



## 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

Executive Board Representatives: Mike Connor, Chair (East Bay Dischargers Authority); Laura Pagano, Vice Chair (San Francisco Public Utilities Commission); Curt Swanson (Central Contra Costa Sanitary District); Jim Ervin (San Jose); Ben Horenstein (East Bay Municipal Utility District)

Other Attendees: 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 AIR Committee Report and in the future will make it available on the BACWA website.

The Collection Systems Committee 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 Permits Committee. 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 Central Contra Costa Sanitary District (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 East Bay Municipal Utility District (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 San Francisco Public Utilities Commission (SFPUC) is continuing negotiations on their southeast plant NPDES permit. This item will be discussed later under agenda item 11.

Jim Ervin reported that San Jose 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.