Tech Team advised the SC, but now a Peer Review group headed by the Principal Investigator will advise the SC. The SC will make decisions within the framework of the Steering Committee box or the org chart. If an issue arises within the SC where there is no consensus, then the SC will make a recommendation to Executive Committee on how to proceed. Connecting the SC to the Tech Team was recommended, and it was suggested that the Tech Team could be a group within the RMP, but the RMP group would be responsible for approval of funding. The Water Board staff have expressed their approval of this new version of the Org Chart.

**Nutrient Regulatory** efforts were discussed under agenda item **10.c,** and specifically the ED provided an update on the **Nutrient Watershed Permit Member Survey** under agenda item **10.c.i.** The ED distributed a summary of survey responses to date. He explained that responses will be collected through August 3<sup>rd</sup> and an updated summary will be distributed soon after. Coastal dischargers do not need to complete the survey, but because collection system agencies feed into dischargers, they are being asked to take the survey. The ED explained that he is planning to hold a conference call with BACWA members to determine their position and then identify negotiation team members. Attendees commented that the survey may provide an impression of how the proposed tenets are being interpreted by BACWA members, but noted that it is still unclear how the results might be used to move forward. The ED will present the survey results at the next Permits Committee meeting. Attendees suggested that proceeding with a North Bay Watershed Permit and delaying a South Bay Watershed Permit with caps until more scientific studies can be conducted should be considered as an alternative. This option will be discussed at the next Permits Committee meeting.

The ED invited feedback on the **Formation of BACWA's Watershed Permit Negotiating Team** under agenda item **10.c.ii** and noted the challenge of constructing a team that could provide a reasonable representation of BACWA member agency interests, while still limiting the size to a manageable number of participants. The ED will work to categorize groups of member agencies, obtain Board feedback, and then draft a list of proposed team members based on feedback from the various groups for Board review at the August 29<sup>th</sup> BACWA meeting.

Under agenda item **10.c.iii** the Board decided that BACWA will not proceed with a **Sacramento Amicus Brief Filing.** The ED mentioned that CASA has invited BACWA to attend an upcoming nutrient policy workshop in Los Angeles; Mike Connor and Tom Grovhoug will likely attend. He also noted that the Summit Partners have presented an alternative nutrient regulatory approach to the SWRCB that he has forwarded to the Board for their review, and as suggested by the Board, will continue to stay informed about opportunities for BACWA participation on a national level.

A copy of the **SFPUC Permit Comment Letter** submitted to the Water Board on July 1, 2013 was included in the packet and discussed under **agenda item 11**. The Water Board has responded that they will make the changes to chronic toxicity testing language in the permit as requested by BACWA. The Board would like the ED to work with legal counsel to develop talking points for the

August 14th Water Board hearing. The ED will also discuss concerns with the Water Board prior to the hearing and circulate the draft talking points for Board feedback.

For agenda item 12 potential Sewer Rate Survey Enhancements drafted by Causey Consulting and included in the handout packet were discussed. Tim Potter and Curt Swanson abstained from commenting due to a potential conflict of interest. The Board suggested proceeding with Chair approval of a contract with Causey Consulting to continue the current level of BACWA Sewer Rate Survey maintenance and administration, and suggested delaying discussions about possible enhancements until Pardee.

Potential Pardee Discussion Topics were drafted by the ED and included in the handout packet for agenda item 13. The Chair polled the Board to determine the priority level (low, medium, or high) for each of the proposed topics and their responses were as follows: Committees (3 medium/2 low); Financial (5 high); Involvement of Non-Principal Members (4 high/1 medium); Contracting Policy and Procedures (2 high/3 medium); Policy and Procedure Review and Revisions (1 medium/4 low); Consolidation of Funds (3 high/2 medium); Regulatory Strategy (5 high) though it was noted that issues other than Nutrients may not be as high priority; Website Enhancements (2 medium/3 low); External Relations (5 medium); Update Strategic Plan (1 high/3 medium/1 low); Staff Performance Plans (2 high/2 medium/1 low). It was noted that the Board may need to schedule a special meeting prior to Pardee.

Agenda item 14, Discussion: BACWA Representative from Sac Regional to Joint SFEI/ASC Board was covered by the ED. He notified the Board that the new representative from Sac Regional will either be Prabhakar Somavarapu, Terri Mitchell, or Linda Dorn.

BACWA **Succession Planning** was covered under **agenda item 15.** Attendees were asked to review the document included in the handout packet and send updates to the AED. The ED will contact Committee Chairs to request designation of Vice Chairs.

The draft **Board Meeting Calendar for 2014** was included in the handout packet for **agenda item 16**. Locations will be confirmed and the final version will be circulated.

Under **Suggestions for Future Agenda Items** the ED notified attendees that the AIR Committee will provide a presentation on current AIR issues at the August 29<sup>th</sup> meeting. An update on ReNUWIt activities will be postponed until later this fall and may include a presentation from a ReNUWIt representative.

The next monthly BACWA Board meeting is scheduled for, **August 29, 2013** at the EBMUD Treatment Plant Lab Library.

The meeting adjourned at 12:00 p.m.

August 15, 2013

MEMO TO: Bay Area Clean Water Agencies Executive Board

MEMO FROM: D. Scott Klein, Controller, East Bay Municipal Utility District

SUBJECT: Twelve Month Treasurer's Report

As required by section eight of the Joint Powers Agreement establishing the Bay Area Clean Water Agencies (BACWA) and California Government Code Sections 6500 et seq., attached is the BACWA Treasurer's Report for the period covering **July 1, 2012 through June 30, 2013** (twelve months of Fiscal Year 2012-2013). This report covers expenditures, cash receipts, and cash transfers for the following BACWA funds:

- Bay Area Clean Water Agencies (BACWA),
- BACWA Training Fund (Trng Fnd),
- Air Issues and Regulation Group (AIR),
- Bay Area Pollution Prevention Group (BAPPG),
- BACWA Legal Reserve Fund (Legal Rsrv),
- Water Quality Attainment Strategy (WQA CBC),
- BACWA Operating Reserve Fund (BACWAOpRes),
- Regional Water Recycling (RWR),
- BACWA Reserve (Reserve),
- Water/Wastewater Operator Training (WOT),
- Prop84 Bay Area Integrated Regional Water Mgmt (PRP84),
- WQA Emergency Reserve Fund (WQA Emerg),
- WQA Tech Action Fund (TechAction),
- CBC Operating Reserve Fund (CBC OpRsrv), and
- Prop50 Bay Area Integrated Regional Water Mgmt (PRP50)

# Fund Balances as of month end 06/30/13

DESCRIPTION	BEGINNING FUND BALANCE 07/1/12	TOTAL RECEIPTS	TOTAL DISBURSEMENTS	ENDING FUND BALANCE 06/30/13	OUTSTANDING ENCUMBRANCES	UNOBLIGATED FUND BALANCE 06/30/13
BACWA	597,182.02	613,086.56	541,126.90	669,141.68	183,619.07	485,522.61
TRNG FND	247,407.05	840.26	-	248,247.31		248,247.31
AIR	3,372.18	78,489.01	68,966.82	12,894.37	14,566.18	(1,671.81)
BAPPG	41,498.18	79,656.77	69,406.64	51,748.31	1,586.78	50,161.53
LEGAL RSRV	302,899.56	1,028.73		303,928.29	V	303,928.29
WQA CBC	214,405.51	450,269.00	295,193.55	369,480.96	150,887.78	218,593.18
BACWAOPRES	152,407.54	517.61	-	152,925.15	200	152,925.15
RWR	16,676.01	56.64	3	16,732.65	Ġ.	16,732.65
RESERVE	120,000.00			120,000.00		120,000.00
WOT	67,661.90	164,899.80	184,500.00	48,061.70	-	48,061.70
PRP84	39,115.70	2,118,274.49	2,098,281.52	59,108.67	28,685.45	30,423.22
WQA EMERG	403,866.08	1,371.63	27	405,237.71	77 (47)	405,237.71
TECHACTION	252,416.30	857.26	-	253,273.56		253,273.56
CBC OPRSRV	163,565.93	555.51	4	164,121.44	7	164,121.44
PRP50	167,637.69	2,674,441.14	2,684,226.43	157,852.40	27,551.80	130,300.60
	2,790,112	6,184,344	5,941,702	3,032,754	406,897	2,625,857

# **BACWA Revenue Report for June 2013**

	REVENUE TYPE	AMENDED	AMENDED CURRENT PERIOD							
DEPARTMENT		BUDGET	DIRECT	INVOICED	JVS	DIRECT	INVOICED	JVS	ACTUAL	UNOBLIGATED
Bay Area Clean Water Agencies	Administrative & General			12.44		7,341			7,341	(7,341
Bay Area Clean Water Agencies	<b>BDO Member Contributions</b>	420,000			-	4	420,000	14	420,000	
Bay Area Clean Water Agencies	BDO Other Receipts	3.0	4	9,987	-	4	9,987		9,987	(9,987
Bay Area Clean Water Agencies	BDO Fund Transfers	10,277	1.5		1,344	-	2	13,563	13,563	(3,286
Bay Area Clean Water Agencies	BDO Interest Income	5,000	-	1.5	-	41	-	3,195	3,195	1,805
Bay Area Clean Water Agencies	BDO Assoc.&Affiliate Contr	159,000		12	-		159,000	-	159,000	-
BACWA TOTAL		594,277	9	9,987	1,344	7,341	588,987	16,758	613,087	(18,810
BACWA Training Fund	BDO Interest Income	- 1		- C-	2,1		-	840	840	(840
TRNG FND TOTAL		- 3	-	4.	-		19	840	840	(840
AIR-Air Issues&Regulation Grp	BDO Member Contributions	78,354	140		12.	0.	78,354	4.7	78,354	4.0
AIR-Air Issues&Regulation Grp	BDO Interest Income	2	1.9	1.5	-		- T-T-	135	135	(135
AIR TOTAL		78,354			( + )		78,354	135	78,489	(135
BAPPG-BayAreaPollutnPreventGrp	BDO Member Contributions	79,505	- 9	9	2		29,505	50,000	79,505	1.21
BAPPG-BayAreaPollutnPreventGrp	BDO Interest Income	3,079	1 2	1,2	-	-	44.1	152	152	2,927
BAPPG TOTAL		82,584			- 6		29,505	50,152	79,657	2,927
BACWA Legal Reserve Fnd	BDO Interest Income	1.2	1.2		(4)	40	2	1,029	1,029	(1,029
LEGAL RSRV TOTAL		-	110		7	- 8		1,029	1,029	(1,029
WQA-WtrQualityAttainmntStratgy	BDO Member Contributions	450,000	100	2.		-	449,000		449,000	1,000
WQA-WtrQualityAttainmntStratgy	BDO Other Receipts		(-)	(4)	-		(+)	0.00	774	927
WQA-WtrQualityAttainmntStratgy	BDO Interest Income	1,600		9	1.0	(4)	5 <u>÷</u>	1,269	1,269	331
WQA CBC TOTAL		451,600	÷	ICE-	100	14	449,000	1,269	450,269	1,331
BACWA OperatingRsrve Fnd	BDO Interest Income	- 2	4.5.	14	4	81	-	518	518	(518
BACWAOPRES TOTAL		2	-	-	0.5	C = 0.		518	518	(518

# BACWA Revenue Report for June 2013

	Annual Control of the	AMENDED	CU	RRENT PERIOD						
DEPARTMENT	REVENUE TYPE	BUDGET	DIRECT	INVOICED	JVS	DIRECT	YEAR TO D	JVS	ACTUAL	UNOBLIGATED
Regional Water Recycling	BDO Interest Income	-		-				57	57	(57)
RWR TOTAL		*	-		-		-	57	57	(57)
WOT - Wtr/Wwtr Operat Training	BDO Member Contributions	150,000	4	(4)			164,500	2	164,500	(14,500)
WOT - Wtr/Wwtr Operat Training	BDO Interest Income		-	11.4	2	72		400	400	(400)
WOT TOTAL		150,000	191			14.	164,500	400	164,900	(14,900)
Prop84BayAreaIntegRegnIWtrMgmt	BDO Fund Transfers	5			488			488	488	(488)
Prop84BayAreaIntegRegnlWtrMgmt	BDO Interest Income	2	-		-		- 13	255	255	(255)
Prop84BayAreaIntegRegnlWtrMgmt	Administrative Support		- 2	200	751		71,569	233	71,569	(71,569)
Prop84BayAreaIntegRegnlWtrMgmt	Novato North Area Proj.			10.2	25		593,750	-	593,750	(593,750
Prop84BayAreaIntegRegnlWtrMgmt	Novato So. Area, Hamilton Fiel			1			593,750		593,750	
Prop84BayAreaIntegRegnIWtrMgmt	Napa St Hospital Stage 1		1.2			-	593,750	-	593,750	(593,750
Prop84BayAreaIntegRegnlWtrMgmt	Sears Point WtInd & Wtrshd Res		12			7	6,667		6,667	(593,750
Prop84BayAreaIntegRegnIWtrMgmt	Bair Island Restoration			12			6,667	- Pa		(6,667
Prop84BayAreaIntegRegnIWtrMgmt	South Bay Salt Pond Habitat Re		12		-		6,667	Ē-	6,667	(6,667
Prop84BayAreaIntegRegnlWtrMgmt	Regional Green Infrastructure			- 1	- 3	-	24,041		6,667	(6,667
Prop84BayAreaIntegRegnIWtrMgmt	Weather Based Irrigation Contr	-	-00	- 5	-	-	57,716	5	24,041	(24,041
Prop84BayAreaIntegRegnlWtrMgmt	Watershed Partnership Technica				Ē		11,417	~	57,716	(57,716
Prop84BayAreaIntegRegnIWtrMgmt	Stream Restoration w/Schools i	- 20	- 400		- L		149,491	2	11,417	(11,417
Prop84BayAreaIntegRegnIWtrMgmt	Flood Infrastructure Mapping			- 9	-	- 7	2,047	-	149,491	(149,491
PRP84 TOTAL	ribod mindshabara mapping	-		Ž.	488		2,117,531	744	2,047 <b>2,118,274</b>	(2,047 (2,118,274
WQA Emergency Resrve Fnd	BDO Interest Income							1,372	4 070	(4.070
WQA EMERG TOTAL	DDG IIIGIGG IIIGGIIIG			3.0		- 5		200	1,372	(1,372
West EMERG TOTAL		7.		-		-	-	1,372	1,372	(1,372
WQA Tech Action Fund	BDO Interest Income	-	-	· ·		-	94	857	857	(857
TECHACTION TOTAL	*	3	+		-		- 2	857	857	(857
CBC Operating Resrve Fnd	BDO Interest Income	72.1		120		-3.4		556	556	(556
CBC OPRSRV TOTAL				(2)	. 7		÷	556	556	(556
Prop50BayAreaIntegRegnlWtrMgmt	BDO Interest Income	- 3	- 1			- 12		586	586	(586
Prop50BayAreaIntegRegnlWtrMgmt	South Bay Advanced Regional RW			-	1-	-	2,673,855	-	2,673,855	(2,673,855
PRP50 TOTAL							2,673,855	586	2,674,441	(2,674,441

