



# Executive Board Meeting Agenda

Friday, April 18, 2014, 9:00 a.m. – 12:30 p.m.  
 SFPUC Hetch Hetchy Room, 13<sup>th</sup> Floor  
 525 Golden Gate Ave., San Francisco, CA

| <u>Agenda Item</u>  | <u>Time</u>                    | <u>Page #</u> |
|---|--------------------------------|---------------|
| <b>ROLL CALL AND INTRODUCTIONS</b>  | 9:00 a.m. – 9:03 a.m.          |               |
| <b>PUBLIC COMMENT</b>   | 9:03 a.m. – 9:05 a.m.          |               |
| <b>CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER</b>  | 9:05 a.m. – 9:07 a.m.          |               |
| <b>CONSENT CALENDAR</b>   | 9:07 a.m. – 9:10 a.m.          | 3 – 8         |
| 1. March 21, 2014 BACWA Executive Board Meeting Minutes   |                                |               |
| 2. January 2014 Treasurer’s Report  |                                | 9 – 14        |
| <b>REPORTS</b>  |                                |               |
| 3. Committee Reports  | 9:10 a.m. – 9:25 a.m.          | 15 – 22       |
| 4. Executive Board Reports  | 9:25 a.m. – 9:40 a.m.          |               |
| 5. Executive Director Report  | 9:40 a.m. – 9:50 a.m.          | 23 – 38       |
| • Senator Boxer Outreach & Support  |                                |               |
| • CWEA Nondispersable Wipes Meeting Invitation  |                                |               |
| 6. Regulatory Program Manager Report  | 9:50 a.m. – 10:00 a.m.         | 39 – 40       |
| 7. Chair & Executive Director Authorized Actions  | 10:00 a.m. – 10:05 a.m.        | 41 – 43       |
| a. Executive Director Authorization of Amendment 1 to Downey Brand agreement for Regulatory Legal Counsel, an increase of \$500 for a new not to exceed amount of \$2,500; File 12,970. |                                |               |
| b. Executive Director Authorization for payment of Product Stewardship Institute 2014 membership dues, \$500; File 13,184.  |                                |               |
| <b>OTHER BUSINESS</b>   |                                |               |
| 8. <u>Approval</u> : Fiscal Year 2014-15 BACWA Budget and Workplan.   | 10:05 a.m. – 10:10 a.m.        | 44 – 56       |
| 9. <u>Approval</u> : Guidelines for Representing BACWA.   | 10:10 a.m. – 10:15 a.m.        | 57 – 59       |
| 10. <u>Presentation</u> : Zeolite Anammox (Robert Collison)   | <b>10:15 a.m. – 10:45 a.m.</b> |               |
| 11. <u>Discussion</u> : Contribution to SFEP for <i>Estuary News</i> magazine; \$2,500.   | 10:45 a.m. – 10:50 a.m.        | 60 – 61       |
| 12. <u>Discussion</u> : Contribution to CASA for Wheeler Institute citizen lawsuit research.  | 10:50 a.m. – 11:00 a.m.        | 62 – 74       |
| 13. <u>Discussion</u> : Nutrients   |                                |               |
| a. Regulatory   | 11:00 a.m. – 11:15 a.m.        |               |
| i. Review of comments on April 9 <sup>th</sup> Hearing  |                                |               |
| ii. Review of draft Op/Upgrade Scope of Work and next steps   |                                | 75 – 93       |
| iii. Contract Management Group Membership   |                                | 94            |

|   |                         |          |
|---|-------------------------|----------|
| iv. Summary of BACWA membership and participation in regional reporting   |                         | 95 - 103 |
| b. Technical Work   | 11:15 a.m. – 11:20 a.m. |          |
| i. Simplified Technical Overview for use by Membership  |                         | 104 –107 |
| c. Governance Structure   | 11:20 a.m. – 11:30 a.m. |          |
| i. Update on First Steering Committee Meeting set for April 22nd  |                         | 108 –126 |
| ii. BACWA’s Representatives on Steering Committee   |                         |          |
| iii. Program Coordinator  |                         |          |
| 14. <u>Discussion</u> : ReNUWIt Proposals   | 11:30 a.m. – 11:50 a.m. | 127 –130 |
| 15. <u>Discussion</u> : Risk Reduction (Lorien Fono)  | 11:50 a.m. – 12:00 p.m. | 131 –132 |
| 16. <u>Discussion</u> : Stormwater Diversions (Tom Hall)  | 12:00 p.m. – 12:10 p.m. |          |
| 17. <u>Discussion</u> : Update on IRWMP Regional Project Proposal for Prop 84   | 12:10 p.m. – 12:15 p.m. | 133 –136 |
| 18. <u>Discussion</u> : Costs Associated with Updating the Bay Area IRWMP   | 12:15 p.m. – 12:20 p.m. | 137 –140 |
| 19. <u>Discussion</u> : Comments on Tentative Orders  | 12:20 p.m. – 12:24 p.m. |          |
| a. Palo Alto  |                         | 141 –143 |
| b. Benicia  |                         | 144 –146 |
| 20. <u>Discussion</u> : NACWA Blending Forum  | 12:24 p.m. – 12:29 p.m. | 147 –159 |
| <b>SUGGESTIONS FOR FUTURE AGENDA ITEMS</b>  | 12:29 p.m. – 12:30 p.m. |          |
| <b>NEXT REGULAR MEETING</b><br>The next regular meeting of the Board is scheduled for <b>May 16, 2014</b> from 9:00 am – 12:00 pm at the <b>EBMUD Lab Library, 2020 Wake Ave., Oakland.</b> |                         |          |
| <b>ADJOURNMENT</b>  | 12:30 p.m.              |          |



## Executive Board Meeting Minutes

Friday, March 21, 2014, 9:00 a.m. – 12:00 p.m.  
EBMUD Lab Library, 2020 Wake Ave., Oakland, CA

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### ROLL CALL AND INTRODUCTIONS

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

Other Attendees: Karri Ving (San Francisco Public Utilities Commission); Manon Fisher (San Francisco Public Utilities Commission); Tim Potter (Central Contra Costa Sanitary District); Melody LaBella (Central Contra Costa Sanitary District); Bhavani Yerrapotu (Sunnyvale); Amanda Roa (Delta Diablo Sanitation District); Karin North (Palo Alto); Denise Conners (Larry Walker Associates); Tom Hall (EOA); Monica Oakley (RMC); Holly Kennedy (HDR); Jim Graydon (Brown & Caldwell); Arvind Akela (CDM Smith); Andre Gharagozian (Carollo Engineers); Lorien Fono (Patricia McGovern Engineers); David Williams (BACWA); Alexandra Gunnell (BACWA).

### PUBLIC COMMENT

Jim Graydon notified attendees that the application period for the CASA Education foundation scholarship is now open and they will be accepting applications until May 16<sup>th</sup>. Two \$5,000 scholarships will be awarded to students that are pursuing an undergraduate education in engineering, environmental science, public administration, or other related fields, and who show an interest in serving the clean water industry. Detailed information can be found on the CASA website. Jim Graydon will send the website link to BACWA for distribution to its members.

### CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

None.

### CONSENT CALENDAR

1. February 21, 2014 BACWA Executive Board Meeting Minutes
2. December 2013 Treasurer's Report
3. Resolution to Adopt Updated Integrated Regional Water Management Plan (IRWMP); File 13,158.
4. Consolidation of BACWA Reserve Funds.
5. Contract for BAPPG Social Marketing Support, not to exceed \$17,998.00; File 13,159.

Agenda **items 3 and 5** were pulled from the Consent Calendar for discussion.

*Consent Calendar **items 1, 2, 4** were approved in a motion made by Curt Swanson and seconded by Laura Pagano. The motion carried unanimously.*

The Executive Director (ED) explained that under agenda **item 3** the Board was being asked to approve a **Resolution to Adopt Updated Integrated Regional Water Management Plan (IRWMP); File 13,158**. *Jim Ervin made a motion to approve item 3 and Ben Horenstein seconded the motion. The item received unanimous approval from the Board.*

For **item 5**, BAPPG Committee Chair, Kari Ving, provided additional information to support the request for Board approval of a contract for **BAPPG Social Marketing Support, not to exceed \$17,998.00; File 13,159**. The RFP was distributed to four agencies and only one responded. The contract will be funded by unspent funds from the BAPPG FY 2014 Budget. *The item was approved in a motion made by Ben Horenstein and seconded by Laura Pagano. The motion carried unanimously.*

## REPORTS

**Committee Reports** were included in the handout packet for agenda **item 6**.

Lorien Fono, BACWA's Regulatory Program Manager (RPM), reviewed the AIR committee report that was included in handout packet. The Board suggested including a discussion about BACWA's relationship with the California Air Resources Board on an upcoming BACWA Board meeting agenda.

The Collection Systems committee report was included in the handout packet. In response to Board inquiry, the ED will investigate which agencies are supporting the Wheeler Institute's white paper on citizen lawsuits and circulate that information to the Board to help decide if BACWA should consider funding the initiative in the upcoming fiscal year.

Tim Potter, Permits Committee Chair reviewed the committee report that was included in the handout packet. He noted that the reference to the removal of South San Francisco's no feasible alternatives analysis requirement was incorrect and should be taken out of the report.

Tim also informed attendees that the next Pretreatment Committee meeting is scheduled for April 14<sup>th</sup>.

The RPM reviewed the Recycled Water committee report, included in the handout packet, and noted that Cheryl Munoz and Linda Hu are planning to continue the process of preparing a proposal to submit for Prop 84 Round 3 expedited projects for grant funding for Bay Area recycled water projects.

Executive Board representatives (Board) were given an opportunity to provide updates from each of the Principal agencies under agenda **item 7, Executive Board Reports**. Non-principal members were also given an opportunity to report out on behalf of their agencies.

Curt Swanson reported that Central Contra Costa Sanitary District (CCCSD) has submitted their optimization and upgrade reports as well as their overview report in accordance with the Nutrient requirements in their NPDES permit. He also notified attendees that he is retiring and that Roger Bailey, GM at CCCSD, will take over his position on the BACWA Board. The Board expressed their gratitude for his contribution to BACWA.

Laura Pagano informed attendees that the San Francisco Public Utilities Commission (SFPUC) was able to mitigate contamination from the large fire in Mission Bay on March 11<sup>th</sup> by utilizing their

stormwater diversion capabilities. She also noted that Treasure Island's NPDES permit requires that they participate in the Regional Monitoring Program (RMP) and they will be working with the San Francisco Estuary Institute (SFEI) and the SF Bay Water Board to resolve any outstanding compliance issues.

Ben Horenstein reported that the East Bay Municipal Utility District (EBMUD) is currently reviewing the results of their recent California Occupational Safety and Health Administration inspection.

Karin North informed attendees that Palo Alto has received the administrative draft of their NPDES permit and have three days to comment. She will contact the ED if they want to request support from BACWA.

The **Executive Director's March Report** was included in the handout packet for agenda **item 8** and David Williams highlighted the following items:

- He has asked Rob Collison provide a presentation on Zeolite anammox at the April Board meeting.
- BACWA may want to consider working with CASA/Tri-TAC on the development of a private sewer lateral strategy. The Board requested that the ED work with Monica Oakley and the Collection Systems Committee to investigate this further and return to the Board with additional information.
- Information on BACWA's commitment to support EBMUD's EPA grant was included with the ED Report, and Ben Horenstein agreed to follow up with the ED to confirm what would be needed from BACWA.
- NACWA's database contains information about which agencies currently have trading in their permits and that information may be useful if BACWA develops a Nutrient Lesson's Learned workshop.
- SFEI/ASC's Executive Director recruitment efforts are still ongoing.

The **Regulatory Program Manager (RPM) Report** was included in the handout packet and reviewed by Lorien Fono under agenda **item 9**. She noted that the SFEI program tracking table was included as an attachment to her report. The Board requested that David Senn present the Suisun Synthesis report at an upcoming Board meeting. Once completed, the report will be posted on the Nutrients section of the BACWA website.

No **Chair and Executive Director Authorized Actions** were taken since the February 21, 2014 Board meeting (agenda **item 10**).

## **OTHER BUSINESS**

For agenda **item 11**, the **FY2015 Budget DRAFT** was included in the handout packet and the following items were reviewed:

- The ED explained that he had spoken with AIR Co-Chairs, Randy Schmidt and Nohemy Revilla, about restructuring the AIR committee and the Board requested that he continue to investigate the possibility of incorporating it as a BACWA committee in FY 2016.
- The Lab Committee has requested an additional \$2,000 to fund QA/QC training. The Board supported the increase but requested that the committee investigate partnering with CWEA on this effort.
- The Board inquired if additional funds needed to be allocated to address specific regulatory issues. Dave Williams clarified that the ED and RPM would be providing regulatory support and if additional support was needed, technical consultant contracts could be funded by the general Technical Support line item.
- The ED explained that the approved budget would be amended to include carry forward items and suggested that the amended budget would be brought back to the Board for formal approval. He also confirmed that unspent funds would not be carried forward for contracts where the scope of work had been completed, and any work under the existing scope that has not been initiated in the current fiscal year should be reviewed to determine whether it would be carried forward into the next fiscal year. The Board agreed but reserved the option to consider exceptions to these guidelines.
- InfoShare Group survey responses were included in the packet and reviewed. Meeting attendees provided additional feedback from each of their agencies and the Board suggested reducing the line item to \$10,000 to continue the same level of support for BAMI and reduce support for the Ops and Engineering groups. The ED will investigate whether CWEA may be able to provide support for the Ops and Engineering groups.
- BAPPG representatives provided a presentation on their workplan. Concern was raised about the revenue that will be lost as a result of incorporating BAPPG as a BACWA committee. The ED noted that he will propose opportunities for increasing BACWA revenue by increasing membership, later in the meeting, and the Board reiterated their commitment to provide continued financial support for BAPPG in future years. It was noted that the Baywise web site needed to reflect that BAPPG was now part of BACWA and thus there would be only two sponsors of the website, BACWA and BASMAA. The issue of BAPPG commenting on proposed legislation was also discussed and it was decided to discuss further at a future Board meeting.
- Items listed under Collaboratives section of the draft budget were reviewed and no changes were made. The Board suggested scheduling a presentation from ReNUWIt representative, Christian Nilsen, for an upcoming Board meeting.

**Nutrients** related issues were discussed under **agenda item 12**. The Board requested that the ED attend the upcoming SF Bay Water Board hearing on April 9<sup>th</sup> to provide verbal **comments on the Nutrient Watershed Permit Tentative Order**. The ED noted that the draft request for proposal (RFP) for **Nutrient Optimization and Upgrade Studies** was distributed to consultants for feedback. The RFP will be posted on the BACWA website. All members were notified about the estimated dues for FY2015 and a follow up e-mail was sent to those agencies impacted by the Nutrient Permit to explain permit requirements that will be addressed by utilizing funds from the nutrient surcharge. It was suggested that once the permit is adopted another e-mail should be sent to permittees specifying which requirements BACWA is planning to address and which permit requirements each agency will be responsible for fulfilling independently. The Board also requested

the development of a matrix showing estimated dues for BACWA members in FY 2015 and subsequent years. The ED will move forward with converting the Nutrient Negotiating Team into a **Nutrient Management Group for oversight of Regulatory requirements**. He distributed an updated list of POTWs and satellite collection system agencies by subembayment, noted the number of agencies that would benefit from becoming BACWA members, and explained that he will be reaching out to those non-member agencies. Any suggestions for revision to the subembayment table should be sent to the ED.

Under item **12.b., Nutrients Technical Work**, the ED and RPM presented a Simplified Technical Overview Power Point slide show that could be used by members. The Board suggested adding the estimated dues matrix; additional suggestions for revision should be sent to the RPM and ED. The final version will be uploaded to the BACWA website and distributed to members.

**Nutrients Governance Structure** related issues were discussed under agenda **item 12.c.** The ED will notify the Nutrient Permit Negotiating Team of the BACWA Board's recommendation to designate Ben Horenstein and Bhavani Yerrapotu as **BACWA's Nutrient Task Force Representatives**, and Roger Bailey and Gary Darling as alternates. A discussion of **Nutrients Program Coordination** will be added to an upcoming Board meeting agenda.

The **ReNUWIt proposals** were discussed under agenda **item 13.** Board members expressed varying levels of interest and concerns about BACWA providing support for both the ReNUWIt pilot trailer and system's level vision proposals. The Board requested allocating twenty minutes of the April 18<sup>th</sup> Board meeting agenda to continue this discussion.

Discussions on agenda **item 14, Risk Reduction**, and agenda **item 15, Stormwater Diversions**, were postponed due to time constraints and will be included on the April 18<sup>th</sup> Board meeting agenda.

For agenda **item 16**, the ED explained that BACWA has been invited to participate in a **class action lawsuit against flushable wipes** manufacturers. The city attorney for San Francisco and EBMUD's legal counsel both reviewed the draft complaint and did not identify any concerns about BACWA participation, though it was noted that allocating BACWA time this effort could divert BACWA resources from higher priority issues. SFPUC will forward the information to their District Attorney's office for their consideration and BACWA will distribute the information in the next newsletter so member agencies can determine if they would like to participate in the legal action.

The ED and RPM provided an **Update on the IRWMP Regional Project Proposal for Prop 84** under **item 17** and informed the Board that BACWA is moving forward with preparing the regional proposal for submittal.

Under **item 18**, the Board requested editing the draft **Guidelines for Representing BACWA** so that in the section “For Individuals”, each reference to “In your role as a BACWA representative” should include the following clarifying language (shown below in italics):

“In your role as a BACWA representative, *explicitly or implicitly,*”

The revised guidelines will be brought back for Board approval on April 18<sup>th</sup>.

The Executive Board Chair recommended extending future Board meetings to 12:30 and the meeting adjourned at 12:30 p.m.





# Bay Area Clean Water Agencies

A Joint Powers Public Agency

Leading the Way to Protect our Bay

April 7, 2014

MEMO TO: Bay Area Clean Water Agencies Executive Board

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

SUBJECT: Seven 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, 2013 through January 31, 2014** (seven months of Fiscal Year 2013-2014). 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 01/31/14

| DESCRIPTION | BEGINNING<br>FUND BALANCE<br>07/1/13 | TOTAL RECEIPTS | TOTAL<br>DISBURSEMENTS | ENDING FUND<br>BALANCE<br>1/31/14 | OUTSTANDING<br>ENCUMBRANCES | UNOBLIGATED<br>FUND BALANCE<br>1/31/14 |
|-------------|--------------------------------------|----------------|------------------------|-----------------------------------|-----------------------------|--|
| BACWA       | 669,142                              | 651,810        | 250,573                | 1,070,379                         | 328,797                     | 741,581                                |
| TRNG FND    | 248,247                              | 507            | -                      | 248,754                           | -                           | 248,754                                |
| AIR         | 12,894                               | 78,467         | 29,535                 | 61,826                            | 48,805                      | 13,021                                 |
| BAPPG       | 51,748                               | 78,513         | 26,553                 | 103,709                           | 14,393                      | 89,316                                 |
| LEGAL RSRV  | 303,928                              | 621            | -                      | 304,549                           | -                           | 304,549                                |
| WQA CBC     | 369,481                              | 684,904        | 149,165                | 905,219                           | 795,537                     | 109,682                                |
| BACWAOPRES  | 152,925                              | 312            | -                      | 153,237                           | -                           | 153,237                                |
| RWR         | 16,733                               | 34             | -                      | 16,767                            | -                           | 16,767                                 |
| RESERVE     | 120,000                              | -              | -                      | 120,000                           | -                           | 120,000                                |
| WOT         | 48,062                               | 146,663        | 80,000                 | 114,725                           | -                           | 114,725                                |
| PRP84       | 59,109                               | 8,062,481      | 7,945,092              | 176,498                           | 47,707                      | 128,790                                |
| WQA EMERG   | 405,238                              | 827            | -                      | 406,065                           | -                           | 406,065                                |
| TECHACTION  | 253,274                              | 517            | -                      | 253,791                           | -                           | 253,791                                |
| CBC OPRSRV  | 164,121                              | 335            | -                      | 164,457                           | -                           | 164,457                                |
| PRP50       | 157,852                              | 14,586         | 9,354                  | 163,085                           | 23,680                      | 139,404                                |
|             | 3,032,754                            | 9,720,577      | 8,490,272              | 4,263,060                         | 1,258,920                   | 3,004,140                              |

## BACWA Revenue Report for January 2014

| DEPARTMENT                     | REVENUE TYPE               | AMENDED<br>BUDGET | CURRENT PERIOD |            |            | YEAR TO DATE |                |               | UNOBLIGATED    |                 |
|--------------------------------|----------------------------|-------------------|----------------|------------|------------|--------------|----------------|---------------|----------------|-----------------|
|                                |                            |                   | DIRECT         | INVOICED   | JVS        | DIRECT       | INVOICED       | JVS           |                | ACTUAL          |
| Bay Area Clean Water Agencies  | BDO Member Contributions   | 450,000           | -              | -          | -          | -            | 494,061        | -             | 494,061        | (44,061)        |
| Bay Area Clean Water Agencies  | BDO Other Receipts         | -                 | -              | -          | -          | -            | -              | (9,987)       | (9,987)        | 9,987           |
| Bay Area Clean Water Agencies  | BDO Fund Transfers         | 10,675            | -              | -          | -          | -            | -              | 11,163        | 11,163         | (488)           |
| Bay Area Clean Water Agencies  | BDO Interest Income        | 3,000             | -              | -          | 842        | -            | -              | 2,073         | 2,073          | 927             |
| Bay Area Clean Water Agencies  | BDO Assoc.&Affiliate Contr | 159,000           | -              | -          | -          | -            | 154,500        | -             | 154,500        | 4,500           |
|                                | <b>BACWA TOTAL</b>         | <b>622,675</b>    | -              | -          | <b>842</b> | -            | <b>648,561</b> | <b>3,249</b>  | <b>651,810</b> | <b>(29,135)</b> |
| BACWA Training Fund            | BDO Interest Income        | -                 | -              | -          | 168        | -            | -              | 507           | 507            | (507)           |
|                                | <b>TRNG FND TOTAL</b>      | -                 | -              | -          | <b>168</b> | -            | -              | <b>507</b>    | <b>507</b>     | <b>(507)</b>    |
| AIR-Air Issues&Regulation Grp  | BDO Member Contributions   | 78,340            | -              | -          | -          | -            | 78,384         | -             | 78,384         | (44)            |
| AIR-Air Issues&Regulation Grp  | BDO Interest Income        | -                 | -              | -          | 43         | -            | -              | 83            | 83             | (83)            |
|                                | <b>AIR TOTAL</b>           | <b>78,340</b>     | -              | -          | <b>43</b>  | -            | <b>78,384</b>  | <b>83</b>     | <b>78,467</b>  | <b>(127)</b>    |
| BAPPG-BayAreaPollutnPreventGrp | BDO Member Contributions   | 80,000            | -              | -          | -          | -            | 28,372         | 50,000        | 78,372         | 1,628           |
| BAPPG-BayAreaPollutnPreventGrp | BDO Interest Income        | -                 | -              | -          | 63         | -            | -              | 141           | 141            | (141)           |
|                                | <b>BAPPG TOTAL</b>         | <b>80,000</b>     | -              | -          | <b>63</b>  | -            | <b>28,372</b>  | <b>50,141</b> | <b>78,513</b>  | <b>1,487</b>    |
| BACWA Legal Reserve Fnd        | BDO Interest Income        | -                 | -              | -          | 205        | -            | -              | 621           | 621            | (621)           |
|                                | <b>LEGAL RSRV TOTAL</b>    | -                 | -              | -          | <b>205</b> | -            | -              | <b>621</b>    | <b>621</b>     | <b>(621)</b>    |
| WQA-WtrQualityAttainmntStratgy | Administrative & General   | -                 | -              | -          | -          | 1,500        | -              | -             | 1,500          | (1,500)         |
| WQA-WtrQualityAttainmntStratgy | BDO Member Contributions   | 675,000           | -              | 250        | -          | -            | 668,908        | -             | 668,908        | 6,092           |
| WQA-WtrQualityAttainmntStratgy | BDO Other Receipts         | -                 | -              | -          | -          | 3,232        | -              | 9,987         | 13,219         | (13,219)        |
| WQA-WtrQualityAttainmntStratgy | BDO Interest Income        | 1,000             | -              | -          | 635        | -            | -              | 1,276         | 1,276          | (276)           |
|                                | <b>WQA CBC TOTAL</b>       | <b>676,000</b>    | -              | <b>250</b> | <b>635</b> | <b>4,732</b> | <b>668,908</b> | <b>11,264</b> | <b>684,904</b> | <b>(8,904)</b>  |
| BACWA OperatingRsrve Fnd       | BDO Interest Income        | -                 | -              | -          | 103        | -            | -              | 312           | 312            | (312)           |
|                                | <b>BACWAOPRES TOTAL</b>    | -                 | -              | -          | <b>103</b> | -            | -              | <b>312</b>    | <b>312</b>     | <b>(312)</b>    |

## BACWA Revenue Report for January 2014

| DEPARTMENT                     | REVENUE TYPE                   | AMENDED BUDGET | CURRENT PERIOD |              |              | YEAR TO DATE |                  |              | UNOBLIGATED      |                    |
|--------------------------------|--------------------------------|----------------|----------------|--------------|--------------|--------------|------------------|--------------|------------------|--------------------|
|                                |                                |                | DIRECT         | INVOICED     | JVS          | DIRECT       | INVOICED         | JVS          |                  | ACTUAL             |
| Regional Water Recycling       | BDO Interest Income            | -              | -              | -            | 11           | -            | -                | 34           | 34               | (34)               |
| <b>RWR TOTAL</b>               |                                | -              | -              | -            | <b>11</b>    | -            | -                | <b>34</b>    | <b>34</b>        | <b>(34)</b>        |
| WOT - Wtr/Wwtr Operat Training | BDO Member Contributions       | 160,500        | -              | 1,500        | -            | -            | 146,500          | -            | 146,500          | 14,000             |
| WOT - Wtr/Wwtr Operat Training | BDO Interest Income            | -              | -              | -            | 77           | -            | -                | 163          | 163              | (163)              |
| <b>WOT TOTAL</b>               |                                | <b>160,500</b> | -              | <b>1,500</b> | <b>77</b>    | -            | <b>146,500</b>   | <b>163</b>   | <b>146,663</b>   | <b>13,837</b>      |
| Prop84BayAreaIntegRegnlWtrMgmt | BDO Fund Transfers             | -              | -              | -            | -            | -            | -                | (488)        | (488)            | 488                |
| Prop84BayAreaIntegRegnlWtrMgmt | BDO Interest Income            | -              | -              | -            | 2,073        | -            | -                | 2,466        | 2,466            | (2,466)            |
| Prop84BayAreaIntegRegnlWtrMgmt | Administrative Support         | -              | -              | -            | -            | -            | 143,122          | -            | 143,122          | (143,122)          |
| Prop84BayAreaIntegRegnlWtrMgmt | Water Efficient Landscape Reba | -              | -              | -            | -            | -            | 3,647,671        | -            | 3,647,671        | (3,647,671)        |
| Prop84BayAreaIntegRegnlWtrMgmt | Novato North Area Proj.        | -              | -              | -            | -            | -            | 31,250           | -            | 31,250           | (31,250)           |
| Prop84BayAreaIntegRegnlWtrMgmt | Napa St Hospital Stage 1       | -              | -              | -            | -            | -            | 31,250           | -            | 31,250           | (31,250)           |
| Prop84BayAreaIntegRegnlWtrMgmt | Harding Park RWP               | -              | -              | -            | -            | -            | 2,008,300        | -            | 2,008,300        | (2,008,300)        |
| Prop84BayAreaIntegRegnlWtrMgmt | South Bay Salt Pond Habitat Re | -              | -              | -            | -            | -            | 1,201,750        | -            | 1,201,750        | (1,201,750)        |
| Prop84BayAreaIntegRegnlWtrMgmt | Regional Green Infrastructure  | -              | -              | -            | -            | -            | 156,005          | 22,928       | 178,934          | (178,934)          |
| Prop84BayAreaIntegRegnlWtrMgmt | WQ Improve Flood Mgmt & EP     | -              | -              | -            | -            | -            | 248,077          | (57,716)     | 190,361          | (190,361)          |
| Prop84BayAreaIntegRegnlWtrMgmt | Water Efficient LRP            | -              | -              | -            | -            | -            | 57,471           | -            | 57,471           | (57,471)           |
| Prop84BayAreaIntegRegnlWtrMgmt | Bay Friendly Landscape TP      | -              | -              | -            | -            | -            | 39,205           | -            | 39,205           | (39,205)           |
| Prop84BayAreaIntegRegnlWtrMgmt | Weather Based Irrigation Cntrl | -              | -              | -            | -            | -            | 15,863           | -            | 15,863           | (15,863)           |
| Prop84BayAreaIntegRegnlWtrMgmt | High Efficiency Toilet & UR    | -              | -              | -            | -            | -            | 134,148          | -            | 134,148          | (134,148)          |
| Prop84BayAreaIntegRegnlWtrMgmt | High Efficiency Toilet & UI    | -              | -              | -            | -            | -            | 183,415          | -            | 183,415          | (183,415)          |
| Prop84BayAreaIntegRegnlWtrMgmt | Napa Co. Rainwater HP          | -              | -              | -            | -            | -            | 7,126            | -            | 7,126            | (7,126)            |
| Prop84BayAreaIntegRegnlWtrMgmt | Conservation Program Admin     | -              | -              | -            | -            | -            | 20,752           | -            | 20,752           | (20,752)           |
| Prop84BayAreaIntegRegnlWtrMgmt | Watershed Partnership TA       | -              | -              | -            | -            | -            | 25,235           | 24,873       | 50,108           | (50,108)           |
| Prop84BayAreaIntegRegnlWtrMgmt | Flood Infrastructure Mapping T | -              | -              | -            | -            | -            | 3,457            | -            | 3,457            | (3,457)            |
| Prop84BayAreaIntegRegnlWtrMgmt | Pescadero Integrated FRAH      | -              | -              | -            | -            | -            | 41,188           | -            | 41,188           | (41,188)           |
| Prop84BayAreaIntegRegnlWtrMgmt | Restoration Guidance, San FC   | -              | -              | -            | -            | -            | 11,534           | -            | 11,534           | (11,534)           |
| Prop84BayAreaIntegRegnlWtrMgmt | SF Estuary Steelhead MP        | -              | -              | -            | -            | -            | 49,405           | -            | 49,405           | (49,405)           |
| Prop84BayAreaIntegRegnlWtrMgmt | Watershed Program Admnstrtn    | -              | -              | -            | -            | -            | 4,277            | 9,915        | 14,192           | (14,192)           |
| <b>PRP84 TOTAL</b>             |                                | -              | -              | -            | <b>2,073</b> | -            | <b>8,060,503</b> | <b>1,978</b> | <b>8,062,481</b> | <b>(8,062,481)</b> |
| WQA Emergency Resrve Fnd       | BDO Interest Income            | -              | -              | -            | 274          | -            | -                | 827          | 827              | (827)              |
| <b>WQA EMERG TOTAL</b>         |                                | -              | -              | -            | <b>274</b>   | -            | -                | <b>827</b>   | <b>827</b>       | <b>(827)</b>       |
| WQA Tech Action Fund           | BDO Interest Income            | -              | -              | -            | 171          | -            | -                | 517          | 517              | (517)              |
| <b>TECHACTION TOTAL</b>        |                                | -              | -              | -            | <b>171</b>   | -            | -                | <b>517</b>   | <b>517</b>       | <b>(517)</b>       |
| CBC Operating Resrve Fnd       | BDO Interest Income            | -              | -              | -            | 111          | -            | -                | 335          | 335              | (335)              |
| <b>CBC OPRSRV TOTAL</b>        |                                | -              | -              | -            | <b>111</b>   | -            | -                | <b>335</b>   | <b>335</b>       | <b>(335)</b>       |
| Prop50BayAreaIntegRegnlWtrMgmt | BDO Interest Income            | -              | -              | -            | 105          | -            | -                | 330          | 330              | (330)              |
| Prop50BayAreaIntegRegnlWtrMgmt | Administrative Support         | -              | -              | -            | -            | -            | 14,257           | -            | 14,257           | (14,257)           |
| <b>PRP50 TOTAL</b>             |                                | -              | -              | -            | <b>105</b>   | -            | <b>14,257</b>    | <b>330</b>   | <b>14,586</b>    | <b>(14,586)</b>    |

