



Executive Board Meeting Minutes

Thursday, August 29, 2013, 8:00 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)

Other Attendees: Vince DeLange (East Bay Municipal Utility District); Nirmela Arsem (East Bay Municipal Utility District); Tim Potter (Central Contra Costa Sanitary District); Dana Lawson (Central Contra Costa Sanitary District); Bhavani Yerrapotu (Sunnyvale); Dan Stevenson (Sunnyvale); Amanda Roa (Delta Diablo Sanitation District); Greg Baatrup (Fairfield-Suisun Sewer District); Karin North (Palo Alto); Monte Hamamoto (South Bayside System Authority); Beverly James (Novato Sanitation District); Ed McCormick (Union Sanitary District); Monica Oakley (RMC Environmental); Denise Conners (Larry Walker Associates); Jim Kelly (JMK Engineering); Andre Gharagozian (Carollo Engineers); Sarah Deslauriers (Carollo Engineers); Holly Kennedy (HDR); Tom Hall (EOA); Kathy Rosinski (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.

CLOSED SESSION/ REPORT OUT FROM CLOSED SESSION

The Board met in Closed Session to discuss personnel matters pursuant to California Government Code section 54957. No Board approved actions were taken.

CONSENT CALENDAR

A Board Authorization Request (BAR) form that was inadvertently omitted from the handout packet was distributed in reference to **agenda item 3, Appointment of ASC/SFEI Board Representatives**. **Agenda items 1 – 5** were approved in a motion made by Curt Swanson and seconded by Laura Pagano. The motion carried unanimously.

1. July 25, 2013 BACWA Executive Board Meeting Minutes
2. June 2013 Treasurer's Report
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.
5. Agreement with Quality Assurance Solutions for Lab Committee Training, not to exceed \$550.00 in FY 2013-14; File 13,074.

Agenda item 6, the 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, was pulled from the Consent Calendar for discussion. The Board expressed concern that the current agreement does not protect BACWA from financial liability in the event that adequate funds are not collected from the program contributors. The agreement was approved with the understanding that the Executive Director (ED) will investigate options for reducing BACWA liability in future agreements with Solano Community College. *The motion to approve the current agreement was made by Curt Swanson, seconded by Mike Connor, and passed unanimously.*

REPORTS

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

Tim Potter, Permits Committee Chair reviewed the report that was included in the handout packet. He explained that the Pre-Treatment group met in July and Kirsten Struve surveyed attendees to assess their interest. An October face-to-face meeting with a call in option has been proposed. San Francisco Regional Water Board staff (Water Board) were notified about this newly formed group at the August Joint BACWA/Water Board meeting.

The Collection Systems Committee Report was included in the handout packet. Mike Connor inquired if anyone had encountered issues with the newly released state Monitoring and Reporting Program (MRP) for the Sanitary Sewer System (SSS) Waste Discharge Requirements (WDR), and Curt Swanson of CCCSD noted that they have not had any issues to date.

The Recycled Water Committee report was included in the handout packet and reviewed by Lorien Fono, BACWA's Regulatory Program Manager (RPM). She noted that the IRWMP draft is ready for review. The committee is currently reviewing potential Prop 84 projects and prioritizing them based on criteria established at last committee meeting. She also noted that under proposed legislation responsibility for drinking water program would be transferred from the Department of Public Health to the State Water Resources Control Board (State Board).

Amanda Roa reported out for BAPPG. She informed attendees that Palo Alto has won the Dr. Teng-Chung Wu award. The committee has purchased the url "wipesclogpipes" to redirect to the Baywise website and they will hold their pollutant prioritization meeting in September.

Executive Board representatives provided updates from each of the Principal agencies under **agenda item 8, Executive Board Reports.** The Chair also provided an opportunity for any BACWA member agency representatives in attendance to report out.

Curt Swanson reported that Roger Bailey has started as the new General Manager of Central Contra Costa Sanitary District (CCCSD). Curt will relay the Board's invitation to attend Pardee to Mr. Bailey. Regarding the Nutrient studies required in their NPDES permit, the optimization study almost complete and report will be finished in the next few months to meet their deadline for submission to the Water Board by February 2014. They are planning to conduct a repeat of Dr. Swee Teh's

Suisun Bay study starting in September and then the Copepod study required by their NPDES permit will follow.