# **BACWA Expense Report for June 2013**

		AMENDED		CURRENT P	ERIOD			YEAR TO	DATE			122.00
DEPARTMENT	EXPENSE TYPE	BUDGET	ENC	PV	DA	JV	ENC	PV	DA	JV	OBLIGATED	UNOBLIGATED
Bay Area Clean Water Agencies	BC-Collections System	25,000	(3,236)	3,243	-			25,007	- 0		25,007	(7)
Bay Area Clean Water Agencies	BC-Permit Committee	0.5	-	1.5	-	-	4					-
Bay Area Clean Water Agencies	BC-Water Recycling Committee	13,359	(367)	367	7	-	12,536	733	-	10.40	13,269	90
Bay Area Clean Water Agencies	BC-Biosolids Committee	6,515	7,47	-	1,2,1	3-3	500	1,015	1,817	-	3,332	3,183
Bay Area Clean Water Agencies	BC-InfoShare Groups	25,000	(7,865)	7,865	(6)	<del>-</del> J	13,175	11,825		4-4	25,000	191
Bay Area Clean Water Agencies	BC-Laboratory Committee	7,000		-	- 191	4		- A	(4)	-		7,000
Bay Area Clean Water Agencies	BC-Miscellaneous Committee Sup	140,000	(26,987)	26,987	4-1	4	52,221	92,430	4	(349)	144,302	(4,302)
Bay Area Clean Water Agencies	LS-Regulatory Support	2,000		12.1			1,968	5,451	-	-	7,419	(5,419)
Bay Area Clean Water Agencies	LS-Executive Board Support	2,000	100	-	1,9,1	.9.	1,470	530		1.3	2,000	
Bay Area Clean Water Agencies	CAS-CWAA	1,000	14.	-	9	2			1,000		1,000	-
Bay Area Clean Water Agencies	CAS-PSSEP	20,000	14	-	1.5	-	7-3		20,000	-	20,000	
Bay Area Clean Water Agencies	CAS-CPSC	5,000	1.5	.2	-	1.2	2.7	-	5,000	0.0	5,000	1 2
Bay Area Clean Water Agencies	CAS-PSI	500	4	-	12	-	20	-	500		500	100
Bay Area Clean Water Agencies	CAR-BACWA Annual Report	15,000	4	1	1.4	-	15,433	100	170	16	15,433	(433)
Bay Area Clean Water Agencies	CAR-BACWA Website Development/	10,720	(1,926)	1,926	134		4,335	8,175	1,514	(2,285)	11,738	(1,018
Bay Area Clean Water Agencies	AS-BACWA Admin Expense	3,000	1112221	-	426	-	_	-	5,388	(2,233)	5,388	(2,388)
Bay Area Clean Water Agencies	CAR-Other Communications	5,000	_	-		2	1,343	657	-117.57		2,000	3,000
Bay Area Clean Water Agencies	SP-BAPPG Contribution	50,000	_		4	1.8	-	-		50,000	50,000	5,000
Bay Area Clean Water Agencies	GBS-Contingency	30,000	1.2		600		946	24,054	17,110	(4,478)	37,632	(7,632
Bay Area Clean Water Agencies	GBS- Meeting Support	13,000	(166)	166	420	100	255	745	9,124	100	10,224	2,776
Bay Area Clean Water Agencies	AS-Executive Director	160,000	(20,982)	20,983	-	- 100	58.238	164,432	5,124	-	222,670	(62,670
Bay Area Clean Water Agencies	AS-Assistant Executive Directo	70,000	(5,895)	5,895	2	1.2	590	67,610			68,200	1,800
Bay Area Clean Water Agencies	AS-EBMUD Administrative Servic	40,000	(3,169)	3,169	2,315	6,885	20,610	19,390	2,315	(1,542)	40,773	(773
Bay Area Clean Water Agencies	AS-Insurance	4,000	(5,105)	3,105	2,313	0,000	20,610	19,390	3,860		3,860	140
Bay Area Clean Water Agencies	BDO-CAS-Stanford ERC	10,000			1,2				10,000		10,000	140
BACWA TOTAL	BDO-CAS-Statilord ERC	658,094	(70,593)	70,601	3,761	6,985	183,619	422,054	77,627	41,446	The second secon	100 000
BACWA TOTAL		650,054	(70,595)	70,601	3,701	0,303	103,019	422,034	11,621	41,446	724,746	(66,652
AIR-Air Issues&Regulation Grp	Administrative Support	3,977	- 4	-		100	-	-	12	3,977	3,977	1
AIR-Air Issues&Regulation Grp	BDO Contract Expenses	79,556	(21,700)	3	- 1	21,700	14,566	43,290		21,700	79,556	_
AIR TOTAL	5	83,533	(21,700)	-1	100	21,700	14,566	43,290	- 19	25,677	83,533	
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Fog	14,000				1.00			8,000	-	8,000	6 000
	BAPPG-CE-Mercury	14,000		2				-	6,000		0,000	6,000
BAPPG-BayAreaPollutnPreventGrp		40,000	-	-	-				40.000	- 3	40.000	1
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Pesticides	10,000		-			16.1	- 5	10,000		10,000	Į.
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Copper	5,000	-		-	7	13	6,499	4,833		4,833	167
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Pharmaceutical	7,499		- 5	5.0	-	-	6,499	2,346	-	8,845	(1,346
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-General P2			-	4.499			-			7	753.
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Emerging Issues	8,000	-	-	4,177	3,028	4 500	7 400	4,490	3,028	7,517	483
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Other	16,539	(320)	320	2,100		1,539	7,499	2,960	3.5.3	11,998	4,541
BAPPG-BayAreaPollutnPreventGrp	Administrative Support	3,800	20.00	9 (12	(*)	-	-	100	15	3,800	3,800	10 Tel.
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Multi-Pollutant	19,000	(1,180)	1,180		0.300	48	15,952	1.778	A. 777	16,000	3,000
BAPPG TOTAL		83,838	(1,500)	1,500	6,277	3,028	1,587	29,950	32,629	6,828	70,993	12,845
WQA-WtrQualityAttainmntStratgy	WQA-CE-Technical Support	525,838	(23,946)	23,939	2,800		129,889	238,575	14,719	(4,644)	378,539	147,299
WQA-WtrQualityAttainmntStratgy	WQA-CE-Collaborations & Sponso	65,000		-		-		30	15,000	-	15,000	50,000
WQA-WtrQualityAttainmntStratgy	WQA-CE-Commun. & Reporting	26,000	(3,140)	3,140	-	2.3	2,861	3,140	100	14	6,000	20,000
WQA-WtrQualityAttainmntStratgy	WQA-CE-Other	45,000			925	6-1	18,138	12,483	15,921	- 9	46,542	(1,542
WQA CBC TOTAL		661,838	(27,086)	27,079	3,725	12.0	150,888	254,197	45,640	(4,644)	446,081	215,757

# BACWA Expense Report for June 2013

		AMENDED		CURRENT	PERIOD			YEAR TO	DATE			-
DEPARTMENT	EXPENSE TYPE	BUDGET	ENC	PV	DA	JV	ENC	PV	DA	JV	OBLIGATED	UNOBLIGATED
WOT - Wtr/Wwtr Operat Training	Administrative Support	2,500	1-	2	1	4		44	6	2,500	2,500	
WOT - Wtr/Wwtr Operat Training	BDO Contract Expenses	158,000	-		_			12	182,000	2,500	182,000	(24,000)
WOT TOTAL		160,500	100	(a)	+	-			182,000	2,500	184,500	(24,000)
Prop84BayAreaIntegRegnlWtrMgmt	Administrative Support	14	(45)	45	48	488	7,233	1,491	36,251	2,431	47,405	(47,405)
Prop84BayAreaIntegRegnlWtrMgmt	BDO Contract Expenses	14	(9,216)	9,216	100		21,453	32,147	50,20)		53,600	(53,600)
Prop84BayAreaIntegRegnlWtrMgmt	Novato North Area Proj.					1			593,750		593,750	(593,750)
Prop84BayAreaIntegRegnlWtrMgmt	Novato So. Area, Hamilton Fiel	14	-	-	593,750	2		-	593,750	(2)	593,750	(593,750)
Prop84BayAreaIntegRegniWtrMgmt	Napa St Hospital Stage 1	10-	32)	-	593,750		-	1	593,750	2.	593,750	(593,750)
Prop84BayAreaIntegRegnlWtrMgmt	Regional Green Infrastructure	5-	1.42	-	22,928		-		46,969		46,969	(46,969)
Prop84BayAreaIntegRegnlWtrMgmt	Weather Based Irrigation Contr			- 4	34,788			-	197,743		197,743	(197,743)
PRP84 TOTAL			(9,261)	9,261	1,245,264	488	28,685	33,638	2,062,213	2,431	2,126,967	(2,126,967)
Prop50BayAreaIntegRegnlWtrMgmt	Administrative Support	32	G.	Cen.	17	1,344	774	226	184	1,007	2,190	(2,190)
Prop50BayAreaIntegRegnlWtrMgmt	BDO Contract Expenses	11.5	(439)	439	99.0	-	26,778	12,127	-	(1,608)		(37,297)
Prop50BayAreaIntegRegnlWtrMgmt	EBMUD Ca. Waterstar Initiative		1907		1.2	7,322	-	-	1,2	7,322		(7,322)
Prop50BayAreaIntegRegnlWtrMgmt	EBMUD Richmond RWP	1.5	( <del>-2</del> )	1,2,1	9.	8,448		-		8,448	1.34.00	(8,448)
Prop50BayAreaIntegRegnIWtrMgmt	Mt. View-Moffat RWP	-	(2)	- 4	70.1	5,561	-	2		5,561	5,561	(5,561)
Prop50BayAreaIntegRegnlWtrMgmt	South Bay Advanced Regional RW		12	1.51	500	-	1.5		2,650,961	5,501	2,650,961	(2,650,961)
PRP50 TOTAL			(439)	439	17	22,674	27,552	12,353	2,651,144	20,729		(2,711,778)



# BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 4

**FILE NO.:** 12,083

**MEETING DATE:** August 29, 2013

**TITLE: Proposition 84 Grant Administration Support** 

oxdot MOTION oxdot RESOLUTION oxdot DISCUSSION

#### **ACTION UNDER CONSIDERATION**

Amend an existing agreement with Avila & Associates Consulting Engineers, Inc. to provide administrative support for the Proposition 84 round 1 IRWM grant, to increase the contract value from \$50,000 to a not to exceed amount of \$100,000.

#### **SUMMARY**

BACWA, in its role as grantee for the Bay Area Integrated Regional Water Management (IRWM) Implementation grant, entered into a contract for support services to administer the Bay Area Prop 84, round 1 IRWM grant. The work of the consultant is overseen by the participants in the IRWM grant.

The original agreement limited the total contract to an amount not to exceed \$50,000, with the initial work authorization limited to \$25,000. On 5/29/2013, the BACWA Executive Director provided the consultant with authorization to continue work with a limit not to exceed \$50,000. At the current rate of administrative assistance, it is expected that the \$50,000 limit will be reached within the next month or two. Funds are now available in the BACWA Proposition 84 account to authorize continued work up to a not to exceed amount of \$100,000.

A variance from BACWA's contracting policy – which limits the amount that a contract can be amended to 25% of the initial contract value – is being requested due to the unique nature of BACWA's role as the Proposition 84 grantee where participants are required to fund 100% of administrative and legal costs with no costs to BACWA. The original contract amount was limited to \$50,000 to accommodate BACWA's policy of having adequate funds available on hand, though the projected cost of the work was expected to exceed \$50,000. The additional \$50,000 is now available to support this continued effort. Administrative support services will be needed through September 2016, so it is likely that the Board will be asked to approve subsequent increases to this contract in the future.