## BACWA Expense Report for January 2014

| DEPARTMENT                     | EXPENSE TYPE                   | AMENDED BUDGET | CURRENT PERIOD  |               |               |          | YEAR TO DATE   |                |               |                 | OBLIGATED      | UNOBLIGATED   |
|--------------------------------|--------------------------------|----------------|-----------------|---------------|---------------|----------|----------------|----------------|---------------|-----------------|----------------|---------------|
|                                |                                |                | ENC             | PV            | DA            | JV       | ENC            | PV             | DA            | JV              |                |               |
| Bay Area Clean Water Agencies  | Overpayment Refund             | -              | -               | -             | -             | -        | -              | 7,341          | -             | -               | 7,341          | (7,341)       |
| Bay Area Clean Water Agencies  | BC-Collections System          | 26,000         | -               | -             | -             | -        | 15,676         | 9,324          | 250           | -               | 25,250         | 750           |
| Bay Area Clean Water Agencies  | BC-Water Recycling Committee   | 41,552         | -               | -             | -             | -        | 9,910          | -              | -             | -               | 9,910          | 31,642        |
| Bay Area Clean Water Agencies  | BC-Biosolids Committee         | 5,000          | -               | -             | -             | -        | -              | -              | -             | -               | -              | 5,000         |
| Bay Area Clean Water Agencies  | BC-InfoShare Groups            | 25,000         | -               | -             | -             | -        | 25,000         | -              | -             | -               | 25,000         | -             |
| Bay Area Clean Water Agencies  | BC-Laboratory Committee        | 5,000          | -               | -             | 550           | -        | -              | -              | 550           | -               | 550            | 4,450         |
| Bay Area Clean Water Agencies  | BC-Miscellaneous Committee Sup | 106,368        | (14,653)        | 14,653        | -             | -        | 93,130         | 44,789         | -             | -               | 137,919        | (31,551)      |
| Bay Area Clean Water Agencies  | LS-Regulatory Support          | 2,000          | -               | -             | -             | -        | 598            | 1,402          | -             | -               | 2,000          | -             |
| Bay Area Clean Water Agencies  | LS-Executive Board Support     | 2,000          | -               | -             | -             | -        | 2,000          | -              | -             | -               | 2,000          | -             |
| Bay Area Clean Water Agencies  | CAS-CPSC                       | 5,000          | -               | -             | -             | -        | -              | -              | 5,000         | -               | 5,000          | -             |
| Bay Area Clean Water Agencies  | CAS-PSI                        | 500            | -               | -             | -             | -        | -              | -              | -             | -               | -              | 500           |
| Bay Area Clean Water Agencies  | CAR-BACWA Annual Report        | 5,000          | -               | -             | -             | -        | -              | -              | -             | -               | -              | 5,000         |
| Bay Area Clean Water Agencies  | CAR-BACWA Website Development/ | 7,820          | -               | -             | 113           | -        | 1,500          | -              | 4,938         | -               | 6,438          | 1,382         |
| Bay Area Clean Water Agencies  | AS-BACWA Admin Expense         | 3,000          | -               | -             | 24            | -        | -              | -              | 1,141         | -               | 1,141          | 1,859         |
| Bay Area Clean Water Agencies  | CAR-Other Communications       | 5,199          | -               | -             | -             | -        | -              | -              | 73            | -               | 73             | 5,127         |
| Bay Area Clean Water Agencies  | SP-BAPPG Contribution          | 50,000         | -               | -             | -             | -        | -              | -              | -             | 50,000          | 50,000         | -             |
| Bay Area Clean Water Agencies  | GBS-Contingency                | 31,100         | -               | -             | -             | -        | -              | -              | -             | -               | -              | 31,100        |
| Bay Area Clean Water Agencies  | GBS- Meeting Support           | 13,000         | (50)            | 50            | -             | -        | 548            | 452            | 6,910         | (100)           | 7,810          | 5,190         |
| Bay Area Clean Water Agencies  | AS-Executive Director          | 175,000        | -               | -             | -             | -        | 116,667        | 58,333         | -             | -               | 175,000        | (0)           |
| Bay Area Clean Water Agencies  | AS-Assistant Executive Directo | 75,000         | (5,875)         | 5,875         | -             | -        | 34,650         | 38,350         | -             | -               | 73,000         | 2,000         |
| Bay Area Clean Water Agencies  | AS-EBMUD Administrative Servic | 40,000         | -               | -             | -             | -        | 29,118         | 10,882         | 3,502         | (6,885)         | 36,617         | 3,383         |
| Bay Area Clean Water Agencies  | AS-Insurance                   | 4,000          | -               | -             | -             | -        | -              | -              | 4,321         | -               | 4,321          | (321)         |
| Bay Area Clean Water Agencies  | BDO-CAS-Stanford ERC           | 10,000         | -               | -             | 10,000        | -        | -              | -              | 10,000        | -               | 10,000         | -             |
| Bay Area Clean Water Agencies  | CAS-Arleen Navaret Award       | 1,000          | -               | -             | -             | -        | -              | -              | -             | -               | -              | 1,000         |
| Bay Area Clean Water Agencies  | CAS-FWQC                       | 5,000          | -               | -             | -             | -        | -              | -              | -             | -               | -              | 5,000         |
| <b>BACWA TOTAL</b>             |                                | <b>643,539</b> | <b>(20,577)</b> | <b>20,577</b> | <b>10,687</b> | <b>-</b> | <b>328,797</b> | <b>163,533</b> | <b>44,025</b> | <b>43,015</b>   | <b>579,370</b> | <b>64,169</b> |
| AIR-Air Issues&Regulation Grp  | Administrative Support         | 3,900          | -               | -             | -             | -        | -              | -              | -             | 3,900           | 3,900          | -             |
| AIR-Air Issues&Regulation Grp  | BDO Contract Expenses          | 74,440         | -               | -             | -             | -        | 48,805         | 47,335         | -             | (21,700)        | 74,440         | -             |
| <b>AIR TOTAL</b>               |                                | <b>78,340</b>  | <b>-</b>        | <b>-</b>      | <b>-</b>      | <b>-</b> | <b>48,805</b>  | <b>47,335</b>  | <b>-</b>      | <b>(17,800)</b> | <b>78,340</b>  | <b>-</b>      |
| BAPPG-BayAreaPollutnPreventGrp | BAPPG-CE-Fog                   | 17,000         | -               | -             | -             | -        | -              | -              | -             | -               | -              | 17,000        |
| BAPPG-BayAreaPollutnPreventGrp | BAPPG-CE-Mercury               | 2,500          | -               | -             | -             | -        | -              | -              | -             | -               | -              | 2,500         |
| BAPPG-BayAreaPollutnPreventGrp | BAPPG-CE-Pesticides            | 10,000         | -               | -             | -             | -        | -              | -              | -             | -               | -              | 10,000        |
| BAPPG-BayAreaPollutnPreventGrp | BAPPG-CE-Pharmaceutical        | 9,998          | -               | -             | -             | -        | -              | -              | -             | -               | -              | 9,998         |
| BAPPG-BayAreaPollutnPreventGrp | BAPPG-CE-General P2            | 1,500          | -               | -             | -             | -        | -              | -              | -             | -               | -              | 1,500         |
| BAPPG-BayAreaPollutnPreventGrp | BAPPG-CE-Emerging Issues       | 21,437         | (2,650)         | 2,650         | -             | -        | 2,349          | 2,650          | 10,673        | -               | 15,672         | 5,766         |
| BAPPG-BayAreaPollutnPreventGrp | BAPPG-CE-Other                 | 11,500         | -               | -             | -             | -        | 4,999          | -              | 3,028         | (3,028)         | 4,999          | 6,501         |
| BAPPG-BayAreaPollutnPreventGrp | Administrative Support         | 4,275          | -               | -             | -             | -        | -              | -              | -             | 4,275           | 4,275          | -             |
| BAPPG-BayAreaPollutnPreventGrp | BAPPG-CE-Multi-Pollutant       | 19,000         | (3,318)         | 3,318         | -             | -        | 7,045          | 8,955          | -             | -               | 16,000         | 3,000         |
| <b>BAPPG TOTAL</b>             |                                | <b>97,210</b>  | <b>(5,968)</b>  | <b>5,968</b>  | <b>-</b>      | <b>-</b> | <b>14,393</b>  | <b>11,605</b>  | <b>13,700</b> | <b>1,247</b>    | <b>40,946</b>  | <b>56,265</b> |
| WQA-WtrQualityAttainmntStratgy | WQA-CE-Technical Support       | 896,902        | (4,514)         | 4,514         | -             | -        | 760,587        | 119,115        | -             | -               | 879,703        | 17,199        |
| WQA-WtrQualityAttainmntStratgy | WQA-CE-Collaborations & Sponso | 30,000         | -               | -             | -             | -        | -              | -              | 30,000        | -               | 30,000         | -             |
| WQA-WtrQualityAttainmntStratgy | WQA-CE-Commun. & Reporting     | 6,000          | -               | -             | -             | -        | -              | -              | -             | -               | -              | 6,000         |
| WQA-WtrQualityAttainmntStratgy | WQA-CE-Other                   | 33,800         | -               | -             | -             | -        | 34,950         | 50             | -             | -               | 35,000         | (1,200)       |
| <b>WQA CBC TOTAL</b>           |                                | <b>966,702</b> | <b>(4,514)</b>  | <b>4,514</b>  | <b>-</b>      | <b>-</b> | <b>795,537</b> | <b>119,165</b> | <b>30,000</b> | <b>-</b>        | <b>944,703</b> | <b>21,999</b> |

## BACWA Expense Report for January 2014

| DEPARTMENT                      | EXPENSE TYPE                   | AMENDED BUDGET | CURRENT PERIOD |    |                  |        | YEAR TO DATE  |               |                  |                 | OBLIGATED        | UNOBLIGATED        |
|---------------------------------|--------------------------------|----------------|----------------|----|------------------|--------|---------------|---------------|------------------|-----------------|------------------|--------------------|
|                                 |                                |                | ENC            | PV | DA               | JV     | ENC           | PV            | DA               | JV              |                  |                    |
| WOT - Wtr/Wwtr Operat Training  | Administrative Support         | 2,500          | -              | -  | -                | -      | -             | -             | -                | 2,500           | 2,500            | -                  |
| WOT - Wtr/Wwtr Operat Training  | BDO Contract Expenses          | 158,000        | -              | -  | -                | -      | -             | -             | 77,500           | -               | 77,500           | 80,500             |
| <b>WOT TOTAL</b>                |                                | <b>160,500</b> | -              | -  | -                | -      | -             | -             | <b>77,500</b>    | <b>2,500</b>    | <b>80,000</b>    | <b>80,500</b>      |
| Prop84BayArealIntegRegnlWtrMgmt | Administrative Support         | -              | -              | -  | -                | 600    | 400           | 2,966         | -                | -               | 3,966            | (3,966)            |
| Prop84BayArealIntegRegnlWtrMgmt | BDO Contract Expenses          | -              | -              | -  | -                | 47,107 | 24,345        | -             | -                | -               | 71,453           | (71,453)           |
| Prop84BayArealIntegRegnlWtrMgmt | Novato North Area Proj.        | -              | -              | -  | 31,250           | -      | -             | -             | -                | 31,250          | -                | (31,250)           |
| Prop84BayArealIntegRegnlWtrMgmt | Napa St Hospital Stage 1       | -              | -              | -  | 31,250           | -      | -             | -             | -                | 31,250          | -                | (31,250)           |
| Prop84BayArealIntegRegnlWtrMgmt | Harding Park RWP               | -              | -              | -  | -                | -      | -             | 2,008,300     | -                | 2,008,300       | -                | (2,008,300)        |
| Prop84BayArealIntegRegnlWtrMgmt | South Bay Salt Pond Habitat Re | -              | -              | -  | 1,201,750        | -      | -             | -             | -                | 1,201,750       | -                | (1,201,750)        |
| Prop84BayArealIntegRegnlWtrMgmt | Regional Green Infrastructure  | -              | -              | -  | -                | -      | -             | 156,005       | -                | 156,005         | -                | (156,005)          |
| Prop84BayArealIntegRegnlWtrMgmt | WQ Improve Flood Mgmt & EP     | -              | -              | -  | -                | -      | -             | -             | (197,743)        | (197,743)       | -                | 197,743            |
| Prop84BayArealIntegRegnlWtrMgmt | Water Efficient LRP            | -              | -              | -  | 57,471           | -      | -             | -             | -                | 241,291         | -                | (241,291)          |
| Prop84BayArealIntegRegnlWtrMgmt | Bay Friendly Landscape TP      | -              | -              | -  | 39,205           | -      | -             | -             | -                | 56,287          | -                | (56,287)           |
| Prop84BayArealIntegRegnlWtrMgmt | Weather Based Irrigation Cntrl | -              | -              | -  | 15,863           | -      | -             | -             | -                | 97,094          | -                | (97,094)           |
| Prop84BayArealIntegRegnlWtrMgmt | High Efficiency Toilet & UR    | -              | -              | -  | 134,148          | -      | -             | -             | -                | 997,358         | -                | (997,358)          |
| Prop84BayArealIntegRegnlWtrMgmt | High Efficiency Toilet & UI    | -              | -              | -  | 183,415          | -      | -             | -             | -                | 1,218,500       | -                | (1,218,500)        |
| Prop84BayArealIntegRegnlWtrMgmt | High Efficiency Clothes Washrs | -              | -              | -  | -                | -      | -             | -             | -                | 1,401,879       | -                | (1,401,879)        |
| Prop84BayArealIntegRegnlWtrMgmt | Napa Co. Rainwater HP          | -              | -              | -  | 7,126            | -      | -             | -             | -                | 22,127          | -                | (22,127)           |
| Prop84BayArealIntegRegnlWtrMgmt | Conservation Program Admin     | -              | -              | -  | 20,752           | -      | -             | -             | -                | 71,115          | -                | (71,115)           |
| Prop84BayArealIntegRegnlWtrMgmt | Watershed Partnership TA       | -              | -              | -  | -                | -      | -             | -             | -                | 90,386          | 36,290           | (126,676)          |
| Prop84BayArealIntegRegnlWtrMgmt | Stream Restoration in North BD | -              | -              | -  | -                | -      | -             | -             | -                | 30,250          | 149,491          | (179,741)          |
| Prop84BayArealIntegRegnlWtrMgmt | Flood Infrastructure Mapping T | -              | -              | -  | -                | -      | -             | -             | -                | 10,520          | 2,047            | (12,568)           |
| Prop84BayArealIntegRegnlWtrMgmt | Stormwater Improvements & PBP  | -              | -              | -  | -                | -      | -             | -             | -                | 30,326          | -                | (30,326)           |
| Prop84BayArealIntegRegnlWtrMgmt | Pescadero Integrated FRAH      | -              | -              | -  | -                | -      | -             | -             | -                | 62,592          | -                | (62,592)           |
| Prop84BayArealIntegRegnlWtrMgmt | Restoration Guidance, San FC   | -              | -              | -  | -                | -      | -             | -             | -                | 11,534          | -                | (11,534)           |
| Prop84BayArealIntegRegnlWtrMgmt | SF Estuary Steelhead MP        | -              | -              | -  | -                | -      | -             | -             | -                | 122,239         | -                | (122,239)          |
| Prop84BayArealIntegRegnlWtrMgmt | Watershed Program Admnstrtn    | -              | -              | -  | -                | -      | -             | -             | -                | 25,326          | 9,915            | (35,241)           |
| <b>PRP84 TOTAL</b>              |                                | -              | -              | -  | <b>1,722,230</b> | -      | <b>47,707</b> | <b>24,745</b> | <b>7,920,346</b> | -               | <b>7,992,799</b> | <b>(7,992,799)</b> |
| Prop50BayArealIntegRegnlWtrMgmt | Administrative Support         | -              | -              | -  | -                | -      | 975           | 25            | -                | -               | 1,000            | (1,000)            |
| Prop50BayArealIntegRegnlWtrMgmt | BDO Contract Expenses          | -              | -              | -  | -                | -      | 22,705        | 4,073         | -                | -               | 26,778           | (26,778)           |
| Prop50BayArealIntegRegnlWtrMgmt | EBMUD Ca. Waterstar Initiative | -              | -              | -  | -                | -      | -             | -             | 7,322            | (7,322)         | -                | -                  |
| Prop50BayArealIntegRegnlWtrMgmt | EBMUD Richmond RWP             | -              | -              | -  | -                | -      | -             | -             | 8,448            | (8,448)         | -                | -                  |
| Prop50BayArealIntegRegnlWtrMgmt | Redwood City RWP               | -              | -              | -  | -                | -      | -             | -             | 3,285            | -               | 3,285            | (3,285)            |
| Prop50BayArealIntegRegnlWtrMgmt | Mt. View-Moffat RWP            | -              | -              | -  | -                | -      | -             | -             | 5,561            | (5,561)         | -                | -                  |
| Prop50BayArealIntegRegnlWtrMgmt | N. Marin RWP                   | -              | -              | -  | -                | -      | -             | -             | 1,971            | -               | 1,971            | (1,971)            |
| <b>PRP50 TOTAL</b>              |                                | -              | -              | -  | -                | -      | <b>23,680</b> | <b>4,098</b>  | <b>26,587</b>    | <b>(21,331)</b> | <b>33,034</b>    | <b>(33,034)</b>    |

# BAPPG Committee Report to BACWA Board

Meeting Date: April 2, 2014  
 Prepared By: Karri Ving, SFPUC  
 BAPPG Chair

## Committee Request for Board Action

None

## Committee Updates

BAPPG and BACWA Biosolids Committee Co-Meeting on April 2, 2014

- Co-Meeting provided an opportunity for the committees to better understand each group's goals, to learn more on the interconnection between pollution prevention and biosolids and to explore working collaboratively to support common goals.
- Presentations were given by Natalie Sierra, PE of RMC and Zachary Kay of Santa Rosa on biosolids. Natalie's presentation provided an introduction to biosolids, an overview of risk assessments and regulations and three detailed case studies. Zachary discussed Santa Rosa's Biosolids Beneficial Reuse Program which is committed to responsible, economical reuse of biosolids and described the Biosolids Management System in place in Santa Rosa. See attached for Natalie Sierra's presentation.
- June's general meeting will host the Integrated Marketing Planning Workshop to design the FY 2014-15 outreach plan with O'Rorke. The meeting will provide an opportunity to review the process for integrating a communications plan for all projects and to arrange for cohesiveness in messages between projects and target audiences as well as to leverage available resources.
- 2014-2015 Chair identified as Mike Auer of Union Sanitary, currently vice chair. Two BAPPG steering committee members volunteered to be vice chair, Jennifer Seguin of San Jose and Robert Wilson of Petaluma. Both Jennifer and Robert will co-vice chair and divide roles and responsibilities.

## Current Project Summary

| Project  | Description   | Timeline                | Status   |
|--|---|-------------------------|--|
| Social Marketing Contract                          | A social marketing contract is being pursued with O'Rorke Inc. to better coordinate outreach, and provide professional social media outreach for current and future projects.   | April 2014 – June 2014  | <ul style="list-style-type: none"> <li>• Held kickoff meeting between O'Rorke and BAPPG Steering Committee to identify program areas to include in integrated outreach planning process</li> <li>• Planning workshop scheduled for June BAPPG meeting</li> </ul> |
| Safe Disposal of Pharmaceuticals Grant Opportunity | San Jose submitted grant proposals to the Santa Clara Valley Water District to establish 50 pharmaceutical take back sites in San Jose region, and to develop public education regarding current threat of chemicals to SF Bay. | February 2014 - ongoing | <ul style="list-style-type: none"> <li>• Grant awarded to establish 50 pharmaceutical take back sites</li> <li>• San Jose is working with BAPPG to leverage existing outreach materials and education opportunities</li> </ul>                                   |

## BAPPG Committee Report to BACWA Board

|                                       |   |                                       |   |
|---------------------------------------|---|---------------------------------------|---|
| Dioxin (No Burning) Facebook Campaign | Launched a two-week dioxin Facebook and website campaign to educate public on the water quality impacts of wood burning.  | End of February 2014 – Mid-March 2014 | <ul style="list-style-type: none"> <li>• Highly successful campaign</li> <li>• 9,146,676 impressions</li> <li>• 2,776 clicks</li> <li>• All clicks redirected to <a href="http://www.baywise.org">www.baywise.org</a></li> </ul>  |
| Baywise Website Management Training   | Baywise website subcommittee is working on improving the Baywise website so that it can properly function as a clearing house and central location for all P2 information in the Bay Area | December 2013-ongoing                 | <ul style="list-style-type: none"> <li>• Leveraging EPA Earth Month messaging to add new daily content to site</li> <li>• Original content requested at each meeting using website style guide</li> </ul>   |
| Operation “Big-Wipe”                  | A State-wide case is being developed by multiple agencies, some of which are members of BAPPG, to remove “flushable” from wipes packaging   | December 2013 - ongoing               | <ul style="list-style-type: none"> <li>• SFPUC seeking municipalities and agencies to partner on case</li> <li>• SFPUC hosted treatment plant and sewer system tour for representatives from the Federal Trade Commission and San Francisco Police Department show pipes and infrastructure most prone to wipe clogs</li> </ul> |

### Date of Next BAPPG Meeting

BAPPG Steering Committee Meeting  
May 1, 2014: 9:00am-10:00am  
Conference Call

BAPPG General Meeting  
June 4, 2014: 10:00am-12:00pm  
1515 Clay Street, Second Floor, Room 12  
Oakland, CA



**Committee Request for Board Action:** None

### Highlights of New Items Discussed and Action Items

#### **Strategy for Private Sewer Laterals**

Collection Systems Committee members discussed long-term management of private sewer laterals (PSLs) at the April 2014 committee meeting. Two drivers for this discussion were (1) the anticipated changes to the statewide Sanitary Sewer System (SSS) Waste Discharge Requirements (WDR) during the next couple of years regarding PSLs, and (2) a survey recently initiated by Regional Water Board staff on PSL ordinances and cost-sharing programs being implemented by Bay Area agencies. A work group was formed to discuss a potential long-term strategy which would ultimately be presented to the BACWA Board. Agencies volunteering for the work group so far include Vallejo Sanitation and Flood Control District, EBMUD, West Bay SD, Oro Loma SA, Sunnyvale, Burlingame, and Union Sanitary District. Initial input included the fact that different agencies have different drivers for addressing private laterals.

#### **Root Control Perspectives**

A lively discussion by two Bay Area root control vendors was held at the April 2014 committee meeting. After a presentation by each vendor, members asked lots of questions and also learned where the vendors agreed or disagreed on various issues, including which chemicals to use, timing, cost, when to clean the sewers before and/or after chemical application, productivity, what to do in-house vs. contract out, coordinating with the treatment plant, and other considerations. The next committee meeting will include a round robin discussion, to discuss what members are actually doing, or have tried, for root control.

#### **Flushable Wipes Lawsuit**

Information on the recently filed flushable wipes lawsuit was discussed at the April 3, 2014 committee meeting. Members expressed support for the development.

#### **Upcoming Training Opportunities**

- April 17 – Field integration technology for asset management, San Jose (CWEA Santa Clara Valley Section dinner meeting)
- April 29-May 2 – CWEA Annual Conference in Santa Clara, with many collection systems topics
- May 15 – Safety Seminar, Dublin (CWEA San Francisco Bay Section)
- May 15 – Drought Preparedness, Stanford University (CWEA/WateReuse and other partners)
- June 4 – Collection system vendor fair at Union Sanitary District (popular biennial event)

#### **Next Collection System Committee Meeting**

Our next committee meeting will be held on May 8 at 1:30 PM, at the Boy Scouts facility in San Leandro.

**Committee Request for Board Action:** None

**Focus topic – Alternate Test Procedure (ATP) Approval Process:**

- Noel Enoki, who has successfully obtained ATP for selenium analysis in wastewater and high salinity water, gave a presentation on ATP, including the changes to the process after Method Update Rule 2012. The talk covered the underlying regulations, the EPA Region-9 specific requirements, contact information for EPA Region-9 staff assigned to ATP, practical and experience based suggestions for making the approval process successful and actual forms that need to be completed for the data package. (All relevant documents are now available on the laboratory Yahoo group site.) At the end of successful completion of an ATP, EPA Region-9 staff will send out official notice of approval to the requestor, Regional Board and ELAP.
- The types of ATP were emphasized as well: nationwide use, limited use ATP, method modifications and analytical use and for drinking water analysis as described in 40 CFR 141.27.
- One member shared her experience: that an ATP that was granted over 15 years ago was not accepted by the last ELAP auditor. Members shared their experience obtaining variances through other means: this includes method comparison data available for ELAP review, including routine updates to the data set. In the case of another agency, the method variance that was acceptable to ELAP auditor during the first round of audits was declared unacceptable during subsequent audits.
- One agency is pursuing ATP for EPA method 625 sample extraction by Solid Phase Extraction (SPE) rather than the approved liquid-liquid extraction; they are in the data collection phase. Two agencies are investigating using Skalar Total Nitrogen/Total Organic Carbon analyzer to determine TKN. This may not require ATP, if Regional Board staff approves the variance for the upcoming nutrient watershed permit.
- There was interest among members to obtain Colilert as an approved method for recycled water analysis due to the ease and short turnaround time possible compared to Multiple Tube Fermentation (MTF). So far no agency has been successful with this.

**Audits:**

- There were no ELAP audits. Members in general are experiencing delays of more than 3 months to obtain certification after audits.
- SFPUC Oceanside laboratory was audited by Regional Board staff; their line of investigation was different from the EPA audits from previous years.

**Regulatory developments:**

- A handout with questions that SFEI staff is using to develop the nutrient model was distributed.
- A list of useful references for water and wastewater laboratories was distributed. This includes sites for Clean Water Act methods; Safe Drinking Water approved methods, National Environmental Methods Index, NELAC information, among others.
- Members were informed that the final 'Suisun Bay Ammonium Synthesis Report' prepared by SFEI is now available.
- Selenium TMDL is active again; the focus will probably be on north bay.

**Instrumentation and analytical technique:**

- Members shared their experience with instrumentation for BOD, ammonia, mercury, segmented flow analyzers for nutrients and discreet analyzers to replace UV/Vis manual instrumentation.

**Focus topics:**

- Next meeting focus topic: Good Laboratory Practices for record keeping

**Next BACWA Laboratory Committee Meeting:** Wednesday, May 14, 2014, at EBMUD Laboratory Library.

**Committee Request for Board Action: Consider Discussing Palo Alto and Benicia Tentative Orders with Regional Water Board Staff**

**17 attendees representing 14 BACWA member agencies  
Regional Water Board Staff in attendance**

**Adoption of Permits/Permit Amendments:**

**April** - *South San Francisco/San Bruno* – No issues (No Feasible Alternatives Analysis was deemed to not be burdensome by the discharger and was retained in the permit.)

*Nutrient Watershed Permit* (discussed later)

**May** – *Sonoma Valley County Sanitation District* – See March Board Report on performance-based ammonia limits imposed in the absence of reasonable potential

**June** – *Palo Alto* – Regional Water Board is inserting boilerplate language into permit Fact Sheets stating “*I.B. The Discharger must file a petition with the State Water Resources Control Board (State Water Board), Division of Water Rights, and receive approval for any change in the point of discharge, place of use, or purpose of use of treated wastewater that decreases the flow in any portion of a watercourse. The State Water Board retains the jurisdictional authority to enforce such requirements under Water Code section 1211.*” The Regional Water Board identifies this language comes from current statute so they are just reinforcing current standards. The committee is concerned that this standard is onerous, creates an unnecessary burden for Bay dischargers, and could disincentivize increasing recycled water use. RPM will work with Palo Alto to suggest ways to streamline this process to the Water Board, and **BACWA may wish to comment on the need to implement this standard in a manner that minimizes the potential unintended consequence of limiting effective recycled water projects.** Other changes include a new ambient monitoring site, higher dilution credit for copper, and a change in toxicity species from *ceriodaphnia* to fathead minnow. Palo Alto is still not granted a mixing zone for chronic toxicity. There was a discussion about the new fecal coliform limit that has been introduced into permits after the Basin Plan amendment impacting SHEL beneficial use.

*Benicia*- Benicia’s tentative order is not yet ready, but Tom Hall discussed their issues with dilution based on the Admin Draft. Their previous dilution credit was based on an old, low-tech study. They have since conducted a more thorough study which results in a higher dilution value under normal conditions. However, the Regional Water Board staff picked the absolute lowest values that only occur at slack tide which exists for a total of 5-10 minutes each time the tide changes direction, resulting in a dilution of 21:1. The Admin Draft also asserts anti-backsliding and "concern" over nutrient issues as why the ammonia limits cannot be increased. Benicia does not likely have a compliance issue so is unlikely to strongly contest this. **There are three issues that BACWA could raise with the Regional Water Board pertaining to this permit: (1) The Region needs a more standardized dilution policy. BACWA has discussed this previously and it would help some agencies but could harm others since some agencies have received approval for favorable dilution ratios; (2) Dilution should be based on realistic conditions, which will impact how the Toxicity Plan is implemented in Region 2. BACWA could advocate for this for Benicia specifically without engaging in discussion of a standard Region-wide policy; (3) New dilution studies that show higher dilution should result in greater WQBELs, using the “new information” exception to anti-backsliding rules. BACWA unsuccessfully raised this issue with the Regional Water Board when West County Agency’s permit was reissued.**

*Note:* Amy Chastain noted that the Oceanside permit is being reissued, and will have very different dilution values with (1:180) or without (1:100) currents. However, their outfall is outside of the 3-mile State jurisdictional limit and they are negotiating with the EPA.

## Executive Board Report-out

Key issues from the Executive Board meeting were:

- *Flushable Wipes* - A class action lawsuit involving flushable wipes is seeking agency participation. BACWA is not joining the lawsuit, but is letting its member agencies know in case they would like to join.
- *Committee Restructuring* – BAPPG has joined BACWA as an official committee. AIR may join BACWA next year, which would mean meetings would be open to all member agencies, instead of just agencies that pay the AIR Committee fee.
- *BAPPG funding* – Since BAPPG has joined BACWA as an official committee, the group wants to make sure that its funding is secured into the future. Non-BACWA agencies participating in BAPPG would continue to receive invoices as they have in past years.
- *Collection Systems Membership* - Dave Williams is putting together a spreadsheet of collection systems that are run by separate governmental entities than the POTWs they serve. There was a discussion of whether they should also be required to officially join BACWA to participate in BACWA events.
- *BACWA Budget* - BACWA will be voting on a budget at its April Meeting. The Budget will likely include a 2 percent increase in dues, as well as a Nutrient Surcharge. BACWA principles will pay 2/3 of the surcharge, divided equally, with associates paying the remainder 1/3 based on nutrient loads. This surcharge will fund the group activities under the Nutrient Watershed Permit including scientific studies, optimization and upgrade reports and the annual report. For agencies that choose to participate in the group reports, this is likely a much more cost-effective alternative than individual reporting. Dave Williams is contacting POTWs who are not members of BACWA to see if they would like to use this opportunity to join.
- *IRWMP* – The Governor's drought plan has allocated 42% of the remaining Proposition 84 funds to drought relief projects, although it's unclear how this will be implemented in each region. BACWA submitted its nutrient-themed proposal to the Bay Area Coordination Committee, which includes an anamox/zeolite pilot, mobile process testing units, restoration of the Hayward Marsh, moored sensors for the bay, and recycled water. The Recycled Water Committee also submitted a Regional Proposal made up of projects that will be shovel-ready in 2014 and 2015. DWR still has not released the proposal guidelines, so when they do, the Bay Area proposal strategy may need to be overhauled.