Vince DeLange reported that East Bay Municipal Utility District (EBMUD) is still working to develop their EPA grant proposal. Any agency interested in participating and contributing in-kind support should contact them.

Laura Pagano of the San Francisco Public Utilities Commission (SFPUC) noted appreciation for the assistance provided by BACWA with the renewal of their NPDES permit.

Jim Ervin reported that San Jose still supports EBMUD's pursuit of the EPA grant but regrettably is unable to participate in the project.

Mike Connor of the East Bay Dischargers Authority (EBDA) reported that he and the ED attended the CASA conference and noted the emphasis on "water resource recovery" in presentations on the "Utility of the Future" by the Water Environment Foundation, the Water Environment Research Foundation and a representative from the Milwaukee Metropolitan Sewerage District. The conference also included presentations on construction projects designed to meet Nutrient removal requirements in Region 2. Laura Pagano also attended the conference and noted that CASA is changing their structure which will eliminate technical forums and some committees, expand on integrated topics, and add a Utility of the Future committee. The ED also noted that CASA has moved to a new business model will hired personnel. He also commented on contrast between presentations on innovation and actual projects undertaken to meet permit requirements, and suggested that innovations need to be taken into greater considerations as regulations are developed.

The **Executive Director's August Report** was included in the handout packet for **agenda item 9** and reviewed by Dave Williams. He noted that performance evaluations for the Regulatory Program Manager (RPM) and Assistant Executive Director (AED) have been completed. Two complementary passes are still available for the Bay Planning Coalition's Energy and Water Nexus and can be obtained by contacting the AED. The Board congratulated Dave on his appointment as first Vice President of the California Association of Sanitation Agencies Board of Directors. It is expected that he will assume the role of President for 2014-15. The ED explained that he does not envision a conflict of interest, but if a potential conflict should arise he would recuse himself and noted that he has sufficient time to fulfill his responsibilities as BACWA ED and provide support to CASA.

The **Regulatory Program Manager Report** was included in the handout packet and reviewed by Lorien Fono under **agenda item 10**. She noted that she attended the closed session meeting hosted by the State Water Board to discuss proposed changes to the Toxicity Plan with POTW stakeholders, along with BACWA agency representatives, Tim Potter, Laura Pagano, Jim Ervin, and Dan Jackson. A summary of talking points was distributed and she requested that feedback. The Board requested that the RPM develop a comment letter for their review. CASA is scheduling a meeting with Water Board staff and the RPM will work with them to include a BACWA representative. The RPM is also

working with the Central Valley Regional Water Board and the San Francisco Estuary Institute/Aquatic Science Center to investigate options for fulfilling risk reduction permit requirements. Lorien will prepare proposals for the Board to review in September, and will continue work with Tim Potter to explore transferring the responsibility to the state level. It was noted that the Regional Board may want to explore utilizing the state's clean up and abatement fund. The RPM noted that she has also been collecting responses from the Permits committee about possible enhancements to BACWA's sewer rate survey and that one recommendation is to factor in property taxes.

The following **Chair and Executive Director Authorized Actions** were taken since the July 25, 2013 Board meeting, listed under **agenda item 11**, and supporting information was included in the handout packet.

- 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.

OTHER BUSINESS

For **agenda item 12 Sarah Deslauriers of the California Wastewater and Climate Change Group (CWCCG) presented on Greenhouse Gas Emissions Regulations**. A link to her presentation will be added to the [AIR committee page](#) of the BACWA website and she noted that more information about the CWCCG can be found on the CASA website at <http://www.casaweb.org/climate-change>. The BACWA Board requested to receive quarterly updates from CWCCG in the future.

For **agenda item 13**, a debrief of items discussed at **the Joint Water Board/BACWA meeting held on August 20, 2013** was covered under previous agenda items, including Committee, Board, ED and RPM reports, and would also be addressed under later agenda items including Nutrients and Pardee planning.