#### FISCAL IMPACT

Funding for this contract is available in the Proposition 84 account, which is funded by the grant participants. These administrative costs are eligible for reimbursement from DWR, and as the DWR reimbursements are made, the funds are returned to BACWA's Proposition 84 account.

Avila Prop84 Amendment 1 BAR August 29, 2013 Page 2 of 2

### **ALTERNATIVES**

On August 1<sup>st</sup>, 2012, a request for proposals was mailed to consultants on the BACWA consultant list, as well as others. By the established deadline of noon, August 17<sup>th</sup>, three proposals were received (Avila and Associates, Causey Consulting, and Kennedy/Jenks Consultants). One additional proposal was received after the deadline (C. Jennifer Jackson), for a total of four proposals. A subgroup of IRWM grant participants, including one representative from each functional area, participated in a review of the proposals. The subgroup discussed the merits of each proposal and conducted reference checks. Based on a number of different factors, including timeliness in submittals, hourly rate structures, familiarity with the grant process, and availability of personnel, the subgroup unanimously chose Avila and Associates as their first choice.

#### **ATTACHMENT**

- 1. Scope of Work
- 2. Rate Sheet

#### **EXHIBIT A**

#### SCOPE OF WORK

### Task 1 – Support for Reporting

- Quarterly Progress Reports will cover key milestones achieved, percent completion
  on each task, and budget information as required by the DWR Grant Agreement. The
  current method is to prepare the information manually using Microsoft Office and/or
  Adobe Acrobat and store the information electronically at bairwmp.org. A web
  template may be used in the future and is subject to development through a separate
  contract.
  - a. Assistance is required to prepare an overall summary report by compiling information submitted for each project.
  - b. A draft quarterly report shall be provided to the Oversight and Coordination Committee for review and comment prior to finalization.
  - c. Follow up with staff from DWR and the participants may be needed to address questions or comments.
  - d. Records must be maintained, including any submittals to DWR, and related correspondence with participants. Consultant electronic records shall be backed up not less frequently than weekly, preferably daily. Consultant records for this project shall be made available to BACWA upon request and upon termination of the contract.
  - e. Consultant must be competent in Adobe Acrobat and Microsoft Word and Excel.
- 2) Assistance with other project reports (project completion reports, annual post project reports, grant completion report) may be needed, subject to authorization from the Project Manager.

#### Task 2 – Support to Review Compliance with Grant Conditions

- 1) Assistance may be needed to help BACWA review compliance with grant conditions, as outlined in the grant guidelines, including but not limited to the following items <sup>1</sup>:
  - a. Labor compliance documentation for construction projects.
  - b. Project completion, including final inspections by a registered civil engineer.
  - c. Equipment inventory lists for equipment purchased with grant funds.
  - d. Signage providing appropriate credit to DWR.
  - e. Financial records required by the grant.
  - f. Other files and records for each project.
  - g. Follow up on project specific issues arising during the grant period.
- 2) Records related to this task must be maintained. Consultant records for this project shall be made available to BACWA upon request and upon termination of the contract. Electronic records are being used to the maximum extent possible and a website is available to upload documents.

<sup>&</sup>lt;sup>1</sup> The Consultant will not be asked to assess these records rather the intent is to verify their existence and location.

# **EXHIBIT B**

# HOURLY RATES/REIMBURSABLE EXPENSES

Kate Bode, Deputy Project Manager: \$135/hour

Steven Jones, Engineering/Technical Support: \$150/hour

Ernie Avila, Project Manager: \$165/hour.



# BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.:	5
FILE NO.:	13,074
<b>MEETING DATE:</b>	August 29, 2013

TITLE: BACWA Executive Board Approval to Execute Agreement with Quality Assurance Solutions for Lab Committee Training

X	MOTION	□ RES	OLUTION
			<u></u>

#### RECOMMENDED ACTION

Authorize the execution of a contract with <u>Quality Assurance Solutions</u> for <u>Lab Committee Training</u> in an amount not to exceed <u>\$550</u> for fiscal year <u>2013-14</u>.

#### **SUMMARY**

In response to committee member requests, this contract will allow Diane Lawver of Quality Assurance Solutions to provide ethics training for the BACWA Lab Committee. In 2009 the committee sponsored a similar training which proved to be of significant value for the 60 BACWA members who attended. This training will take place over two days: one session each for ethics training for laboratory personnel and ethics training for field sample collection and documentation (detailed in the attached scope). The committee is expecting approximately 50 attendees for each session. This work will be carried out under the supervision of Lab Committee Chair, Nirmela Arsem.

#### FISCAL IMPACT

Though not specifically called out in the Fiscal Year 2013-14 workplan, there is sufficient funding available under the BACWA Lab Committee budget line item to cover this training session.

#### **ALTERNATIVES**

No other alternatives were considered as the terms of this contract is consistent with BACWA contracting policies which allow for a sole source selection process for contracts less than \$50,000. In accordance with BACWA contracting policies, this agreement requires Board approval because it was not referenced in the 2013-14 workplan.

Attachments:

Exhibit A: Scope of Work/Quotation

## ☑ Quality Assurance Solutions, LLC

Quality Systems Consulting for Environmental Testing A Registered SBE, SMBE, and SWBE Firm

#### QUOTATION

то	Ms. Nirmela Arsem Bay Area Clean Water Agencies (BACWA) Telephone: 510-287-1435 narsem@EBMUD.com	COPIES TO:				
FROM	Ms. Diane Lawver ☑ Quality Assurance Solutions, LLC 10310 Bonny Drive Cupertino, CA 95014 Telephone: 408-772-0077 DLawver@QASolutions-LLC.com	х	File			
DATE	August 11, 2013		Total Pages: 3			
SUBJECT	Quote: Training					

#### Dear Ms. Arsem:

☑Quality Assurance Solutions, LLC is pleased to present this quotation for training to BACWA members. BACWA has requested one session for Comprehensive Ethics and Integrity Training for Laboratory Professionals. In addition, BACWA has requested training on generating legally defensible testing data and sampling records for members who work in pre-treatment and operations. The services to be provided are in support of BACWA's objectives for continuous improvement of its members and training programs.

#### Project #2013-001: Training

☑Quality Assurance Solutions, LLC (Consultant) will offer one presentation of each topic below on two different dates to be determined in 2013. The following topics are planned for BACWA's attendees:

- 1. Comprehensive Ethics & Integrity for Environmental Testing Laboratory Professionals (2.5 hours)
- 2. Generating Legally Defensible Field Sampling and Test Data for Environmental Compliance Professionals (2.5 hours)

#### Additional Information:

- BACWA will be charged \$275.00 per session to be held at a date to be determined in 2013. The grand total will not exceed \$550.00 for both sessions.
- ♣ There is no limit to the number of attendees for either sessions. Attendees may participate in both or either training courses.
- ♣ All participants will document attendance through the sign-off on a training roster.
- Preparation time, training records, and all presentation materials are included in the charge per session. The materials will be provided in hard copy format to attendees. A Powerpoint presentation will be used to deliver the training materials to the audiences.
- A question and answer period will be offered at no charge even if it exceeds the quoted time for the presentation.

- Certificates of Completion for CWEA Contact Hours will be issued to each attendee upon request. If BACWA provides a list of attendees requesting CWEA contact hours one week before the training, the certificates will be issued on the day of training.
- Any services above these quoted will only be incurred after written approval from BACWA.
- The Consultant will require an LCD projector onsite.
- The Consultant is responsible for bringing handouts, the sign-in list, and a lap top.
- ♣ The Consultant will waive mileage, travel time, and copying costs.

If this quotation is acceptable, you may sign the acceptance below and send it to ☑Quality Assurance Solutions, LLC as a letter contract for the scope and proposed fees. You can fax the signed quotation to 408-777-8739 or e-mail it. You will receive the final executed copy for you records within the same business day. The pricing, terms, and conditions are valid until December 31, 2013.

☑Quality Assurance Solutions, LLC is registered as a Small Business Enterprise (SBE) as of November 2006 (REF# 0043800/SB APP 20071120093403). It is registered in California as a State Minority-Owned Business Enterprise (SMBE) and Woman-Owned Business Enterprise (SWBE). The SMBE and SWBE registration met eligibility standards as defined by CFR, Title 49, Part 23.

Any additional meetings or services may be contracted under additional quotations once each scope is presented. Please contact me at 408-772-0077 or send an e-mail to DLawver@QASolutions-LLC.com if you have any questions concerning this effort.

Respectfully Submitted,

☑Quality Assurance Solutions, LLC

Diane Lawver
President/Owner

Terms and Conditions Effective January 1, 2013 to December 31, 2013 ☑ Quality Assurance Solutions, LLC shall perform the services outlined in this agreement for the stated fee in the attached quotation.

#### 1. Fee:

The total fee, except stated lump sum, shall be understood to be an estimate, based upon a Scope of Services, and shall not be exceeded without written approval of the Client. Where the fee arrangement is to be on an hourly basis, the rates shall be those on the schedule of charges.

#### 2. Schedule of Charges (See attached Services)

Any required services not specified in the attached, shall require a new quotation.

#### 3. Expenses

Should travel be required, it will be billed at the current government rate for mileage or actual incurred expenses. Receipts will be submitted with the final billing upon request.

#### 4. Billings Payments

Invoices will be submitted monthly for services and are due when rendered. Invoice shall be considered PAST DUE if not paid within 30 days after the invoice date and ⊠Quality Assurance Solutions, LLC may, without waiving any claim or right against Client and without liability whatsoever to the Client, terminate the performance of the service. A service charge will be charged at 1.5% (or the legal rate) per month on the unpaid balance. In the event any portion of an uncontested account remains unpaid 90 days after billing, the Client shall pay the cost of collection, including reasonable attorneys' fees.

#### 5. Indemnification

The Client shall indemnify and hold harmless ☑Quality Assurance Solutions, LLC against any and all claims, damages, losses and expenses (including reasonable attorneys' fees) arising out of or resulting from the performance of the services, provided that any such claims, damage, loss or expense is caused in whole or in part by the negligent act or omission and/or strict liability of the Client, anyone directly or indirectly employed by the Client (except ☑QA Solutions, LLC) or anyone for whose acts any of them may be liable.

#### 6. Access to Site

#### 7. Risk Allocation

In recognition of the relative risks, rewards and benefits of the project to both the Client and  $\square$ Quality Assurance Solutions, LLC, the risks have been allocated so that the Client agrees that, to the fullest extent permitted by law,  $\square$ Quality Assurance Solutions, LLC's total liability to the Client, for any and all injuries, claims, losses, expenses, damages or claim expenses arising out of this agreement, shall not exceed the total amount of  $\square$ Quality Assurance Solutions, LLC's fee or other amount agreed upon when added under Special Conditions.

#### 8. Termination of Services

This agreement may be terminated at-will upon 10 days written notice by either party. In the event of termination by either party, the Client shall pay ☑Quality Assurance Solutions, LLC for all services, rendered to the date of termination, all reimbursable expenses, and reasonable termination expenses.

#### 9. Applicable Law

Unless otherwise specified, agreement shall be governed by the laws of the principal place of business of ⊠Quality Assurance Solutions, LLC

#### 10. Confidentiality

In addition, all information disclosed or otherwise gleaned from the business relationship between ☑Quality Assurance Solutions, LLC and its clients shall be protected as proprietary information and not disclosed to outside parties.

Charges and	Conditions/G	auotation <i>i</i>	Accepted by:	

Approved	Date:
• •	
Ms. Diane Lawver	Date:



# BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 6

**FILE NO.:** 13,075

MEETING DATE: August 29, 2013

TITLE: Solano Community College Agreements with BACWA for BACWWE/WOT Program

oxdiv MOTION oxdiv DISCUSSION oxdiv RESOLUTION

#### RECOMMENDED ACTION

Review contractual responsibilities and requirements set forth within agreements between BACWA and Solano Community College for the Bay Area Consortium for Water & Wastewater Education Water Operator Training Program (BACWWE/WOT).

### **SUMMARY**

Since June of 2007 BACWA has provided contracting and financial management services for the Water Operator Training program, now called the Bay Area Consortium for Water & Wastewater Education. Participating agencies are billed by BACWA and their contributions fund the Solano Community College courses for the program and a \$2,500 annual BACWA administration fee. In July of 2008, the BACWA Board approved execution of the Fall 2008 agreement with Solano Community College and also granted the Chair to execute future agreements for this program as long as they did not exceed \$79,200 (10% increase over the Fall 2008 contract amount of \$72,000). This program has grown from its ten original sponsors to 20 agencies from five counties contributing funds for Fall 2013. To date, nearly 800 students have taken courses offered by this program. For Fall 2013, the Trade Adjustment Assistance Community College Career Training initiative grant (TAACCCT) will be contributing \$15,500 and the remaining \$77,500 will be funded by contributions from the participating BACWWE/WOT program participant dues. The BACWA Chair has the authority to execute this agreement, based on the Board action of July 2008, which granted Chair approval of any WOT contracts under \$79,200. At this time the Board is being asked to review the terms of the contract and assess the risk of entering into a contract without all of the funds in hand. It is recommended that BACWA execute the contract for the Fall 2013 semester and then investigate whether to continue with the current contract template or develop approaches that reduce the risk to the BACWA membership prior to entering into an agreement for spring semester.

# **FISCAL IMPACT**

As of July 1, 2013 the WOT account had a balance of \$48,061 and participants have been billed for a total of \$141,500 in fiscal year 2014 for a projected available account balance of \$189,561 to support this agreement.

#### **ALTERNATIVES**

This action does not require consideration of alternatives.

#### Attachments:

1. Solano Community College District Agreement for Educational Services

# SOLANO COMMUNITY COLLEGE DISTRICT AGREEMENT FOR EDUCATIONAL SERVICES

This agreement is entered into by and between SOLANO COMMUNITY COLLEGE DISTRICT, hereinafter referred to as "District" and Bay Area Clean Water Agencies, hereinafter referred to as "BACWA."

WHEREAS, BACWA desires to engage the District to render special educational services,

# THEREFORE, THE PARTIES AGREE AS FOLLOWS:

- A. The District will provide credit classes, WATER 100, Wastewater Treatment I (2), WATER 101, Basic Chemistry for Water and Wastewater, WATER 105, Wastewater Treatment II, WATER 106, Instrumentation and Controls, and WATER 108, Water Treatment II, for up to 30 students per class, for BACWA member organizations.
- B. The District will develop, coordinate, deliver, and evaluate the training. Instruction/training will be delivered at various BACWA sites, to be determined. Classes will begin in August 2013, to this contract.
- C. The District will maintain the BACWWE (Bay Area Consortium Water & Wastewater Education) website.
- D. BACWA will recruit, identify and select all trainees who will participate in training.
- E. The fee for each 3 or 4 credit hour class is fifteen thousand five hundred dollars (\$15,500). The Trade Adjustment Assistance, Community College Career Training Initiative grant (TAACCCT) will subsidize one of the Water 100 classes, for a total of \$15,500.00. Students in these classes will be identified as TAACCCT students and will continue into an accelerated cohort, which is a primary TAACCCT goal.
- F. BACWA will compensate the District for all services rendered and expenses at a rate of seventy seven thousand five hundred dollars (\$77,500). The TAACCCT will pay the remaining \$15,500 cost of the fall 2013 semester for a total semester cost of \$93,000. The cost is inclusive of all instruction and teaching/ training materials
- G. Payments by BACWA to the District will be due upon receipt of invoice. An invoice will be generated upon completion of the first month of instruction.
- H. This contract may be terminated by either party with notice of ten (10) business days.
- I. IT IS MUTUALLY UNDERSTOOD that BACWA and the District shall secure and maintain in full force and effect during the full term of this Agreement, liability insurance in the amounts and written by carriers satisfactory to BACWA and the District respectively.
- J. The District will indemnify, and hold harmless, in any actions of law or equity, BACWA, its officers, employees, agents and elective and appointive boards from all claims, losses, damage, including property damages, personal injury, including death, and liability of every kind, nature

and description, directly or indirectly arising from the operations of the District under this Agreement or of any persons directly or indirectly employed by, or acting as agent for the District, but not including sole negligence or willful misconduct of BACWA. This indemnification shall extend to claims, losses, damages, injury and liability for injuries occurring after completion of the services rendered pursuant to this Agreement, as well as during the process of rendering such services. Acceptance of insurance certificates required under this Agreement does not relieve the District from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to all damages and claims for damages of every kind suffered, by reason of any of the District's operations under this Agreement regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

- K. BACWA will indemnify, and hold harmless in any actions of law or equity, the District, its officers, employees, agents and elective and appointive boards from all claims, losses, damage, including property damages, personal injury, including death, and liability of every kind, nature and description, directly or indirectly arising from the operations of BACWA under this Agreement or of any persons directly or indirectly employed by, or acting as agent for BACWA, but not including the sole negligence or willful misconduct of the District. This indemnification shall extend to claims losses, damages, injury and liability for injuries occurring after completion of the services rendered pursuant to this Agreement, as well as during the process of rendering such services. Acceptance of insurance certificates required under this Agreement does not relieve BACWA from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to all damages and claims for damages of every kind suffered, by reason of any of BACWA operations under this Agreement regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.
- L. BACWA agrees that it will not discriminate in the selection of any student to receive instruction pursuant to the Agreement because of sex, sexual preference, race, color, religious creed, national origin, marital status, veteran status, medical condition, age (over 40), pregnancy, disability, and political affiliation. In the event of BACWA's non-compliance with this section, the Agreement may be canceled, terminated, or suspended in whole or in part by the District.

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Mike Connor BACWA Executive Board Chair B75 11 <sup>th</sup> Street Dakland, CA	Jowel C. Laguerre, Ph.D. Superintendent-President Solano Community College Distric Fairfield, CA

# Collection Systems Committee Report to BACWA Board

August 22 18, 2013

From: Dan Stevenson, Committee Chair

Prepared By: Monica Oakley

**Committee Request for Board Action:** None

# **Highlights of New Items Discussed and Action Items**

# **Updated SSS WDR Monitoring and Reporting Program Released**

On August 2, 2013, the State Water Board released a signed version of the updated Monitoring and Reporting Program (MRP) for the Sanitary Sewer System (SSS) Waste Discharge Requirements (WDR).

Highlights of the MRP changes are summarized as follows:

- Agencies must notify Cal OES within 2 hours for sanitary sewer overflows (SSOs) greater than or equal to 1,000 gallons that reach surface waters. For these SSOs, now only Cal OES needs to be notified, because Cal OES will in turn notify the Regional Water Board AND the local health departments. [Previously Cal OES was notified within 2 hours for all SSOs reaching surface waters, and agencies also were to notify the Regional Water Board and local health department.]
- Cal OES must now be notified when there are substantial changes to previously reported spill volume estimates or impacts.
- There are now 3 categories of SSOs instead of 2. The new categories are as follows:
  - o Category 1 SSOs of any volume that reach surface water
  - o Category 2 SSOs greater than or equal to 1,000 gallons that do not reach surface water
  - o Category 3 SSOs less than 1,000 gallons that do not reach surface water
- Draft reports for SSOs in Category 1 or 2 must be submitted to CIWQS within 3 business days, with a final certified report submitted to CIWQS within 15 calendar days. Reports for SSOs in Category 3 must be submitted within 30 days following the month in which the SSO occurred.
- Agencies must now prepare a "technical report" within 45 days of the end date for SSOs to surface water over 50,000 gallons.
- Agencies are now required to monitor SSOs to surface water over 50,000 gallons. A Water Quality
  Monitoring Plan must be prepared for this purpose, and implemented within 48 hours after the initial
  notification to Cal OES.
- Agencies must now submit an electronic copy of their Sewer System Management Plan (SSMP) or provide the web address where their SSMP is posted.
- There is now a 120-day time limit for amending and re-certifying SSO reports (with exceptions allowed in certain cases).

These and other changes become effective on Monday, September 9, 2013. It turns out that the revised MRP (WQO-2013-0058-EXEC) which was signed by Tom Howard, the executive director of the State Water Board, on July 30, 2013 shows that the order becomes effective on 7/26/13. However State Water Board staff have confirmed that this is a typographical error and they are working to fix the mistake.

# **Next Collection System Committee Meeting**

Our next meeting will be held on Thursday, September 12, 2013 from 1:30 – 3:00 PM, at the Boy Scouts facility in San Leandro.

# Permits Committee – Report to BACWA Board

Permits Committee Meeting on: 8/13/13 Executive Board Meeting Date: 8/29/13

Committee Chair: Tim Potter

Committee Request for Board Action: None.

# 24 attendees representing 14 BACWA member agencies

# **Adoption of Permits/Permit Amendments:**

August: SF Southeast Water Pollution Control Plant, North Point Wet Weather Facility, Bayside Wet Weather Facilities, and Wastewater Collection System – In response to BACWA's comment letter, 72-hr enchinoderm development test was added to the list of chronic toxicity tests to choose from, and this test should be added to permits moving forward. Dave Williams spoke with Regional Water Board staff, and they removed the problematic language stating that if a portion of the permit is subject to a stay of enforcement, then the previous analogous portion will continue to be in effect.

Sanitary District No. 5 of Marin County (Tiburon). No comments anticipated.

September: None for BACWA members

October: Port Costa – Same format and new language as San Francisco, will presumably reflect the same changes made in the next draft..

## Report out from 7/25/13 BACWA Board meeting

- Most of the Board meeting was covered under other agenda items
- \$675K was approved by Board for supporting SFEI nutrient studies
- Board is developing a list of discussion items for Pardee Retreat in October

#### **Nutrients:**

- Review of 6/21 workshop: About 90 people attended, representing about 30 agencies. Tom Mumley's talk was the key element of the meeting, and he said there will definitely be a nutrient watershed permit. It will likely have four tenets, which are: 1) A cap for the North Bay and South Bay, or perhaps caps by subembayment. The Regional Water Board intents to work with agencies to make sure these caps will be livable and account for future growth. An exceedence will not be a violation; rather, it will trigger an investigation for its causes. 2) Monitoring will be required. 3) Funding will be provided for nutrient studies. 4) Each agency will need to investigate ways they can reduce nutrient loads.
- Membership Survey Results: The membership survey on the elements of the nutrient watershed permit is now closed. The survey was sent to all BACWA members, including the collection system-only agencies, since they will ultimately need to share the cost of any increased treatment. There were 31 responses. The summary results include both the approval rating of each of the tenets of the Watershed Permit, as well as additional comments provided by agencies. Upper Napa River agencies that discharge only in the dry season may or may not be included in the permit, since there's evidence that only dry weather nutrient loads have an impact. Dave Williams will distribute the completed survey to the permits committee. Link to the survey results here.
- Formation of Permit Negotiating Team: Dave Williams is working to assemble a permit negotiating team to ensure that there is representation beyond the BACWA principals. The working model is that there will be representatives from large and small agencies in each of the subembayments. This group of 10-15 people will then inform the negotiating strategy of a much smaller core team that will meet directly with Regional Board staff. Subembayments will self-select their representatives, which cold include consultants. Attendees expressed agreement that this was a good effort to make sure diverse voices are heard in the negotiating process. A list of POTWs by subembayment is linked <a href="here">here</a>. (Note: The subembayment delineations represent a somewhat arbitrary first attempt at partitioning POTWs into groups and do not reflect hydrological boundaries which will be investigated as the science proceeds.)
- 13267 Data: Dave Senn has received copies of nearly all the 13267 summary reports and will share them with Tim Potter. There was discussion about whether the results will demonstrate that some of the parameters are duplicative and can be dropped. For example, Jim Ervin thinks that there is no more information from doing three types of phosphorus analysis than just one type. Urea, which is measured the principal, hasn't varied in the data, but could be useful for source apportionment. This will be discussed at the joint BACWA/RWB meeting on 8/20. Dave Senn stated that some of the parameters could be used for diagnostic purposes or source apportionment. He will do a review of the data and the Delft model to make recommendations about what parameters could be dropped. Additionally, BACWA will argue that influent monitoring should be dropped, since it isn't conducted frequently enough, and is too variable, to do percent removal calculations.
- Governance Dave Williams gave an update on the formation of the Governance structure and passed out an
  updated Organizational Chart, linked here.
- Nutrient Symposium Update: Speakers and a date are being finalized. A Save The Date will be sent out soon but the Symposium will probably be Oct 14 or 15.
- Next SAG meeting 9/6

#### **EPA Electronic Reporting Rule**

- Proposed Rulemaking will make electronic reporting to the EPA mandatory for all reports
- Hopefully CIWQS will be certified and will be able to interface seamlessly with the EPA system
- NACWA will hold webinar on 9/4
- Tri-TAC will comment, and BACWA members can participate in their workgroup (deadline 10/18)

### **Sewer Rate Survey**

- BACWA is not planning on adding enhancements to the sewer rate survey unless there is strong member urging to do so
- Each enhancements cost roughly \$2k \$5k to set up and \$500 \$2k/yr to maintain.
- Lorien Fono will distribute list of enhancements to permits committee list to see whether members feel strongly about adding enhancements

### **Microplastics**

- Naomi Feger sent Mike Connor a request to see if anyone is monitoring for microplastics
- Microplastics have been in the news since they are found in fish guts, and can come from cosmetics products, providing a route to the sanitary sewer. Since they have a diameter of less than a millimeter, they won't be screened at WWTPs.
- None of the attendees were aware of a monitoring program at their agency.

#### Informational Items/Announcements

- ERS database is hosted by SFEI Contact Lorien Fono with data queries
- Tri-TAC will be hosting a webinar on 9/4, 1:30-4pm on the pyrethroid study. Results show that pyrethroids are ubiquitous in effluent at higher levels than have been shown to be toxic to hyellela. More info on the webinar will be distributed to the Permits Committee list when it becomes available.
- State Water Board CEC implementation SCCWRP will be heading up the effort to implement the CEC panel recommendations. Region 2 already implements many of the recommendations, except for POTW monitoring. Tom Mumley is the Regional Board representative on the stakeholder group, and will be a proponent of the Region 2 program. The POTW representative is Phil Friess from LACSD.
- State Water Board is restarting the Toxicity Plan process by holding a closed stakeholder workshop the week of 8/26. They will distribute an issue paper in advance. Lorien Fono completed a memo summarizing the recent history of acute toxicity in Region 2 to support dropping acute toxicity testing, and will submit to Lila after the issue paper comes out.
- The pretreatment committee will start holding in person meetings with a call in option. There was a discussion of the focus of enforcement – State Board staff have said it will be in regions with "less developed" pretreatment programs.

Next BACWA Permits Committee Meeting: Tuesday, September 10th, 2013, at EBMUD Plant Library.

# Recycled Water Committee – Report to BACWA Board

Recycled Water Committee Meeting on: 8/7/13

Executive Board Meeting Date: 8/29/13 Committee Chair: Cheryl Muñoz

## Committee Request for Board Action: None.

## 9 attendees representing 5 BACWA member agencies

#### **Prop 84 Updates**

- In September, DWR will announce Phase 2 results and ABAG will proceed with grant agreements.
- DWR has pushed back the Round 3 process to late 2014/early 2015.
- The Bay Area is going to vet its regional projects, with a coordinating committee meeting on 8/26. Climate change is an important criteria for scoring projects but it should not be the only criteria. Topics and/or priority areas for consideration:
  - Water supply reliability and long-term sustainability
  - Health of the Bay

Examples of projects relating to the topics or priority areas listed above include:

- Waste-to-energy
- Nutrient(s) reduction
- Resource recovery (e.g. mining phosphorus out of nutrient stream)
- Recycled Water
- Conservation

### **BAIRWMP Updates**

- Each agency must adopt the updated 2013 BAIRWMP to be eligible to apply for Round 3 grant funds. There was a discussion about whether the Executive Summary could give agencies and cities a summary of what they were obligated to do by signing on. There is a 2-pg "Short Story" that can be used to educate management and board members. Cheryl Munoz said their legal team looked over the IWRMP and says there is no financial obligation or specific tasks associated with cities signing on.
- The Coordinating Committee will review the full Plan at its 9/23/13 meeting.

### Interface with WateReuse Legislation/Regulation Committee

- Martha Davis is the new Leg/Reg chair and has requested that members send her a proposal for guiding principles to make sure that future proposed legislation and comments on legislation are properly vetted by the membership. This is in response to what happened with AB803, where the proposed legislation was not reviewed by the appropriate stakeholders, and WateReuse members weren't shown the text until it was too late to comment, and ultimately the legislation was gutted.
- The following is the Committees recommendations to WateReuse
  - Strawman WateReuse to develop initial draft of proposed process for developing and reviewing legislation
  - Include a graphic for strawman process
  - Be clear about lines of communication
  - Timeframe of review; adequate review time
  - Distribution of draft bill language to members for review prior to introducing legislation
  - BACWA and other members to review draft strawman process and provide feedback
  - Review Leg/Reg Committee membership/representation process

#### **Legislation and Regulatory Updates**

AB 803: Water Recycling Act of 2013 (Gomez)

- The bill was gutted from its original text which was to facilitate implementation of recycled water projects. A significant point in bill involves approval of use of hose bibs to water cemeteries supplied with recycled water and the requirement of signage to label that water is nonpotable.
- No update

SB 322: Water Recycling (Hueso)

- Would establish an expert panel to increase public transparency for the development of direct potable reuse regulations.
- Read and amended in assembly (July 3)

AB 145: Drinking Water-SWRCB (Perea)

Transfers responsibility for drinking water to the State Board. WateReuse and ACWA oppose and suggest either moving the SWRF to the State Board, or to create a separate office under CalEPA to administer the drinking water program. Last action on July 8.

AB 1200: Recycled Water-Agricultural (Levine)

- Addresses rules for agricultural impoundments.
- Looking to make it a 2-year bill since it's going slowly with the regional board.

AB 119: Water Treatment Devices

- Develop a third party verification for health claims.
- Read and amended July 2

Water Bond Principles - Changes to SBX7-2

No updates. This is to put a bond on the ballot to provide \$7-8 billion for water projects and approximately \$½ billion for recycled water. It would transfer responsibility for administering at least part of these funds to the State Board instead of the DWR.

Other updates

No update on biocremation bill (AB 764)

### **Announcements/Agency Updates**

Recycled Water Landscape Guide - Comments due by August 30, 2013

Need reviewers to make sure that this is universally applicable, and not just pertaining to landscapes in certain climates. For example, what works in Concord may not work in San Francisco.

**Next BACWA Recycled Water Committee Meeting:** Sept 4th, 2013, from 10:00 am to 12:00 pm, 2nd Floor Small Training Room at EBMUD Headquarters.



# Executive Director's Report to the Board

#### **August 2013**

**NUTRIENTS**: Completed a variety of tasks and activities associated with BACWA's interests on nutrients and collaborating with the Water Board including:

- -Participated in a conference call the Naomi Feger and David Ceppos to plan for the Governance Task Force conference call.
- -Participated in a conference call with BACWA members on the Governance Task Force to prepare questions/comments on the proposed governance structure.
- -Participated in the Governance Task Force conference call to plan the next steps in establishing the Nutrient Governance Structure.
- -Continued working with BACWA members and consultants on organizing a Nutrient Technical Symposium for the BACWA membership
- -Participated in the a conference call to discuss BACWA member participation in the EBMUD proposal for grant funding of a demonstration project for reducing nutrients at wastewater treatment plants
- -Prepared final summary of the BACWA Watershed Permit Survey and provided to the membership.
- -Developed an approach to ensure broad participation on the part of the BACWA membership in negotiating the nutrient watershed permit with the Water Board staff.

#### **BACWA BOARD MEETING:**

- -Worked with the AED in preparing for the August monthly BACWA Board agenda including briefly reviewing the agenda with the chair.
- -Attended the July monthly meeting, made presentation on key activities and noted action items requiring follow-up.
- -Continuing to track all action items to completion.
- -Reviewed the draft CWCCG presentation planned for the BACWA Board meeting.
- -Organized and participated in the bi-monthly Joint BACWA/Water Board Meeting.

**ASC/SFEI**: Participated in conference calls regarding the ASC/SFEI Executive Committee and Governance Committee activities.

#### **PERMITS COMMITTEE:**

- -Attended the August monthly Permit Committee meeting and provided an overview of the watershed survey results and the next steps.
- -Worked with the BACWA attorney to present arguments to the Water Board on concerns with language in the SFPUC permit. Successful in getting the problematic language removed prior to the permit being adopted.
- -Attended the RWQCB monthly meeting and spoke on the SFPUC agenda item thanking the Water Board staff for their help in addressing BACWA's issues.
- -Worked with the RPM and committee members to finalize the draft Review of Acute Toxicity Testing by POTWs in Region 2.

**AIR COMMITTEE**: Continued working with the California Wastewater Climate Change Group (CWCCG) program manager to arrange a high level overview of air regulations that may impact the BACWA membership.

#### **BAPPG:**

- -Attended the monthly BAPPG meeting at the State Building
- -approved various funding requests in accordance with the BAPPG annual Workplan
- -Participated in the TriTAC webinar on the Pyrethroid Survey Update

**RECYCLED WATER COMMITTEE:** Attended the monthly BACWA Recycled Water Committee Meeting at EBMUD.

#### CASA:

- -Participated in the CASA conference call on the SWRCB Enforcement Policy regarding high volume SSOs.
- -Attended the CASA Annual Conference

#### **ORGANIZATIONAL EFFORTS:**

- -Completed the first phase of updating the BACWA email service provider which enabled syncing of emails, calendars, and contacts with mobile devices. Next phase is improving the functionality for the BACWA committees.
- -Began preparation for the annual BACWA retreat by developing a preliminary agenda for the retreat.
- -Coordinated with Water Board staff on their attendance at the BACWA Pardee retreat.

#### **ADMISTRATION:**

- -Signed off on invoices, reviewed correspondence, prepared for upcoming Board meeting, responded to inquiries on BACWA efforts, oversaw updating of web page and provided general direction to BACWA staff.
- -Met with the chair and vice chair to review the Executive Director's performance from coming on board in February to the end of FY 13.
- -Provided written report of avoidance of conflicts of interest associated with previous employment and current elected position.
- -Prepared the annual performance evaluations for the Assistant Executive Director and the Regulatory Program Manager and discussed the reviews with each of them.
- -Worked with the RPM in the preparation of the monthly BACWA newsletter.

**BAY PLANNING COLATION:** Continued coordination with the ED of the BPC on planned upcoming seminars and briefings including potential speakers.

### MISCELLANEOUS MEETINGS/CALLS:

- -Coordinated with CASA on issues of mutual interest.
- -David Senn on several nutrient issues
- -Brian Campbell/Paul Gilbert Snyder on Prop 50 and Prop 84
- -BACWA chair on several items that arose during the month
- -Water Board staff on coordinating the nutrient activities
- -other misc calls and inquiries regarding BACWA activities

#### Attachments:

- 1) Status on Action Items from July 25, 2013 BACWA Executive Board Meeting
- 2) BACWA Board Calendar (outline of upcoming meeting agenda items) BODCAL

# July 25, 2013 BACWA Board Meeting Action Items

Number	Subject (Lead)	Task	Deadline	Status
2013.07- 68	Ad-Hoc Pretreatment Workgroup (RPM)	Notify members of opportunity to participate via newsletter.	8/10/2013	Completed
2013.07- 69	Complementary Registrations for: - the 9/12 BPC Energy Nexus Summit; and - the 10/29-30 State of the Estuary Conference (AED)	Collect requests for use of complementary registrations and coordinate with event sponsors.	9/9/2013 10/15/2013	Completed
2013.07- 70	CASA Wastewater Innovation Survey (ED)	Work with CASA to distribute to BACWA members.	8/29/2013	Completed (will distribute when CASA finalizes survey)
2013.07- 71	Nutrients 13267 First Year Data (Permits CMTE Chair)	Committee to consider which data items could be removed in the future.	8/29/2013	Completed
2013.07- 72	Nutrients 13267 First Year Data (RPM)	Include link to reporting spreadsheet in newsletter.	8/10/2013	Completed
2013.07- 73	Nutrients 13267 Reporting Requirements in Year 2 (ED)	Include on next Joint meeting agenda for discussion.	8/29/2013	Completed
2013.07- 74	SFEI Nutrients Contract (ED)	Notify Water Board of approval at next Joint meeting and continued concerns about a cap.	8/29/2013	Completed
2013.07- 75	Technical Symposium on Nutrients (Carollo)	Determine optimal date for symposium.  Investigate venue options  Compile list of suggested questions to be addressed in presentations.  Incorporate suggestions for program revisions.	8/29/2013	Ongoing
2013.07- 76	Member Survey on Nutrient Watershed Permit (ED/AED)	Compile survey responses and circulate.	8/9/2013	Completed
2013.07- 77	Member Survey on Nutrient Watershed Permit (ED/Permits Chair)	At August Permits Committee meeting present survey results and also discuss alternatives for caps at next Joint Mtg w/ WB.	8/13/2013	Completed
2013.07- 78	Formation of BACWA's Nutrient Watershed Permit Negotiating Team (ED)	Draft group categories and circulate for Board feedback, then draft list of potential team members.	8/29/2013	Completed
2013.07- 79	SFPUC Permit (ED)	Work with legal counsel to draft talking points to present at 8/14 Water Board	8/14/2013	Completed

		hearing.		
2013.07-	Sewer Rate Survey	Include as potential Pardee discussion topic.	8/29/2013	Completed
80	Enhancements	·		(Added to
	(ED/AED)			Bodcal)
2013.07-	Succession Planning	Obtain Vice Chair designations and	8/29/2013	Ongoing
81	(ED/AED)	incorporate edits into plan.		
2013.07-	2014 Board Meeting	Finalize and circulate.	8/29/2013	Completed
82	Calendar			
	(AED)			

# **Action Items Remaining from Previous BACWA Executive Board Meetings**

Number	Subject (Lead)	Task	Deadline	Status
2013.05 -59	Board Meeting Schedule (AED)	Work with SFPUC and EBMUD to schedule 2014 meeting dates, alternating locations.	7/25/2013	Completed
2013.05 -56	SSO Enforcement Options (ED) (Monica Oakley)	Draft scope of work for ED review.	7/25/2013	Pending

February 2013 – Present:  $\underline{80}$  of  $\underline{83}$  Action Items completed.



# **Board Calendar thru Dec 2013**

As of Monday, August 26, 2013 at 3:55 PM

DATE	ASSIGNMENT	STATUS NOTES
8/29/2013	Consent	
Monthly Board Mtg	Previous Board Meeting Minutes (AED)	
Items due: 8/15	Monthly Treasurer's Report (EBMUD Accounting)	
	Reports	
Connor; Pagano;	Committee Reports (Committee Chairs)	
Horenstein; Ervin; Swanson	Board Reports (Executive Board)	
Williams; Fono; Gunnell	ED Report (ED)	
	RPM Report (RPM)	
	Chair/ED Authorizations (AED)	
	Other Business: Authorizations	
	Other Business: Discussions	
	Pardee Technical Seminar Planning (ED)	
9/26/2013	Consent	5m
Monthly Board Mtg	Previous Board Meeting Minutes (AED)	
	Monthly Treasurer's Report (EBMUD Accounting)	
Items due: 9/19	Reports Committee Chairman	40m
Connor; Pagano;	Committee Reports (Committee Chairs)	
Horenstein; Ervin; Swanson	Board Reports (Executive Board)	
	ED Report (ED) RPM Report (RPM)	
Williams; Fono; Gunnell	Chair/ED Authorizations (AED)	
	Other Business: Authorizations Annual Audit Report and Financial Statements	
	Other Business: Discussions	
	Pardee Technical Seminar Planning (ED)	
	Arleen Navarret Award – Solicitation and Selection Process	
	(AED)	
	Annual Member Meeting January 2014 (ED)	
	Regulatory Issue Matrix Update Frequency (RPM/ED)	
	FOG White Paper (Yerrapotu/Horenstein)	
10/00 10/5=	BAPPG Pollutant Prioritization (Karri Ving)	
10/23 – 10/25	Consent	No Board Actions Permitted
Pardee Technical	NONE	
Seminar Items due: 10/16	Reports Board Reports (Executive Board)	
items due. 10/10	ED Report (ED)	
Connor; Pagano;	RPM Report (RPM)	
Horenstein; Ervin; Swanson	Other Business: Authorizations	No Board Actions Permitted
Williams	NONE	No Board Actions I entitled
VVIIIIairis	Other Business: Discussions	
	Finance - Consideration of restructuring BACWA Special	
	Programs	
	Finance – Reserve Funds	
	Finance – Member Dues Structure	
	Committee Structure and Funding	
	BACWA Policies and Procedures Update	
	Contracting Policy	
	<ul> <li>Consultant Solicitation Process</li> </ul>	

DATE	ASSIGNMENT	STATUS NOTES
	Sewer Rate Survey Enhancements	
11/22/2013 Monthly Board Mtg Items due: 11/15  Connor; Pagano; Horenstein; Ervin; Swanson Williams; Fono; Gunnell	Consent Previous Board Meeting Minutes (AED) Monthly Treasurer's Report (EBMUD Accounting) Annual Audit Report (EBMUD Accounting) Reports Committee Reports (Committee Chairs) Board Reports (Executive Board) ED Report (ED) RPM Report (RPM) Chair/ED Authorizations (AED)  Other Business: Authorizations	10 m plus previous month (Sept2013) plus previous month (Aug2013) 40m
	Other Business: Discussions Arleen Navarret Award - Recipient (AED) Annual Member Meeting January 2014 (ED) ReNUWIt Update (B. Horenstein/ M. Connor)	
12/20/2013 Monthly Board Mtg Items due: 12/13  Connor; Pagano; Horenstein; Ervin; Swanson Williams; Fono; Gunnell	Consent Previous Board Meeting Minutes (AED) Monthly Treasurer's Report (EBMUD Accounting) Reports Committee Reports (Committee Chairs) Board Reports (Executive Board) ED Report (ED) RPM Report (RPM) Chair/ED Authorizations (AED)	5m 40m
	Other Business: Authorizations  Other Business: Discussions Annual Member Meeting January 2014 (ED) Budget Planning for 2014-15	

#### **CURRENTLY UNSCHEDULED AND SIGNIFICANT**

- Approval of Annual Report FY12 & FY13
- Defining BACWA Priorities/Revisit Strategic Plan
- BACWA Membership Engagement Opportunities
- Tech Seminar/Workshop: CCCSD Cogen explosion, SFPUC force main leak and repair, and BACWA member pilot plants.
- Volumetric Pricing
- Chlorine Residual Analyzer Investigation
- Suggestions for Guest Speakers

### **UPCOMING UNSCHEDULED FOR 2014**

- Finance Committee (Mike Connor / Laura Pagano): BACWA/CBC Budget & Workplan FY 2014-15
- Strategy Development for Triennial Review (Permits Committee/Board)
- Orinda mid-year Joint Meeting (March 2014)

#### **BOARD COMMITTEES WITH NO MEETINGS CURRENTLY SCHEDULED**

• Ad Hoc Conflict of Interest Committee (Mike Connor / Laura Pagano)



## **B** A C W A Regulatory Program Manager's Report to the Board

**July 20 – August 22**Prepared for the August 29, 2013 Executive Board Meeting

**DRAFT PLAN FOR TOXICITY ASSESSMENT AND CONTROL:** The State Water Board has released a fact sheet outlining the proposed changes to the Toxicity Plan (attached). They are also seeking input regarding the used of maximum daily effluent limits, and the requirements surrounding acute toxicity reasonable potential analyses. They will be holding a closed meeting on August 27 that will be attended by several BACWA representatives including the RPM.

Lila Tang requested a report summarizing history of acute toxicity in Region 2. The report will provide support for dropping acute toxicity testing when the Plan is adopted. Incorporated edits from BACWA toxicity workgroup and submitted draft *Review of Acute Toxicity Testing by San Francisco Bay Municipal Dischargers* to Regional Water Board staff on August 20.

**BACWA BULLETIN**: Drafted and distributed July BACWA Bulletin.

**NUTRIENT TECHNOLOGY SYMPOSIUM**: Collected information on nutrient removal experiments, pilot projects and success stories from BACWA member agencies. Set up meeting to finalize Nutrient Technology Symposium for 8/26.

RISK REDUCTION FOR MERCURY/PCBs: Contacted Alyce Uhura at Department of Public Health and Patrick Morris of the Central Valley Regional Water Board. Discussed possible synergies with the Delta Mercury Exposure Reduction Plan (MERP) with Debbie Webster of CVCWA. CVCWA is interested in being a partner in lobbying to have risk reduction activities ultimately moved to the State level. The Statewide Mercury Objective and Reservoir TMDLs are good venues to continue to bring this message to regulators. Plan to meet with Amy Chastain to discuss BACWA's history of risk reduction

**ENHANCEMENTS TO SANITARY SEWER SURVEY:** Summarized list of proposed enhancements to sanitary sewer survey and solicited input from Permits Committee members asking if their agencies would find any of the enhancements useful. Forwarded summary to Collection Systems committee chair.

**BACWA MEMBER TENTATIVE ORDERS:** Reviewed Port Costa TO, and there are no issues for BACWA. Will double check when next draft comes out to make sure that language stating "If any part of this Order is subject to a temporary stay of enforcement, unless otherwise specified, the Discharger shall comply with the analogous portions of the previous order, which shall remain in effect for all purposes during the pendency of the stay" is removed to match the San Francisco SEP permit.

**COMMITTEE SUPPORT** – Drafted agenda for Permits Committee meeting and Board Report. Drafted meeting notes and Board Report for Recycled Water Committee Meeting.

**MEETINGS ATTENDED**: Recycled Water Committee (8/7), Permits Committee (8/13), Joint BACWA/RWQCB (8/20).



## **Fact Sheet**

## Draft Toxicity Amendment to the Water Quality Control Plan for Enclosed Bays and Estuaries of California

In July 2012, State Water Board staff released a public draft of the Policy for Toxicity Assessment and Control (Policy). State Water Board staff has recast the Policy as an amendment to the Water Quality Control Plan for Enclosed Bays and Estuaries of California (toxicity amendment). The toxicity amendment would expand the regulatory scope of the Water Quality Control Plan for Enclosed Bays and Estuaries of California (Plan) to include inland surface waters. The title of the Plan would be changed to "Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California." Incorporating the proposed toxicity amendment into the Plan would supersede conflicting Regional Water Quality Control Plan (Basin Plan) requirements without the need for individual Basin Plan amendments.

## **Revision Summary**

Staff is proposing the following changes from the July 2012 public release:

- Clarified mixing zone applicability. The definition of "instream waste concentration" was revised to clarify that mixing zones should be applied in a manner determined by the applicable Regional Water Board.
- Clarified how the toxicity provisions interact with existing Basin Plans. New language states that the
  toxicity provisions would not supersede Total Maximum Daily Loads adopted prior to the effective date of
  the toxicity amendment.
- 3. Increased the discharge threshold from one to five million gallons per day (MGD). Publicly owned treatment works (POTWs) authorized to discharge five MGD or more would be required to have numeric effluent limits and conduct monthly chronic toxicity monitoring. Industrial wastewater dischargers authorized to discharge five MGD or more would be required to conduct a chronic toxicity Reasonable Potential (RP) analysis and would receive effluent limits and a monthly monitoring schedule if RP is demonstrated. POTWs and industrial wastewater dischargers that are authorized to discharge less than five MGD would be required to conduct a chronic toxicity RP analysis and would receive effluent limits and a quarterly monitoring schedule if RP is demonstrated.
- **4.** Changed calendar month requirement. The applicable Regional Water Board would define when a calendar month begins and ends for each individual discharger.
- 5. Extended time for Toxicity Reduction Evaluations (TRE). The six-month time period for completing a TRE would start upon initiation of the TRE instead of from the date of the violation. In addition, language has been clarified so that dischargers may be granted longer than six months to complete a TRE if warranted, without incurring violations.



- **6.** Removed compliance schedule restrictions. The Policy for Compliance Schedules in National Pollutant Discharge Elimination System (NPDES) permits would now be used to determine the length of compliance schedules and discharger eligibility.
- 7. Changed "small communities" definition. To be consistent with Water Code section 13193, the term "small communities" was changed to "small disadvantaged communities" which removes the exception for municipalities with a median household income above 80 percent of the statewide median.
- **8.** Added exception for acute toxicity flow-through testing systems. The applicable Water Boards would have the discretion to retain existing requirements for the acute toxicity flow-through systems used by some industrial dischargers, or develop new requirements.
- 9. Removed recommendations for storm water dischargers. All provisions for storm water dischargers have been deleted except for the requirement to analyze toxicity data using the Test of Significant Toxicity (TST) approach. In addition, the Toxicity Training Tool for Storm Water Dischargers guidance document has been removed.
- 10. Removed recommendations for channelized dischargers. The term "channelized dischargers" has been removed. The toxicity amendment now addresses all nonpoint source dischargers. All provisions for nonpoint source dischargers have been deleted except for the requirement to analyze toxicity data using the TST approach.

## **Options for the Toxicity Amendment**

State Water Board staff seeks stakeholder input on the following issues:

- 1. Use of Maximum Daily Effluent Limitations (MDEL)
- **Option 1:** The proposed MDELs would be applied to NPDES wastewater permits and point source Waste Discharge Requirements (WDR) upon issuance, reissuance, or reopening to address toxicity requirements.
- Option 2: The proposed MDELs would act as accelerated monitoring triggers for the first three years after
  the toxicity amendment is effective and would be included in those NPDES wastewater permits and point
  source WDRs that are issued, reissued, or reopened during that time. After the three year time period, the
  MDELs would serve as enforceable effluent limitations.
- **Option 3:** The toxicity amendment would not include MDELs. NPDES wastewater and point source WDR dischargers would only be required to comply with the proposed median monthly effluent limitation.

## 2. Use of acute effluent limitations

- Option 1: Acute toxicity RP analyses would be required on a discretionary basis, but the applicable Water Board would be required to justify their use. NPDES wastewater and point source WDR dischargers would receive effluent limitations for acute toxicity if RP is demonstrated. However, acute toxicity RP analyses would be discouraged for POTWs as chronic toxicity tests are more sensitive and generally more appropriate for these types of facilities.
- **Option 2:** Prior to permit issuance, reissuance, or reopening to address toxicity, NPDES wastewater and point source WDR dischargers would be required to conduct both acute and chronic RP analyses to

determine whether the NPDES permit or point source WDR would contain effluent limitations for acute toxicity and/or chronic toxicity, or neither.

## **Next Steps**

Staff will schedule stakeholder meetings, consider stakeholder input, make any necessary changes, and release a formal draft of the toxicity amendment, revised Staff Report, and responses to public comments previously received. Another public comment period will begin shortly thereafter, and a State Water Board meeting to consider adoption of the toxicity amendment will be scheduled after responses are provided.

Drafts of the Policy and Staff Report, and other documents associated with the proposed toxicity provisions can be accessed on the following State Water Board Web page:

http://www.waterboards.ca.gov/water\_issues/programs/state\_implementation\_policy/tx\_ass\_cntrl.shtml

Staff contact for the toxicity amendment:

Brian Ogg, Environmental Scientist bogg@waterboards.ca.gov (916) 323-9689

# BACWA

## **EXECUTIVE BOARD CHAIR AUTHORIZATION REQUEST**

**FILE NO.:** 13,063

**DATE:** August 5, 2013

TITLE: Contract with Paul Causey for Bay Area Sewer Service Charge Database Management, not to exceed \$6,000.00.

## **ACTION**

Executive Board Chair authorization to execute an agreement with <u>Causey Consulting</u> in an amount not to exceed <u>\$6,000.00</u> to continue <u>the maintenance and administration of a Bay Area sewer service charge database</u> during the period of July 1, 2013 – June 30, 2014.

## **SUMMARY**

This contract will allow Paul Causey, of Causey Consulting, to continue to provide support for the maintenance and administration of a Bay Area sewer service charge database. Paul Causey is an independent consultant with more than twenty-five years of experience working for Bay Area clean water agencies. Since August of 2010, he has been providing professional services and expertise to transfer records previously maintained by Redwood City staff, continue the maintenance and administration of this database, and compile a database of supporting documentation from participating agencies.

At the July 25, 2013 BACWA meeting the Executive Board reviewed a proposal for enhancing the sewer rate survey and decided to continue with the base level of survey support. Further enhancements to the survey may be considered by the Board at a later date.

## FISCAL IMPACT

This project is included in the approved Fiscal Year 2013-2014 budget and workplan and funds are available

## **ALTERNATIVES**

No other alternatives were considered as the BACWA contracting policies authorize a sole source selection process for contracts under \$50,000.

## Attachments:

1. Scope for 13,063 PCausey Sewer Database FY13-14

Approved By:	V1.1.050	Date:
	Murale Home	8/7/2013
	T.	

## BACWA National and San Francisco Bay-Delta Nutrient Treatment Technologies Symposium

October 21, 2013

SPUR, 654 Mission St., San Francisco CA 94105 8:30 am to 4 pm

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## **Symposium Synopsis:**

- <u>Segment 1</u>: Conventional Treatment Technologies: How they can be adapted for nutrient reduction.
- <u>Segment 2:</u> Optimization of Existing Facilities: How to get the most out of your existing treatment processes to meet potential future nutrient requirements.
- <u>Segment 3:</u> New Approaches, Technologies, and Research: Overview of new developments, Bay-Area ReNUWIt research update, and nutrient mining.
- <u>Segment 4:</u> Bay-Delta Regional POTW Nutrient Activities Update: Updates from local member agencies on current and planned studies/activities related to nutrient treatment.

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Continental Breakfast (15 min – 8:00 am to 8:15 am)

**8:15 am – Opening Remarks and Perspective** (10 min – Dave Williams, BACWA Executive Director).

**Symposium Overview and Format** (5 min - Moderator David Jenkins, UC Berkeley)

A Framing Concept: "The Innovation of Process, and the Process of Innovation" (15 min – Denny Parker, Brown and Caldwell).

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## 8:45 am - Segment 1 – Conventional Treatment Technologies and How they Adapt to Nutrient Reduction (8:45 am to 10:35 am)

- 1. Overview of Conventional Treatment Technologies (20 min JB Neethling, HDR).
- Suspended Growth Technologies and Nutrient Reduction (20 min. James Barnard, B&V).
- 3. Biofilm Processes and "The Tale of Two Cities" (20 min Denny Parker, Brown and Caldwell).
- 4. Wetlands, Natural Systems, and "Green Technologies" Alternatives (20 min Bry' Sarte, Sherwood Engineers).

**Panel Discussion:** (30 min. – Jenkins, Neethling, Barnard, Parker, Sarte).

10:35 am < Morning Break and Networking - 25 min (10:35 am to 11:00 am)>

## 11:00 am - Segment 2 - Optimization of Existing Facilities (11:00 am to 12:30 pm)

- 5. Unintended Consequences of BNR Conversion (i.e. sludge settling problems, foaming, struvite formation, and excessive energy use), and Process Optimization Solutions (20 min. Alex Ekster, Ekster and Associates).
- 6. Side-Stream Treatment Technologies and Experience (20 min Beverly Stinson, AECOM).
- 7. Split Treatment Strategies (20 min. John Fraser, Carollo Engineers).

Panel Discussion: (25 min. – Ekster, Fraser, Stinson).

**12:25 am < LUNCH - 35 min** (12:25 pm to 1:00 pm)>

## 1:00 pm - Segment 3 - New Approaches, Technologies and Research (1:00 pm to 2:25 pm)

- 8. Overview of New and Emerging Technologies (e.g. CANDO, ANAMMOX, BIOMAG, Granular Sludge, etc.) (20 min. Andre Gharagozian, Carollo Engineers).
- 9. ReNUWIt Research Highlights and Engineered Wetlands (20 min David Sedlak, UCB).
- 10. Phosphorus Capture and Recovery (20 min Steve Wirtel, Ostara).

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Panel Discussion: (25 min. –Gharagozian, Sedlak, Wirtel).

2:25 pm <Afternoon Break and Networking - 35 min (2:25 pm to 2:50 pm)>

## 2:50 pm - Segment 4 - Bay-Delta Regional POTW Nutrient Activities Update (2:50 pm to 3:50 pm)

Panel discussion format from local member agencies on current and planned studies/activities related to nutrient treatment.

- Prabhakar Somavarapu Sacramento Regional County Sanitation District.
- Jim Ervin SJ/SC Wastewater Treatment Plant.
- Karen Kubick SFPUC Wastewater Enterprise
- Mike Conner EBDA
- Jim Kelly Central Contra Costa Sanitary District.
- Ben Horenstein EBMUD.

Closing Comments (10 min - Dave Williams)

## **BACWA Nutrient Watershed Permit Survey**

As recommended by the Board at the June 27 meeting, an e-mail was sent to all 60 BACWA members on July 8th requesting that they complete a survey on a Nutrients Watershed Permit. This is a summary of the 31 responses received as of 8/9/2013 from the following agencies: South Bayside System Authority; Richmond WPCP - Veolia Water NA; City of Brisbane; Fairfield-Suisun Sewer District; City of Petaluma; West County Agency; City of South San Francisco/San Bruno WQCP; City of Benicia; City of San Mateo; Vallejo Sanitation and Flood Control District; City of Burlingame WWTF; Union Sanitary District; EBDA; Las Gallinas Valley SD; Union SD; EBMUD; Novato SD; San Jose/Santa Clara Regional WW Facility; Napa SD; Sonoma Valley County SD; SFPUC; City of Livermore; City of Palo Alto; West Bay SD; Dublin San Ramon SD; CCCSD; Delta Diablo SD; City of Calistoga; City of Sunnyvale; City of Millbrae; Town of Yountville; City of St Helena (not a current member).

## Tenet I - Nitrogen Loading Caps for POTWs

Q1. Tenet I.A: Geographical Areas

Answer Options	1- Fully Endorse! I strongly support the proposal!	2- Endorse ment with minor issues. I generally like it, proceed with my support.	3- Condition al Agreeme nt. I can support if some steps are taken now or in the future.	Aside/Abs tain/Neutr al. I neither support nor reject the proposal.	5- Disagree ment. I do not agree with the proposal in its current form, but won't reject it outright.	6- Reject. I cannot support the proposal at all.	Response Count	% of responders choosing 1 - 4	% of responders choosing 5 - 6
Water Board (WB) Proposal: A North Bay aggregate									
and a South Bay aggregate (Bay Bridge dividing).	2	8	7	6	6	2	31	74%	26%
Alternative (Alt) A: Bay-wide	6	3	5	5 5	5	6	30	63%	37%
Alt B: Subembayments (Suisun Bay/San Pablo Bay/Central Bay/South Bay/Lower South Bay)	0	7	6	5 5	6	6	30	60%	40%
Q2. Tenet I.B: Nutrient Basis for Cap								1 - 4	5 - 6
WB Proposal: Total Nitrogen	4	6	8	8	0	5	31	84%	16%
Alt A: Ammonia	2	2	10	) 7	6	2	29	72%	28%
Alt B: Nitrate	0	2	. 5	5 7	10	6	30	47%	53%
Alt C: Total P	0	0	3	3 7	7	13	30	33%	67%
Alt D: Combination of the above.	1	0	4	5	8	11	29	34%	66%

Q3. Tenet I.C: POTWs Included in Calculation of Loading Ca	<u>ap</u>						<u></u>	1 - 4	5 - 6
WB Proposal: Don't include POTWs with a flow of less									
than 10 mgd.	11	3	3	6	5	3	31	74%	269
Alt A: Apply to all POTWs.	4	2	5	2	10	6	29	45%	55%
Alt B:Use a different flow cutoff (e.g. 15 mgd).	3	1	3	14	7	1	29	72%	289
Q4. Tenet I.D: Flow Basis for Calculating Cap on Loadings combination of 'I.E.a.' and 'I.E.b.' described in questions 5 ar		oposal link	ed to Enforc	cement App	roach which	is a		1 - 4	5 - 6
Alt A: Design flow x permitted concentrations	9	8	3	7	3	1	<del>=</del> 31	87%	13%
Alt B: Average Annual flow x permitted concentrations w/allowances for uncertainly (e.g. growth, etc.)	1	3	6	8	7	5	30	60%	40%
Alt C: Average Dry Weather flow x permitted concentrations w/allowances for uncertainty (e.g. growth, etc.)	0	2	3	9	9	7	30	47%	53%
Q5. Tenet I.E.a: Enforcement - Part 1: Not to Exceed Cap V aggregate cap was exceeded. (This is a more liberal (higher uncertainties, e.g. growth, etc.)								1 - 4	F 6
Scenario 1: If individual cap exceeded but not the									5 - 6
aggregate cap, no enforcement or action required by POTW.	9	13	4	3	2	0	31	94%	5-6
aggregate cap, no enforcement or action required by	9	13	4	3	2	0	31	94%	

Q6. Tenet I.E.b: Enforcement - Part 2: Action Level Trigger A aggregate cap was exceeded. (This is a more conservative (current loadings.)					ation of			1 - 4	5 - 6
This Scenario 1: No action required by individual agency unless both its cap and the aggregate cap is exceeded.	9	10	8	2	2	0	31	94%	6%
Scenario 2: Response action required (i.e. investigation of cause and whether controllable or not) by agency if the aggregate cap and the individual POTW cap used to build aggregate cap, is exceeded. If controllable, actions, may require additional monitoring, reporting, or other actions depending on severity of impact to Bay. No violation against POTW.	·	_	10		6		31	71%	29%

## Q7. Comments on Tenet I (optional)

- Responses reflect general disagreement with caps for LSB at this time. When caps are developed, it is likely that NH3 will also play a meaningful role (instead of or in addition to TN); should acknowledge dischargers already providing nitrification. Use of enforcement/action triggers is premature given the state of the science. "Watershed permit" or other mechanism should focus on the receiving water science and facility technology.
- Believe that the science has not proven that there is a problem in the South Bay- do not support any caps.
- Item 4, Alt A please use permited flow or permitted average dry weather design flow.
- San Jose understands the desire by regional Water Board and regulated partners to implement a nutrient watershed permit. We also understand Waterboard's perceived need to impose nutrient caps with the permit, but do not agree with that aspect. Though Total N concentrations are high, most parts of the Bay show no clear signs of nutrient impairment. Ironically, data suggests that some areas of the Bay ecology have improved as a result of better effluent quality. San Jose is concerned that establishment of a cap on Total N will end up being irrevocable even if science later determines no impairment. Water Board has already established limits for ammonia: Water Board should start with existing ammonia limits as the basis for watershed regulation. For most POTWs, ammonia is the substantial component of the Total N load. There is little information suggesting that nitrate is a problem in the Bay. Nitrate does not pose direct toxicity or dissolved oxygen depletion problems as caused by ammonia. However, we continue our strong support of studies to determine if portions of the Bay are nutrient impaired.
- I.A) The dividing line between Central and South Bay should be redefined based on hydrology and tidal influence rather than an arbitrary geographical feature like the Bay Bridge; I.B.Alt C & D) There is little indication of impairment due to Phosphorus loading, so it should not be included at this point; I.C. WB proposal) 10 mgd cut-off okay as a first step, but application of the cap to all POTWs would be necessary for eventual establishment of trading system; I.D. Alt B&C) Allowances for uncertainty should be considered for activities with a net environmental benefit, such as conversion of food waste to energy via anaerobic digestion.
- limit for the exemption should be less than 10MGD not more. We suggest 5 MGD Approval for exemption of small dischargers is contingent upons some means of sharing cost for ammonia removal, like a cap and trade system. Answers about geographical areas will be influenced by the results of the nutrients studies. It is difficult to make decisions on item 1 and 2 without more data.
- Geographic segmentation should be driven by the science. Loading calculations should give credit for loading reductions already achieved (e.g. recycled water). Agencies at <10 MGD should not be evaluated relative to mass loadings. MGD
- City of Brisbane doesn't operate a POTW hence we stand aside on comments for Tenet I
- A. Responses to Question #5 & #6 assume the Geographical area is either Bay Wide or North/South. Our opinion might change if area and/or Nutrient Basis is different than our response. B. We question the WB's intention to apply the cap based on size. This could be a form of social engineering that could shift the population centers when limits and sewer service charges have to be implemented to address different nutrient standards.
- For Question 4, Alt A, you should use the words "permitted flow", or "permitted average dry weather desgin flow", not simply "design flow" which is not fully protective in its lack of specificity.
- We need to much better understand what the State is proposing and how they believe it will benefit the bay before we can support any action on nutrients. There are significant scientific questions as to whether eliminating all POTW influence will have any affect of the waters of the bay. We should not allow our industry to be tied to limits that have no reasonable justification for existence or expectation of success.

## Tenet II. Influent and Effluent Monitoring

Q8. Tenet II. Influent and Effluent Monitoring							_	1 - 4	5 - 6
WB Proposal: The ongoing influent and effluent monitoring would be similar to the current 13267 effort. The Water Board has indicated that the current 13267 requirements would be modify to apply lessons learned, and the monitoring would be required of all POTWs.	2	6	10	3	7	3	31	68%	32%
Alt A: Follow BACWA Lab and Permit Committee's recommendations on monitoring effort.	6	12	5	5	2	0	30	93%	7%
Alt B: Other monitoring approaches.	0	1	4	19	3	2	29	83%	17%

## Q9. Comments on Tenet II (optional)

- Need to consider the totality of monitoring on dischargers. Include in the permit a provision for the EO to be empowered to reduce monitoring frequencies and/or parameters within the permit term based on progress with studies and/or evaluation of data utility.
- I think we should let Dave Senn and his advisory committee decide on the appropriate monitoring.
- The nutrient monitoring should be reduced to a more reasonabyle level of monitoring to provide a meaningful database. At this time the monitoring is excessive.
- San Jose strongly supports the nutrient monitoring effort. POTWs are the major source of nutrients in most of SFB. It is simply prudent management to collect incoming and outgoing nutrient concentrations and loads.
- We are fine with collecting data. But we should remove testing that is not useful. If there is another approach, we would like to know what it is.
- Current monitoring is burdensome and produces no useful new information. Water Board should consider the totality of monitoring for all POTWs. For small POTWs, monitoring is a significant portion of the operation costs and these funds can be spent more effectively in other areas.
- City of Brisbane doesn't operate a POTW hence we stand aside on comments for Tenet II
- The Regional board needs to look at the totality of monitoring required. They need consider the total monitoring burden on small POTWs
- The nutrients monitoring currently being done is excessive and unwarranted. I do not have confidence that the BACWA Lab and Permits Committees will reduce the level of monitoring to a more reasonable and meaningful dataset.