## Nutrients

- *Tentative Order, Review of Changes in Response to Comments* – BACWA submitted its [comment letter](#). The Regional Water Board [also received comments](#) from the Water Contractors, CVCWA, BayKeeper and the EPA. Lorien summarized the proposed changes, which were minor. The Regional Water Board did not incorporate any of the changes requested by the Water Contractors, and generally relied on the Governance Committee to resolve issues surrounding the scientific studies. The permit adoption will be on 4/9, and a revised tentative order will be posted before that. Dave Williams will speak on behalf of BACWA at the adoption hearing.
- *Soluble ortho-phosphate* – There was a discussion about whether to request flexibility in grab vs. composite sampling for soluble ortho-phosphate. The group's consensus was to follow the Laboratory Committee's recommendations on filtering composite samples within 15 minutes after the last sample was drawn, and not to comment on the permit.
- *RFP of the Optimization/Upgrade Studies* - Dave Williams is currently soliciting feedback on the [optimization/upgrade scope](#) from the consultant community. The next step will be to gather 3-5 representatives from the BACWA membership, similar to the negotiating team, to help provide ongoing review of the process over the next 3 years.
- *New Scientific Reports Available* - [Suisun Synthesis I](#) and [Flux of Nutrients from the Ocean to the Bay](#) reports are now available.
- *Steering Committee* – The Regional Water Board has sent out invitations to stakeholders to sit on the steering committee, and there has been interest from everyone who was invited. There are about fifteen potential participants, including IEP, USGS, the Water Contractors, Sac Regional, NGOs, National Fish and Wildlife, NOAA, stormwater, agriculture, BACWA and the Water Boards. BACWA will be the only entity with 2 seats. The first official steering committee meeting will be 4/22, which will be “open to the public, but not a public meeting”, in the sense that it will not be advertised. BACWA's two representatives and two alternates have not been finalized, but there is interest in having both geographic diversity, as well as representation from both principal and associate members. Final representatives will be decided at the Nutrient Negotiations Team on 4/3/14. Tom Mumley will be the representative from Region 2.
- *Nontechnical Nutrient Presentation* – Lorien, Dave W and Amanda are putting together a nontechnical presentation on nutrients for use by member agencies to educate their staff and governing boards about what is going on in the Region both from a scientific and policy perspective. The presentation will be available within the next couple of weeks.
- *13267 data availability* – There was a question about whether the 13267 nutrient data is available through CIWQS. It is not, although it can be requested from Richard Looker at the Regional Water Board. The data collected for the permit, once adopted, will be available through CIWQS.

**Toxicity Testing Using the TST showing up in permits :**

- The EPA has been pushing for the use of the TST in permits for ocean outfalls beyond the State's 3-mile boundary including Orange County and SFPUC's Oceanside Plant. SFPUC has done a TST test-drive and found that it appears to be favorable for them. Daly City reported that there would have been once instance where they would have been in violation with the TST method, whereas they were not with the NOEC. Ocean dischargers get full dilution and the salt water test species do not experience the same degree of variability as fresh water species, so these results may not be applicable for Bay dischargers.
- The LA Regional Water Board also wants to use the TST in a river discharge ([link to Simi Valley TO](#)). This development will hopefully be raised at Tri-TAC next week.

**Impacts on Effluent from Recycled Water Regulatory Issues**

- Amanda Roa (Delta Diablo), Eric Dunleavy (SJ/SC) and Amy Chastain (SFPUC) formed an ad-hoc workgroup to discuss the impact of recycled water, like RO concentrate and cooling tower blowdown from recycled water on their effluent quality. SJ/SC just began accepting RO concentrate from the Silicon Valley Advanced Water Purification Center, and SFPUC is planning an RO recycled water project at their Oceanside Plant that would use a significant portion of their flow. Both agencies have toxicity concerns. They put together a survey to see how other agencies in the Region are dealing with these issues. They will work with Lorien to finalize and distribute the survey.

**Informational Items/Announcements**

- *Stormwater Diversion Update* – A report on diversions has been submitted to the Regional Water board. The main conclusion is that even in hot spots, the amount of PCBs captured by diversions is low as to make this an extraordinarily expensive control practice. Next steps for BACWA are to wait for Tom Mumley's response to the report.
- *Basin Plan Amendment* - A [Basin Plan Amendment](#) hearing is schedule for 6/11/14. The proposed amendment would incorporate State Board's 2012 onsite wastewater treatment system (OWTS) Policy, amend the Basin Plan's existing wet weather overflows policy, update information on graywater systems, and update a table of POTW discharge locations. Members submitted minor corrections to details of their facility details.
- *Pretreatment Committee* –Next meeting 4/14 at Union Sanitary District.

**Next BACWA Permits Committee Meeting:** Tuesday, May 13, 2014, at EBMUD Plant Library

**Committee Request for Board Action: None.**

**16 attendees (incl. 6 on phone) representing 8 BACWA member agencies, 1 water agencies.**

**Notes from the meeting are posted [online](#).**

**Caltrans Request for Recycled Water**

A representative from Caltrans, Hardeep Takhar, was present at the meeting. State agencies are being required to curtail water use by 20%. Caltrans is looking to reduce their use by 50%. Caltrans' uses include construction, operations and maintenance, irrigation, soil compaction, dust control, and concrete mixing. Caltrans needs information about the availability and quality of recycled water from POTWs in the Bay Area. Cheryl will put out a call to see who has truck fill stations, who plans to install truck fill stations, and who would be interested in working with Caltrans.

**DWR Review of BAIRWMP**

DWR finished their 30-day public review of the IRWMP, and there was only one comment, which was that it hadn't been adopted. They approved the Plan, and their approval is out for public review. The deadline to adopt the IRWMP is May 11 for Round 1 grant awardees, which is a Sunday. If any of the Regional awardees fail to adopt, all the Regional awardees are potentially liable and could lose their grant funds.

**Round 3 Prop 84 Updates**

In Round 3, there is \$73M remaining that's available for the Bay Area, of which about 40% is earmarked for drought relief by the Governor's bill. BACWA submitted a nutrient proposal and a recycled water proposal under the Regional Concept. Other functional areas have proposals to move water around in response for a drought, rather than creating totally new supplies.

It is unclear right now how the Bay Area will allocate proposal funds for Regional versus Subregional projects. It's possible that not a lot of funds will be left for subregional projects. The subregional project submittals are still due 4/30. All or most of the projects that were included in the regional recycled water proposal are also submitting individually as subregional projects.

Guidelines were expected from DWR for the drought relief projects on 4/1 (Update: [Guidelines](#) were released on 4/3). The remainder of the funds, after the drought relief portion is allocated, will probably be available next year. Cheryl expects to scale back the recycled water proposal based on the eventual DWR guidelines. The next step is that the Recycled Water Committee will come up with screening criteria to help pare down projects, and the group could bring these criteria to the Coordination Committee.

**Legislative Updates**

Legislative updates and links to proposed legislation are included in the meeting notes.

**Next BACWA Recycled Water Committee Meeting:** May 7, 2014 from 10:00 am to 12:00 pm, 2nd Floor Small Training Room at EBMUD Headquarters



# Executive Director's Report to the Board

April 2014

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

- Engaged in conference calls and meetings with the facilitator and the WB staff to prepare for the 1st Governance Steering Committee meeting scheduled for April 22nd.
- Attended the IRWM Coordinating Committee meeting and participated in the Project Screening Committee conference call to represent BACWA in its Prop 84 nutrient theme regional proposal which was submitted on March 31st.
- Participated in the IRWM Prop 84 BACWA Team conference call for finalizing the regional nutrient proposal.
- Attended the BACWA Negotiating Team meeting; reviewed the HDR draft Scope of Work that could be utilized in an RFP for conducting the Optimization and Upgrade studies required by the watershed permit and discussed the need and formation of a contract management group to assist in overseeing the conduct of the required studies; developed comments to be delivered by the ED at the watershed permit hearing.
- Worked with the RPM and Nutrient Negotiating Team to finalize and submit the BACWA comment letter on the Nutrient TO.
- Finalized the layperson nutrient presentation.
- Coordinated with BACWA members on the need to identify representatives for the Governance Steering Committee
- discussed the Optimization/Upgrade studies with a variety of consultants potentially interested in proposing on the work.
- Attended the first team meeting for coordinating the in-kind support committed by BACWA for the EBMUD EPA grant for nutrient research
- Attended the RWQCB hearing on the watershed permit and provided BACWA's comments. Water Board members were in support of the permit.

**BACWA BOARD MEETING:**

- Worked with the AED in preparing for the April BACWA Board agenda including reviewing the agenda with the chair.
- Attended the BACWA March Board meeting and worked with the AED in preparing minutes and action summary.
- Continuing to track all action items to completion.

**ASC/SFEI:**

- Participated in conference calls regarding Governance committee activities
- Participated in the Executive Committee conference call; discussed the status of the ED recruitment, discussed financial issues stemming from recently completed audits.

**FINANCE:**

- responded to comments received on the draft BACWA budget presentation and prepared a follow-up presentation on the budget for approval by the Board at the April meeting.
- worked with the AED on the consolidation of the BACWA reserve accounts.

**PROFESSIONAL ORGANIZATION ACTIVITIES:**

- Coordinated with the CASA Executive Director on planning for the next Utility Leadership Committee meeting.
- Attended the NACWA National Policy Forum; Attended the NACWA Board meeting and Strategic Planning/Finance Committee meetings. Received updates on legislative and regulatory issues.

**PERMITS COMMITTEE:** Attended the monthly Permit Committee meetings. Discussed the watershed Tentative Order, Palo Alto and Benicia TOs and comment letters on the TOs, nutrient governance, updating the BACWA membership list, toxicity, and storm water diversions.

**RECYCLED WATER COMMITTEE**

- Discussed with the chair the need for assistance on the preparation of the Drought Relief proposal for the IRWM Prop 84 submittal due August 2014
- discussed with the chair the role of BACWA in the early proposal submittal for the IRWM Prop 84 drought relief.
- Coordinated with the RPM on the resolution of the consultant overruns on the IRWM Update.

**BAPPG/BIOSOLIDS:** Attended the joint BAPPG/Biosolids meeting. Discussed the status of biosolids and the concern about phasing out of ADC as beneficial reuse and ultimate elimination from landfills.

**COLLABORATION:** Coordinated with the CASA ED on topics on mutual interest (i.e. nutrients, toxicity, utility leadership committee).

**ADMINISTRATION:**

- 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.
- Provided written report of avoidance of conflicts of interest associated with current elected position.
- Worked with the RPM in the preparation of the monthly BACWA newsletter.

**MISCELLANEOUS MEETINGS/CALLS:**

- Paul Gilbert Snyder on Prop 50 and Prop 84
- BACWA chair and Committee chairs on items that arose during the month
- Water Board staff on coordinating the nutrient activities
- Jim Kelly as the new Interim Executive Director of SFEI
- other misc calls and inquiries regarding BACWA activities
- Tom Hall on storm water diversion presentation at Board meeting.



Attachments:

- 1) Status on Action Items from March 21, 2014 BACWA Executive Board Meeting
- 2) BACWA Board Calendar (outline of upcoming meeting agenda items) – BODCAL
- 3) Request from NACWA to Support Senator Boxer
- 4) CWEA Nondispersable Wipes Meeting Invitation

**March 21, 2014 BACWA Board Meeting  
Action Items**

| <b>Number</b> | <b>Subject<br/>(Lead)</b>                                     | <b>Task</b>   | <b>Deadline</b> | <b>Status</b>                                     |
|---------------|---|---|-----------------|---|
| 2014.03-57    | CASA Education Foundation Scholarship (Jim Graydon; AED)      | Distribute scholarship flyer to BACWA members.  | 4/1/2014        | Completed   |
| 2014.03-58    | CARB (ED)   | Add discussion of opportunities to improve relationship to future Board meeting agenda.   | 4/18/2014       | Added to Bodcal for 6/20 (with update from CWCCG) |
| 2014.03-59    | Wheeler Institute Citizen Suit Research (ED)                  | Investigate which agencies are funding this effort and circulate the information to the Board to obtain feedback about whether to consider funding in FY2015 from BACWA budget.   | 4/18/2014       | Completed   |
| 2014.03-60    | Private Sewer Lateral Strategy (ED; M. Oakley)                | Determine whether there is benefit for BACWA to engage in development of strategy.  |                 | Being Reviewed by CS Cmte                         |
| 2014.03-61    | EBMUD EPA Grant (ED/B. Horenstein)                            | EBMUD will determine what is needed from BACWA and notify ED.   |                 | Completed   |
| 2014.03-62    | Suisun Bay Synthesis Report (RPM/D. Senn)                     | Once report is completed, post to website and have Dave Senn present it at BACWA Board meeting.   |                 | Posted; DSenn to present at May EB meeting.       |
| 2014.03-63    | AIR Committee (ED/AIR Cmte Chair(s))                          | Consider incorporating as BACWA committee in FY 2016.   | 9/2014          | Added to Bodcal for Pardee (10/2014)              |
| 2014.03-64    | ReNUWit Update (ED)   | Include presentation from Christian Nilsen on upcoming Board meeting agenda.  | 4/18/2014       | Added to Bodcal for 5/16                          |
| 2014.03-65    | ReNUWit Proposal (ED)   | Include discussion of trailer and systems' level vision proposals on April 18 <sup>th</sup> Board meeting agenda.   | 4/18/2014       | Completed   |
| 2014.03-66    | Lab Committee (ED/Lab Cmte Chair)                             | Increase Lab Committee FY 2014 budget line item by \$2K to accommodate their request for QA/QC training, but ask that they investigate opportunities to partner with CWEA on effort.  | 4/18/2014       | Completed   |
| 2014.03-67    | InfoShare Group (ED)  | Reduce InfoShare Group budget line item to \$10K to fund BAMI.<br><br>Investigate whether CWEA could take on Ops and Engineering groups' functions.   | 4/18/2014       | Completed<br><br>Pending                          |
| 2014.03-68    | Nutrient Task Force / Steering Committee Representatives (ED) | Discuss with Nutrient Negotiating Team the Board's recommendation to make the following designations: Ben Horenstein and Bhavani Yerrapotu to serve as representatives; Roger Bailey and Gary Darling to serve as alternates. | 4/32014         | Completed (Revisions made)                        |

|            |  |  |                           |                            |
|------------|--|--|---------------------------|----------------------------|
| 2014.03-69 | Nutrient Program Manager (ED)                      | Add as discussion item to future Board agenda.   | 4/18/2014                 | Completed                  |
| 2014.03-70 | Nutrient Layperson's Presentation (RPM)            | Feedback to be sent to RPM. RPM to incorporate revisions and distribute to members.  | 4/18/2014                 | Completed                  |
| 2014.03-71 | Nutrient Permit Hearing (ED)                       | Attend April 9 <sup>th</sup> hearing to provide verbal comments.   | 4/9/2014                  | Completed                  |
| 2014.03-72 | BACWA Annual Dues (ED/AED)                         | Draft matrix estimating each agencies dues for upcoming years and circulate to members.  | 4/18/2014                 | Completed                  |
| 2014.03-73 | Subembayment Satellite List (ED)                   | Send corrections to ED and he will edit current version as necessary.  | 4/18/2014                 | Completed                  |
| 2014.03-74 | Nutrient Optimization and Upgrade Studies (ED/RPM) | Upload RFP draft to BACWA website or distribute with a request for feedback.<br><br>Once permit is adopted, send a notification to all members about requirements that they must meet and what requirements BACWA will address for them. | 4/4/2014<br><br>4/18/2014 | Completed<br><br>Completed |
| 2014.03-75 | Risk Reduction (RPM)                               | Postpone discussion item to April 18 <sup>th</sup> Board meeting agenda.   | 4/18/2014                 | Completed                  |
| 2014.03-76 | Stormwater Diversions (Tom Hall)                   | Postpone discussion item to April 18 <sup>th</sup> Board meeting agenda.   | 4/18/2014                 | Completed                  |
| 2014.03-77 | Flushable Wipes Legal Action (RPM)                 | Include in upcoming newsletter.  | 4/4/2014                  | Completed                  |
| 2014.03-78 | Board Meeting Schedule (AED)                       | Extend future meetings to adjourn at 12:30 pm.   | 4/18/2014                 | Completed                  |
| 2014.03-79 | Baywise Website (BAPPG Chair)                      | Edit baywise.org to indicate that BACWA and BASMAA are sponsors.   | 7/1/2014                  | Pending                    |
| 2014.03-80 | BAPPG Comments on Legislation (ED)                 | Continue discussion of possible issue for BAPPG to comment on legislation now that they are a BACWA committee.   | 4/18/2014                 | Added to Bodcal for 5/16   |

## Action Items Remaining from Previous BACWA Executive Board Meetings

| <b>Number</b> | <b>Subject<br/>(Lead)</b>             | <b>Task</b>   | <b>Deadline</b> | <b>Status</b>            |
|---------------|---------------------------------------|---|-----------------|--------------------------|
| 2013.12-112   | Water Operator Training Contract (ED) | Work with BACWA legal counsel to determine if current contract between Solano and BACWA addresses BACWA financial liability concerns. | 2/21/2014       | Added to Bodcal for 5/16 |
| 2013.12-115   | ReNUWit (ED)                          | Develop draft MOU/MOA to consider BACWA participation in the mobile pilot laboratory project.   | 2/21/2014       | On 4/18 Board agenda.    |

*FY14: 78 of 80 Action Items completed.*

*FY13: 67 of 67 Action Items completed.*

## Board Calendar thru December 2014

*As of Wednesday, April 16, 2014 at 1:51 PM*

| DATE  | ASSIGNMENT  | STATUS NOTES      |
|---|---|-------------------|
| 5/?/2014<br>Joint Meeting<br><b>Items due: ?</b><br><br>Connor; Pagano;<br>Horenstein; Ervin; Bailey<br><br>Water Board Staff<br><br>Williams; Fono | <b><u>Other Business: Discussions</u></b><br>Pardee Date (ED)   |                   |
| 5/16/2014<br>Monthly Board Mtg<br><b>Items due: 5/9</b><br><br>Connor; Pagano;<br>Horenstein; Ervin; Bailey<br><br>Williams; Fono; Gunnell          | <b><u>Consent</u></b><br>Previous Board Meeting Minutes (AED)<br>Monthly Treasurer's Report (EBMUD Accounting)<br><b><u>Reports</u></b><br>Committee Reports (Committee Chairs)<br>Board Reports (Executive Board)<br>ED Report (ED)<br>RPM Report (RPM)<br>Chair/ED Authorizations (AED) | 5m<br><br><br>40m |
|   | <b><u>Other Business: Authorizations</u></b><br>Approval of FY2015 Contracts (AED)<br>Approval of FY2014 Amendments (AED)   |                   |
|   | <b><u>Other Business: Discussions</u></b><br>ReNUWI Update (Christian Nilsen)<br>BAPPG Policy for Comments on Legislation<br>Water Operator Training Program Contract   |                   |
| 6/20/2014<br>Monthly Board Mtg<br><b>Items due: 6/13</b><br><br>Connor; Pagano;<br>Horenstein; Ervin; Bailey<br><br>Williams; Fono; Gunnell         | <b><u>Consent</u></b><br>Previous Board Meeting Minutes (AED)<br>Monthly Treasurer's Report (EBMUD Accounting)<br><b><u>Reports</u></b><br>Committee Reports (Committee Chairs)<br>Board Reports (Executive Board)<br>ED Report (ED)<br>RPM Report (RPM)<br>Chair/ED Authorizations (AED) | 5m<br><br><br>40m |
|   | <b><u>Other Business: Authorizations</u></b><br>Chair / Vice Chair Nomination & Election (Board/AED)<br>Approval of FY2015 Contracts (AED)<br>Approval of FY2014 Amendments (AED)   |                   |
|   | <b><u>Other Business: Discussions</u></b><br>Quarterly(?) / Biannual Update from CWCCG (S. Deslauriers)<br>CARB and BACWA relations   |                   |
| 7/?/2014<br>Joint Meeting<br><b>Items due: ?</b><br><br>Connor; Pagano;<br>Horenstein; Ervin; Bailey  | <b><u>Other Business: Discussions</u></b>   |                   |

| DATE   | ASSIGNMENT   | STATUS NOTES  |
|--|--|---------------|
| Water Board Staff<br>Williams; Fono  |  |               |
| 7/18/2014<br>Monthly Board Mtg<br>Items due: 7/11<br><br>Connor; Pagano;<br>Horenstein; Ervin; Swanson<br><br>Williams; Fono; Gunnell                                | <u>Consent</u><br>Previous Board Meeting Minutes (AED)<br>Monthly Treasurer's Report (EBMUD Accounting)<br><u>Reports</u><br>Committee Reports (Committee Chairs)<br>Board Reports (Executive Board)<br>ED Report (ED)<br>RPM Report (RPM)<br>Chair/ED Authorizations (AED)<br><u>Other Business: Authorizations</u><br><u>Other Business: Discussions</u><br>Board and Committee Meeting Calendar for Jan-Dec 2015 (AED)<br>ReNUWIt Update (B. Horenstein/ M. Connor) | 5m<br><br>40m |
| 8/?/2014<br>BAAQMD Joint Meeting<br>Items due: ?<br><br>Connor; Pagano;<br>Horenstein; Ervin; Bailey<br><br>BAAQMD Executive Officer and Staff<br><br>Williams; Fono | <u>Other Business: Discussions</u>   |               |
| 8/15/2014<br>Monthly Board Mtg<br>Items due: 8/8<br><br>Connor; Pagano;<br>Horenstein; Ervin; Bailey<br><br>Williams; Fono; Gunnell                                  | <u>Consent</u><br>Previous Board Meeting Minutes (AED)<br>Monthly Treasurer's Report (EBMUD Accounting)<br><u>Reports</u><br>Committee Reports (Committee Chairs)<br>Board Reports (Executive Board)<br>ED Report (ED)<br>RPM Report (RPM)<br>Chair/ED Authorizations (AED)<br><u>Other Business: Authorizations</u><br><u>Other Business: Discussions</u><br>Pardee Technical Seminar Planning (ED/AED)   | 5m<br><br>40m |
| 9/?/2014<br>Joint Meeting<br>Items due: ?<br><br>Connor; Pagano;<br>Horenstein; Ervin; Bailey<br><br>Water Board Staff<br><br>Williams; Fono                         | <u>Other Business: Discussions</u>   |               |
| 9/19/2014<br>Monthly Board Mtg<br>Items due: 9/12<br><br>Connor; Pagano;   | <u>Consent</u><br>Previous Board Meeting Minutes (AED)<br>Monthly Treasurer's Report (EBMUD Accounting)<br><u>Reports</u><br>Committee Reports (Committee Chairs)  | 5m<br><br>40m |

| DATE  | ASSIGNMENT   | STATUS NOTES   |
|---|--|--|
| Horenstein; Ervin; Swanson<br>Williams; Fono; Gunnell   | Board Reports (Executive Board)<br>ED Report (ED)<br>RPM Report (RPM)<br>Chair/ED Authorizations (AED)<br><b><u>Other Business: Authorizations</u></b><br><b><u>Other Business: Discussions</u></b><br>Pardee Technical Seminar (ED/AED)<br>Quarterly Update from CWCCG (S. Deslauriers)<br>Regulatory Issue Matrix, Updated (RPM)<br>Annual Member Meeting Planning (ED)<br>Optimization/Upgrade Studies Quarterly Update (CMG)   |  |
| 10/22 – 10/24<br>Pardee Technical Seminar<br><b>Items due: 10/15</b><br><br>Connor; Pagano;<br>Horenstein; Ervin; Bailey<br><br>Williams; Fono; Gunnell | <b><u>Other Business: Discussions</u></b><br>AIR Committee Restructuring   | <i>No Board Actions Permitted</i>                      |
| 11/2/2014<br>Joint Meeting<br><b>Items due: ?</b><br><br>Connor; Pagano;<br>Horenstein; Ervin; Swanson<br><br>Water Board Staff<br><br>Williams; Fono   | <b><u>Other Business: Discussions</u></b>  |  |
| 11/21/2014<br>Monthly Board Mtg<br><b>Items due: 11/14</b><br><br>Connor; Pagano;<br>Horenstein; Ervin; Bailey<br><br>Williams; Fono; Gunnell           | <b><u>Consent</u></b><br>Previous Board Meeting Minutes (AED)<br>Monthly Treasurer's Report (EBMUD Accounting)<br>Annual Audit Report (EBMUD Accounting)<br><b><u>Reports</u></b><br>Committee Reports (Committee Chairs)<br>Board Reports (Executive Board)<br>ED Report (ED)<br>RPM Report (RPM)<br>Chair/ED Authorizations (AED)<br><b><u>Other Business: Authorizations</u></b><br><b><u>Other Business: Discussions</u></b><br>ReNUWIt Update (B. Horenstein/ M. Connor)<br>Annual Member Meeting Planning (ED) | 10m<br><br><i>plus previous month (Aug2013)</i><br>40m |
| 12/19/2014<br>Monthly Board Mtg<br><b>Items due: 12/12</b><br><br>Connor; Pagano;<br>Horenstein; Ervin; Bailey<br><br>Williams; Fono; Gunnell           | <b><u>Consent</u></b><br>Previous Board Meeting Minutes (AED)<br>Monthly Treasurer's Report (EBMUD Accounting)<br><b><u>Reports</u></b><br>Committee Reports (Committee Chairs)<br>Board Reports (Executive Board)<br>ED Report (ED)<br>RPM Report (RPM)<br>Chair/ED Authorizations (AED)<br><b><u>Other Business: Authorizations</u></b><br><b><u>Other Business: Discussions</u></b><br>Quarterly Update from CWCCG (S. Deslauriers)   | 5m<br><br>40m  |

| DATE | ASSIGNMENT   | STATUS NOTES |
|------|--|--------------|
|      | Annual Member Meeting Planning (ED)<br>FY2016 Budget Planning<br>Optimization/Upgrade Studies Quarterly Update (CMG) |              |

**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.
- Chlorine Residual Analyzer Investigation
- Suggestions for Monthly Meeting Guest Speakers/Presenters: ie. Jim McGrath, State Water Board; ?
- CEC's (Kelly Moran)
- Strategy Development for Triennial Review (Permits Committee/Board)
- Optimization/Upgrade Studies Quarterly Report to Board(CMG) Mar, Jun, Sept, Dec 2015-2017
- Optimization/Upgrade Studies Biannual Report to Members (CMG/Consultant) Oct, April
- BAAQMD Biannual Joint Meetings (Feb, Aug 2015)

**BOARD COMMITTEES WITH NO MEETINGS CURRENTLY SCHEDULED**

-



**From:** Patricia Sinicropi [<mailto:PSinicropi@NACWA.ORG>]

**Sent:** Tuesday, April 15, 2014 9:37 AM

**To:** [aldstadt\\_st@sbcity.org](mailto:aldstadt_st@sbcity.org); [james.allen@cityofpaloalto.org](mailto:james.allen@cityofpaloalto.org); [gbaatrup@fssd.com](mailto:gbaatrup@fssd.com); [rjork@SantaBarbaraCA.gov](mailto:rjork@SantaBarbaraCA.gov); [dbrent@cityofsacramento.org](mailto:dbrent@cityofsacramento.org); [jburror@socwa.com](mailto:jburror@socwa.com); [rich\\_currie@unionsanitary.com](mailto:rich_currie@unionsanitary.com); [garyd@ddsd.org](mailto:garyd@ddsd.org); [jdow@cmsa.us](mailto:jdow@cmsa.us); [meftek@dpw.lacounty.gov](mailto:meftek@dpw.lacounty.gov); [pfriess@lacsds.org](mailto:pfriess@lacsds.org); [adel.hagekhalil@lacity.org](mailto:adel.hagekhalil@lacity.org); [kevin@encinajpa.com](mailto:kevin@encinajpa.com); [steve.hogg@fresno.gov](mailto:steve.hogg@fresno.gov); [bhorenst@ebmud.com](mailto:bhorenst@ebmud.com); [hkelly@sfwater.org](mailto:hkelly@sfwater.org); [rmatheson@vsfcd.com](mailto:rmatheson@vsfcd.com); [rmulvey@sandiego.gov](mailto:rmulvey@sandiego.gov); [lolds@vwwra.com](mailto:lolds@vwwra.com); [dpedersen@lvmwd.com](mailto:dpedersen@lvmwd.com); [kerrie.romanow@sanjoseca.gov](mailto:kerrie.romanow@sanjoseca.gov); [jruth@ocsd.com](mailto:jruth@ocsd.com); [dseidel@cityofsantacruz.com](mailto:dseidel@cityofsantacruz.com); [eshalaby@wcvd.org](mailto:eshalaby@wcvd.org); [somavarapup@sacsewer.com](mailto:somavarapup@sacsewer.com); [jspurgin@toaks.org](mailto:jspurgin@toaks.org); [jstufflebean@ci.sunnyvale.ca.us](mailto:jstufflebean@ci.sunnyvale.ca.us); [gvalladao@riversideca.gov](mailto:gvalladao@riversideca.gov); Dave Williams

**Cc:** Patricia Sinicropi; [sgreen@lacsds.org](mailto:sgreen@lacsds.org)

**Subject:** Senator Boxer outreach and support

Greetings: I am reaching out to our California members to update you on recent help we received from Senator Barbara Boxer and to ask for your help in thanking her.

Last week, Senator Boxer signed-on to a letter in the Senate in support of a funding request for pilots under the EPA's Integrated Planning Framework. Attached is a final copy of the letter. We would greatly appreciate it if you could send along a letter of thanks to her, if you are able. Attached is a draft letter that you can use (please modify as you see fit.) Senator Boxer joined seven other Senators for this request.

Thank you in advance for your help on this task. Pat.

*Patricia Sinicropi, JD  
Legislative Director  
National Association of Clean Water Agencies (NACWA)  
1816 Jefferson Place, NW  
Washington, DC 20036  
[psinicropi@nacwa.org](mailto:psinicropi@nacwa.org)  
d - 202.533.1823*



# United States Senate

WASHINGTON, DC 20510

April 9, 2014

The Honorable Jack Reed  
Chairman  
Subcommittee on Interior, Environment and  
Related Agencies  
Appropriations Committee  
U.S. Senate  
Washington, D.C. 20510

The Honorable Lisa Murkowski  
Ranking Member  
Subcommittee on Interior, Environment and  
Related Agencies  
Appropriations Committee  
U.S. Senate  
Washington, D.C. 20510

Dear Chairman Reed and Ranking Member Murkowski:

We are writing to seek **\$15 million** in appropriations in the FY2015 Interior Subcommittee for the Environmental Protection Agency (EPA) to establish a pilot project to assist communities implement a new model for meeting Clean Water Act (CWA) obligations.

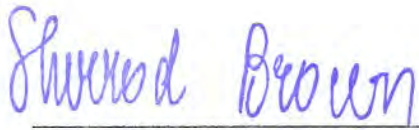
After months of stakeholder input, the Environmental Protection Agency (EPA) released its Integrated Municipal Stormwater and Wastewater Planning Approach Framework (Framework) outlining an innovative, new model to help communities meet their regulatory obligations under the CWA. If successfully implemented, the Framework could reduce rate increases on communities while ensuring that clean water responsibilities are met.

For this model to succeed, however, communities must develop an Integrated Plan outlining water quality goals, human health and regulatory issues that must be addressed, an assessment of existing systems, an evaluation of a communities' financial capability, an evaluation of cost-effective approaches for addressing identified issues, metrics to measure success, and a process for incorporating adaptive management techniques. States and the EPA would evaluate and approve Integrated Plans with final implementation remaining in the hands of the municipality. The core purpose of an Integrated Plan is to enable communities to establish CWA regulatory priorities and implementation schedules that are affordable for ratepayers.

The requested funding would help three to five communities in each EPA region develop Integrated Plans. Such an approach would ensure that all areas of the country participate in this effort while enabling this new model for meeting CWA obligations to be effectively evaluated nationwide.

An Integrated Planning approach to CWA obligations can potentially save ratepayers millions of dollars while focusing clean water investments in a way that ensures the greatest water-quality benefit. As you well know, communities are under enormous financial pressure to maintain critical services for their residents, including education, fire and safety and critical public health infrastructure including drinking water and clean water. EPA should be applauded for proposing a new model for helping communities meet their regulatory obligations under the CWA. With additional assistance from Congress, we can ensure that this new model succeeds. The suggested language for the Integrated Planning Pilot Program is attached.