Under agenda item **14.a.i and 14.a.ii, Nutrients reporting and monitoring** were discussed. Tim Potter will check with David Senn about the status of developing proposed changes for Year 2. It was noted that the decision trees were discussed at the August 20th Joint meeting with the Water Board and they have suggested that they be renamed "Science Plan". During the Joint meeting BACWA expressed the importance of having the decision trees as a means to convey the need for ongoing support of Nutrient-related work to member agencies' governing boards.

For **item 14.a.iii**, the plans for the upcoming **Technical Symposium on Nutrients** were reviewed. The date has been set for October 21st at SPUR in San Francisco. The venue can accommodate a maximum of 160 attendees. A Save the Date e-mail will be sent to all POTW member agencies, select NGOs, EPA representatives, and consultants today by the AED and RPM. Webcast capability is being considered and all presentations will be posted to BACWA website. A suggestion was made to videotape the symposium and Steve McDonald of Carollo will be investigating if that is feasible. The

presenters will be reminded that they should be prepared to answer questions related to cost. Any request for potential questions for presenters to address, should be sent to the RPM. The ED noted that EBMUD's EPA grant proposal could be covered during Ben Horenstein's presentation or during the ED introductory presentation. A suggestion was made to develop another symposium in the future to explore efforts that are taking place around country and issues surrounding trading.

For item **14.b** the ED reported that discussions concerning the **Nutrients Governance Structure** continued at the August 20th Joint meeting. There was concurrence on the significance of the Steering Committee and the importance of getting it started, as the current structure consists of quarterly meetings of the Science Advisory Group (SAG). During a conference call last week, led by facilitator, David Ceppos, it was agreed that the meetings would start in mid-October though the group would not be formally named as the Steering Committee until other stakeholders were added which is envisioned to be towards the end of the calendar year. David Ceppos will be interviewing potential members and then make a recommendation to the Water Board and BACWA about potential Steering Committee members. He will also assist with the development of a charter once the group has been formed. The ED noted that BACWA will need to decide who to name as their representative or representatives. The Board agreed that the ED and Mike Connor will serve as interim Steering Committee representatives on behalf of BACWA and permanent representatives will be determined once the structure is finalized. The Board suggests considering how the structure could allow for other knowledgeable individuals, for instance Jim Kelly, to participate.

A summary of the results from the **Nutrient Watershed Permit Member Survey** was included in the handout packet for **agenda item 14.c.i**. The results were also presented at the last Permits Committee meeting. A primary concern voiced by BACWA members related to possible caps in the first five-year permit term. The Water Board will be meeting with representatives from the US EPA next week to discuss this issue as well as the other proposed tenets. As requested by the Board the AED and RPM will work together send invitations for the Nutrients Technology Symposium David Smith and Terri Fleming of the USEPA, as well as Rick Rasmussen from the State Board

Formation of BACWA's Watershed Permit Negotiating Team, agenda item 14.c.ii was also discussed. The ED explained that an e-mail was sent to each subembayment group requesting that they determine representation for their group to participate on the Negotiation Team. The Water Board has suggested that they would like an introductory meeting with the entire team. The ED will work with member agencies to confirm representatives by the beginning of September.

A discussion about **Pardee planning** was led by the Executive Director under **agenda item 15**. The Board provided feedback on the draft agenda that was included in the packet and a suggestion was made to move all Nutrients discussion items to Thursday. The ED requested that further suggestions should be e-mailed to him. He also noted that Bruce Wolfe would not be able to attend and a suggestion was made to investigate scheduling full day meeting prior to the Pardee meeting with Water Board staff at Orinda or if the timing did not work for that approach, schedule a follow-up one day meeting at a local venue.

Under **agenda item 16**, the Board was notified that the date for the **BACWA Annual Member meeting** has been changed to **January 30, 2014**. Reservations have been made at the California Endowment in Oakland, though the Board would like the AED to investigate alternate meeting venues.

Agenda item 17, CASA Highlights and BACWA Nexus was covered under previous agenda items, including Executive Board and Executive Director Reports.

The next monthly BACWA Board meeting is scheduled for, **September 26, 2013** at the EBMUD Treatment Plant Lab Library.

The meeting adjourned at 12:00 p.m.