## Tenet III. Nutrient Studies

Q10. Tenet III.A: Participation							_	1 - 4	5 - 6
WB Proposal: All POTWs financially support nutrient studies.	10	7	3	3	6	2	31	74%	26%
Alt A: Other approaches.	0	4	3	14	4	2	27	78%	22%
Q11. Tenet III.B: Scope of Nutrient Studies								1 - 4	5 - 6
WB Proposal: Fund studies called for in Nutrient Strategy (studies defined in SFEI's Decision Trees).	3	8	6	7	4	3	31	77%	23%
Alt A: Comment on the Nutrient Strategy to reduce the scope of the studies.	9	4	8	6	1	0	28	96%	4%
Q12. Tenet III.C: Governance Structure Overseeing Nutrient	: Studies							1 - 4	5 - 6
WB Proposal: Implement a Bay-wide governance structure overseen by a Steering Committee (SC) to make decisions on funding, priorities and other policy issues.	5	8	8	6	3	1	31	87%	13%
Alt A: Implement a Subembayment (North Bay / South Bay) governance structure overseen by a SC to make decisions on funding, priorities and other policy issues.	2	5	4	8	6	6	31	61%	39%
Alt B: Water Board directs all efforts based on informal inputs from stakeholders (i.e. status quo).	0	2	0	2	13	14	31	13%	87%
Alt C: Use existing RMP steering committee to make decisions on funding, priorities and other policy issues.	1	5	6	10	5	4	31	71%	29%
Q13. Tenet III.D: Nutrient Studies Cost Allocation [Note: WE	3 Proposal n	ot specified	1					1 - 4	5 - 6
Alt A: Base allocation of costs for scientific studies on nutrient loading from individual POTWs (total load, total N or some other combination).	5	13	6	4	0	3	31	90%	10%
Alt B: Allocate cost by subembayment (to the extent possible), then by Nutrient Load within the subembayment.	2	5	6	5	6	7	31	58%	42%
Alt C: Allocate costs based on current RMP cost allocation (i.e. metals loadings).	1	2	2	8	10	8	31	42%	58%

## Q14. Comments on Tenet III (optional)

- Support advancing and shared funding of the studies. Need to maximize leveraging of monitoring already funded by dischargers. Scope of Governance Structure is unclear in this survey science vs science/policy.
- Cost allocation should be based on nutrient loading; not on the current RMP method based on metals.
- Item 11 BACWA is spending too much on the nutrient studies which are not warranted by conditions in the Bay. Item 4- costs for the monitoring should be based on an agencies averaage annual flow to the recieving stream such that larger discharges with larger resources can support a larger portion of the cost.
- San Jose strongly supports the regional nutrient studies.
- III.B. WB Proposal) Agreement conditional based on availability of funding and equitable contributions by non-POTW entities; III.D. Alt B): This proposal could lead to disproportionate sharing of costs, e.g. South Bay dischargers supporting studies focused on Lower Bay discharges.
- Clearly cost should be allocated based on some relevent criteria (nutrients). However, without additional data it is hard to understand the impact of the subembayment approach and whether it is fair.
- If studies find that there is no impairment, all studies and regulatory actions should cease.
- City of Brisbane doesn't operate a POTW hence we stand aside on comments for Tenet III
- In our opinion, the studies will benefit the entire SF Bay region therefore costs should distributed proportionally based on population or flow.
- The expenditures that BACWA is committing to are not sustainable, nor does the condition of the Bay warrant such a large expense. For Item 4, cost should be allocated based on average annual flow to receiving water, because agencies that have more resources should be paying more of the cost.

## Tenet IV. Treatment Plant Optimization and Upgrade Evaluation

Q15. Tenet IV.A: Participation								1 - 4	5 - 6
WB Proposal: All POTWs would be required to undertake an evaluation to provide the Water Board with an understanding of load reduction feasibility and cost.	0	4	5	6	10	5	30	50%	50%
Alt A: Require evaluations only for POTWs greater than 10 mgd unless in a critical subembayment (to be defined).	6	7	4	3	6	5	31	65%	35%
Alt B: Require evaluations only for POTWs in critical subembayments.	4	6	4	5	7	5	31	61%	39%

Q16. Tenet IV.B: Incentives								1-4	<u>5 - 6</u>
Alt A: Allow for process changes to increase loads if POTW providing nutrient removal now (if not in a critical									
subembayment).	4	9	4	7	3	3	30	80%	20%
Alt B: Recognize early action to reduce nutrient loadings	10	7	7	3	1	3	31	87%	13%

### Q17. Comments on Tenet IV (optional)

- IV.B, Alt A is unclear Probably too early for credits as the receiving water science is in progress Any incentives should acknowledge dischargers already providing for nitrification or nitrogen removal.
- BACWA should fund a regional study to determine nutrient load reduction feasibility rather than each treatment plant doing the same study.
- From what I saw there isn't evidence showing action needs to be taken and there isn't scientific evaluation yet to consider load reduction. SFEI indicated that load reduction might not even have an impact on the Bay.
- San Jose would have little problem providing a Plant optimization or upgrade evaluation. However, we have concerns that this could be a burdensome and potentially fruitless exercise for many POTWs. This kind of evaluation should be restricted to POTWs discharging potentially significant nutrient loads to potentially impaired subembayments.
- There should be credit for nitrification and nutrient diversions through recycled water.
- City of Brisbane doesn't operate a POTW hence we stand aside on comments for Tenet IV
- #15needs another option where a POTW is only required to conduct studies on their facility if they are above a percentage of their individual cap. #16 We are having difficulty identifying scenarios under Alt A that would help us form our opinion.
- It is too early in the science process to require an evaluation of load reduction feasibility and cost. There is not sufficient evidence to suggest this action is needed and it is a self-fulfilling prophecy.
- On item 15, we come back to need to perform this work until a scientific basis is established that proves the reduction of nutrients from POTWs will truly provide an beneficial impact to the bay. There is adequate doubt among the scientific community about the impact of nutrient removal by POTWs to make the need for additional expenditures by the wastewater treatment community questionable. On item 16, we do not believe a facility that currently provides nutrient removal should be allowed to stop that process and add more load to the bay. Those currently providing nutrient removal should receive credit for what they are doing already, but not allowed to stop it.

## **Trading**

Q18. Trading - Although not proposed by the Water Board as a tenet, trading may ultimately be incorporated into a Nutrient Watershed
Permit. BACWA is interested in your thoughts on a nutrient trading program.

1 - 4 5 - 6

Would you support a trading program wherein agencies
have the ability to either reduce nutrient loads
themselves, or contribute funding for more costeffective nutrient reductions by others?

7 6 9 4 4 1 31 84% 16%

## Q19. Comments on Trading (optional)

- Probably too early for credits and trading as the receiving water science is in progress Any incentives should acknowledge dischargers already providing for nitrification or nitrogen removal.
- Lacking scientific evidence that a problem exists and load reductions are required a trading program is very premature and can't be considered at this time.
- If the Water Board has not proposed trading, we shouldn't raise the issue. It is still way too early in the process to start identifying the tools needed to address impairment that has not yet been identified.
- The cost of removing nutrients should be shared fairly. Larger treatment works could remove nujtrients more economically and a trading system could allow a more economical method for smaller dischargers to meet their obligations. by helping to fund the treatment activities.
- City of Brisbane doesn't operate a POTW hence we stand aside on comments for Trading.
- Establishing a trading program suggests there are problems now, and there is insufficient scientific evidence for that.
- We would need much more information to fully support this idea, but the general concept may be workable.

## General Comments (optional)

- Submitting input on behalf of the City of Millbrae.
- Really appreciate BACWA efforts!
- Under our current NPDES permit issued in 2012, CCCSD is already doing some of the studies proposed by the Water Board and the Watershed Permit Process.
- Overall I found the presentation confusing where the scientific body did not confirm a problem with nutrient loading. At one point it was mentioned that if nutrient loads were reduced the impact would be negligable and there are other possible scientific explanations for observations made in the Bay such as climate change. On the Water Board side it appeared there was pressure to put a Water Shed permit system in place, perhaps to appease the EPA but without the scientific evidence to support the need for this new permit system. Changes in loadings could have a very serious impact on the ratepayers in the Bay area with no change in water quality.
- Great Survey!
- Feel free to contact me if clarifications is necessary
- This is a very good survey, and I was gratified to see that BACWA is seeking input from all Bay Area POTWs on this very important matter.
- To reduce the nutrient loading on the bay, reduce the amount of water sent to Southern California from the Northern California watershed!
- This is an extremely complicated issue that we are not sure the survey was able to adequately evaluate. We encourage more meetings and discussion prior to negotiations with the Regional or State Boards regarding nutrient removal for bay area WWTPs.

## **OUTLINE - PARDEE PROPOSED AGENDA**

DATE	TIME		
Wednesday, October 23, 2013	8:30 AM	Financial	brief financial history current financial status current dues structure future dues strategy contribution scenarios under future CBC funding alternatives consider consolidation of funds
	10:30 AM	Break	
	11:00 AM	Committee Structure and Support	Review existing structure and funding Self Funded Committees Alternative structures and support Discussion on changes Committee authority
	Noon	Lunch	
	1:00 PM	Contracting Policy and Procedures	brief review of contracting activities authorization limits for excuting contracts exceptions to policy reallocation of scopes of work approving subcontractors
	2:30 PM	Nutrient Regulatory Strategy	discussion of BACWA positions and strategies
	3:00 PM	break	
	3:30 PM	Nutrient Regulatory Strategy	discussion of BACWA positions and strategies
	5:00 PM	break	
	6:30 PM	Dinner	

DATE	TIME		
Thursday, October 24, 2013	7:30 AM	Breakfast	
	8:30 AM	Nutrient Regulatory Strategy	discussion of BACWA positions and strategies
	Noon	Lunch	
	1:00 PM	Associate Involvment	discussion of approaches to improve non-Principals involvment in BACWA
	3:00 PM	Break	
	3:30 PM	Other/Administrative	strategic plan overview external relations web site perf plans succession plans
Water Board Staff arrive	5:00 PM	break	
Thursday late afternoon	6:30 PM	Dinner	
	7:30 PM	Discuss/Agree on Friday Agenda	

DATE Friday, October 25, 2013	TIME 7:30 AM	Breakfast	
	8:30 AM	Review of SFEI Workplan	status of scientific investigations
	9:30 AM	Future Study needs	future investigations, cost and schedule (review decision trees) BACWA future funding
	10:00 AM	Governance Structure	key issues and concerns and possible resolutions
	noon	lunch	
	1:00 PM	Watershed Permit Issues	status of discussions with EPA update on negotiations and key sticking points discussion of early actions schedule
	1:45 PM	Next Steps	summarize actions coming out of discussions
	2:00 PM	Other Regulatory Issues	Toxicity risk reduction selenium CEC's emerging issues

3:00 PM

end

POTENTIAL PARDEE AGENDA ITEMS	Priority	y Votes by Pr	otes by Principals	
(not in order of priority)				
	<u>LO</u>	<u>MED</u>	<u>HI</u>	
❖ Committees	2	3		
➤ Review existing structure and funding				
> Assess pros and cons of separate programs vs. dues based support				
➤ Role of Committees (when to recommend vs. act on behalf of BACWA)				
➤ Succession Planning				
> Coordination with AED/ED				
❖ Financial Projections for Coming Years			5	
➤ Member dues structure				
❖ How to Better Involve Non-Principal Members in BACWA		1	4	
❖ Contracting Policy and Procedures		3	2	
➤ Review authorization limits				
> Exceptions to Policy to Provide Continuity				
➤ Reallocation of scopes of work				
➤ Approving subcontractors				
➤ Consultation solicitation				
❖ Policy and Procedure Review and Revisions				
❖ Consolidation of BACWA Funds		2	3	
❖ Regulatory Strategy				
Nutrients			5	
■ Governance				
<ul><li>Trading</li></ul>				
<ul><li>Watershed Permit Negotiations</li></ul>				
<ul><li>Funding</li></ul>				
■ Early Actions				
➤ Selenium	5			
➤ CECs	5			
➤ Other	5			
❖ Web Site Enhancement	3	2		
<b>❖</b> External Relations		5		
Representation (RMP, ASC/SFEI, Tri-TAC, CASA, NACWA, Summit Partners, others)				
➤ Coalition Building				
❖ Update Strategic Plan	1	3	1	
<b>❖</b> Staff Performance Plans	1	2	2	