Sincerely,



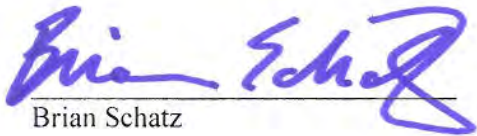
Sherrod Brown



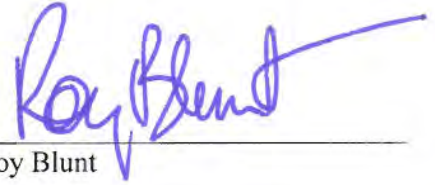
Tom Harkin



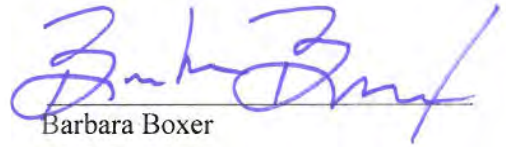
Sheldon Whitehouse



Brian Schatz



Roy Blunt



Barbara Boxer



Kirsten Gillibrand



Mazie Hirono

**Conference Report Language in Support of Integrated Municipal Stormwater and Wastewater Planning Approach Framework:**

*Of the amount provided, the Committee expects the Administrator to use \$15 million in grants to publicly owned treatment works and/or Separate Storm Sewer Systems and/or units of local government to provide funding and technical assistance to develop and seek approval for integrated plans in accordance with the Integrated Municipal Stormwater and Wastewater Planning Approach Framework. The Administrator should select three to five publicly owned treatment works and/or Municipal Separate Storm Sewer Systems and/or units of local government in each region, ensuring geographic and size distribution in selection. In conjunction with this effort, the Committee asks the Administrator to notify Congress once pilot communities are identified and submit a report to Congress within twelve months of enactment on progress of effort, outlining specific outcomes expected to be achieved that will reduce Clean Water Act-related and other environmental-related compliance costs for these entities, and a final report to Congress once all plans are approved. The funds awarded to communities shall be awarded on a fifty percent cost-share basis.*

DATE

The Honorable

United States Senate

Washington, D.C. 20510

Dear Senator -

Thank you for your support for funding pilot communities under the Environmental Protection Agency's (EPA) Integrated Municipal Stormwater and Wastewater Planning Approach Initiative in the Fiscal Year (FY) 2015 EPA budget.

In 2012, EPA released the Integrated Municipal Stormwater and Wastewater Planning Approach Framework to help local governments meet Clean Water Act objectives more affordably by prioritizing capital investments through the appropriate sequencing of wastewater and stormwater projects. This new model can potentially help communities more effectively manage water and wastewater utilities, save ratepayers millions of dollars, and target clean water investments in a way that ensures the greatest water quality benefit. The requested funding would support three to five pilot communities in each EPA region to demonstrate how the program can work and encourage other communities to take advantage of the opportunity. We believe this approach can help many communities in the [State of XXX].

We appreciate your support of this request and look forward to working with you on the initiative as it moves forward.

Sincerely,



California  
Water  
Environment  
Association

7677 Oakport Street, Suite 600,  
Oakland, CA 94621-1935

April 15, 2014

Robert J. Potter, Chair, CWEA Collection System Committee  
Kenneth E. Merkle, Chair, Greater Central Valley Collection System Committee  
David Hill, Chair, Southern Section Collection System Committee  
David Williams, Executive Director, Bay Area Clean Water Agencies, and Board Member, NACWA  
Bobbi Lawson, Executive Director, California Association of Sanitation Agencies  
Harlan Kelly, Board Member, NACWA  
Phil Friess, Board Member, NACWA

Dear California Wastewater Leader:

On Friday Morning May 2nd, CWEA leaders Gayle Tupper and Alec Mackie will facilitate an interactive session at Annual Conference about the problems California's wastewater professionals face with nondispersibles. We'll feature leading experts from across the country, including Aubrey Strause from the Maine Wastewater Control Association and Kim Babusik from leading wipes manufacturer NicePak, maker of Costco's wipes.

In recent months, WEF, NACWA, APWA and INDA (an association of several wipes manufacturers) began taking steps towards working together on solving the challenges we face with nondispersibles.

We'd like to invite you and a guest (or two representatives from your committee/association) to join a smaller group discussion on Thursday afternoon with Kim. We can describe the challenges we face. In 2012 CWEA, CASA and BACWA (as the Summit Partners) wrote letters to Costco advocating for better labeling, as well as raising concerns about flushable wipes. Kim can provide an update from her perspective.

Kim will provide a brief 15 min presentation for you about INDA's activities. Alec will provide a brief 10 min update on WEF's activities. We can then exchange information with Kim about what we're seeing in our collection systems and where we should go from here.

If you'd like to join, please rsvp by 4/25 to Alec Mackie at [alecm@jwce.com](mailto:alecm@jwce.com) or call 714-428-4614.

Thursday, May 1<sup>st</sup>,

4:00-5:00 PM

Santa Clara Convention Center – Room 209

CASA, BACWA and NACWA representatives can pick-up their badges at the Registration Desk.

As you enter sodas, coffee and sweets are available just inside the exhibit hall.

There is no charge and CWEA welcomes you to join the exhibit hall reception that evening

Sincerely,

Elizabeth Allan

CWEA Executive Director

510-382-7800 [eallan@cwea.org](mailto:eallan@cwea.org)

Alec Mackie

CWEA-WEF Delegate Director

714-428-4614 [alecm@jwce.com](mailto:alecm@jwce.com)

Cc: Gayle Tupper, Session Chair; Hugh Logan, Senior WEF-CWEA Delegate; Giti Heravian, WEF-CWEA Delegate; Ian Mackenzie; WEF-CWEA Delegate; Julie Taylor, CWEA; Kim Babusik, NicePak

Protecting our water environment through education and training.  
Member association with the Water Environment Federation



March 22 2013 - April 14 2014

Prepared for the April 18, 2013 Executive Board Meeting

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**NUTRIENT WATERSHED PERMIT SUPPORT:** Reviewed and summarized response to comments on Tentative Order. Reviewed Suisun Synthesis I and the Nutrient Flux from the Ocean to the Bay document prepared by SFEI. Participated in Nutrient Negotiating Team meeting. Reviewed and incorporated consultant comments on draft RFP for Optimization/Upgrade Studies. Posted SFEI studies and Optimization/Upgrade RFP to BACWA website.

**REVIEW OF SFEI INVOICES FOR NUTRIENT STUDIES CONTRACT:** Reviewed invoices submitted by SFEI for nutrient scientific studies. See attachment.

**PROP 84 BACWA REGIONAL SUBMITTAL SUPPORT:** Arranged and facilitated conference calls with the nutrients project element technical leads. Participated in conference call on IRWMP update preparation cost overrun and prepared BAR for the Executive Board Meeting packet.

**RISK REDUCTION FOR MERCURY/PCBs:** Discussed risk reduction contributions with Kevin Buchan of WSPA and Matt Fabry of BASMAA. DPH/ASC are applying for an EPA grant and would like to use BACWA contribution as matching funds. Discussed this approach with Dyan Whyte at the Regional Water Board. Regional Water Board staff are waiting for a contribution level to be proposed by BACWA. See write-up in Executive Board Meeting packet.

**MEMBER TENTATIVE ORDERS:** Palo Alto's Tentative Order includes language about filing a petition and getting prior approval before changing the discharge location, which would impact recycled water projects. Benicia's Tentative Order retains the same permit limits for ammonia as the previous permit, although their dilution credit increased after performing a dilution study. See Board Packet.

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

**TRI-TAC:** Three key issues for SF Bay Region: (1) Upon the next revision of the SSS WDR, the State is considering putting together a policy on private sewer laterals. (2) The statewide nutrient policy is moving forward using the Region 2 process as a model. (3) Due to pressure from the EPA, the LA Regional Water Board is using the TST in a new inland discharge permit (Simi Valley). Several POTWs in that Region are planning to challenge the permit.

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

**MEETINGS ATTENDED:** BACWA Prop 84 telecon (3/26), Permits Committee (4/1), Recycled Water Committee (4/2), Watershed Permit Negotiating Team Meeting (4/3), Telecon on 4-Party Agreement (4/9), Tri-TAC Telecon (4/10).

**SF Bay Nutrient Strategy FY2014 Status (Contract with SFEI)**

Updated 4/10/2014

**Total Spent of \$675,000**

**\$197,597.06**

| <b>Task</b> | <b>Description</b>  | <b>Upcoming Deliverable</b> | <b>Original Date</b> | <b>Updates</b>                    |
|-------------|---|-----------------------------|----------------------|-----------------------------------|
| 11          | Lower South Bay Synthesis                                 | Draft Report                | December 2013        | Expected in April 2014            |
| 12          | Suisun Synthesis I  | Final Report                | December 2013        | Delivered March 2014              |
| 4 (FY13)    | Suisun Synthesis II                                       | Draft Report                | April 2014           | Expected in Q3 2014               |
| 13          | Nutrient Science Plan                                     | Draft Plan                  | February 2014        | Expected in Q2 2014               |
| 22          | Moored Sensor Program                                     | Draft Summary               | April 2014           |                                   |
| 23          | Characterizing Phytoplankton Community Composition        | Draft Report                | April 2014           |                                   |
| 24          | Nutrient Monitoring Program Development                   | Draft Plan                  | March 2014           | TAG will begin meeting in Q2 2014 |
| 3 (FY13)    | Conceptual Model of Nutrient Exchange through Golden Gate | Draft Report                | July 2013            | Delivered February 2014           |





## EXECUTIVE DIRECTOR AUTHORIZATION REQUEST

FILE NO.: 12,970

DATE: April 12, 2014

**TITLE: Executive Director Authorization for Amendment to Downey Brand agreement for Regulatory Legal Support**

### RECOMMENDED ACTION

BACWA Executive Director authorization to amend agreement 12,970 with Downey Brand, to increase the purchase order amount by \$5,000 for a new not to exceed total contract value of \$2,500, to provide regulatory legal counsel in Fiscal Year 2013-14.

### SUMMARY

The agreement 12,970 between BACWA and Downey Brand was executed on 7/1/2013 to provide regulatory legal counsel services as needed by the Executive Director. The original contract amount of \$2,000 has been utilized and this amendment would increase the original contract value by \$5,000 for Downey Brand legal support through the end of the fiscal year.

### FISCAL IMPACT

This increase in allocated funds exceeds the FY2014 budget line item; however there are sufficient unencumbered BACWA funds to cover this overage.

### ALTERNATIVES

This action is consistent with BACWA contracting policies.

*Attachments:*

# BACWA DISBURSEMENT AUTHORIZATION

VENDOR CODE:

**MISCVEND**

REMIT NAME:

**Product Stewardship Institute**

REMIT ADDRESS:

29 Stanhope St, 3rd Floor

Boston, MA 02116

DATE PREPARED:

04/14/14

YOU MUST INCLUDE VENDOR'S

TAX I.D. NUMBER

**20-2059607**

PLEASE INDICATE TYPE OF BUSINESS:

|                 |                                     |                      |
|-----------------|-------------------------------------|----------------------|
| Indiv/Sole Prop | <input type="checkbox"/>            | Gov't/Public Agency  |
| Partnership     | <input type="checkbox"/>            | 501(c)3 Non-Profit   |
| Public Corp     | <input checked="" type="checkbox"/> | Non-Profit All Other |
| Private Corp    | <input type="checkbox"/>            | Foreign-Owned        |

**IN SETTLEMENT OF THE FOLLOWING:**

Annual Membership Fee to be funded by CAS-PSI

| CATEGORY     | LINE | AMOUNT          |
|--------------|------|-----------------|
| 006          | 1    | 500.00          |
| <b>TOTAL</b> |      | <b>\$500.00</b> |

PLEASE INCLUDE ENCLOSED DOCUMENT(S) WITH CHECK (ORIGINAL & COPY ATTACHED) **NO**

| LN # | INVOICE NUMBER | INV. DATE | ORG | FUND | PROJ ID: ACTIVITY | PROGRAM | ACCOUNT | AMOUNT |
|------|----------------|-----------|-----|------|-------------------|---------|---------|--------|
| 1    | P11261303      | 11/26/13  | 800 | BDO  | 1011114           | 9213    | 6231    | 500.00 |
| 2    |                |           |     |      |                   |         |         |        |
| 3    |                |           |     |      |                   |         |         |        |
| 4    |                |           |     |      |                   |         |         |        |

**FOR ACCOUNTING USE ONLY:**

SCHEDULE PYMT:

SINGLE CHECK:

YES / NO

CHECK ADDRESS:

YES / NO

ACCUE TAX:

YES / NO

**TOTAL \$500.00**

ENTERED STAMP

Prepared by:

*Alexandra C. Gunnell*

Reviewed & Recommended by:

*David R. Williams*

Printed name

Alexandra Gunnell

Printed name

David R. Williams

Approved by:

*Michael Connor*

Attach copy of delegation of authority, if any are applicable.

Printed name

Michael Connor

Approved by:

Printed name

Scott Klein

Supervisor Up to \$7,500 - Division Mgr Up to \$20,000 - Dept Mgr / Dir / General Mgr More than \$20,000

See instruction page on Forms Shop.



# Invoice

|   |
|---|
| Bill To   |
| Bay Area Clean Water Agencies<br>PO Box 24055, MS702<br>Oakland, CA 94623 |

|      |            |
|------|------------|
| Date | 11/26/2013 |
|------|------------|

|           |           |
|-----------|-----------|
| Invoice # | P11261303 |
|-----------|-----------|

| Description   | Amount                            |
|---|-----------------------------------|
| Organizational Partnership - Renewal for January 1, 2014 - December 31, 2014                          | 500.00                            |
| Thank you for your support! To renew as a Sustaining Partner, please contact us for a revised invoice | <b>Total Amount Due:</b> \$500.00 |

Please remit payment in US Dollars to: **Product Stewardship Institute**

29 Stanhope Street  
3rd Floor  
Boston, MA 02116

or to pay via credit card please go to: [productstewardship.us/paymentform](http://productstewardship.us/paymentform)

PSI's Tax ID #: 20-2059607



## BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 8

FILE NO.: \_\_\_\_\_

MEETING DATE: April 18, 2014

### TITLE: Fiscal Year 2015 Workplan and Budget

MOTION

RESOLUTION

DISCUSSION

### ACTION UNDER CONSIDERATION

Approve the budget and workplan for the fiscal year covering July 1, 2014 through June 30, 2015.

### SUMMARY

The Joint Powers Agreement establishing BACWA requires approval of a budget and workplan for the coming fiscal year's activities no later than June of the preceding fiscal year. This budget can be amended by the Executive Board at any time in the future.

Draft versions of the budget were reviewed at the February 21, 2014 and March 21, 2014 Executive Board meetings, and this final iteration incorporates changes that were recommended by the Board, Finance Committee, BACWA Committees and representatives from BACWA-managed Special Programs.

### FISCAL IMPACT

### ALTERNATIVES

BACWA's contracting policy does not apply to this situation, therefore no alternatives were considered.

### ATTACHMENT

1. FY 2015 Budget and Workplan

**Budget & Workpan**  
FISCAL YEAR 2015



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## INTRODUCTION

The Bay Area Clean Water Agencies (BACWA) is a joint public powers agency created by a 1984 Joint Powers Agreement (JPA) between the Central Contra Costa Sanitary District (CCCSD), the East Bay Dischargers Association (EBDA), the East Bay Municipal Utility District (EBMUD), the City of San Francisco, and the City of San Jose (collectively, “the Principal Agencies”). The JPA requires approval of an annual budget and workplan divided into three parts: overhead (Part A), general benefit programs (Part B), and special benefit programs (Part C).

The JPA requires that revenues for each fiscal year be equivalent to anticipated expenditures. Expenditures for Management & Administration (Part A), and General Benefit Programs (Part B) are funded by all BACWA members because these programs are carried out on behalf of all member agencies. BACWA currently has two General Benefit Programs: the core BACWA program to support member agencies and the Clean Bay Collaborative. Expenditures for Special Benefit Programs (Part C) are funded by those agencies that elect to fund those programs because those benefits accrue primarily to those participating agencies. BACWA currently has four Special Benefit Programs: the Air Information and Resources Committee, Water Operator Training, Proposition 50 Administration, and Proposition 84 Administration.

The purpose of this document is to fulfill the requirements of the JPA for Fiscal Year 2015 (FY 15). This workplan and budget specify the purpose of each of BACWA’s programs during FY 15, the methods by which they will be carried out, the products that will be developed, and the persons responsible for implementation. The schedule for implementation of these programs is July 1, 2014 through June 30, 2015.

## STRATEGIC PLAN

BACWA adopted its first strategic plan and accompanying workplan in 2009 and subsequently refined it in 2011. The strategic plan states the mission, values and goals of the organization as demonstrated in the work undertaken annually by the agency.

### **Mission**

Through leadership, science and advocacy, BACWA provides an effective regional voice for the clean water community's role in stewardship of the San Francisco Bay environment.

### **Values**

Leadership  
Environmental Stewardship  
Collaboration  
Transparency  
Fiscal Responsibility  
Member Service

### **Goals**

#### *Member Service*

1. Members are informed of critical issues and activities.
2. Members comply with applicable rules and regulations.

#### *Informed Regulation*

3. Environmental regulations and policies reflect the best available scientific, technical, and economic information.
4. Regulations consider environmental, social and economic sustainability.

#### *Environmental Stewardship*

5. Members optimize the value available from wastewater.
6. Watershed management principles are applied to address San Francisco Bay management challenges.



## MANAGEMENT AND ADMINISTRATION (PART A)

BACWA has administrative and management expenses that are necessary for the agency to carry out its non-program related core functions (JPA, Section 9). They include expenses related to financial management, insurance, and organizational support. Administration of BACWA is carried out by an Executive Director and Assistant Executive Director selected by the Executive Board. Treasurer services are provided by EBMUD who manages BACWA’s finances and performs an annual audit. The objective of these expenditures is to ensure effective, efficient, and transparent management of BACWA, which serves all of BACWA’s goals.

| Management & Administration   |  |                |                  |                                |
|---|--|----------------|------------------|--------------------------------|
| Objective   | Deliverables/Outcomes                                | Lead           | FY 15 Budget     | Budget Line                    |
| A. Effectively and efficiently manage BACWA as an organization ( <b>Labor, Meetings, and Administration</b> ) | A.1. Executive Board meetings                        | ED, AED        | \$7,500          | Mtg Expenses                   |
|   | A.2. Monthly Treasurer Reports, annual audit         | ED, AED, EBMUD | \$40,000         | Financial Services             |
|   | A.3. Compliance with organization legal requirements | ED, AED        | \$2,000          | EB Legal Support               |
|   | A.4. Insurance to manage organizational risk         | ED, AED        | \$4,500          | Insurance                      |
|   | A.5. Program Administration and Operations Support   | ED, AED        | \$147,900        | ED (40%), AED (100%),          |
|   | A.6. Miscellaneous Operational Expenses              | ED, AED        | 7,000            | Admin Expenses, Misc. Meetings |
|   |  | <b>TOTAL</b>   | <b>\$300,400</b> |                                |

## GENERAL BENEFIT PROGRAMS (PART B)

There are two aspects of BACWA’s general benefit program: the core BACWA Member Agency program and the technically –focused Clean Bay Collaborative (CBC) program.

### BACWA MEMBER AGENCY PROGRAM AND CLEAN BAY COLLABORATIVE (CBC) (PART B.1.)

The **BACWA Member Agency Program** serves the following of BACWA’s goals: (1) Members are informed of critical issues and activities, (2) Members comply with applicable rules and regulations, and (3) Environmental regulations and policies reflect the best available scientific, technical, and economic information.

These goals are accomplished by providing member agencies with information on regulations, scientific and technical developments; forums for participating in policy discussions and collaborating on mutually beneficial projects; and opportunities to engage with the larger Bay Area environmental community. Program expenses include support for committee facilitation and special projects; member workshops

and trainings; membership in state and national organizations that disseminate information to members; and communication expenses such as the website, newsletters, the annual report, and the annual meeting.

The purpose of the **CBC program** is to respond to current regulatory requirements and to develop scientific, technical and industry information to inform future regulations and policies affecting Bay Area POTWs and the environment. Program expenses include the costs of special studies and reports requested by regulatory agencies, policy strategy development and implementation, and collaborations with statewide organizations to do the same. The goals of the CBC are to ensure that (1) regulations and policies reflect the best available scientific, technical, and economic information; (2) regulations consider environmental, social and economic sustainability; (3) members optimize the value available from wastewater; and (4) watershed management principles are applied to address San Francisco Bay management challenges.

| <b>Bay Area Clean Water Agencies</b>  |   |                     |                    |                      |
|---|---|---------------------|--------------------|----------------------|
| <b>Objective(s)</b>   | <b>Deliverables/Outcomes</b>  | <b>Lead</b>         | <b>FY14 Budget</b> | <b>Budget Line</b>   |
| <b>A. Provide forums for members to share information, learn, participate in policy and regulatory discussions, and collaborate on mutually beneficial projects. (Committees)</b> | <b>A.1. Collection System Meeting Support</b>                                   | Chair, Consultant   | \$26,000           | CS Comm.             |
|   | <b>A.2. Permits Comm., Misc. Expenses</b>                                       | Chair               | \$1,000            | Permits Comm.        |
|   | <b>A.3. Recycled Water Comm., Misc Expenses</b>                                 | Chair               | \$1,000            | RW Comm.             |
|   | <b>A.4. Biosolids Comm. Support<br/>- Conference attendance</b>                 | Chair               | \$5,000            | Biosolids Comm.      |
|   | <b>A.5. Laboratory Comm. Support<br/>- Conference attendance<br/>- Training</b> | Chair               | \$5,000<br>\$2,000 | Lab. Comm.           |
|   | <b>A.6. Infoshare Groups Support</b>  | Consultant          | \$10,000           | Infoshare Groups     |
|   | <b>A.7. BAPPG Support</b>   | Chair               | \$81,000           | BAPPG                |
|   | <b>A.8. Pretreatment Committee, Misc. Expenses</b>                              | Chair               | \$1,000            | Pretreatment Comm.   |
|   | <b>A.9. Executive Director (60%)</b>  | Board Chair         | \$107,100          | ED                   |
|   | <b>A.10. Legal Support</b>  | ED                  | \$2,000            | Reg. Legal Support   |
|   | <b>A.11. Regulatory Program Manager (50%)</b>                                   | RPM                 | \$60,000           | RPM (50%)            |
| <b>B. Increase direct communication with members regarding regulatory developments and BACWA accomplishments. (Communication, Meetings)</b>                                       | <b>B.1. Monthly newsletter</b>  | RPM                 | \$200              | Other Communications |
|   | <b>B.2. Annual Report</b>   | ED, AED, RPM        | \$1,000            | Annual Report        |
|   | <b>B.3. Annual Meeting</b>  | ED, AED             | \$7,000            | Meeting Support      |
|   | <b>B.4. Website</b>   | ED, AED, Consultant | \$8,300            | Website Dev./Maint.  |

|  |  |                     |           |                               |
|--|--|---------------------|-----------|-------------------------------|
| C. Encourage partnerships and relationships that further BACWA's strategic goals. <b>(Collaboratives)</b>                      | C.1. CPSC  | ED, AED             | \$5,000   | Collab/Sponsor                |
|  | C.2. PSI   | ED, AED             | \$500     | Collab/Sponsor                |
|  | C.3. ReNUWit ERC   | ED, AED             | \$10,000  | Collab/Sponsor                |
|  | C.4. State of the Estuary  | ED, AED             | \$20,000  | State of the Estuary          |
|  | C.5. Federal Water Quality Coalition                                       | ED, AED             | \$5,000   | FWQC                          |
|  | C.6. California Wastewater Climate Change Group                            | Consultant          | \$25,000  | CWCCG                         |
| D. Further <b>Nutrient</b> related science and management goals for SF Bay and ensure compliance with <b>Watershed Permit.</b> | D.1. SFEI  | ED, RPM, SFEI       | \$880,000 | Tech. Support                 |
|  | D.2. Additional Work Needed Under Permit                                   | ED, RPM             | \$100,000 | Tech. Support                 |
|  | D.3. Permit Report Assistance  | ED, RPM             | \$100,000 | Tech. Support                 |
|  | D.4. Optimization / Upgrade Studies  | ED, RPM, Consultant | \$250,000 | Tech. Support                 |
| E. Advance understanding of the impacts of and controls for <b>Chemicals of Concern.</b>                                       | E.1. Participate in statewide Green Chemistry/Pesticide regulation efforts | ED, Consultant      | \$15,000  | Collaborations & Sponsorships |
| F. Ensure compliance with the <b>Mercury/PCBs Permit.</b>  | F.1. Risk reduction contribution   | ED, RPM             | \$15,000  | Tech. Support                 |
| G. Other   | G.1. Maintain sewer rate database  | ED, Consultant      | \$6,000   | Tec. Support                  |
|  | G.2. General Technical and Regulatory Support                              | ED, RPM             | \$110,000 | Tech. Support; RPM (50%)      |

## SPECIAL BENEFITS PROGRAMS (PART C)

BACWA has five active special benefit programs: the Air Committee, Proposition 50, Proposition 84 Administration, and Water Operator Training (WOT). Member dues for the Air Committee, and WOT are optional and are established on an annual basis by the entities (the Air Committee Chair, and the WOT Program Members in conjunction with Solano Community College, respectively ) that manage those programs. Proposition costs are paid for by the agencies that receive the grants from the Department of Water Resources.

### AIR RESOURCES & INFORMATION GROUP (PART C.1.)

| <b>AIR INFORMATION &amp; RESOURCE GROUP</b>  |                   |   |
|--|-------------------|---|
| <b>Deliverables/Outcomes</b>   | <b>Manager</b>    | <b>FY 14 Budget Estimates</b><br>To be determined by member dues. |
| Provide member agencies with assistance regarding air quality related issues, research and regulations as they affect the operation and maintenance of Bay Area POTWs. | Chair, Consultant | \$74,440  |
| <b>Administration</b>  | AED               | \$3,900   |
|  | <b>Total</b>      | \$78,340  |

### WATER OPERATOR TRAINING (PART C.2.)

| <b>WATER OPERATOR TRAINING</b>                                    |   |                                      |
|---|---|--------------------------------------|
| <b>Deliverables/Outcomes</b>                                      | <b>Manager</b>  | <b>FY 14 Budget</b>                  |
| Encourage development of a skilled workforce by offering classes. | Program Participant Reps; Solano Community College, AED | To be determined by member interest. |

### PROPOSITION 50 ADMINISTRATION (PART C.3)

| <b>PROPOSITION 50 ADMINISTRATIVE SUPPORT</b>  |                            |  |
|---|----------------------------|--|
| <b>Deliverables/Outcomes</b>  | <b>Manager</b>             | <b>FY 14 Budget</b>  |
| Continue administration of Proposition 50 to fund projects that benefit the environment and BACWA members by ensuring timely generation of invoices and progress reports to DWR, and distribution of grant funds to participating agencies. | EBMUD, Consultant, AED, ED | Annual budget to be determined by DWR schedule. See expense summary for entire project budget. |

**PROPOSITION 84 ADMINISTRATION (PART C.4)**

| <b>PROPOSITION 84 ADMINISTRATIVE SUPPORT</b>  |                            |  |
|---|----------------------------|--|
| <b>Deliverables/Outcomes</b>  | <b>Manager</b>             | <b>FY 14 Budget</b>  |
| Continue administration of Proposition 84 to fund projects that benefit the environment and BACWA members by ensuring timely generation of invoices and progress reports to DWR, and distribution of grant funds to participating agencies. | EBMUD, Consultant, AED, ED | Annual budget to be determined by DWR schedule. See expense summary for entire project budget. |

## FISCAL YEAR 2014 BUDGET

| <b>BACWA/CBC</b>                       | <b>2014 Budget</b> | <b>Notes</b>                    |
|--|--------------------|---------------------------------|
| <b>REVENUES</b>                        | <b>1,606,680</b>   |                                 |
| BACWA Principals' Contributions        | 459,000            |                                 |
| BACWA Assoc. & Aff. Contributions      | 161,180            |                                 |
| Clean Bay Collaborative (CBC)          | 675,000            |                                 |
| Nutrient Surcharge                     | 300,000            |                                 |
| Other/Special Program Admin Fees       | 6,500              | Carryforwards to be added later |
| Interest Income                        | 4,000              |                                 |
| <b>EXPENSES</b>                        | <b>2,067,600</b>   |                                 |
| <b>Labor</b>                           | <b>375,000</b>     |                                 |
| Executive Director                     | 178,500            |                                 |
| Assistant Executive Director           | 76,500             |                                 |
| Regulatory Program Manager             | 120,000            |                                 |
| <b>BACWA Committees</b>                | <b>191,000</b>     |                                 |
| Collections System                     | 26,000             |                                 |
| Permit Committee                       | 1,000              |                                 |
| Water Recycling Committee              | 1,000              |                                 |
| Biosolids Committee                    | 5,000              |                                 |
| InfoShare Groups                       | 10,000             |                                 |
| Laboratory Committee                   | 7,000              |                                 |
| BAPPG                                  | 81,000             |                                 |
| Pretreatment Committee                 | 1,000              |                                 |
| <b>Legal Support</b>                   | <b>4,000</b>       |                                 |
| Regulatory Support                     | 2,000              |                                 |
| Executive Board Support                | 2,000              |                                 |
| <b>Collaboratives and Sponsorships</b> | <b>65,500</b>      |                                 |
| State of the Estuary                   | 20,000             |                                 |
| FWQC                                   | 5,000              |                                 |
| CPSC                                   | 5,000              |                                 |
| PSI                                    | 500                |                                 |
| Stanford ERC                           | 10,000             |                                 |
| CWCCG                                  | \$25,000           |                                 |
| <b>Communications</b>                  | <b>9,500</b>       |                                 |
| Annual Report                          | 1,000              |                                 |
| Website Development/Maintenance        | 8,300              |                                 |
| <i>Web Host</i>                        | 600                |                                 |
| <i>Cloud File Storage</i>              | 720                |                                 |
| <i>Web Editing</i>                     | 5,000              |                                 |
| <i>Web Tech</i>                        | 1,500              |                                 |
| <i>e-mail</i>                          | 480                |                                 |
| Other Communications                   | 200                | electronic newsletter           |
| <b>Meetings</b>                        | <b>15,600</b>      |                                 |
| EB Meetings                            | 2,500              |                                 |
| Annual Meeting                         | 7,000              |                                 |
| Pardee                                 | 5,000              |                                 |
| Misc.                                  | 1,100              | summit partners                 |

|  |                  |   |
|--|------------------|---|
| <b>Administration</b>                      | <b>50,000</b>    |   |
| EBMUD Financial Service & Audit            | 40,000           |   |
| Administrative Expenses                    | 5,500            |   |
| Insurance                                  | 4,500            |   |
| <b>Technical Support</b>                   | <b>1,416,000</b> |   |
| Nutrients                                  | 1,330,000        |   |
| <i>SFEI</i>                                | <i>880,000</i>   |   |
| <i>Additional Work Needed Under Permit</i> | <i>100,000</i>   |   |
| <i>Permit Assistance</i>                   | <i>100,000</i>   |   |
| <i>Optimization/Upgrade Studies</i>        | <i>250,000</i>   |   |
| General Technical Support                  | 50,000           |   |
| CECs                                       | 15,000           |   |
| Risk Reduction                             | 15,000           |   |
| Rate database                              | 6,000            |   |
| <b>TOTAL</b>                               | <b>- 460,920</b> | <b>Deficit will be transferred to reserves.</b> |

| <b>AIR</b>                  | <b>2014 Budget</b> | <b>Notes</b>                     |
|-----------------------------|--------------------|----------------------------------|
| <b>REVENUES</b>             | <b>78,340</b>      |                                  |
| Participant's Contributions | 78,340             | Est. depends on member interest. |
| <b>EXPENSES</b>             | <b>78,340</b>      |                                  |
| Contract expenses           | 74,440             | Est. depends on member interest. |
| BACWA Indirect Expenses     | 3,900              | Per BACWA Policy                 |
| <b>TOTAL</b>                | <b>0</b>           |                                  |

| <b>WOT</b>                  | <b>2014 Budget</b> | <b>Notes</b>                     |
|-----------------------------|--------------------|----------------------------------|
| <b>REVENUES</b>             | <b>160,500</b>     |                                  |
| Participant's Contributions | 160,500            | Est. depends on member interest. |
| <b>EXPENSES</b>             | <b>160,500</b>     |                                  |
| Contract expenses           | 158,000            | Est. depends on member interest. |
| BACWA Indirect Expenses     | 2,500              | Per BACWA Policy                 |
| <b>TOTAL</b>                | <b>0</b>           |                                  |

| <b>Prop 50 Admin</b> | <b>2012-2015 (est)<br/>Budget</b> | <b>Notes</b>         |
|----------------------|-----------------------------------|----------------------|
| <b>REVENUES</b>      | <b>265,245</b>                    |                      |
| Grant Funds          | 250,000                           | Includes pre-funding |
| Interest             | 15,245                            |                      |
| <b>EXPENSES</b>      | <b>265,245</b>                    |                      |
| Consultant           | 109,000                           |                      |
| BACWA Legal          | 50,000                            |                      |
| BACWA Staff - Direct | 40,000                            |                      |
| BACWA Accounting     | 15,000                            |                      |
| Other Direct Costs   | 12,000                            |                      |
| EBMUD Grant Manager  | 15,000                            |                      |
| EBMUD Admin Support  | 0                                 |                      |
| Indirect Costs       | 8,025                             | Per BACWA policy     |
| Contingency          | 16,220                            |                      |
| <b>TOTAL</b>         | <b>0</b>                          |                      |

| <b>Prop 84 Admin</b>  | <b>2012-2017 (est)<br/>Budget</b> | <b>Notes</b>   |
|-----------------------|-----------------------------------|--|
| <b>REVENUES</b>       | <b>640,000</b>                    |  |
| Agencies' Pre-funding | 100,000                           |  |
| Grant Funds           | 540,000                           | Reimbursement of admin costs; or invoice agencies again if necessary |
| <b>EXPENSES</b>       | <b>640,000</b>                    |  |
| Consultant            | 157,000                           | Assist with DWR reporting and coord.                                 |
| BACWA Legal           | 51,000                            |  |
| BACWA Staff - Direct  | 57,000                            |  |
| BACWA Accounting      | 51,000                            |  |
| Other Direct Costs    | 35,000                            | Mailing, shipping, telecom, etc.                                     |
| EBMUD Grant Manager   | 180,000                           | Includes allowable overhead  |
| EBMUD Admin Support   | 60,000                            |  |
| Indirect Costs        | 18,000                            | Per BACWA policy   |
| Contingency           | 31,000                            |  |
| <b>TOTAL</b>          | <b>0</b>                          |  |





## BACWA POLICIES AND PROCEDURES

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**TITLE**                      **Guidance for Representing BACWA**

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**DATE**                      Adopted XXX

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**PURPOSE**                      To provide guidance to individuals, groups, and committees for representing BACWA’s [formal positions, interests, or perspectives \(hereafter referred to as “positions”\)](#) on all issues including but not limited to regulatory, technical, financial, policy, and administrative matters.

---

**BACKGROUND**                      BACWA is JPA that represents its public agency membership on a wide array of issues that impact wastewater utilities in the San Francisco Bay Area. BACWA has limited personnel resources devoted to conducting the business of the association. It has an appointed Executive Board comprised of staff from its Principal member agencies and relies heavily on this Board, other volunteers from within its membership, and at times some outside consultants to represent BACWA’s interests. Examples of long standing groups where BACWA has appointed representatives include: ASC/SFEI, RMP, Tri-TAC, and the Summit Partners. At times BACWA also designates individuals to represent BACWA’s interests on ad hoc groups established to address a particular area of interest. Finally, BACWA has a committee structure wherein the leadership of the Committee may find themselves in a situation where they are formulating a position on an issue of interest to BACWA.

In all of these situations it is important that the individuals or groups that are presenting BACWA’s position- are certain that [what they are conveying the position they are proposing or supporting](#) is indeed the position of the BACWA organization. Often the position of the organization is defined by a collective understanding that a certain position or direction is appropriate for the organization. For the purpose of this Guidance document, these are referred to as “Understood Positions” and can be established by 1) the wastewater industry as a whole; 2) the position of other organizations or leaders within the industry or; 3) by general discussion and agreement amongst the BACWA Board and membership. However when there is the potential for significant differing opinions on an issue within BACWA or when an issue involves financial commitment, the official position of BACWA is determined by a majority vote of the BACWA Board. For the purpose of this Guidance these positions are referred to as “Adopted Positions”.

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The intent of these Guidelines is not to be overly bureaucratic or impede the normal process of interaction on behalf of the BACWA organization but rather to ensure that situations do not develop that put BACWA in an awkward position by having an individual or group put forth a position that is contrary to the best interest of BACWA as an association.

These Guidelines should be reviewed annually at the time a new Chair of BACWA is seated.

---

## **GUIDELINES**

### For Individuals

1. In your role as a BACWA representative, explicitly or implicitly, be aware of issues that may develop into the need for BACWA to take a position so that these issues can be raised early within the organization thereby allowing the time for a deliberation to take place to determine if indeed a BACWA position is warranted and if so whether it would be an Understood Position or an Adopted Position.
  2. If, while in the role of a BACWA representative, explicitly or implicitly, an individual finds themselves in a position wherein input is expected as part of the normal conduct of business, an Understood Position can and should be presented. At the earliest opportunity, a report back to BACWA should be made regarding the position that was presented.
  3. If, while in the role of a BACWA representative, explicitly or implicitly, an individual finds themselves in a position wherein it is judged by the BACWA representative to be an issue which may require an Adopted Position within BACWA, the individual should indicate that input would be needed from the BACWA Board before a response can be made. Every effort should be made to bring this issue to the Board's attention, within the constraints of the Brown Act, as early as possible to facilitate a timely response. If there is uncertainty as to what type of position may be required, the BACWA representatives should seek the advice of the BACWA Executive Director, if possible, prior to presenting any BACWA position or defer from stating a BACWA position until further discussed with the BACWA Board.
  4. Solicitations, requests for proposals, or other information, etc., other than routine requests (i.e. cost for catering or other minor
-

administrative services), on the part of a BACWA representative that may lead to significant expenditures of funds or expectations of BACWA establishing a position on an issue should be avoided until discussed by the BACWA Board.

5. Individuals who are in leadership positions within BACWA may want to express their own or their agency's position on an issue. In doing so, it should be made clear whether they are expressing a BACWA position or some other position.
6. Any situation where a BACWA position has been presented by an individual should be reported at the BACWA monthly meeting.

#### For Groups or Committees

When acting as the leader of a group or committee, BACWA representatives should follow the same guidelines as stated for Individuals. In addition, leaders of groups or committees may find themselves in a time restricted situation that, despite their best efforts, there was not time to vet an issue with the BACWA organization and a response is required before a window of opportunity closes (e.g. deadlines for commenting on proposed regulations). In these situations the leadership should make every effort to solicit, within the constraints of the Brown Act, some feedback from BACWA (i.e. an email notification of a proposed comment letter, etc.). The leadership should also confer with the BACWA Executive Director as to the position being proposed. In the absence of feedback on a BACWA position, a position should be submitted after consultation with group or committee leadership and the Executive Director. Notification to the BACWA Board should take place thereafter as soon as practicable.

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*ESTUARY News Magazine* <http://www.sfestuary.org/estuary-news/>

March 23, 2014

David Williams  
Bay Area Clean Water Agencies  
PO Box 24055, MS 702  
Oakland, CA 94623

Dear David:

I am writing to follow up on our discussions in the CCMP Implementation Committee meetings regarding the current funding status of the award-winning *ESTUARY News Magazine*, which the San Francisco Estuary Partnership has been publishing for over 20 years. As you are aware, because of recent federal funding cuts at the US EPA, the Partnership's printing and publication budget has been severely reduced. Without new sources of support for the magazine, we will be unable to keep publishing this well-regarded clearinghouse for news about the projects and programs that affect the Bay-Delta system.

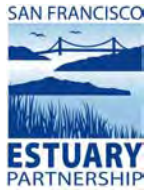
We are heartened to have already confirmed two-year funding commitments from other IC members, including the Delta Stewardship Council, the Regional Monitoring Program, the San Francisco Estuary Institute, and the San Francisco Public Utilities Commission. These generous commitments go a long way toward addressing our funding gap.

However, in order to grow the magazine and put it in the hands, and on the screens, of more people – as we have discussed in our meetings – we need to work towards increasing the annual budget from \$65,000 to \$98,000. I am sure you'll agree that beyond producing the print version four times a year we should be doing more marketing, more collaborating with partners, more outreach to new lists, and more web content between issues. Already I have made some small but significant changes in this direction. If you go to our web site, you'll see, for example, that we have posted extended content for the *Keeping the Salt Field at Bay* story, including text outtakes and a scientific animation of the delta salt field. We also featured SFEI's and the regional water board's new focus on nutrients, and have done special inserts on RMP topics of concern. This year, we've also started two new web-only columns – *Places to Go & Things to Read* and *Science Action on Film – Pick of the Month*.

I know that you and BACWA believe in the importance of good news coverage about issues facing the Bay-Delta system, so I hope you will consider contributing **\$2500** to our 2014 magazine budget. I attach an invoice for your convenience, and in the hopes that you can join our other IC partners in supporting this singular, place-based news resource.

Thank you for your consideration,

*Ariel Rubissow Okamoto*, Editor & *Judy Kelly*, SFEP Director



**ESTUARY News Magazine** <http://www.sfestuary.org/estuary-news/>

March 23, 2014

Invoice Request: ESTUARY NEWS FUND-18

SFEP Tax ID# 94-2832478

**TO:** David Williams

Bay Area Clean Water Agencies

PO Box 24055, MS 702

Oakland, CA 94623

**RE:** IC Partner Subscription-Contribution

**Suggested Contribution:**       **\$2500**

**PROJECT:** Publication of *ESTUARY News Magazine*, four times a year in print, with additional supporting content on the web site.

Please make check payable to SFEP/ABAG and mail to:

San Francisco Estuary Partnership  
1515 Clay Street, Suite 1400  
Oakland, CA 94612  
Attn: Estuary News Magazine Fund

*If you'd prefer to use a credit card, call Paula Trigueros (510)622-2499*

**Partner Subscription-Contribution benefits:**

- Extra print copies upon request for distribution in your offices or for waiting room coffee tables. How many would you like?
- Distribution to any of your staff, advisors or boards by email in PDF – please provide those addresses.
- Occasional coverage of issues of concern to BACWA such as water quality, nutrient changes in the Bay, RMP, sea level rise impacts on treatment plants, watershed management and more. Please feel free to suggest story ideas and people to interview to the editor at any time.

**Managing Editor**

Ariel Rubissow Okamoto – [estuaryeditor@gmail.com](mailto:estuaryeditor@gmail.com) or 415-922-1130

*Thanking you in advance for your support of this unique magazine and public outreach resource!*



# CALIFORNIA ASSOCIATION of SANITATION AGENCIES

1225 8<sup>th</sup> Street, Suite 595 • Sacramento, CA 95814 • TEL: (916) 446-0388 • [www.casaweb.org](http://www.casaweb.org)

March 31, 2014

Dave Williams, Executive Director  
Bay Area Clean Water Agencies (BACWA)  
PO Box 24055 MS 59  
Oakland, CA 94623

**SUBJECT: UC BERKELEY WHEELER INSTITUTE INDEPENDENT RESEARCH  
REGARDING CLEAN WATER ACT CITIZEN SUITS**

Dear Dave:

Clean Water Act (CWA) citizen suits against local governments are on the rise, and while some suits advance a public purpose, many others serve only to redirect limited local resources from program implementation to attorneys' fees and in lieu penalties. This issue impacts cities and special districts throughout California. These suits can present significant challenges to municipal clean water utilities and cost local agencies millions of dollars in settlements and legal fees, often without any corresponding environmental or public health benefits.

As you know, the California Association of Sanitation Agencies (CASA) has been working with legislative leaders and regulators to address citizen suit abuses for many years, yet despite our best efforts, a small number of plaintiffs' lawyers continue to use the CWA's citizen suit provisions to secure settlements requiring significant expenditure of public dollars (often with sizeable amounts dedicated to attorneys fees). In recent months, CASA has been in contact with the UC Berkeley Wheeler Institute for Water Law & Policy (Wheeler Institute) about the need for an independent, academic perspective on CWA citizen suits. The Wheeler Institute has since developed the attached concept proposal for a white paper exploring the enforcement of water quality laws and regulations in the wastewater sector, with a specific emphasis on suits based on sanitary sewer overflows (SSOs).

The Wheeler Institute Proposal highlights a series of questions and specific analyses that could be of great value in the effort to promote CWA citizen suit reform. It is anticipated that the white paper will explore a wide range of regulatory, legal, and financial issues, including whether there is a quantifiable increase in citizen suits against wastewater utilities, what the costs of these suits are for ratepayers, and whether these suits result in cost-effective environmental improvements. Some of the more specific key questions this research is expected to explore include:

- Whether there is an identifiable trend in citizen suits related to wastewater utilities, and whether these suits are "targeted" at SSOs in particular;
- Whether permitting processes and procedures could be altered to better reflect the technical realities of POTW design and operation while still protecting water quality;

March 31, 2014

Wheeler Institute Citizen Suit Research Support Request

Page 2

- How the alleged misuse of CWA citizen suit provisions ties in with other citizen suit reforms, including the Americans with Disability Act and California's Proposition 65;
- Whether a "zero discharge" system is realistic, and what the scale of costs would be in such a system as compared to the water quality improvements from its implementation

Ultimately, the Wheeler Institute white paper may include recommendations for policy improvements, and serve as the basis for future recommendations for reform in the federal legislative and regulatory arenas. Because this is independent research, there is no way to predetermine the conclusions that the researchers will reach. However the objectivity represented by a university study is one of the greatest values we see in this initiative. The Wheeler Institute research has great potential to support efforts to curb citizen suit abuses, shed light on the plight of agencies that have already been subjected to such suits, and hopefully prevent future abuses.

Important research is not without cost, and the Wheeler Institute estimates that it will take approximately \$160,000 to fund the development and completion of the white paper. The National Association of Clean Water Agencies (NACWA) has already committed funds to help support this research, and CASA is the process of raising a significant contribution from among its member agencies. The financial support of associations such as yours, whose members are directly impacted by citizen suit abuses, is essential to completing this research. Based on the relative size of your association and the level of potential impact to your members, CASA is requesting contributions in the range of \$5,000 to \$15,000. Your association has a unique opportunity to participate in and support research that could be invaluable to future advocacy efforts on this issue, and thus CASA urges your support and participation.

If you are interested in supporting the Wheeler Institute research, have any questions, or would like additional information regarding the issues presented, please contact CASA's Director of Government Affairs:

Adam D. Link  
1225 8<sup>th</sup> Street, Suite 595  
Sacramento, CA 95814  
(916) 446-0388  
Electronic mail: [alink@casaweb.org](mailto:alink@casaweb.org)

Thank you in advance for your consideration of supporting this important initiative.

Sincerely,



Roberta L. Larson, Executive Director

CASA

Funding for the Wheeler Institute Citizen Suit Research Project

Contribution Pledge Form

Please respond by April 25, 2014

Name: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Telephone & Email: \_\_\_\_\_

We are pleased to help with this very important activity and pledge the following amount \$ \_\_\_\_\_.

Suggested Support Levels:    \$5,000            \$10,000            \$15,000



## **Enforcement of water quality laws and regulations in the wastewater sector**

A concept proposal for the Clean Water Summit Partners

prepared by

Michael Kiparsky, Ph.D.  
Deborah Lambe, J.D.  
Holly Doremus, J.D., Ph.D.

Wheeler Institute for Water Law & Policy at Berkeley Law

December 2013

**BerkeleyLaw**  
UNIVERSITY OF CALIFORNIA

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Wheeler Institute for  
Water Law & Policy

## **Motivation**

The purpose of this document is to give an overview of our initial thinking on Clean Water Act (CWA) enforcement in the wastewater sector, and in particular to review areas related to citizen suits. The intent is to briefly lay out the conceptual landscape, and to present a preliminary “menu” of questions that may merit further research, and to solicit comments from the Clean Water Summit Partners about the potential for such a research project.

## **Introduction**

The intent of the Clean Water Act (CWA) is unambiguous – its goal is to eliminate pollution of the nation’s waters. As in other sectors, wastewater collection and treatment systems have not always achieved this goal in their infrastructure and operations – violations of the discharge prohibitions in the CWA and of National Pollutant Discharge Elimination System (NPDES) permits do occur. For wastewater utilities, one cause of violations is the unpermitted discharge of wastewater from the sanitary sewer system before treatment. Such discharges are called Sanitary Sewer Overflows (SSOs).

Wastewater utilities are squeezed. Trends towards increasingly strict water quality standards force improvement to treatment systems, while perceived political challenges can make it difficult to raise rates to fund such capital and operational expenses. Arguably, utilities cannot possibly meet water quality standards with complete reliability given limitations of technology and funding.

A possible increase in legal activity against wastewater utilities based on the CWA’s citizen suit provision, if substantiated, may highlight emerging questions about enforcement of the CWA. Is any and all enforcement of the CWA desirable? Can some enforcement of the CWA produce undesirable outcomes or unintended effects? Is there potential for improvement in regulation of municipal wastewater systems to both achieve clean water goals and protect the interests of ratepayers and taxpayers?

The Wheeler Institute for Water Law and Policy at Berkeley Law recognizes the potential importance of emerging challenges in CWA enforcement in California’s wastewater sector. This document briefly describes the scope of a comprehensive analysis of the issues. The output of such a project would be a U.C. Berkeley whitepaper including legal and empirical analysis and appropriate recommendations for potential policy improvements. The project would also include appropriate outreach activities. The target audience would be state and federal policy-makers, as well as other stakeholders and interested citizens.

## **CWA enforcement relies on citizen suits**

The CWA is enforced through oversight by the states and the US EPA, augmented by citizen suits. Under the CWA, citizens with standing may sue to force a violator to comply with the CWA. In practice, citizen suit enforcement can be a central element of the CWA’s effectiveness, as regulators may not have sufficient reach and resources to effectively police every NPDES permit holder.

Anecdotal reports and preliminary analysis by the State Water Resources Control Board and by the California Association of Sanitation Agencies suggest a possible increase in the frequency of citizen suits related to SSOs in California, but to our knowledge no comprehensive analysis of this topic has

been published. Moreover, sources suggest that the vast majority of citizen suits result in settlement. Although the benefits of the CWA in general have been the subject of substantial research, whether and how water quality benefits result from citizen suits and settlements has not yet been documented in a robust, analytical fashion.

### **A sensitive topic**

The proposed research would investigate a longstanding conversation and debate on citizen suit enforcement of the CWA, making it vital to approach this topic with sensitivity, thoroughness, and an even hand. Members of the regulated community have suggested that the CWA imposes too great a burden, while environmental advocates have suggested that some dischargers may be underfunding and/or mismanaging their programs. Regulators may assume that chronic violations can be addressed through infrastructure upgrades. Viewpoints on CWA enforcement are undoubtedly varied. The CWA has a multi-decade track record and is justly credited with significant improvements in the nation's water quality. Even with the best of intentions, contemplating any changes to its implementation must be approached with great care. As a result, this proposed project would characterize and analyze the range of viewpoints carefully and with nuance.

It is important to emphasize that CWA enforcement may be more complex and potentially contentious than other statutes with citizen enforcement that have been revised in recent years. Unlike the Americans with Disability Act (ADA) and California's Proposition 65, the pollution sources governed by NPDES permits are often individually permitted, place-specific, and dynamic, with individual violations that can be transient but recurring. Our work would help to determine what lessons can, and cannot, be drawn from these previous experiences.

### **A comprehensive approach is necessary**

Although a perceived increase in CWA citizen suits related to SSOs may be the primary motivator for interest in research on CWA enforcement, a thorough analysis would require consideration of the legal, regulatory, technical, political, and financial context. In order to robustly address the proximate issue of citizen suits and CWA enforcement, these factors would need to be considered in concert.

For example, an empirical description of a trend in citizen suits in the wastewater sector would not necessarily indicate a problem – citizen suits have clear purpose under the law. Rather, such a trend would arguably need to be coupled with evidence that the activity is causing utilities to incur undue expense without providing water quality benefits. Even presupposing that our analysis surfaces such an issue, any recommendations for action would need to consider multiple possibilities, including an analysis of the permitting process and avenues for change.

### **Proposed areas of examination**

The overarching question motivating this research is to ask whether the current legal and regulatory framework as it applies to the wastewater sector provides incentives aligned to best achieve CWA goals. We propose the following topics for investigation, with the overarching goal of addressing perceived challenges resulting from CWA enforcement related to SSOs, and developing potential solutions. Note that the following elements are to some extent modular – many could be conceived

of as individual research efforts. However, as noted above, we believe that an analysis capable of drawing the most robust conclusions would address all or most of these topics.

*Group 1: Essential elements*

This group of research topics includes the empirical and legal analysis that would be central to investigating and possibly demonstrating the scope and nature of the problem of citizen suits related to SSOs in California. These items would need to be covered with some rigor in order to draw strong conclusions.

- Conceptual review of the issues
  - Physical definition and aspects of SSOs
  - Potential scale of the problem
  - Uncertainty and variability
  - Literature review of relevant published work on SSOs and scale of the problem
- Legal Framework
  - Review the relevant requirements of the CWA
  - Review the relevant sections of California law
  - Perception vs. reality of zero tolerance for dischargers under CWA
  - Review of relevant secondary sources
  - Overview of citizen suits, including review of typical process in practice and any documented deviations from the ideal
- Empirical analysis of trends and details in citizen suits
  - Is there is an identifiable trend in citizen suits related to wastewater utilities, and targeted at SSOs in particular? If so, what can be learned from their outcomes?
  - While we would make use of existing data sets developed by CASA and other sources, we know of no comprehensive centralized databases focused on CWA citizen suits. The Appendix describes the ‘layers’ of data gathering, and the potential value of each additional increment of effort.
  - Basic statistical analysis could be conducted to identify trends, assuming sufficient data.
- Regulatory analysis
  - Overarching question - Could permitting processes and procedures be altered to better reflect the technical realities of POTW design and operation, while maintaining or improving outcomes for water quality protection?
  - What is the role of permits? For example, SSOs are defined as unpermitted discharges, but this does not necessarily mean zero discharge of pollutants is required for compliance.
  - What are the requirements under the law for permitting? What is revealed by an empirical analysis of a sample of permit requirements?
  - What provisions are typically contained in permits? What is the process by which NPDES and Waste Discharge Requirement (WDR) permits are developed in practice? What agencies are involved?
- Comparative review of other relevant statutes - what similarities and differences can be surfaced through comparative analysis?
  - Risk regulation – To what extent is water quality under CWA and related regulations handled in effect as a deterministic problem? If so, can this be justified given the technical realities of collection and treatment systems? Are there relevant lessons

from other regulatory contexts, such as risk-based regulation of chemicals, that could inform CWA enforcement?

- Air quality regulations – What are the potential and challenges to finding analogues from air quality safe harbor provisions?
- Other citizen suit reforms — Review recent reforms targeting alleged abuses of citizen enforcement under Americans with Disability Act and California Proposition 65. How are these statutes similar and different in terms of complexity, precision, universality of requirements, and so forth?

### *Group 2: Related items*

This group includes items that are conceptually tied to the central question of citizen suits and SSOs. Logical arguments would need to be addressed to shore up the strength of potential conclusions. Note that, at first pass, elements of this group could likely be approached in much less detail than the Group 1 topics. Our approach here would be to rely on secondary sources for this information, or to bring in experts for rapid analysis.

- Water quality impacts from SSOs
  - Review of the range of documented and theoretical impacts from dry- and wet-weather SSO events, and a range of existing and emerging technical solutions.
  - Can a volume-based approach to defining the importance of SSOs be justified by actual or potential water-quality impacts?
  - Are there perverse incentives in place in CWA provisions that hinder optimization of engineered system improvements?
- Financial implications of compliance – a conceptual analysis
  - Is it feasible to repair wastewater collection and treatment systems to reliably achieve the requirements under existing permits and/or to achieve zero discharge? What would a reasonable estimate of those costs be in the aggregate for California? How would such costs pass through to rate payers and/or taxpayers if they were actually implemented? How would the scale of such costs compare to the potential water quality improvements from their implementation?
- Funding options and challenges
  - What does it take to increase rates for wastewater services in California? Are there conflicts between raising rates in principle, and the reality of doing so in practice?
  - Are there cases where the system operator(s) are different entities from those who can raise rates? If so, how might that restrict the ability to increase rates in practice?
  - How do requirements under Prop 218 (i.e., taxes require supermajority vote of the people, user fees a majority vote of the people) influence the potential for rate increases?
  - Are there perceived differences in regulators' attitudes towards rate increases, and how do they compare to public attitudes?

### *Group 3: Synthesis*

- Synthesis and recommendations
  - Surfacing interconnections between these disparate elements is important. We believe that a comprehensive analysis is necessary to draw robust conclusions on this topic because of its complexity and political sensitivity.

## **General approach**

Information will be gathered through legal and regulatory review, interviews with regulators and key members of the regulated community, and analysis of permits and data on citizen suits.

## **Products and audience**

The target audience would be state and federal policy-makers, as well as other stakeholders and interested citizens. We strive to produce reports that are digestible to a non-technical and non-legal audience, but still retain the rigor and credibility that comes with academic-level research.

Products from a project as described above would include:

- Minimally, a U.C. Berkeley whitepaper including legal and empirical analysis and appropriate recommendations for potential policy improvements as appropriate.
- Note that the attached budget includes a rough cost estimate for engineers from the ReNUWIt program to engage with questions focusing on the financial implications. A comprehensive, statewide analysis is not feasible, nor is it the goal. Rather, the goal would be to describe possibilities for reducing I&I events in a representative system or systems, to demonstrate how expenses might pass through to ratepayers or taxpayers in an illustrative case study or studies. Detailed biological and chemical analysis of water quality impacts are beyond the scope of this project.
- Additional outreach activities such as engagement with stakeholders could follow naturally from the research activities. In many cases, our staff and faculty have opportunities to engage with media or give invited testimony as follow-on activities to research projects.
- Depending on the results, a U.C. Berkeley-sponsored convening of experts and stakeholders to discuss implications and implementation would be a possible follow-on project.

## **Wheeler Institute for Water Law & Policy and potential collaborators**

**The Wheeler Institute for Water Law & Policy** develops innovative law and policy solutions to critical water issues through interdisciplinary research, analysis, and engagement. Established in 2012 as a new initiative at the Center for Law, Energy & the Environment at Berkeley Law, the institute is dedicated to advancing the stewardship of California's water resources through developing solutions at the intersection of law, policy and science.

**The Center for Law, Energy & the Environment (CLEE)** at Berkeley Law develops policy solutions to the most pressing environmental and energy issues at the state, local, and national levels. The Center works with government, business, and the nonprofit sector to help solve urgent environmental and energy problems. Drawing on the combined expertise of faculty and students across UC Berkeley, CLEE conducts research and provides public access to reliable data on such complex issues as climate change, conversion to clean energy, and water scarcity. The Center's law and policy experts are helping California transition to clean and renewable energy sources, introduce reforms that will prepare the water sector for climate change impacts, and revise transportation and land use policies to reduce reliance on fossil fuels.

The Wheeler Institute for Water Law & Policy at Berkeley Law is well positioned to execute this project. Project personnel would include faculty, staff and students from the Wheeler Institute as well as key collaborators selected for relevant expertise. Specific participants would include:

**Michael Kiparsky** is Associate Director of the Wheeler Institute for Water Law and Policy at Berkeley Law. Dr. Kiparsky has worked on technical and policy aspects of water resources management, and his overarching professional interest lies at the intersection between the two. He has published on governance and policy of complex water systems, risk analysis, impacts of climate change on hydrology, adaptation to climate change, and other topics. He was previously on the faculty at the University of Idaho, and has water-related experience in consulting, non-profit, and agency settings. Dr. Kiparsky earned a Ph.D. from U.C. Berkeley's Energy and Resources Group, where he was an NSF Graduate Research Fellow, a Udall Scholar, a CALFED Science Scholar, and the first ACWA Steve Hall Water Law & Policy Scholar. He also holds an A.B. in Biology from Brown University.

**Deborah Lambe** is a Senior Policy Associate at the Center on Law, Energy & the Environment (CLEE) at the University of California, Berkeley, School of Law. Prior to joining CLEE, she practiced environmental, land use and real estate law, both in private practice and in government. Deborah received her B.A. from U.C. Berkeley, and her J.D. from U.C. Berkeley School of Law (Boalt Hall). In addition to her law degree, Deborah has a master's degree in public administration from Harvard's Kennedy School of Government, where she specialized in energy policy and environmental economics.

**Nell Green Nysten** is a Fellow with the Wheeler Institute for Water Law and Policy at Berkeley Law. She has long-standing interests in water issues and seeking collaborative, interdisciplinary solutions to environmental problems and has published on federal agency planning and decision making. Nell recently completed a clerkship with Justice Gregory J. Hobbs of the Colorado Supreme Court. During law school, she interned with the California Attorney General's Office and the Center for Biological Diversity. She co-organized the 2012 California Water Law Symposium,

contributed to research furthering an unincorporated Central Valley community's goal of improving drinking water quality and availability for its residents, coordinated group comments regarding two proposed administrative actions, and was an Articles Editor for *Ecology Law Quarterly*. Before law school, Nell worked for the U.S. Geological Survey and several research institutions. She earned a J.D. with a Certificate of Specialization in Environmental Law from Berkeley Law and a B.S. and Ph.D. in Geological and Environmental Sciences from Stanford University. An NSF Graduate Research Fellowship supported her dissertation research on past climatic and environmental change along the Northern California coast.

**Holly Doremus** is Professor of Law at the University of California, Berkeley, and a Member Scholar of the Center for Progressive Reform. She has written extensively about environmental and natural resources law and policy, with particular emphasis on biodiversity conservation and on the interplay of science and policy. She received her B.S. in biology from Trinity College (Hartford, CT), Ph.D. in plant physiology from Cornell University, and J.D. from UC Berkeley School of Law (Boalt Hall). After law school, she clerked for Judge Diarmuid O'Scannlain of the United States Court of Appeals for the Ninth Circuit and practiced law in Corvallis, Oregon, before joining the faculty at UC Davis. After 14 years at UC Davis, she moved to UC Berkeley in 2009.

**Students** from Berkeley Law provide a deep, talented reservoir. We would enlist students primarily for data gathering and basic analysis on this project.

If it is determined that technical analysis will be part of this project, we would draw on our close ties to technical experts and deep experience with interdisciplinary research. In particular, **Prof. Trish Holden** (UCSB) is expert on SSO issues and collaborator. **Prof. Arpad Horvath** (UC Berkeley) is a leading expert on life cycle assessment and asset management in water and wastewater systems. Prof. Horvath's lab is currently conducting highly relevant research on water systems that positions them well to develop first-order estimates to the financial and economic questions posed in the brief proposal above.

The Wheeler Institute is part of the **ReNUWIt** network, a National Science Foundation funded collaboration between U.C. Berkeley, Stanford, and the Colorado School of Mines that brings together engineers, scientists, and integrative experts with the goal of reinventing the nation's urban water infrastructure. ReNUWIt is a strong resource for all of our urban water projects, including this proposed project.

Note that we have had only preliminary, conceptual discussions about these potential collaborations, but are confident that they could be brought to fruition if desired.



## Appendix: Options for gathering empirical data

In California, there are several hundred NPDES permits for Publically Operated Treatment Works. Data would be required to rigorously determine whether there have been changes in citizen suit activity over the recent past, such as through an examination of a five or ten year window. To do so, the following steps could be considered:

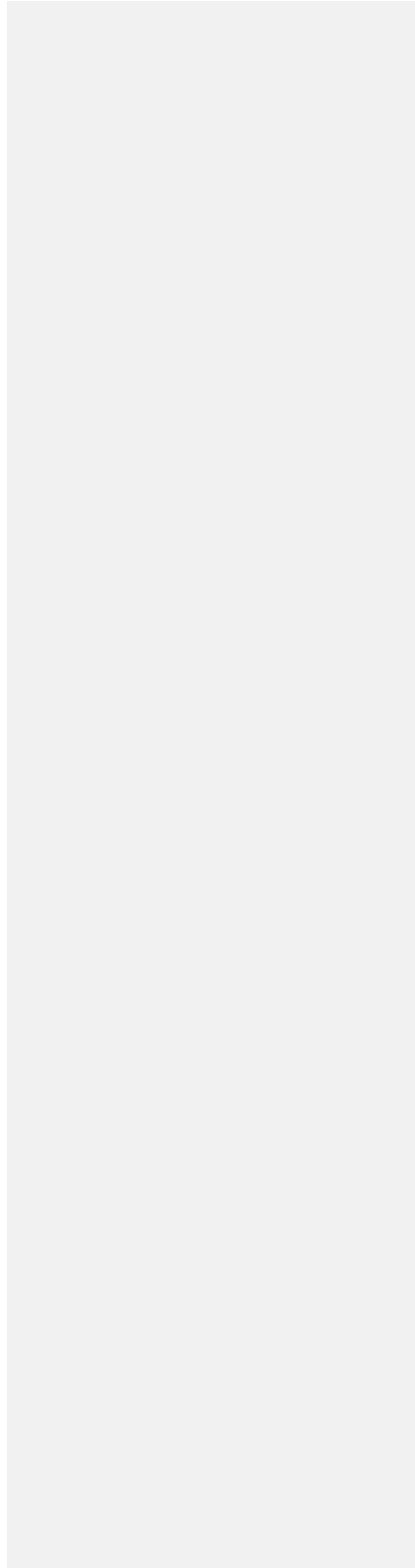
- **Notice of Intent.** No citizen suit can be brought prior to sixty days after notice of the alleged violation has been given to (i) EPA, (ii) the state, and (iii) the alleged violator. This notice is given by means of a Notice of Intent (NOI). Our approach to obtaining NOIs for analysis would first involve engagement with EPA and/or the State Board. Ideally one or both of these agencies would be supportive of our efforts and would provide data. Since notices of Intent are likely subject to both the California Public Records Act and the Federal Freedom of Information Act, we would also, if necessary, prepare and send records act requests to EPA and the State Board for all NOIs filed over a period of years to be determined. Evaluating the resulting data may allow us to assess whether there has been a statistically significant change in the number of NOIs filed over the relevant period (assuming there are enough NOIs to make such a determination). Normalizing trends in NOIs to the number of reported violations could produce a more robust analysis if sufficient data are available. A potential second component of the research into NOIs would be to evaluate the contents of NOIs along with the corresponding NPDES permits. The goal would be to determine whether certain permit requirements tend to trigger NOIs.
- **Lawsuits and the Threat of Litigation.** We have identified a legal database that appears to contain a searchable database of all federal complaints filed in California. Clean Water Act citizen suits could be quantified through database queries for the period of interest. As with NOIs, lawsuit numbers would be evaluated for change over time. In addition, comparing time series of the number of lawsuits filed and the number of NOIs filed each year could reveal trends in rates of settlements, since NOIs that do not result in lawsuits may indicate pre-litigation settlement. A potential second component of the research would be to contact those POTWs that are the subject of a NOI but against whom no complaint was filed. Human subject review may be required in this case.
- **Consent Decrees.** To the extent that lawsuits are resolved through court-ordered consent decrees, such documents may also be contained in searchable legal databases. The terms of the settlements, if they are available, may include requirements such as attorneys' fees, capital improvements, supplemental environmental projects, reporting requirements, performance standards, and other elements. Examination of such data would likely provide relevant information.
- **Litigation.** If litigation is pursued, the final result of the litigation is likely available on legal research services. Again, the results of litigation over time would be examined quantitatively and qualitatively.
- **Survey.** A survey could be sent to NPDES permit-holders to inquire about citizens' suit activity in the experience of their utilities, as well as their perception of trends and vulnerability to such activity. Their anonymous responses could supplement the empirical data analysis.

Our a priori expectation based on anecdotal evidence is that the quantity of data points in each of the categories would likely decrease as the legal process progresses. For example, there would likely be fewer examples of lawsuits resolved by trial than NOIs. However, each of the potential additional levels of analysis could reveal richer qualitative data within each case.

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## **Request for Proposals**

### **Bay Area Clean Water Agencies Order for Municipal Wastewater Discharges of Nutrients to San Francisco Bay, NPDES Permit**

#### **Introduction**

Bay Area Clean Water Agencies (BACWA) seeks the services of a consulting engineering firm or team (Consultant) for a planning level study related to nutrient removal for BACWA member agencies with flows greater than or equal to one million gallons per day (mgd). This Request for Proposal (RFP) includes the information needed for proposal preparation and includes various attachments associated with proposal preparation and contractual requirements, including a sample agreement and sample labor hour matrix. The RFP and all attachments describe the scope requirements for the Project.

#### **Background**

BACWA is a local government agency created by a joint powers agreement in 1984. Our membership includes local clean water agencies that provide sanitary sewer services to the more than seven million people living in the nine county San Francisco Bay Area. BACWA was founded, and continues, to assist agencies in carrying out mutually beneficial projects, and to facilitate the development of scientific, economic and other information about the San Francisco Bay environment and the agencies that work to protect it and public health.

The San Francisco Bay estuary has long been recognized as nutrient-enriched. Despite this, the abundance of phytoplankton in the estuary is lower than would be expected due to a number of factors, including strong tidal mixing; high turbidity, which limits light penetration; and high filtration by clams. However, recent data indicate an increase in phytoplankton biomass and a small decline in dissolved oxygen concentrations in many areas of the estuary, suggesting that its historic resilience to the effects of nutrient enrichment may be weakening. The contributing factors for this include (1) natural oceanic oscillations that have increased benthic predators, thus reducing South San Francisco Bay's clam population and clam grazing; and (2) decreases in suspended sediment that have resulted in a less turbid environment and increased light penetration.

Under current conditions, phytoplankton growth and biomass accumulation are limited much of the time by lack of light, and biomass accumulation is further controlled by clam grazing. If these constraints continue to shift, increases in phytoplankton biomass could follow. Under this scenario, it may be necessary to limit the availability of essential nutrients.

March 6, 2014

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Municipal wastewater treatment plants account for about 63 percent of the annual average total nitrogen load to San Francisco Bay. Several years may be needed to determine an appropriate level of nutrient control and to identify management actions necessary to protect San Francisco Bay beneficial uses.

The Regional Water Board has issued a Tentative Order, dated February 6, 2014, which represents the first phase of what is expected to be a multi-permit effort. The Order sets forth a regional framework to facilitate collaboration on studies that will inform future management decisions and regulatory strategies. The overall purpose of this phase is to track and evaluate treatment plant performance, fund nutrient monitoring programs, support load response modeling, and conduct treatment plant optimization and upgrade studies for nutrient removal. These studies will increase the understanding of external nutrient loads, improve load response models, support development of nutrient objectives, and increase the certainty that any required nutrient removal at treatment plants will produce the desired outcome. In the 2019 permit reissuance, the Regional Water Board anticipates considering establishment of performance-based effluent limits for nutrients and may require implementation of treatment optimization. The 2019 permit reissuance will also continue efforts to evaluate control measure scenarios as informed by load response modeling. In the 2024 and 2029 permit reissuances, the Regional Water Board anticipates using the information from studies conducted under earlier orders to require implementation of additional management actions, as needed. It should be noted that although the Optimization and Upgrade studies will provide a good foundation for understanding what is the potential for nutrient reduction at Bay Area POTWs and high level estimates of the costs, if plants were actually required to implement reductions, significant more engineering analyses would be needed to produce facilities plans at individual POTWs and to better refine the cost estimates.

## Project Description

BACWA is seeking a consultant to conduct the optimization and facility upgrades planning studies, as well as group annual reporting. The two studies and annual report are described below.

### **SPECIAL STUDY 1: EVALUATION OF POTENTIAL NUTRIENT DISCHARGE REDUCTION BY TREATMENT OPTIMIZATION AND SIDESTREAM TREATMENT**

The major Dischargers shall, individually or in collaboration with other Dischargers, evaluate options and costs for nutrient discharge reduction by optimization of current treatment works. The evaluation shall include the following:

- Describe the treatment plant, treatment plant process, and service area;

- Evaluate site-specific alternatives to reduce nutrient discharges through methods such as operational adjustments to existing treatment systems, process changes, or minor upgrades;
- Evaluate side-stream treatment opportunities;
- Describe where optimization, minor upgrades, and sidestream treatment have already been implemented;
- Evaluate beneficial and adverse ancillary impacts associated with each optimization proposal, such as changes in the treatment plant's energy usage, greenhouse gas emissions, or sludge and biosolids treatment or disposal;
- Identify planning level costs of each option evaluated; and
- Evaluate the impact on nutrient loads due to treatment plant optimization implemented in response to other regulations or requirements.

Dischargers that have recently completed optimization evaluations may use previously completed reports.

#### **SPECIAL STUDY 2: EVALUATION OF POTENTIAL NUTRIENT DISCHARGE REDUCTION BY TREATMENT UPGRADES OR OTHER MEANS**

The major Dischargers listed in Table 1 shall, individually or in collaboration with other Dischargers, conduct an evaluation to identify options and costs for potential treatment upgrades for nutrient removal.

The evaluation shall be conducted for each Discharger's treatment works or categories of like treatment works (e.g., high purity oxygen plants, conventional activated sludge plants, plants without anaerobic digestion). The evaluation must estimate nutrient reductions from treatment upgrades, and, at a minimum, shall entail the following:

- Describe the treatment plant, treatment plant process, and service area;
- Identify potential upgrade technologies for each treatment plant category along with associated nitrogen and phosphorous removal levels;
- Identify site-specific constraints or circumstances that may cause implementation challenges or eliminate any specific technologies from consideration;
- Include planning level capital and operating cost estimates associated with the upgrades and for different levels of nutrient reduction, applying **cost** correction factors associated with site-specific challenges and constraints;
- Describe where Dischargers have already upgraded existing treatment systems or implemented pilot studies for nutrient removal. Document the level of nutrient removal the upgrade or pilot study is achieving for total nitrogen and phosphorus;
- Evaluate the impact on nutrient loads due to treatment plant upgrades implemented in response to other regulations and requirements; and
- Evaluate beneficial and adverse ancillary impacts associated with each upgrade, such as changes in the treatment plant's energy use, changes in greenhouse gas

**Comment [LF1]:** KJ asked for specification of whether it was cost or nutrient removal correction factors.

emissions, sludge and biosolids treatment or disposal, and reduction of other pollutants (e.g., pharmaceuticals) through advanced treatment.

Dischargers that have recently completed upgrade evaluations may use previously completed reports.

Dischargers who have planned or are implementing facility upgrades or modifications to address the impacts of sea level rise and climate change alone, or as part of infrastructure renewal, shall also include in its nutrient removal evaluation consideration of the impacts of sea level rise and climate change on identified nutrient upgrade options.

In addition to the above upgrade evaluation, Dischargers may evaluate ways to reduce nutrient loading through alternative discharge scenarios, such as water recycling or use of wetlands, in combination with, or in-lieu of the upgrades to achieve similar levels of nutrient load reductions. This evaluation shall include ancillary benefits and adverse impacts associated with such alternative discharge scenarios such as the following:

- Reduction in potable water use through enhanced reclamation;
- Creation of additional wetland or upland habitat;
- Changes in energy use, greenhouse gas emissions, sludge and biosolids quality and quantities;
- Reduction of other pollutant discharges;
- Impacts to existing permit requirements related to alternative discharge scenarios; and
- Implications related to discharge of brine or other side streams associated with advanced recycling technologies.

#### **GROUP ANNUAL REPORT**

Starting in 2015, by September 1 of each year, each Discharger shall provide its nutrient information in a separate annual report or state that it is participating in a group report that will be submitted by the Bay Area Clean Water Agencies (BACWA). As an alternative to submitting an individual Annual Nutrients Report, each Discharger may instead be part of a group report provided by BACWA. Starting 2015, by October 1 of each year, the Annual Group Nutrients Report shall include the information detailed below.

- i. Summary tables depicting the Discharger's annual and monthly flows, nutrient concentrations, and nutrient mass loads, calculated as described in Section VIII.1 Arithmetic Calculations of Standard Provisions (Attachment G of individual permits) covering July 1 through June 30 of the preceding year. Each individual Discharger shall document its nutrient loads relative to other facilities covered by this Order that discharge to the same subembayment, i.e., Suisun Bay, San Pablo Bay, Central Bay, South Bay, and Lower South Bay. Nutrient information from other Dischargers may be



- obtained from the State Water Board's California Integrated Water Quality System (CIWQS) Program website <http://www.waterboards.ca.gov/ciwqs/index.html>).
- ii. An analysis of nutrient trends, load variability, and an assessment as to whether or not nutrient mass discharges are increasing or decreasing.
  - iii. If trend analysis shows a significant change in load, the Discharger shall investigate the cause and shall report its results, or status, or plans for investigation, in the annual report or in subsequent annual reports. This investigation shall include, at a minimum, whether treatment process changes have reduced or increased nutrient discharges, changes in nutrient loads related to water reclamation (increasing or decreasing), and changes in total influent flow related to water conservation, population growth, transient work community, new industry, and/or changes in wet weather flows.

### Scope of Services

This section describes the nature and scope of engineering services to be provided for the completion of this Project for BACWA. The successful proposal will demonstrate the approach and qualifications for the entire project.

BACWA has prepared a scope of services necessary for completion of the Project, which is provided below. This scope of services shall be used as a basis for preparation of the proposal. Additional tasks or modifications to the scope of services that the Consultant feels will produce a more cost-effective project should be included in the proposal.

The project is divided into seven tasks that are described below:

- Task 1: Project Management and QA/QC
- Task 2: Scoping and Evaluation Plans
- Task 3: Data Collection and Synthesis
- Task 4: Special Study Number 1 – Evaluation of Potential Nutrient Discharge Reduction by Treatment Optimization and Sidestream Treatment
- Task 5: Special Study Number 2 – Evaluation of Potential Nutrient Discharge Reduction by Treatment Upgrades
- Task 6: Potential Nutrient Discharge Reduction by Other Means
- Task 7: Reporting

It is anticipated that BACWA will initially authorize only the scope of work for Task 2 services. Following approval of the Scoping and Evaluation Plans by the Regional Water Board, BACWA will negotiate and approve the remaining scope of services.

Prior to contract execution, BACWA will identify participating agencies. A listing of all the BACWA Member Agencies is listed in Attachment A. The table in Attachment A identifies whether each agency is considered a minor ( $\leq 1$  mgd design flow) or major ( $> 1$  mgd design

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Comment [LF2]: KJ: this will impact fee estimate so the list should be determined as soon as possible.

flow) discharger. Only major dischargers are required to perform the special studies associated with this RFP. Some dischargers may elect to perform the studies on their own.

## TASK 1: PROJECT MANAGEMENT AND QA/QC

### Task 1.1 – Project Management

Consultant shall control the Project in terms of staffing, budget, schedule and scope, and promote communication within the project team including the participating agencies.

Items covered under this task include, but are not limited to:

- Kickoff meeting.
- Quarterly progress meetings at the BACWA Executive Board Meetings.
- Monthly meetings with the BACWA Contract Management Group (CMG)
- Twice-yearly meetings presenting findings to entire BACWA membership
- Scope, budget and schedule management.
- Management and coordination of Consultant staff.
- Monthly invoicing and progress reports.

The Consultant shall also develop and implement a quality assurance and quality control (QA/QC) program during the course of executing this scope of work.

## TASK 2: SCOPING AND EVALUATION PLANS

The initial steps in performing the special studies in Task 4 require a series of subtasks to scope the effort, develop an evaluation plan, and submit these documents to BACWA and the Regional Water Board for approval.

### Task 2.1 - Scoping Plan

The Scoping Plan will identify the work necessary to meet the two special studies: i) optimize facilities for nutrient reduction and ii) determine necessary upgrades to meet nutrient discharge limits. The work will include the proposed approach provided by the selected Consultant in their proposal.

In order to set the basis for the upgrade study (Study 2), the following tiers of nutrient discharge limits will be used for average monthly conditions:

- Tier I: Total N 8 mg N/L and Total P = 1 mg P/L
- Tier II: Total N 3 mg N/L and Total P = 0.3 mg P/L

The limits for Tiers I and II are based on a petition filed by the National Research Defense Council (NRDC) in November 2007 for Rulemaking with the United States Environmental Protection Agency (USEPA). Tier I represents the least stringent and Tier II represents the most stringent of NRDC's proposed limits in their petition filed to the USEPA.

**Comment [LF3]:** KJ recommends that prior to releasing the RFP, BACWA put together a list of which agencies have completed facilities plans and related studies. (LF note: perhaps this should be part of Task 2)

**Comment [LF4]:** KJ recommends forming a project oversight committee of members from each POTW. (LF note: This would be unwieldy, and we already will have the CMG. However, when a POTW "signs on" to the group effort, they might provide a designated contact person who will interface with the consultant and CMG.)

**Comment [LF5]:** Carollo recommends monthly. Perhaps they would meet monthly with the BACWA Contract Management Group (CMG) and quarterly with the Exec Board.

**Comment [LF6]:** H&S suggests we work from a perspective of load reduction goals instead of concentration goals.

**Comment [HK7]:** We feel its important to define this in the scope of services to make sure BACWA, the Water Board, and the proposers are on the same page regarding the target for the upgrades study.

### Task 2.2 - Evaluation Plan

An Evaluation Plan is required as part of the Tentative Order that includes a schedule describing how the work will be conducted to evaluate the potential nutrient discharge reduction by treatment optimization (Study 1) or by treatment upgrades (Study 2). The Evaluation Plan shall include sampling, as necessary, to support the proposed optimization study. In addition, the Evaluation Plan shall define the treatment works categories that will be evaluated to support the potential upgrades and alternative discharge scenarios. The evaluation plan will also set up a standard approach for planning level cost estimates.

Comment [LF8]: Per H&S

### TASK 3: DATA COLLECTION AND SYNTHESIS

This Task includes data collection and review, as well as synthesis of existing data, including development of descriptions of existing facilities.

#### Task 3.1: Data Collection and Review

The Consultant will review the influent and effluent nutrient data of participating agencies collected from the Water Code 13267 Letter issued by Regional Water Board Executive Officer (dated March 2, 2012) and compiled by San Francisco Estuarine Institute (SFEI). The consultant will work through the BACWA Executive Officer, who will act as the point contact person with participating agencies, to gather information necessary to complete the study. A data collection template will be prepared that each participating agency will receive and respond to. The requested material will include both data and facility information and shall build upon the influent and effluent data already collected and compiled. The material shall also include information requests about the existing facilities, current master plans, and other site specific questions (e.g., space constraints, excess tankage, etc.) necessary to conduct the studies.

Comment [LF9]: B&C asked who would be responsible for this, but I think it's already pretty clear from the text.

Additional data may be requested, as required, to complete the studies.

#### Task 3.2 – Summary of Existing Facilities

The Consultant will use the information collected in Task 3.1 to develop descriptions of each treatment plant, treatment plant unit processes, and service area. The descriptions shall include the following, at a minimum:

- Service area description – defines the service area by number of service connections, area covered by the agency, etc.
- Current permit discharge requirements for BOD, TSS, and nutrients.
- Summary of current and future flows and loads, based on available data
- Process description of each unit process, including information such as number of unit processes, size, operational loadings at design, etc.
- Process flow diagram
- Current design capacity
- Plant footprint and summary of any space constraints

- Factors which may increase or decrease each POTW's influent/effluent loads through 2040.

The Consultant will use the nutrient discharge information collected from the 13267 Letter to establish a baseline for existing levels of nutrient loadings that may be used to account for changes in loadings that result from optimization and upgrade efforts at treatment facilities.

### **Task 3.3 – Evaluate the Impact on Nutrient Loads in Response to Other Regulations or Requirements**

Consultant shall identify how nutrient loads will increase or decrease due to process upgrades made in response to other regulations or requirements. For example, an upgrade from biosolids incineration to anaerobic digestion will result in an increase in nutrient loading to the effluent. On the other hand, some agencies have completed optimizations for treatment plant reliability and have seen an ancillary decrease in nutrient loads.

Background about other regulatory drivers will be provided by individual agencies through existing studies and information.

### **TASK 4 – SPECIAL STUDY NUMBER 1 - EVALUATION OF POTENTIAL NUTRIENT DISCHARGE REDUCTION BY TREATMENT OPTIMIZATION AND SIDESTREAM TREATMENT**

The Consultant shall evaluate options and costs for nutrient discharge reduction by optimization of current treatment works, including the addition of sidestream treatment. For each participating agency, the following sub-tasks are to be completed.

#### **Task 4.1 – Describe Existing Optimization, Minor Upgrades, and Sidestream Treatment**

Based on the information collected and reviewed in Task 3, the Consultant shall summarize the past work already conducted for each plant to optimize their treatment works, including minor upgrades and sidestream treatment additions that may have achieved nutrient reductions. This will include modifications that have been completed as well as modifications that are already planned.

#### **Task 4.2 – Evaluate Site-Specific Strategies for Process Optimization**

The Consultant will use the data and information obtained under Task 3 to identify strategies to reduce nutrient discharge levels. Strategies could consider modest upgrades to the existing process, typically modifications that may require some equipment replacement, but no additional basin volume.

Consultant shall identify a list of up to five strategies that could be employed to optimize treatment works. For each participating agency, the list will be reviewed and likely strategies for success will be identified. Some typical options might include, but are not

Comment [LF10]: From H&S

Comment [LF11]: From KJ: "It would be difficult for a consultant to identify any and all potential process upgrades "made in response to other regulations or requirements" for all participating agencies. (LF: Since this is basically an opportunity for POTWs to pre-excuse themselves from future increases, KJ's request seems reasonable).

Comment [LF12]: H&S states that this would require process modelling and requests the RFP include gathering info about process models available for each POTW.

limited to: i) split flow treatment, ii) return sidestream flow control, iii) additional chemicals, etc.

#### Task 4.3 – Evaluate Side-Stream Treatment Opportunities

Based on the information collected and reviewed in Task 3, the Consultant will evaluate the feasibility of implementing sidestream treatment into the existing treatment plant for the participating agencies. It is anticipated that the load removal is about 85 percent for either nitrogen or phosphorus.

For sidestream nitrogen treatment, the Consultant shall only consider nitrogen removal. For sidestream phosphorus treatment, the Consultant shall consider both phosphorus removal and phosphorus recovery.

Consultant shall summarize the expected reduction in nutrient concentration as a result of sidestream treatment.

#### Task 4.4 – Evaluate Beneficial and Adverse Ancillary Impacts

The Consultant shall develop a list of beneficial and adverse ancillary impacts associated with each optimization strategy. These impacts shall include items such as nutrient effluent concentrations, energy usage, greenhouse gas emissions, space requirements, plant capacity, sludge production and quality, and others. Optimization options that re-purpose available capacity in existing facilities at current loadings will be noted as having an adverse impact in terms of reduced capacity.

#### Task 4.5 – Develop Capital and Operating Costs

For each optimization strategy identified in Subtask 4.1.2, the Consultant shall prepare planning level costs for any facility upgrades. Capital cost estimates shall be consistent with a Level IV estimate, per the American Association of Cost Engineers, Recommended Practice No. 17R-97, Class 4 and the American National Standards Institute definition of a "budget estimate".

In addition to capital cost estimates, the Consultant shall also provide estimated annual costs (or savings) for energy and chemicals associated with the proposed optimization strategies. Consultant shall develop appropriate unit costs for energy and chemicals.

### TASK 5 – SPECIAL STUDY NUMBER 2 - EVALUATION OF POTENTIAL NUTRIENT DISCHARGE REDUCTION BY TREATMENT UPGRADES

The purpose of this task is to evaluate options, constraints, and costs for treatment upgrades to meet the nutrient discharge tiers identified under Task 2.1.

**Comment [HK13]:** Just a confirmation: Is it the intent of BACWA and the Water Board to look at both nitrogen and phosphorus removal vs. just ammonia, as was done in the CCCSD permit.

**Comment [LF14]:** B&C asks if this and task 5.4 is just a list, or do we also want quantitative estimates.

**Comment [LF15]:** H&S points out that this should include increased O&M. (LF note: I think this is already implicit)

**Comment [LF16]:** B&C suggests that Class 5 is more appropriate for the level of engineering than Class 4.

### **Task 5.1 – Describe Existing Technology Upgrades and Pilot Studies**

Based on the information collected and reviewed in Task 3, the Consultant shall summarize treatment upgrades already implemented by each participating agency to upgrade their treatment works for nutrient reductions, including minor and major upgrades, sidestream treatment additions, or pilot studies. In addition, the consultant shall summarize the level of nutrient removal the upgrade or pilot study is achieving for total nitrogen and phosphorus.

### **Task 5.2 – Identify Site-Specific Constraints**

Based on the information collected and reviewed in Task 3, the Consultant shall identify any site-specific constraints or other circumstances that may limit the feasibility of a lower cost treatment upgrade for each participating agency. For example, some participating agencies have footprint constraints which may fatally flaw a particular treatment upgrade for their facility.

### **Task 5.3 – Identify Potential Upgrade Technologies**

Consultant shall develop a set of standard plant-type categories and group each participating POTW into a category. Categories may include for example, high purity oxygen plants, conventional activated sludge plants, plants without anaerobic digestion, etc.

For each treatment plant category, the Consultant shall develop a list of potentially viable treatment upgrade technologies that meet the treatment tiers identified in Task 2.1. Consultant shall also develop high level evaluation criteria. The criteria will focus on, but not be limited to, nutrient removal requirements coupled with challenges identified in Subtask 5.2.

The treatment upgrades that best meet the evaluation criteria for each category, shall be carried forward for planning level cost estimating.

### **Task 5.4 – Evaluate Beneficial and Adverse Ancillary Impacts**

The Consultant shall develop a list of beneficial and adverse ancillary impacts associated with each treatment plant upgrade carried forward for planning level cost estimating. These impacts shall include, but not be limited to nutrient effluent concentrations and loads, energy usage, greenhouse gas emissions, plant capacity, sludge and biosolids production and disposal, reduction of other pollutants (e.g., pharmaceuticals), and others.

### **Task 5.5 – Develop Capital and Operating Costs**

For each upgrade identified in Subtasks 5.3, the Consultant shall prepare planning level costs. Capital cost estimates shall be consistent with a Level IV estimate, per the American Association of Cost Engineers, Recommended Practice No. 17R-97, Class 4 and the

**Comment [LF17]:** H&S suggests developing cost curves in \$/lb nutrients removed as a way to compare technologies.

American National Standards Institute definition of a “budget estimate”. The estimates should be accurate within a range of +40 percent to -20 percent.

In addition to capital cost estimates, the Consultant shall also provide estimated annual costs (or savings) for energy and chemicals. Consultant shall develop appropriate unit costs for energy and chemicals.

**Task 5.6 –Evaluate Impacts of Sea Level Rise**

Consultant shall identify participating agencies that are vulnerable to the impacts of sea level rise. For each of those identified agencies, the Consultant shall identify the impacts of sea level rise on the identified treatment upgrade infrastructure.

**TASK 6 – POTENTIAL NUTRIENT DISCHARGE REDUCTION BY OTHER MEANS**

Per the Tentative Order, dischargers may also decide to evaluate strategies that reduce nutrient loadings separate from the special studies identified in the Tentative Watershed Permit (Tasks 4 and 5).

The Consultant shall incorporate information provided by BACWA and participating agencies in appendices to the Report. No separate analysis of these strategies is to be included.

**TASK 7 – REPORTING**

This task includes the preparation of the Bay Area POTW Nutrient Optimization and Upgrade Master Plan. The report shall include the technical information developed in Tasks 2 through 4 and an executive summary.

Consultant shall prepare an annotated report outline for review and approval following completion of Task 3.

This task also includes preparing four group annual reports (One per year, 2015-2018).

The Draft Report will be released to the participating agencies for a 30 day comment period. Following the comment period, the Consultant will work with BACWA to finalize the Report for submission to the Regional Water Board.

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**Comment [HK18]:** We removed the term “Climate Change” from this task because it seemed to open a potential can of worms. It seems like the real issue here is in fact sea level rise as opposed to potential water quality issues, different storm events impacting I/I, etc.

**Comment [LF19]:** Clarification in response to comment by H&S

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**Comment [HK20]:** This item is included in the TO, but it is written with the word “may”... as in, it may be optional.

I think this is a task that, if desired, individual agencies could elect to pursue and include an attachment to the report (or something separate). But this scope item is way beyond the \$1M effort BACWA had planned.

This seems like an area where individual agencies would see a lot of benefit from doing their own individual studies, or from BACWA investing more \$.

**Comment [LF21]:** H&S and B&C both request more detail than this for Task 6.

**Comment [LF22]:** H&S: Some of this information would be Regional and would not be available from individual agencies.

## Project Schedule

The project shall be completed based on the major milestones as provided below.

| Major Milestone  | Date  |
|--|---|
| Submit Scoping Plan to Regional Water Board                        | 9/12/2014   |
| Submit Evaluation Plan to Regional Water Board                     | 10/24/2014  |
| Prepare Standard Questionnaire for Data Collection and Information | 12/15/2014  |
| Participating agencies provide data and information                | 01/31/2015  |
| Start Both Studies   | 2/01/2015   |
| Quarterly BACWA Status Updates                                     | April 2015, July 2015, October 2015, January 2016 |
| Status Update – Regional Water Board                               | 7/1/2016 and 7/1/2017                             |
| Annotated Report Outline   | April 2015  |
| Draft Report for Internal Review                                   | November 2016                                     |
| Final Report Due to Regional Water Board                           | July 1, 2017                                      |

**Comment [LF23]:** KJ requests clarification on why this schedule differs from the one in the permit.

## Organization and Content of the Proposal

Suggested proposal outline.

| Section      | Contents                                    |
|--------------|---|
| Cover Letter | Transmittal                                 |
| 1            | Identification of Proposer                  |
| 2            | Project Overview                            |
| 3            | Project Approach                            |
| 4            | Project Team and Qualifications             |
| 5            | Project Experience                          |
| 6            | Project Schedule                            |
| 7            | Fee Estimate (Separate)                     |
| 8            | Exceptions to Contract Terms and Conditions |
| A            | Resumes of Key Staff                        |

## Level of Effort

Proposals should contain estimated labor hours allocated to each task.

## Proposal Evaluation Criteria

| Criteria | Key Factors in Evaluating Firm Based on Criteria   | Points |
|----------|--|--------|
| Project  | <ul style="list-style-type: none"> <li>Addresses all specific permit requirements for</li> </ul> | 30     |

**Comment [LF24]:** KJ concurs that evaluation criteria and sample contract are useful to put in the RFP.

**Comment [LF25]:** West Yost suggests one criterion be previous experience with studies of this nature that are geared towards helping regulators make decisions.

**Comment [LF25]:** West Yost suggests one criterion be previous experience with studies of this nature that are geared towards helping regulators make decisions.

**Comment [LF26]:** B&C urges BACWA to establish a set of qualifications-based selection criteria.



|  |  |                   |
|--|--|-------------------|
| <u>Approach</u>                            | <ul style="list-style-type: none"> <li>• <u>reporting</u></li> <li>• <u>Approach to estimating nutrient reductions</u></li> <li>• <u>Incorporation of innovative technologies</u></li> <li>• <u>Differentiation of plants in the upgrade assessment</u></li> <li>• <u>Streamline approach to site specific assessment for optimization models used for assessment</u></li> <li>• <u>Approach to address sea level rise assessment</u></li> <li>• <u>Approach to date compilation</u></li> <li>• <u>Approach to communication with BACWA Contract Management Group</u></li> <li>• <u>Availability of existing in-house databases</u></li> <li>• <u>Description of final deliverables</u></li> </ul> |                   |
| <u>Expertise of Proposed Team</u>          | <ul style="list-style-type: none"> <li>• <u>Availability of nutrient expert</u></li> <li>• <u>Knowledge of Bay Area nutrient issues</u></li> <li>• <u>Familiarity with WB staff</u></li> <li>• <u>Modeling expertise</u></li> <li>• <u>Familiarity with Bay Area plants</u></li> <li>• <u>Experience in developing facilities plans</u></li> <li>• <u>Coordination if subconsultants are utilized</u></li> </ul>   | <u>15</u>         |
| <u>Principal in Charge/Project Manager</u> | <ul style="list-style-type: none"> <li>• <u>Ability of senior individual to oversee work</u></li> <li>• <u>Responsiveness of PM</u></li> <li>• <u>Location of key staff</u></li> <li>• <u>Technical expertise of key project staff</u></li> <li>• <u>Relevant experience of key project staff</u></li> </ul>   | <u>25</u>         |
| <u>Relevant Firm Experience</u>            | <ul style="list-style-type: none"> <li>• <u>Demonstration of successful optimization at other plants</u></li> <li>• <u>Modeling capability</u></li> <li>• <u>Demonstration of successful plan upgrades</u></li> <li>• <u>Having already completed assessments at some Bay Area plants</u></li> <li>• <u>Back-up staff capability</u></li> </ul>  | <u>10</u>         |
| <u>Level of Effort</u>                     | <ul style="list-style-type: none"> <li>• <u>Man hour estimates within +/- 20% of average proposals</u></li> <li>• <u>Appropriate distribution of man hours among various tasks in scope</u></li> <li>• <u>Demonstration of pushing work to the lowest appropriate level to conserve budget</u></li> <li>• <u>Level of effort commensurate with BACWA budget</u></li> </ul>   | <u>15</u>         |
| <u>Proposed Schedule</u>                   | <ul style="list-style-type: none"> <li>• <u>Sequencing of work to optimize productivity</u></li> <li>• <u>Ability to complete work in timely manner</u></li> <li>• <u>Intermediate deliverables</u></li> </ul>   | <u>5</u>          |
| <b><u>Total</u></b>                        |  | <b><u>100</u></b> |

## **Standard Agreement**

This is for BACWA to fill in and probably goes at the end of the document. This includes legal, insurance, etc.

**Comment [LF27]:** B&C asks that we provide both a sample agreement and sample labor-hour matrix.

March 6, 2014

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## Attachment A

A listing of all BACWA Member Agencies and whether they are considered minor (<1 mgd) or major (>1 mgd) dischargers is provided in Table A - 1.

Table A - 1. BACWA Member Agency Discharger Info

| Discharger  | Facility Name   | Facility Address  | Minor / Major |
|---|---|---|---------------|
| American Canyon, City of  | Wastewater Treatment and Reclamation Facility                                 | 151 Mezzetta Court<br>American Canyon, CA 94503<br>Napa County                            | Major         |
| Benicia, City of  | Benicia Wastewater Treatment Plant  | 614 East Fifth Street<br>Benicia, CA 94510<br>Solano County                               | Major         |
| Burlingame, City of   | Burlingame Wastewater Treatment Plant   | 1103 Airport Boulevard<br>Burlingame, CA 94010<br>San Mateo County                        | Major         |
| Central Contra Costa Sanitary District  | Central Contra Costa Sanitary District Wastewater Treatment Plant             | 5019 Imhoff Place<br>Martinez, CA 94553<br>Contra Costa County                            | Major         |
| Central Marin Sanitation Agency   | Central Marin Sanitation Agency Wastewater Treatment Plant                    | 1301 Andersen Drive<br>San Rafael, CA 94901<br>Marin County                               | Major         |
| Crockett Community Services District  | Port Costa Wastewater Treatment Plant   | End of Canyon Lake Drive<br>Port Costa, CA 94569<br>Contra Costa County                   | Minor         |
| Delta Diablo Sanitation District  | Wastewater Treatment Plant  | 2500 Pittsburg-Antioch Highway<br>Antioch, CA 94509<br>Contra Costa County                | Major         |
| East Bay Dischargers Authority (EBDA), City of Hayward, City of San Leandro, Oro Loma Sanitary District, Castro Valley Sanitary District, Union Sanitary District, Livermore-Amador Valley Water Management Agency, Dublin San Ramon Services District, and City of Livermore | EBDA Common Outfall   | EBDA Common Outfall<br>14150 Monarch Bay Drive<br>San Leandro, CA 94577<br>Alameda County | Major         |
|   | Hayward Water Pollution Control Facility                                      |   |               |
|   | San Leandro Water Pollution Control Plant                                     |   |               |
|   | Oro Loma/Castro Valley Sanitary Districts Water Pollution Control Plant       |   |               |
|   | Raymond A. Boege Alvarado Wastewater Treatment Plant                          |   |               |
|   | Livermore-Amador Valley Water Management Agency Export and Storage Facilities |   |               |
|   | Dublin San Ramon Services District Wastewater Treatment Plant                 |   |               |
| City of Livermore Water Reclamation Plant   |   |   |               |
| East Bay Municipal Utility District   | East Bay Municipal Utility District, Special District                         | 2020 Wake Avenue<br>Oakland, CA 94607   | Major         |

| <b>Discharger</b>   | <b>Facility Name</b>   | <b>Facility Address</b>  | <b>Minor / Major</b> |
|---|--|--|----------------------|
|   | No. 1 Wastewater Treatment Plant                             | Alameda County   |                      |
| Fairfield-Suisun Sewer District   | Fairfield-Suisun Wastewater Treatment Plant                  | 1010 Chadbourne Road<br>Fairfield, CA 94534<br>Solano County   | Major                |
| Las Gallinas Valley Sanitary District   | Las Gallinas Valley Sanitary District Sewage Treatment Plant | 300 Smith Ranch Road<br>San Rafael, CA 94903<br>Marin County   | Major                |
| Marin County (Paradise Cove), Sanitary District No. 5 of                                  | Paradise Cove Treatment Plant                                | 3700 Paradise Drive<br>Tiburon, CA 94920<br>Marin County   | Minor                |
| Marin County (Tiburon), Sanitary District No. 5 of  | Wastewater Treatment Plant                                   | 2001 Paradise Drive<br>Tiburon, CA 94920<br>Marin County   | Major                |
| Millbrae, City of   | Water Pollution Control Plant                                | 400 East Millbrae Avenue<br>Millbrae, CA 94030<br>San Mateo County   | Major                |
| Mt. View Sanitary District  | Mt. View Sanitary District Wastewater Treatment Plant        | 3800 Arthur Road<br>Martinez, CA 94553<br>Contra Costa County  | Major                |
| Napa Sanitation District  | Soscol Water Recycling Facility                              | 1515 Soscol Ferry Road<br>Napa, CA 94558<br>Napa County  | Major                |
| Novato Sanitary District  | Novato Sanitary District Wastewater Treatment Plant          | 500 Davidson Street<br>Novato, CA 94945<br>Marin County  | Major                |
| Palo Alto, City of  | Palo Alto Regional Water Quality Control Plant               | 2501 Embarcadero Way<br>Palo Alto, CA 94303<br>Santa Clara County  | Major                |
| Petaluma, City of   | Municipal Wastewater Treatment Plant                         | 950 Hopper Street<br>Petaluma, CA 94952<br>Sonoma County   | Major                |
| Pinole, City of   | Pinole-Hercules Water Pollution Control Plant                | 11 Tennent Avenue<br>Pinole, CA, 94564<br>Contra Costa County  | Major                |
| Rodeo Sanitary District   | Rodeo Sanitary District Water Pollution Control Facility     | 800 San Pablo Avenue<br>Rodeo, CA 94572<br>Contra Costa County   | Major                |
| San Francisco (San Francisco International Airport), City and County of                   | Mel Leong Treatment Plant, Sanitary Plant                    | 918 Clearwater Drive<br>San Francisco International Airport<br>San Francisco, CA 94128<br>San Mateo County | Major                |
| San Francisco (Southeast Plant), City and County of                                       | Southeast Water Pollution Control Plant                      | 750 Phelps Street<br>San Francisco, CA 94124<br>San Francisco County                                       | Major                |
| San Jose/Santa Clara Water Pollution Control Plant and Cities of San Jose and Santa Clara | San Jose/Santa Clara Water Pollution Control Plant           | 4245 Zanker Road<br>San Jose, CA 95134<br>Santa Clara County   | Major                |
| San Mateo, City of  | City of San Mateo Wastewater Treatment                       | 2050 Detroit Drive<br>San Mateo, CA 94404  | Major                |

| Discharger   | Facility Name  | Facility Address  | Minor / Major |
|--|--|---|---------------|
|  | Plant  | San Mateo County  |               |
| Sausalito-Marín City Sanitary District   | Sausalito-Marín City Sanitary District Wastewater Treatment Plant        | #1 Fort Baker Road<br>Sausalito, CA 94965<br>Marín County                             | Major         |
| Sewerage Agency of Southern Marín  | Wastewater Treatment Plant   | 450 Sycamore Avenue<br>Mill Valley, CA 94941<br>Marín County                          | Major         |
| Sonoma Valley County Sanitary District   | Municipal Wastewater Treatment Plant                                     | 22675 8th Street East<br>Sonoma, CA 95476<br>Sonoma County                            | Major         |
| South Bayside System Authority   | South Bayside System Authority Wastewater Treatment Plant                | 1400 Radio Road<br>Redwood City, CA 94065<br>San Mateo County                         | Major         |
| South San Francisco and San Bruno, Cities of   | South San Francisco and San Bruno Water Quality Control Plant            | 195 Belle Air Road<br>South San Francisco, CA 94080<br>San Mateo County               | Major         |
| Sunnyvale, City of   | Sunnyvale Water Pollution Control Plant                                  | 1444 Borregas Avenue,<br>Sunnyvale, CA 94089<br>Santa Clara County                    | Major         |
| U.S. Department of Navy (Treasure Island)  | Wastewater Treatment Plant   | 681 Avenue M, Treasure island<br>San Francisco, CA 94130-1807<br>San Francisco County | Major         |
| Vallejo Sanitation and Flood Control District  | Vallejo Sanitation and Flood Control District Wastewater Treatment Plant | 450 Ryder Street<br>Vallejo, CA 94590<br>Solano County                                | Major         |
| West County Agency (West County Wastewater District and City of Richmond Municipal Sewer District) | West County Agency Combined Outfall                                      | 601 Canal Blvd.<br>Richmond, CA 94804<br>Contra Costa County                          | Major         |

#### **General Comments**

- KJ requests an order-of-magnitude budget estimate to assist scoping level of detail
- Bhavani sent in a series of recommendation on the best way to manage the project. Her recommendations don't necessarily belong in the RFP but should be reviewed by the CMG.
- H&S made a comment that we should be looking at load-based reduction goals rather than concentration-based goals
- H&S asks whether this work will be coordinated with the science work (i.e. SFEI and the steering committee)
- H&S suggests we look at annual average nutrient standards rather than monthly concentration standards
- West Yost suggests BACWA includes some basic assumptions (i.e., how many participating agencies, level of detail of analysis) on level of effort so that selection is an apples-to-apples comparison

| PROPOSED CONTRACT MANAGEMENT GROUP (CMG) |                            |                             |                            |                        |                        |                          |                        |                         |                     |
|--|----------------------------|-----------------------------|----------------------------|------------------------|------------------------|--------------------------|------------------------|-------------------------|---------------------|
|  |                            |                             |                            | Qualifications         |                        |                          |                        |                         |                     |
| <u>Name</u>                              | <u>Organization</u>        | <u>Position</u>             | <u>Mid-level or higher</u> | <u>BACWA Principal</u> | <u>master planning</u> | <u>facility planning</u> | <u>consultant mgmt</u> | <u>capital planning</u> | <u>availability</u> |
| Greg Baatrup                             | FSSD                       | GM                          | x                          |                        | x                      | x                        | x                      | x                       | x                   |
| Vince DeLange                            | EBMUD                      | Engineering Div Mgr         | x                          | x                      | x                      | x                        | x                      | x                       | x                   |
| Amanda Roa                               | Delta Diablo               | Env. Compliance Engineer    | x                          |                        |                        | x                        | x                      |                         | x                   |
| Bhavani Yerraputo                        | Sunnyvale WPCP             | Division Manager            | x                          |                        | x                      | x                        | x                      | x                       | x                   |
| Jason Warner                             | Oro Loma Sanitary District | GM                          | x                          |                        | x                      | x                        | x                      | x                       | x                   |
| Teresa Herrera                           | Silicon Valley Clean Water | Asst. GM/Authority Engineer | x                          |                        | x                      | x                        | x                      | x                       | x                   |
| TBD                                      | San Jose WPCP              | TBD                         |                            | x                      |                        |                          |                        |                         |                     |

|                      |  |               | <u>LEVEL</u>             |   |
|----------------------|--|---------------|--------------------------|---|
| <u>SUBEMBAYMENT</u>  | <u>POTW</u>  | <u>DESIGN</u> | <u>OF</u>                | <u>SEPARATE RATE SETTING</u>  |
|                      |  | <u>FLOW</u>   | <u>TRMT</u>              | <u>SATELLITE COLLECTION SYSTEM</u>  |
| <i>Suisun Bay</i>    | <b>Delta Diablo WWTP</b>   | 16.5          | secondary                | City of Pittsburg<br><b>City of Antioch</b>   |
|                      | <b>Central Contra Costa Sanitary District</b>                          | 53.8          | secondary                | City of Concord<br>City of Clayton (managed by Concord)   |
|                      | <b>Benicia WWTP</b>  | 4.5           | secondary                |   |
|                      | <b>Fairfield-Suisun SD</b>   | 23.7          | filtration               | <b>City of Fairfield</b><br>City of Suisun City<br>Travis Air Force Base  |
|                      | <b>Mt. View Sanitary District</b>                                      | 3.2           | nitrification/filtration |   |
|                      | Rodeo Sanitary District  | 1.14          | secondary                |   |
| <i>San Pablo Bay</i> | <b>Pinole-Hercules WPCP</b>  | 3.52          | secondary                | City of Pinole<br>City of Hercules  |
|                      | <b>City of American Canyon</b>   | 2.5           | filtration               |   |
|                      | <b>Vallejo Sanitation and Flood Control District</b>                   | 15.5          | secondary                | City of Vallejo   |
|                      | <b>Sonoma Valley County Sanitary District (Sonoma Co Water Agency)</b> | 3             | secondary                | City of Sonoma<br>Unincorporated areas of Glen Ellen, Boyes Hot Springs, Elverano, Agua Caliente<br>Pengrove Sanitation Zone  |
|                      | <b>City of Petaluma</b>  | 6.7           | secondary                |   |
|                      | <b>Novato Sanitary District</b>  | 15.4          | secondary                |   |
|                      | <b>Las Gallinas Valley Sanitary District</b>                           | 2.92          | secondary                |   |
|                      | <b>Central Marin Sanitation Agency</b>                                 | 10            | secondary                | San Rafael Sanitation District<br><b>SD #1 of Marin Co (Service area: Ross Valley in Marin County from Larkspur up to and include Fairfax)</b><br><b>SD #2 of Marin Co (Corte Madera)</b> |

|                    |   |       |            |  |
|--------------------|---|-------|------------|--|
|                    |   |       |            | San Quentin State Prison, CA Department of Corrections |
|                    |   |       |            |  |
|                    | <b>Napa Sanitation District</b>   | 15.4  | filtration |  |
|                    | <b>Dunaweal WWTP (City of Calistoga)</b>  | 0.84  | filtration |  |
|                    | <b>Marin County Sanitation District No. 5 Tiburon Plant</b>                                 | 0.98  | secondary  |  |
|                    | <b>Joint Treatment Plant Yountville (Town of Yountville)</b>                                | 0.55  | secondary  |  |
|                    |   |       |            | Town of Tiburon  |
|                    |   |       |            | City of Belvedere                                      |
|                    |   |       |            | The California Veterans Home                           |
|                    |   |       |            | Unincorporated areas                                   |
|                    | <b>City of St. Helena</b>   | 0.5   | secondary  |  |
|                    | Contra Costa County Sanitary District No. 5 (Contra Costa County, Port Costa WWTP)          | 0.033 | secondary  |  |
|                    | Joint C&H-CVSD Biological Wastewater Treatment Plant (Crockett Community Services District) |       |            |  |
| <i>Central Bay</i> | <b>EBMUD</b>  | 120   | secondary  |  |
|                    |   |       |            | Alameda  |
|                    |   |       |            | <b>Piedmont</b>  |
|                    |   |       |            | Oakland  |
|                    |   |       |            | <b>Berkeley</b>  |
|                    |   |       |            | <b>Albany</b>  |
|                    |   |       |            | Emeryville   |
|                    |   |       |            | <b>Stege Sanitary District</b>                         |
|                    |   |       |            | Port of Oakland  |
|                    |   |       |            | UC Berkeley  |
|                    |   |       |            | East Bay Regional Parks District                       |
|                    |   |       |            | Lawrence Berkeley National Lab                         |
|                    | <b>West County Agency</b>   | 28.5  | secondary  |  |
|                    | -West County Wastewater District WWTP   | 12.5  | secondary  |  |
|                    | <b>-City of Richmond WPCP</b>   | 16    | secondary  | Veolia Water   |
|                    | <b>Sewerage Agency of Southern Marin</b>  | 3.6   | secondary  |  |
|                    |   |       |            | Almonte Sanitary District                              |
|                    |   |       |            | Alto Sanitary District                                 |
|                    |   |       |            | Homestead Valley Sanitary District                     |
|                    |   |       |            | City of Mill Valley                                    |



|                  |   |      |            |   |
|------------------|---|------|------------|---|
|                  |   |      |            | Richardson Bay Sanitary District                        |
|                  |   |      |            | <b>Tamalpais Community SD</b>                           |
|                  | <b>Sausalito-Marin City SD</b>                            | 1.8  | secondary  |   |
|                  |   |      |            | City of Sausalito                                       |
|                  |   |      |            | <b>Tamalpais Community SD</b>                           |
|                  |   |      |            | Golden Gate National Rec Area                           |
|                  |   |      |            | SMCSD unincorporated service area, including Marin City |
|                  | US Navy Treasure Island                                   | 2    | secondary  |   |
|                  | Seafirth Estates STP                                      |      |            |   |
| <i>South Bay</i> | <b>City and Co of San Francisco Southeast WPCP</b>        | 84.5 | secondary  |   |
|                  |   |      |            | Port of San Francisco                                   |
|                  |   |      |            | Bayshore Sanitary District                              |
|                  |   |      |            | <b>City of Brisbane</b>                                 |
|                  | <b>EBDA</b>   | 79.1 | secondary  |   |
|                  | -Alvarado Wastewater Treatment Plant                      | 33   | secondary  |   |
|                  |   |      |            | Union Sanitary District                                 |
|                  | -City of Hayward  | 18.5 | secondary  |   |
|                  | -Oro Loma Sanitary District                               | 20   | secondary  |   |
|                  | -Castro Valley Sanitary District                          |      |            |   |
|                  |   |      |            | CSU East Bay  |
|                  |   |      |            | East Bay Regional Parks District                        |
|                  | -City of San Leandro                                      | 7.6  | secondary  |   |
|                  | -Livermore-Amador Valley Water Management Agency (LAVWMA) | 25.5 | secondary  |   |
|                  | <b>*Dublin San Ramon Services District</b>                | 17   | secondary  |   |
|                  |   |      |            | <b>City of Pleasanton</b>                               |
|                  | <b>*City of Livermore</b>                                 | 8.5  | secondary  |   |
|                  |   |      |            | Sandia National Laboratories, California                |
|                  | <b>South San Francisco/San Bruno WQCP</b>                 | 13   | secondary  |   |
|                  |   |      |            | City of Daly City (portions of City, when needed)       |
|                  |   |      |            | Town of Colma   |
|                  | <b>SF Airport</b>   | 2.2  | secondary  |   |
|                  | <b>Millbrae WPCP</b>                                      | 3    | secondary  |   |
|                  | <b>San Mateo County Department of Public Works</b>        |      |            |   |
|                  | <b>*San Mateo WWTP and City of Foster City</b>            | 15.7 | filtration |   |
|                  |   |      |            | <b>City of Belmont</b>                                  |

|                          |  |      |            |   |
|--------------------------|--|------|------------|---|
|                          |  |      |            | San Mateo County (Unincorp)                 |
|                          |  |      |            | Town of Hillsborough (portions)             |
|                          | <b>*Burlingame WWTF</b>  | 5.5  | secondary  |   |
|                          |  |      |            | Town of Hillsborough (portions)             |
|                          |  |      |            | Burlingame Hills Sewer Maintenance District |
|                          | <b>*Silicon Valley Clean Water (formerly South Bayside System Authority)</b> | 29   | filtration |   |
|                          |  |      |            | <b>Belmont</b>                              |
|                          |  |      |            | <b>Redwood City</b>                         |
|                          |  |      |            | <b>San Carlos</b>                           |
|                          |  |      |            | Town of Woodside                            |
|                          |  |      |            | <b>West Bay SD</b>                          |
|                          |  |      |            | <b>San Mateo County</b>                     |
| <i>Lower South Bay</i>   | <b>San Jose/Santa Clara WPCP</b>   | 167  | filtration |   |
|                          |  |      |            | Burbank Sanitary District                   |
|                          |  |      |            | Sunol Sanitary District                     |
|                          |  |      |            | CSU San Jose                                |
|                          |  |      |            | <b>Cupertino SD</b>                         |
|                          |  |      |            | <b>Milpitas</b>                             |
|                          |  |      |            | <b>Santa Clara County SD #2 - 3</b>         |
|                          |  |      |            | <b>West Valley SD</b>                       |
|                          | <b>City of Palo Alto Regional WQCP</b>                                       | 39   | filtration |   |
|                          |  |      |            | Los Altos Hills                             |
|                          |  |      |            | City of Los Altos                           |
|                          |  |      |            | East Palo Alto SD                           |
|                          |  |      |            | <b>City of Mt View</b>                      |
|                          | <b>City of Sunnyvale</b>   | 29.5 | filtration |   |
| <i>Ocean Dischargers</i> | <b>City of Pacifica</b>  | 4    | filtration |   |
|                          | <b>San Francisco Oceanside Plant</b>   | 43   | secondary  |   |
|                          | <b>North San Mateo County Sanitation District(Daly City)</b>                 | 8    | secondary  |   |
|                          | <b>Sewer Authority Mid-Coastside</b>   | 4    | secondary  |   |
|                          |  |      |            | City of Half Moon Bay                       |
|                          |  |      |            | Granada Sanitary District                   |
|                          |  |      |            | Dudek Associate (Granada SD consultant)     |
|                          |  |      |            | Montara Sanitary District                   |

This message provides a summary of **projected** annual dues for BACWA membership through June 30, 2019, and billing estimates for Fiscal year 2014-15 (FY 2015).

Table 1 shows forecasted membership charges based on the following:

- a 2% increase in BACWA member dues each year for the next five years beginning July 1, 2014;
- no increase to Clean Bay Collaborative (CBC) fees for the next five years;
- a Nutrient Surcharge to be assessed each year for the next five years (beginning July 1, 2014), for those BACWA member agencies included in the 5 year San Francisco Bay Nutrient Watershed Permit. Total Surcharge will be \$300,000 in FY 2015, and is estimated at \$600,000 in FY 2016 and \$800,000 for each of the following years through FY 2019. For participating BACWA agencies, the Surcharge will meet the following permit requirements for your agency. What this means is that your agency will not need to complete the requirements below with in-house staff or through outside consultants. You will however need to coordinate with the BACWA consultants and conduct your own plant monitoring (item #4) and provide that data to BACWA so it can be compiled and analyzed as part of the Annual Nutrient Report.
  1. Evaluation of Potential Nutrient Discharge Reduction by Treatment Optimization and Sidestream Treatment (Special Provision 1, page 3 of Tentative Order)
  2. Evaluation of Potential Nutrient Discharge Reduction by Treatment Upgrades or Other Means (Special Provision 2, page 4 of Tentative Order.
  3. Monitoring, Modeling and Embayment Studies (Special Provision 3, page 6 of Tentative Order)
  4. Annual Nutrients Report (Group Report) (Reporting Requirement B.c, page E-4 of Tentative Order)

Table 2 shows FY 2015 CBC fees for all BACWA members. This is the historical fee used by BACWA to fund efforts such as TMDL development, toxicity investigations, mercury and PCB risk reduction efforts, dissemination of information on rates, and collaboration on climate change and compounds of emerging concern. It is calculated with a base charge of \$750 and an additional charge proportional to each agency's 2013 RMP metals loading data.

Table 3 shows FY 2015 Nutrient Surcharge for BACWA members included in the Nutrient Watershed Permit, with two-thirds of the annual cost divided equally among Principal members and the remaining one-third allocated among Associate/Affiliate members included in the permit, proportional to their agency's total nitrogen loading data.

Actual CBC fees and Nutrient Surcharge amounts in FY 2015 may vary slightly based on the number of BACWA members at the time of billing. Invoices will be mailed in late July 2014.

**Table 1. BACWA Member Dues for Fiscal Years 2015 - 2019**

|                           | FY 2015   | FY 2016           | FY 2017           | FY 2018           | FY 2019           |
|---------------------------|---|-------------------|-------------------|-------------------|-------------------|
| <b>Principal</b>          |   |                   |                   |                   |                   |
| <b>BACWA Dues</b>         | \$91,800  | \$93,636          | \$95,509          | \$97,419          | \$99,367          |
| <b>CBC Fee</b>            | \$90,000  | \$90,000          | \$90,000          | \$90,000          | \$90,000          |
| <b>Nutrient Surcharge</b> | \$40,000  | \$80,000          | \$106,667         | \$106,667         | \$106,667         |
| <b>Associate</b>          |   |                   |                   |                   |                   |
| <b>BACWA Dues</b>         | \$7,650   | \$7,803           | \$7,959           | \$8,118           | \$8,281           |
| <b>CBC Fee</b>            | [Total \$225,000]   | [Total \$225,000] | [Total \$225,000] | [Total \$225,000] | [Total \$225,000] |
|                           | [to be distributed among all Associate/Affiliate members proportional to annual RMP metals loading data or nominal fee of \$750]              |                   |                   |                   |                   |
| <b>Nutrient Surcharge</b> | [Total \$100,000]   | [Total \$200,000] | [Total \$266,667] | [Total \$266,667] | [Total \$266,667] |
|                           | [to be distributed among Associate/Affiliate members included in the Nutrient Watershed Permit proportional to annual total Nitrogen loading] |                   |                   |                   |                   |
| <b>Affiliate</b>          |   |                   |                   |                   |                   |
| <b>BACWA Dues</b>         | \$1,530   | \$1,561           | \$1,592           | \$1,624           | \$1,656           |
| <b>CBC Fee</b>            | [Total \$225,000]   | [Total \$225,000] | [Total \$225,000] | [Total \$225,000] | [Total \$225,000] |
|                           | [to be distributed among all Associate/Affiliate members proportional to annual RMP metals loading data or nominal fee of \$750]              |                   |                   |                   |                   |
| <b>Nutrient Surcharge</b> | [Total \$100,000]   | [Total \$200,000] | [Total \$266,667] | [Total \$266,667] | [Total \$266,667] |
|                           | [to be distributed among Associate/Affiliate members included in the Nutrient Watershed Permit proportional to annual total Nitrogen loading] |                   |                   |                   |                   |

Note: Charges for fiscal years 2016 - 2019 are projections and are subject to Board approval of the budget and workplan for fiscal year each year.

**Table 2. BACWA Member Clean Bay Collaborative(CBC) Fee**

| <b><i>Agency</i></b>                               | <b><i>FY 2015 CBC Fee</i></b> |
|--|-------------------------------|
| San Jose/Santa Clara Water Pollution Control Plant | \$90,000                      |
| East Bay Municipal Utility District                | \$90,000                      |
| EBDA   | \$90,000                      |
| Southeast Water Pollution Control Plant CCSF       | \$90,000                      |
| Central Contra Costa Sanitary District             | \$90,000                      |
| <b>TOTAL Fee for Principals</b>                    | <b>\$450,000</b>              |
| Central Marin Sanitation Agency                    | \$9,050                       |
| City of Albany                                     | \$750                         |
| City of American Canyon                            | \$750                         |
| City of Antioch                                    | \$750                         |
| City of Belmont                                    | \$750                         |
| City of Benicia WWTP                               | \$2,996                       |
| City of Berkeley                                   | \$750                         |
| City of Brisbane                                   | \$750                         |
| City of Burlingame WWTF                            | \$4,954                       |
| City of Calistoga                                  | \$1,058                       |
| City of Fairfield                                  | \$750                         |
| City of Livermore                                  | \$750                         |
| City of Millbrae WPCP                              | \$2,464                       |
| City of Milpitas                                   | \$750                         |
| City of Mountain View                              | \$750                         |
| City of Palo Alto RWQCP                            | \$36,848                      |
| City of Petaluma                                   | \$4,045                       |
| City of Piedmont                                   | \$750                         |
| City of Pleasanton                                 | \$750                         |
| City of Redwood City                               | \$750                         |
| City of Richmond                                   | \$750                         |
| City of San Bruno                                  | \$750                         |
| City of San Carlos                                 | \$750                         |
| City of San Mateo                                  | \$14,317                      |
| City of St. Helena                                 | \$788                         |
| City of Sunnyvale                                  | \$9,685                       |
| Cupertino SD                                       | \$750                         |
| Delta Diablo Sanitation District                   | \$10,635                      |
| Dublin San Ramon Services District                 | \$750                         |
| Fairfield - Suisun Sewer District                  | \$12,254                      |
| Las Gallinas Valley Sanitary District              | \$3,244                       |
| Mt. View Sanitary District                         | \$2,110                       |
| Napa Sanitation District                           | \$5,845                       |
| North San Mateo SD                                 | \$750                         |
| Novato Sanitary District                           | \$3,518                       |
| Pacifica   | \$750                         |

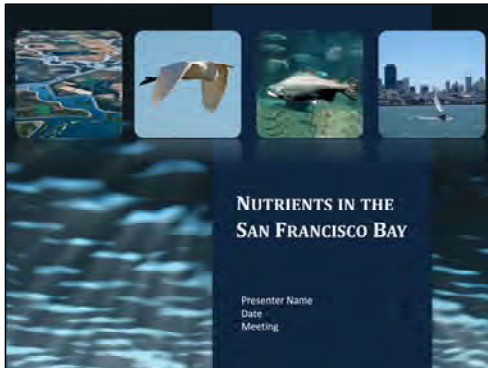
| <u>Agency</u>  | <u>FY 2015 CBC Fee</u> |
|--|------------------------|
| Pinole-Hercules WPCP                                       | \$4,327                |
| Rodeo Sanitary District                                    | \$1,233                |
| San Francisco International Airport - MLTP                 | \$1,508                |
| San Mateo County DPW                                       | \$750                  |
| Sanitary District No.5 of Marin County Main Plant          | \$1,536                |
| Sanitary District No.5 of Marin County Paradise Cove Plant | \$750                  |
| Sanitary District of Marin County No. 1 (Ross)             | \$750                  |
| Sanitary District of Marin No. 2 (Corte Madera)            | \$750                  |
| Santa Clara County Sanitation District No. 2-3             | \$750                  |
| Sausalito - Marin City Sanitary District                   | \$3,930                |
| Sewer Authority Mid-Coastside                              | \$750                  |
| Sewerage Agency of Southern Marin                          | \$7,149                |
| Sonoma Valley County Sanitation District                   | \$2,042                |
| South Bayside System Authority                             | \$14,445               |
| South San Francisco-San Bruno Water Quality Control Plant  | \$12,418               |
| Stege Sanitary District                                    | \$750                  |
| Tamalpais Community Services District                      | \$750                  |
| Treasure Island Water Pollution Control Plant              | \$750                  |
| Vallejo Sanitation & Flood Control District                | \$12,886               |
| West Bay Sanitary District                                 | \$750                  |
| West County Agency   | \$15,468               |
| West Valley Sanitation District                            | \$750                  |
| Yountville   | \$997                  |
| <b>TOTAL Fee for Non-Principals</b>                        | <b>\$225,000</b>       |
| <b>TOTAL Fees</b>  | <b>\$675,000</b>       |

Note: All BACWA members are charged a CBC base fee of \$750; additional CBC charge is assessed proportional to each agency's RMP metals discharge data. Actual invoiced amount may vary slightly based on total number of members as the time of billing.

**Table 3. BACWA Member Nutrient Surcharge**

| <b><i>Agency</i></b>                                       | <b><i>FY 2015 Surcharge</i></b> |
|--|---------------------------------|
| San Jose/Santa Clara Water Pollution Control Plant         | \$40,000                        |
| East Bay Municipal Utility District                        | \$40,000                        |
| EBDA   | \$40,000                        |
| Southeast Water Pollution Control Plant CCSF               | \$40,000                        |
| Central Contra Costa Sanitary District                     | \$40,000                        |
| <b>TOTAL Surcharge for Principals</b>                      | <b>\$200,000</b>                |
| City of Palo Alto RWQCP                                    | \$13,559                        |
| South Bayside System Authority                             | \$12,270                        |
| Delta Diablo Sanitation District                           | \$9,991                         |
| City of San Mateo  | \$8,694                         |
| City of Sunnyvale  | \$6,289                         |
| Fairfield - Suisun Sewer District                          | \$7,684                         |
| Central Marin Sanitation Agency                            | \$5,230                         |
| Vallejo Sanitation & Flood Control District                | \$4,896                         |
| West County Agency   | \$4,926                         |
| Napa Sanitation District                                   | \$2,948                         |
| South San Francisco-San Bruno Water Quality Control Plant  | \$6,748                         |
| Novato Sanitary District                                   | \$1,463                         |
| City of Petaluma   | \$411                           |
| Pinole-Hercules WPCP                                       | \$2,012                         |
| City of Burlingame WWTF                                    | \$2,659                         |
| Las Gallinas Valley Sanitary District                      | \$1,512                         |
| Sewerage Agency of Southern Marin                          | \$1,394                         |
| City of Benicia WWTP                                       | \$1,293                         |
| City of Millbrae WPCP                                      | \$1,451                         |
| City of American Canyon                                    | \$384                           |
| Mt. View Sanitary District                                 | \$777                           |
| Sausalito - Marin City Sanitary District                   | \$914                           |
| Sonoma Valley County Sanitation District                   | \$687                           |
| San Francisco International Airport - MLTP                 | \$1,367                         |
| Treasure Island Water Pollution Control Plant              | \$75                            |
| Sanitary District No.5 of Marin County Paradise Cove Plant | \$12                            |
| Sanitary District No.5 of Marin County Main Plant          | \$355                           |
| Rodeo Sanitary District                                    | \$240                           |
| <b>TOTAL Surcharge for Non-Principals</b>                  | <b>\$100,000</b>                |
| <b>TOTAL BACWA MEMBER NUTRIENT SURCHARGE</b>               | <b>\$300,000</b>                |

Note: Charges apply to BACWA members included in the San Francisco Bay Nutrient Watershed Permit and are calculated proportional to each agency's total Nitrogen loading data. Actual invoiced amounts may vary slightly depending on number of BACWA members at the time of billing.



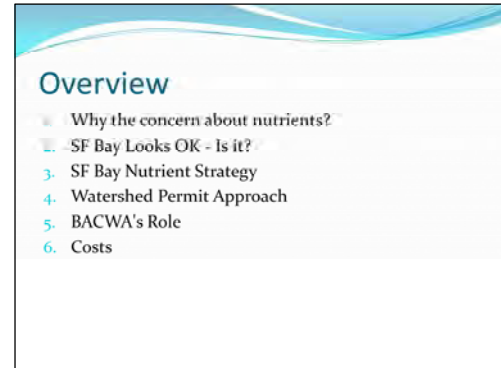
Good Morning

Nutrients may be the single biggest issue that is facing POTWs

Two parts of presentation:

- 1) An example of how to frame the issue for Boards, Councils and electeds
- 2) Medium agency perspective and some discussion on what sort of strategies/actions individual agencies may want to consider

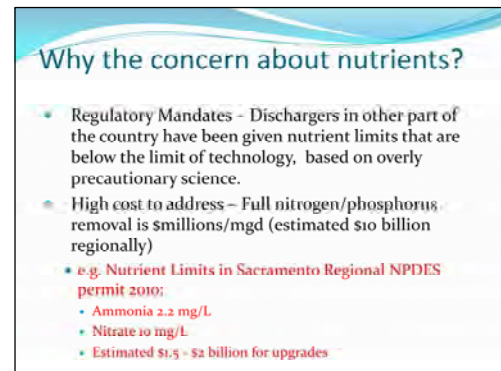
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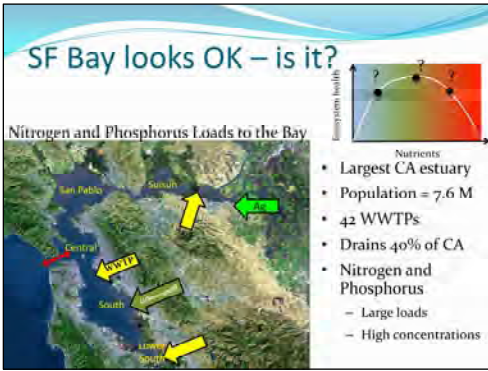


Nitrogen and phosphorus compounds are the two types of nutrients of concern in aquatic ecosystems. The San Francisco Bay ecosystem is nitrogen-limited, and therefore nitrogen is the element of primary concern. There has also been some concern that if the nitrogen to phosphorus ratio is imbalanced, it can disrupt the food web.



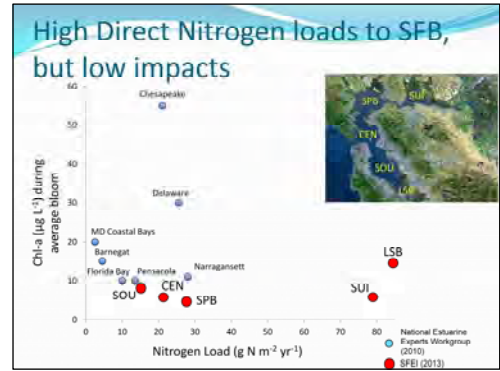
4





POTWs are the largest sources of nutrients to the South Bay. In the North Bay, upstream sources are more significant.

5



Chl-a = chlorophyll a, which is a surrogate for levels of phytoplankton/algae. While nutrient loads are very high in Suisun Bay and the Lower South Bay, we haven't seen the same impacts as in other areas of the country.

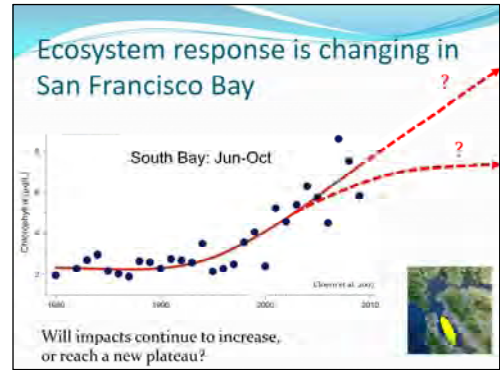
6

### Why has San Francisco Bay been resilient to nutrients?

- High turbidity blocks the light phytoplankton needs to grow
- Strong tidal mixing reduces nutrient concentrations
- Filter-feeding clams reduces phytoplankton concentrations

**BUT**

There has been a recent reduction in turbidity due to sediment capture by upstream dams, and clam populations are on the decline.



### The Regional Water Board and POTWs are working collaboratively to answer the following questions:

- What constitutes impairment? Which areas are impaired?
- Does SFB's trajectory signal future impairment?
- What nutrient load reductions are needed? Where, how much?
- How much time for science, planning, and implementation?

This effort is already ongoing. BACWA has contributed approximately \$1M to scientific studies over the past two fiscal years.

### Advantages of SF Bay Nutrient Strategy

- This approach is unique in the U.S. because it is a collaborative process that takes into account the site-specific complexity of the watershed. This is not a one-size-fits-all approach.
- Any eventual regulatory mandates will be based on scientific monitoring, modeling and assessment, and not just conjecture.
- Decisions about what science is needed will be guided by a multi-stakeholder steering committee on which BACWA will have representation.

### Watershed permit approach

- In 2013, the Regional Water Board began to work with BACWA to develop a regional watershed permit governing nutrients. This approach had the following advantages:
  - Stakeholders don't need to negotiate over nutrients on a permit-by-permit basis
  - Ensures regulatory certainty for dischargers for five years
  - Nutrients are a regional issue and negotiations are best conducted on a regional basis.
- BACWA convened a nutrient watershed permit negotiating team comprised of representatives of large and small POTWs from each of the five subembayments who met regularly with the Regional Water Board during the permit development period.

### Watershed Permit Tenets

There are four main element of the 2014 Nutrient Watershed Permit:

Future permits may require further contributions to scientific studies, and may seek to control nutrient discharges, depending on the results of these studies.

The Nutrient Watershed Permit (expected to be adopted in April 2014) will govern all POTWs that discharge to the Bay.

The four major tenets are:

- Continued monitoring of nutrients in POTW effluent
- A robust annual report that analyzes trends in nutrient loading
- Optimization and Upgrade studies to examine feasible levels of nutrient removal from POTWs. This may also include alternative discharge scenarios such as recycled water.
- Contribution to nutrient scientific studies in the San Francisco Bay (total \$880K per year)

## BACWA's Role moving forward

- Both the annual report and the optimization/upgrade studies allow a regional reporting option. BACWA will provide the annual report and consulting services to develop the Optimization/Upgrade studies on behalf of all members who wish to participate.
  - More efficient and cost effective option than if each agency prepares its own reports
  - Ensures regional consistency in reporting
  - Conduct of the studies will be managed by a team of representatives from participating agencies.
- BACWA has two voting seats on the steering committee that governs the prioritization of the scientific studies

The major direct cost to individual agencies, who choose to participate in group reporting, from the Watershed permit is effluent monitoring. However, effluent monitoring has been ongoing since 2012 when it was required via 13267 letter.

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## Costs associated with Watershed Permit

- BACWA will fund compliance with the following provisions of the nutrient watershed permit on behalf of its members who wish to participate:
  - Annual reporting
  - Optimization and Upgrade studies
  - Support of scientific studies at \$880K per year
- BACWA has some reserves to fund these efforts, but will also need to levy a Nutrient Surcharge to ensure that this effort can be sustained through the remainder of the permit term.

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## Nutrient Surcharge

- The nutrient surcharge will be funded 2/3 equally by the five BACWA principal agencies, and 1/3 by the associate members, allocated based on effluent nutrient loads.
- The total Nutrient Surcharge for all agencies is as follows:
  - FY15 - \$300K
  - FY16 - \$600K\*
  - FY17 - \$800K\*
  - FY18 - \$800K\*
  - FY19 - \$800K\*
- Future charges will be assessed based on what is required when the nutrient watershed permit is reissued in 2019.

\*projected

FY 15 is already budgeted. Future years are projections and subject to change. The 2/3 contribution by principals will be divided equally between the five agencies.

## QUESTIONS? PLEASE CONTACT

David R. Williams  
BACWA Executive Director  
[dwilliams@bacwa.org](mailto:dwilliams@bacwa.org)  
(925) 765-9616

**San Francisco Bay Regional Water Quality Control Board**

**San Francisco Bay Nutrient Management Strategy  
Steering Committee  
Meeting 1, April 22, 2014  
10:00 a.m. – 3:00 p.m.**

San Francisco Bay Regional Water Quality Control Board  
Room 10, Second Floor  
1515 Clay St, Oakland, CA 94612

*Purpose of Meeting: Convene the Steering Committee; confirm governance (Charter) of the Strategy; introduce the Science Program, identify key issues for next meeting; and set schedule for 2014.*

**AGENDA**

| Agenda Item |   | Lead   | Time       |
|-------------|---|--|------------|
| 1           | Welcome and Introductions   | Bruce Wolfe, Water Board<br>Executive Officer<br>David Ceppos, Facilitator | 10:00 a.m. |
| 2           | Nutrient Management Strategy<br>and Role of the Steering Committee<br>- Review Strategy<br>- Regulatory and management questions<br>- Near term tasks | Tom Mumley, Water Board  | 10:15 a.m. |
| 3           | Nutrient Management Strategy Charter  | Facilitator  | 11:00 a.m. |
| Lunch       |   |  | Noon       |
|             | Finish Strategy Charter Item  |  | 12:45 p.m. |
| 4           | Overview of the Science Program<br>- Background and framework<br>- Current funded work<br>- Working priorities  | David Senn, SFEI<br>Science Program Manager                                | 1:15 p.m.  |
| 5           | Next Meeting Business Items<br>and Steering Committee Schedule for 2014   | Tom Mumley   | 2:30 p.m.  |
| 6           | Review – Action Items and Next Steps  | David Ceppos   | 2:45 p.m.  |
| Adjourn     |   |  | 3:00 p.m.  |

**NOTES:**

- **Public comment periods will be accommodated at the end of each agenda item (excluding item 1). The duration of each comment period will be at the discretion of the meeting facilitator.**
- **Breaks will be taken at the discretion of the meeting facilitator and the Steering Committee.**

|  | First                         | Last       | Title   | Organization  |
|--|-------------------------------|------------|---|---|
| <b>Bay Area Stormwater Management Agencies Association</b> |                               |            |   |   |
| Member   | Adam                          | Olivieri   |   | Bay Area Stormwater Management Agencies Association   |
| Alternate  | Matt                          | Fabry      |   | Bay Area Stormwater Management Agencies Association   |
| Alternate  | Geoff                         | Brosseau   | Executive Director  | Bay Area Stormwater Management Agencies Association   |
| <b>Bay Area Clean Water Agencies</b>                       |                               |            |   |   |
| Member   | Ben                           | Horenstein | Environmental Services Director   | EBMUD   |
| Alternate  | Tim                           | Potter     | Environmental Compliance Superintendent                                     | Central Contra Costa Sanitary District                |
| Member   | Jim                           | Ervin      | Water Pollution Control Program Compliance Manager                          | City of San Jose                                      |
| Alternate  | Bhavani                       | Yerrapotu  | Plant Manager - Sunnyvale Water Pollution Control Plant                     | City of Sunnyvale                                     |
| <b>California Department of Fish &amp; Wildlife</b>        |                               |            |   |   |
| Member   | Becky                         | Ota        | Environmental Program Manager, Habitat Conservation Program, Marine Region  | California Department of Fish & Wildlife              |
| Alternate  | Bill                          | Paznokas   | Senior Environmental Scientist, Habitat Conservation Program, Marine Region | California Department of Fish & Wildlife              |
| <b>Delta Stewardship Council</b>                           |                               |            |   |   |
| Member   | Sam                           | Harader    | Delta Science Program   | Delta Stewardship Council                             |
| Alternate  |                               |            |   |   |
| <b>Napa County Farm Bureau</b>                             |                               |            |   |   |
| Member   | Still looking for a candidate |            |   |   |
| Alternate  |                               |            |   |   |
| <b>National Research Program for Water Resources</b>       |                               |            |   |   |
| Member   | Joe                           | Holomuzki  | Western Branch Chief  | National Research Program for Water Resources         |
| Alternate  |                               |            |   |   |
| <b>NOAA Fisheries</b>                                      |                               |            |   |   |
| Member   | Joe                           | Dillon     | Water Quality Coordinator   | NMFS West Coast Region - CA Coastal Area Office, NOAA |
| Alternate  | Melanie                       | Harrison   |   | NMFS West Coast Region - CA Coastal Area Office, NOAA |
| <b>Sacramento Regional County Sanitation District</b>      |                               |            |   |   |
| Member   | Prabhakar                     | Somavarapu | District Engineer   | Sacramento Regional County Sanitation District        |
| Alternate  | Christoph                     | Dobson     | Director of Policy and Planning   | Sacramento Regional County Sanitation District        |
| <b>San Francisco Baykeeper</b>                             |                               |            |   |   |
| Member   | Ian                           | Wren       | Staff Scientist   | San Francisco Baykeeper                               |
| Alternate  |                               |            |   |   |
| <b>State &amp; Federal Contractors Water Agency</b>        |                               |            |   |   |
| Member   | Valerie                       | Connor     | Science Program Manager   | State & Federal Contractors Water Agency              |
| Alternate  |                               |            |   |   |
| <b>United States Environmental Protection Agency</b>       |                               |            |   |   |
| Member   | Terry                         | Fleming    | Environmental Scientist   | United States Environmental Protection Agency         |
| Alternate  | Luisa                         | Valiela    | Environmental Protection Specialist   | United States Environmental Protection Agency         |
| <b>United States Fish &amp; Wildlife Service</b>           |                               |            |   |   |
| Member   |                               |            |   |   |
| Alternate  |                               |            |   |   |
| <b>Western States Petroleum Association</b>                |                               |            |   |   |
| Member   | Kevin                         | Buchan     | Environmental Coordinator   | Western States Petroleum Association                  |
| Alternate  |                               |            |   |   |

DRAFT

April 2014

# CHARTER

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## The San Francisco Bay Nutrient Management Strategy

Purpose, Organization, and  
Governance of the Nutrient  
Management Strategy

## 1.0 Introduction and Background

San Francisco Bay is recognized as a nutrient-enriched estuary. Nonetheless, dissolved oxygen concentrations found in the Bay's subtidal habitats are much higher and phytoplankton biomass and productivity are substantially lower than would be expected in an estuary with such high nutrient enrichment, implying that eutrophication is potentially controlled by processes other than straightforward nutrient-limitation of primary production. There is a body of evidence that suggests the historic resilience of the Bay to the harmful effects of nutrient enrichment is weakening.

The indications of decreased Bay resilience have come to the fore at a time when the availability of resources to continue assessing the Bay's condition is uncertain. Notwithstanding historic contributions to water quality sampling and monitoring by various independent organizations, there is a need for a locally-supported, multi-interest, long-term science strategy and associated implementation program to provide information that is needed to support nutrient-related management decisions in the Bay. This approach has been proposed to be the "San Francisco Bay Nutrient Management Strategy" (NMS). The NMS will define and guide this science, implementation, information-sharing, and public outreach approach. As such, the NMS and the work of stakeholders supporting the NMS (described below) will inform policies specifically decided by the San Francisco Regional Water Quality Control Board (Regional Water Board).

*Note: The State Water Resources Control Board (State Water Board) and Regional Water Board started a technical and related stakeholder process to study and address nutrient over-enrichment in San Francisco Bay in 2010. The NMS is an extension of that ongoing effort. As such, certain aspects of the NMS are similar or identical to activities underway however, these activities have not been previously defined as part of a comprehensive strategy.*

## 2.0 Charter Purpose

This Charter describes how the NMS functions. In addition to the Introduction above and this purpose / organization section, this Charter includes descriptions of the following:

- Guiding Principles that frame and inform the NMS,
- Organizational Structure of the NMS including various groups and individual personnel,
- Roles and responsibilities of NMS groups and personnel,
- Selection criteria and methods for organizations / individuals serving the NMS,
- Decision-making protocols for NMS groups,
- Communication protocols for NMS Groups,
- Operating Guidelines for NMS Groups, and
- Closure procedures for the NMS.

The Charter is a “living document” and should be reviewed and periodically revised to reflect current and projected conditions for the NMS. Review and revision protocols are described below in Section 5.0.

### **3.0 Guiding Principles of the San Francisco Bay Nutrient Management Strategy**

The following principles define the intentions and expectations of the participants leading, serving, and associated with the NMS. The NMS will:

- Develop credible, feasible, scientific recommendations for San Francisco Bay and associated waterways that are created through collaborative discussions representing multiple interests;
- Communicate transparently and proactively with other stakeholder and technical efforts in the Bay-Delta region to ensure efficiency and minimize overlaps and duplications with other efforts;
- Conduct all decision-making in an accessible and transparent manner;
- Support transparent, peer-reviewed scientific studies;
- Be cost and time efficient in the development and review of studies and decision-making related to these studies;
- Minimize excessive and time consuming “process” and focus on efficient work between affected stakeholders and technical specialists; and
- Support the appropriate involvement of all stakeholders affected by, and interested in, nutrient conditions in the waters of the Bay (including its tributaries).

### **4.0 San Francisco Bay Nutrient Management Strategy Organizational Structure**

Figure 1 illustrates the NMS organizational structure. The following describes the functions, roles, membership, membership criteria, decision-making, and operating protocols of the various groups in the NMS organizational structure:

**4.1 Stakeholder Advisory Group (SAG):** The SAG is an ad hoc group of stakeholders interested in and affected by the development and implementation of the NMS. All SAG meetings are open to the public and are publicly noticed. SAG meetings are held in various formats including in person, virtual web-based meetings, and /or conference call settings. SAG meetings are convened by the Steering Committee (described below) on an as-needed basis. At times the Regional Water Board may also convene the SAG as a means to inform stakeholders about activities unique to the Board’s roles and responsibilities.

**SAG Role:** The SAG reviews materials provided by the Steering Committee (and at times the Regional Water Board) and work products presented and distributed by technical specialists related to the NMS (described below). The SAG discusses these materials and NMS activities. Information and outcomes from SAG meetings are provided to the Steering Committee and, when feasible and appropriate, are considered by the Committee as it makes decisions.



SAG Membership: The SAG has no formal membership or membership criteria. It is open to all interested parties.

SAG Decision-Making: The SAG does not make any decisions.

SAG Operating Protocols: The SAG is facilitated by either a representative of the Regional Water Board or a neutral third-party facilitator (when warranted). Agendas are prepared by the Steering Committee (with support from a facilitator and the NMS Science Manager). When feasible and appropriate, Science Core Team recommendations (described below) may be discussed at the SAG meeting before being submitted to the Steering Committee for decision-making.

4.2 Steering Committee: The Steering Committee is a formal stakeholder body, structured to reasonably but not exhaustively represent various interests affected by the NMS and nutrient conditions in the Bay-Delta. The Steering Committee has formal membership. Members are invited to serve on the Steering Committee by the Regional Water Board’s Executive Officer (Executive Officer) (or a designee). All Steering Committee meetings are open to the public and are publicly noticed. Steering Committee meetings are held in various formats including in-person, virtual web-based meetings, and /or conference-call settings. Meetings are facilitated by a third party, neutral facilitator. Meetings are self-convened and occur on an as-needed basis (generally not to exceed every four months).

Steering Committee Role: The role of the Steering Committee is to be the decision-making body for many NMS decisions (excluding policy and regulatory decisions). All recommendations and information from various groups in the organizational structure ultimately “flow” to the Steering Committee to make decisions. The tasks the Steering Committee addresses will change over the timeline of the NMS but initially include:

- Determine funding needs for upcoming years and coordinate needs with other organizations;
- Determine long term funding outlook;
- Track and get closure on NMS reports;
- Clarify and confirm interface with the Regional Monitoring Program, U.S. Geological Survey, and potential other monitoring activities;
- Select NMS Peer Reviewers;
- Select Science Core Team members; and
- Scope NMS Plans.

Steering Committee Member Selection: Steering Committee membership reflects a representative but not exhaustive range of stakeholders affected by, and involved with, nutrient load research and regulation in the Bay-Delta. Membership is by invitation from the Executive Officer (or a designee) who, using the following criteria, will seek to ensure a balanced set of interests. Appointment as a Steering Committee Member will be based on the invitee’s acceptance of all requirements expected of them and as

described in the invitation letter from the Executive Officer.

Steering Committee Member Types and Selection Criteria

1. Nutrient Dischargers – Discharger members represent a range of discharger types that are commonly believed to exceed de minimis levels of nutrient loading into the Bay-Delta. These include one representative each from the Bay Area Stormwater Management Agencies Association (BASMAA), the agricultural community, and the petroleum industry. Publically Owned Treatment Works (POTWs) are major contributors to nutrient loadings to the Bay. They are also major funders of the scientific investigations undertaken as part of NMS implementation and will be significantly impacted if the science shows that nutrient loadings need to be reduced. In this context and given that there are many POTWs, both large and small, that have widely varying interest in the outcomes of the NMS, there will be two seats on the Steering Committee allocated for POTW representatives. These Members will be coordinated by the Bay Area Clean Water Agencies (BACWA).
2. Environmental Advocates – one or more environmental advocates will be included as Members. Environmental Advocate selection will be based on the organization’s and/or individual’s having an established record of being engaged in, and knowledgeable about, water quality conditions and regulations in the Bay Area. Each member organization will have one member on the Steering Committee.
3. Water Quality Regulatory Agencies – One representative each from the San Francisco Bay Regional Water Board, the Central Valley Regional Water Board, and the U.S. Environmental Protection Agency (USEPA) Region IX.
4. Resource Trustee Agencies – One representative each from the California Department of Fish and Wildlife (CDFW), the U.S. Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS).
5. Regional Agency-Based Research Organizations – One representative from the Interagency Ecological Program (IEP) and/or the Delta Science Program, and one member from the U.S. Geological Survey (USGS).

Steering Committee Membership: Current Steering Committee Members are:

|                         |  |
|-------------------------|--|
| • Baykeeper             | • Bay Area County Farm Bureaus                   |
| • USEPA                 | • Western States Petroleum Association           |
| • BACWA                 | • State Water Contractors                        |
| • Regional Water Boards | • BASMAA   |
| • IEP/DSP               | • Sacramento Regional County Sanitation District |
| • CDFW                  | • USFWS  |
| • NMFS                  | • USGS   |

All Members are expected to regularly discuss NMS outcomes and key topics with their colleagues and/or constituents as a means to ensure that the NMS process is transparent and that broad feedback is being collected to inform the process (consistent with Members’ roles as representatives of larger groups of stakeholders). Willingness

and commitment to serve this role will be a basis for invitation and approval by the Executive Officer.

Steering Committee Alternates: Given the volume of information to be considered and various demands on Members' schedules, Alternates may be used by a participating organization. Alternates must be identified in advance, fully briefed, and able to represent the Member and the Member's constituents during decision-making. Alternates are expected to be kept up to date on all project activities by their Member representatives and are expected to attend on behalf of a Member, fully prepared to discuss agenda items. No items addressed at previous meetings will be revisited to accommodate an Alternate.

Steering Committee Member Resignation / Replacement: Members and/or their organization may resign from the Steering Committee. They are encouraged to do the following:

- Provide written resignation communication (e.g., letter, email) to the Executive Officer; and
- Recommend a replacement either from the Member's organization or from a similar interest organization.

Steering Committee Member Removal: Members are expected to uphold their commitments to participate in all Steering Committee meetings, review all materials in a timely manner, and be prepared to provide input and participate in Committee decision-making. If a Member does not fulfill these commitments, he/she can be removed from the Steering Committee and be replaced by either another person from the previous Member's organization or a new organization that represents similar interests as those of the previous organization. A Member will be removed through the following steps:

- The Executive Officer (or a designee as directed by the Executive Officer) will directly intervene and contact the Member in question to inform them that they are not fulfilling their commitments. This intervention may come as a result of anecdotal information provided to the Executive Officer or as a result of a report from any other Member(s) of the Steering Committee.
- The Member in question (and organization) will be allowed time (as determined by the Executive Officer or a designee) to resolve his/her participation challenge and fulfill his/her commitments to the process.
- If after the prescribed period of time, the Member in question does not resolve his/her participation challenges, the Executive Officer (or a designee as directed by the Executive Officer) will provide a removal recommendation to the Steering Committee for discussion.
- Steering Committee discussion will take place at either the next available meeting or through a special session (if needed) to discuss the proposed removal and a summary of the discussion will be provided to the Executive Officer.

- The Executive Officer will be advised by the Steering Committee; however the Executive Officer will retain the sole decision authority to remove the Member and or organization and to start member replacement steps.

Steering Committee New Member Addition: In the event a new person/organization requests to become a Member on the Steering Committee (beyond attending as a member of the public), the Steering Committee invites a new person/organization, or a Member is removed and an open position is created on the Steering Committee, the person/organization must do the following, and the Steering Committee will conduct the following review steps:

1. The prospective new Member will submit a letter of application to the Executive Officer (or designee) describing why his/her interest is unique and is not adequately represented on the Steering Committee.
2. The Facilitator will agendize consideration of the request at the next appropriate Steering Committee meeting.
3. The Steering Committee will review the application and will decide if the requested position is warranted to be added to the Steering Committee. Criteria for new Member addition should include the following:

Will the applicant add interests / perspectives, geographic representation, funding capacity for the NMS, and/or some other form of diversity not currently served on the Steering Committee?

The Steering Committee will make an administrative decision (as per decision methods described below) and will provide a recommendation to the Executive Officer. If the applicant is approved, the Executive Officer will issue a standard invitation letter to the applicant.

Steering Committee Decision-Making: As a voluntary partnership of diverse organizations, the Steering Committee is not “consensus-based.” Organizations do not necessarily have the authority to implement binding decisions. Therefore, all elements of the NMS are “consensus-seeking” wherein, and each part of the organizational structure takes reasonable and appropriate steps to reach consensus (as described below).

**Consensus-Seeking Decision Method.** The consensus decision method is based on principles of “consensus with accountability.” Consensus with accountability requires all participants to try to reach consensus while at all times supporting and expressing their self-interest. In the event a participant must reject a proposal, that participant is expected to provide a counter proposal that attempts to achieve their interest and the interests of the other participants.

In seeking consensus on an interim or final recommendation, participants will voice their opinions with specific proposals along the way, rather than waiting until a final

recommendation has been developed. At all times, participants will ensure that they are providing input commensurate to their prescribed role and constituency. The basic decision-making process is as follows:

Straw Polls: Participants will use straw polls to assess the degree of preliminary support for an idea before it is submitted as a formal proposal for final consideration by the group. Participants may indicate only tentative approval for a preliminary proposal without fully committing to its support.

Draft and Final Decisions: The Steering Committee will use the following three levels to indicate Members' degree of support for any proposal being considered and to likewise determine the degree of consensus:

*Thumbs Down: I do not support the proposal.*

*Thumbs Sideways: I am not enthusiastic about it, but I can live with the proposal.*

*Thumbs Up: I support the proposal*

*Abstention: At times, a pending decision may be infeasible for a participant to weigh in on. Certain Members may also consider themselves "Ex Officio" or similar and will consistently abstain.*

The goal is for all participants to be in the 'Thumbs Up', or 'Thumbs Sideways' levels of agreement. The Committee will be considered to have reached consensus on an item when there is a quorum of participants present, and all Members present are at Thumbs Up or Thumbs Sideways levels. For the purpose of the NMS, the numeric quorum for each will be defined and memorialized. If any Member is at a 'Thumbs Down' level, that Member must provide a counter proposal that legitimately attempts to achieve their interest and the interests of the other Members. The Committee will then evaluate how best to proceed. Members that abstain from particular proposals are encouraged to explain why abstention is in their best interest.

Decision Actions will be made at each appropriate meeting and will be publicly noticed in advance. The Steering Committee will not revisit previously agreed on decisions or recommendations unless new information is brought to light that would likely affect the outcome of the Committee's previous work.

**Majority Rule Decision Method.** Should consensus not be achievable, the Steering Committee uses a majority rule method to complete and memorialize a decision process (as described below). For all circumstances, decision-making will take place using the following criteria:

- **Administrative Decisions.** Administrative decisions are about the day-to-day activities of the Steering Committee (including but not limited to logistics, meeting

dates and times, agenda revisions, schedules, etc.). All administrative decisions will be made on a simple majority vote. Administrative decisions will be made by the Steering Committee using a simple majority of all participants present (51 percent or more) at any given meeting.

- Resource Decisions. Resource decisions are made by the Steering Committee using the consensus rule after sufficient discussion and deliberation has been conducted. In the event consensus cannot be achieved, a final decision will be made by the Executive Officer (or designee).

Steering Committee Operating Protocols: The Steering Committee is facilitated by a neutral third-party facilitator. Agendas are prepared by the Facilitator (in consultation with the Steering Committee and the NMS Science Manager). The Steering Committee makes decisions based on the protocols described above. If any Steering Committee Member is subject to input from their respective internal decision-making body or supervisor before weighing on a decision item, the Member in question is required to communicate that to all other Members. All Members will notify the Steering Committee when a decision-making body's approval is required to enter any formal commitment and will work to secure approval from their respective organization.

4.3 Science Program Manager: The Science Program Manager (Program Manager) oversees and administers the NMS Science Program. Currently, the Program Manager is a Senior Scientist with the San Francisco Estuary Institute (SFEI). The general responsibilities of the Program Manager are:

- Provide oversight and guidance to Science Core Team activities on a day-to-day basis (Core Team consists of SFEI staff, Southern California Coastal Water Research Program [SCCWRP] staff, and Technical Advisors – discussed below);
- Act as the liaison between the Science Core Team and the Steering Committee, the SAG, and the Nutrient Technical Workgroup (NTW) (described below); and
- Coordinate Peer Review activities.

Program Manager Role: The Program Manager has ultimate responsibility for the following tasks:

- Coordinate Core Team staff from SFEI, SCCWRP, and Technical Advisors (described below);
- Manage the application and selection process of Core Team Technical Advisors;
- Recommend Technical Advisor selection for the Steering Committee to take action on;
- Prepare Peer Reviewer selection criteria and present criteria to the Steering Committee to review and approve;
- Coordinate Peer Reviewer solicitations/applications and submit Peer Reviewer candidates to the Steering Committee to review and approve;

- Prepare and submit annual (or more frequent) Science Program work plans and budgets for the Steering Committee to review and approve;
- Manage the work flow and progress of all Core Team assignments;
- Coordinate and facilitate (or delegate said role) for all internal Core Team meetings (with optional periodic support from a neutral facilitator if deemed beneficial by the Program Manager);
- Prepare and report Science Program progress summaries for the Steering Committee;
- Manage the distribution of stipends (as paid by others) provided to Peer Reviewers and Technical Advisors;
- Manage the distribution of funding (as paid by others) to support Science Program activities such as technical studies;
- Attend SAG and NTW meetings as the representative of the NMS Science Program;
- Coordinate Science Program speakers (as warranted) for SAG and NTW meetings; and
- Implement Steering Committee decisions and recommendations.

4.4 Science Core Team: The Science Core Team is comprised of three types of staff:

- Technical specialist staff and administrative support staff from SFEI;
- