



Executive Board Meeting Minutes

Thursday, September 26, 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); Ben Horenstein (East Bay Municipal Utility District).

Other Attendees: Linda Hu (East Bay Municipal Utility District); Tim Potter (Central Contra Costa Sanitary District); Melody LaBella (Central Contra Costa Sanitary District); Dana Lawson (Central Contra Costa Sanitary District); Bhavani Yerrapotu (Sunnyvale); Dan Stevenson (Sunnyvale); Melody Tovar (Sunnyvale); Amanda Roa (Delta Diablo Sanitation District); Alina Constantinescu (Larry Walker Associates); Jim Kelly (JMK Engineering); Andre Gharagozian (Carollo Engineers); Tom Hall (EOA); Patricia McGovern (Patricia McGovern Engineers); Lorien Fono (Patricia McGovern Engineers); Dave Williams (BACWA); Alexandra Gunnell (BACWA).

PUBLIC COMMENT

There were no public comments.

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

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

Agenda items 1 and 2 were approved in a motion made by Ben Horenstein and seconded by Laura Pagano. The motion carried unanimously.

1. August 29, 2013 BACWA Executive Board Meeting Minutes
2. July 2013 Treasurer's Report

Items 3 and 4 were pulled from the Consent Calendar. **Item 3** was deferred until November to allow additional time for the **Fiscal Year 2013-13 Financial Reports** to be finalized. A Board Authorization Request form was distributed for **item 4**. *In a motion made by Ben Horenstein and seconded by Laura Pagano the Board unanimously approved an agreement with Patricia McGovern Engineers for Regulatory Program Manager services in fiscal year 2014 in an amount not to exceed \$95,000 with an option for two single-year term extensions.*

REPORTS

Committee Reports were reviewed under **agenda item 5**.

Lorien Fono reviewed the AIR Committee report that was included in the handout packet. The Board inquired about ways that the committee could be more engaged with the California Air Resources Board (CARB). The Executive Director will discuss the matter with committee co-Chairs, Randy Schmidt and Nohemy Revilla, and will also investigate the possibility of having a CARB representative present at the BACWA 2014 Annual Members' Meeting.

The Collection Systems Committee Report was included in the handout packet and reviewed by the Committee Chair, Dan Stevenson. Ben Horenstein notified the Board that a CASA workgroup is continuing discussions with UC Berkeley regarding the development of a white paper to explore the issue of Sanitary Sewer Overflow (SSO) third-party lawsuits. This effort is on the upcoming Summit Partners Meeting agenda for discussion. BACWA and NACWA may be asked to support this effort in the near future.

Tim Potter, Permits Committee Chair reviewed the report that was included in the handout packet. He noted that attendees at the last committee meeting inquired about the process for conveying information between Nutrient Watershed Permit Negotiation Team representatives and the rest of the BACWA member agencies. It was clarified that each subembayment representative is responsible for updating the members in their group. He also announced that the next Pre-Treatment group meeting is scheduled for October 28th at EBMUD. Conference call capability will be available and enforcement and program representatives from the EPA will be attending.

Executive Board representatives were given an opportunity to provide updates from each of the Principal agencies under **agenda item 6, Executive Board Reports.**

Curt Swanson reported that Central Contra Costa Sanitary District (CCCSD) will be submitting their interim report, as required by their NPDES permit, to the San Francisco Bay Regional Water Quality Control Board (SF Regional Water Board). Melody La Bella will distribute a copy to the Board. They are planning to start replicating UC Davis nutrient studies in the spring and may work with UC Santa Barbara on additional studies.

Ben Horenstein explained that East Bay Municipal Utility District (EBMUD) is experiencing issues with the intermittent growth of yeast-like cells in their activated sludge. They are convening a Blue Ribbon Panel and would like recommendations for process experts. Bhavani Yerrapotu suggested contacting Dave Freitas.

Laura Pagano of the San Francisco Public Utilities Commission (SFPUC) notified attendees that they will likely be taking over the treatment plant on Treasure Island are investigating issues that would arise from that acquisition.

Jim Ervin reported that San Jose is working to update their emergency response plan and specifically addressing issues of emergency power generation.

The **Executive Director's August Report** was included in the handout packet for **agenda item 7** and reviewed by Dave Williams. He notified attendees that the Federal register released a notice of EPA proposed changes to the federal water quality standards regulations, specifically pertaining to: Administrator's determinations that new or revised WQS are necessary, designated uses, triennial reviews, antidegradation, variances to WQS, and compliance schedule authorizing provisions. The Board supported his recommendation that BACWA's interests would be represented by Fred Andes of the Federal Water Quality Coalition (FWQC) and the National Association of Clean Water Agencies (NACWA). He also explained that the North Bay Watershed Association (NBWA) is seeking sponsors for their upcoming conference. The Board expressed concern that a donation was not included in the approved FY2014 budget and workplan and did not feel it would be an appropriate expenditure for BACWA this year. The ED reminded the Board that he forwarded information to them regarding Baywork's Workshop on Wheels program, in which participants could tour several plants in a single day. The Ad Hoc Conflict of Interest Committee, Laura Pagano and Mike Connor, notified the rest of the Board that they had received the ED's monthly report.

The **Regulatory Program Manager (RPM) Report** was included in the handout packet and reviewed by Lorien Fono under **agenda item 8**. She noted that the SF Regional Water Board is restarting the selenium TMDL development process and will be discussing their plans with BACWA within the next few months. Melody La Bella noted that Sacramento Regional County Sanitation District is assisting with USGS studies by holding their discharge flows for 24 hrs. CCCSD is considering measuring selenium concentrations in the bay at that time. The revised Key Regulatory Issue Summary was included with the RPM report. Lorien will circulate a word version to the Board and comments should be sent to her by October 10th. The ED and RPM will be investigating alternate models for storing and accessing historical ERS data and will present proposals at an upcoming Board meeting. Tom Hall mentioned that the State Water Resources Control Board (State Board) Executive Director reports are once again being posted on the State Board website.

The following **Chair and Executive Director Authorized Actions** were taken since the August 29, 2013 Board meeting, listed under **agenda item 9**, and supporting information was included in the handout packet.

- a. Executive Director Authorization of agreement with O'Rorke, Inc. for BAPPG P2 Week Outreach support, not to exceed \$1,500 in FY 2013-14; File 13,083;
- b. Executive Director Authorization of agreement with Clone Digital Print and Copy for BAPPG Pesticide Outreach materials production, not to exceed \$1,700 in FY 2013-14; File 13,085.

OTHER BUSINESS

For **agenda item 10**, the ED led a discussion about **Pardee Planning**. He reviewed the revised draft agenda and requested feedback. It was noted that supporting materials will be distributed in advance of meeting. The ED is also planning to solicit feedback from Associate and Affiliate BACWA members prior to meeting. The following Principal agency representatives will likely attend: SFPUC – Tommy Moala, Laura Pagano, and Amy Chastain; San Jose – Jim Ervin and Joana De Sa; CCCSD – Curt Swanson and Tim Potter; EBMUD – Ben Horenstein and possibly one additional representative; EBDA – Mike Connor. Bhavani Yerrapotu and Amanda Roa also expressed interested in attending. Anyone interested in participating in the meeting should contact the ED.

Under **agenda item 11.a.i** Jim Ervin presented an **Update on Nutrient Data and Analyses** and led a discussion reviewing the slides that were included in the handout packet.

For **agenda item 11.a.ii** the most recent version of the agenda for **Technical Symposium on Nutrients** was included in the handout packet and reviewed. The RPM will once again reach out the State Board to see if a representative can attend. All but one of the speakers have confirmed their participation though Carollo is not sure when they will receive copies of the presentations.

The ED provided an update on the **BACWA/Water Board Steering Committee** for Nutrients under **agenda item 11.b.i** and an update on the **Steering Committee Facilitator Activities** for agenda item **11.b.ii**. The ED is working with the Water Board and the facilitator, Dave Ceppos, to set up the first meeting. Interview questions have been finalized and were distributed by the ED. Dave Ceppos will begin interviews soon and will provide an update on the interview responses he has received by October 10th. Version 6 of the organizational chart was distributed and reviewed by the ED. The ED also distributed a list of Steering Committee near-term tasks and requested feedback.

Under agenda item **11.c** the ED explained that **BACWA's Nutrient Watershed Permit Negotiating Team** has an internal meeting on October 2nd and a meeting with the Water Board on October 11th. Mike Connor reported that he has asked HDR to draft a scope for Nutrients work utilizing their current contract with BACWA. Ben Horenstein suggested that it may be beneficial to have them develop a conceptual model for incorporating a trading scheme into a Nutrient Watershed Permit.

Linda Hu of EBMUD presented an **IRWMP Update** under **agenda item 12**. She reviewed her handouts and explained that additional copies are available upon request. She explained that the original Bay Area Integrated Regional Water Management Plan (IRWMP) was developed in 2006, at which time BACWA was designated as the functional area representative for Recycled Water. All projects that eventually received Prop 50 grant funding were included in this plan. BACWA has served as the regional applicant and administrator for Prop 50 and round 1 of Prop 84 grant funded projects. The Association of Bay Area Governments is the administrator for Prop 84 round 2. The final draft of the revised 2013 IRWMP is posted on bairwmp.org. Any agency seeking grant funding will need to adopt the plan. Currently, BACWA's Recycled Water Committee serves as BACWA's liaison to the IRWMP and Brian Campbell of EBMUD has managed the grant administration process for BACWA. Paul Gilbert-Snyder of EBMUD will be taking over Prop 50 and Prop 84 round 1 grant administration management for BACWA, and is currently working with Brian Campbell to transition into this role. At this time it is unclear who will take over Brian's role on the Coordination Committee, Project Screening Committee, and in the Water Quality functional area group. The Water Recycling committee is currently reviewing and ranking the 300 projects that are seeking Prop 84 round 3 grant funding; \$70 million is available and at this time it is unclear who will serve as the grant administrator. Interested agencies should contact Linda Hu for more information. The Board will continue discussions about opportunities for BACWA's involvement, and requested that Brian Campbell attend the November 15th BACWA Executive Board meeting.

For **agenda item 13**, Melody LaBella led a provided an update to the Board on **BAPPG's Pollutant Prioritization** meeting that was held on September 10, 2013. She distributed a handout that

included the meeting agenda and a summary. Dylan Garner of the SF Bay Regional Water Board attended, praised the group's efforts, and encouraged more agencies to get involved. BAPPG will circulate the prioritization list to the BACWA Board for their feedback.

Lorien Fono led a discussion on BACWA's **Proposal to Meet Risk Reduction Requirements** under **agenda item 14**. She reviewed the handout included in the packet and explained that a conference call is being set up for the week of October 7th for BACWA to discuss this issue with Region 2, Region 5, and CDPH. The Board indicated that they would be willing to provide financial support to meet the permit requirement.

Background materials on BACWA's **Arleen Navarret Biennial Award** were included in the handout packet and reviewed by the ED under discussion **item 15**.

For **agenda item 16**, the ED requested feedback to prepare for the January 2014 BACWA **Annual Member Meeting**. It was recommended that the meeting should be longer and include lunch. Suggested topics included: annual fee increases; budgeting for regulatory efforts; committee/Special Program restructuring; committee efforts; BACWA collaborations; BACWA accomplishments. Suggested speakers/presenters included: AIR Committee; Recycled Water Committee/IRWMP; EPA (Alexis Strauss or Jared Blumenfeld); State Water Board (Felicia Marcus); CARB; other regulators.

The next regular monthly BACWA Board meeting is scheduled for, **November 15, 2013** at the EBMUD Treatment Plant Lab Library. The BACWA Board will attend Pardee Technical Seminar on October 23 – 25, 2013.

The meeting adjourned at 12:00 p.m.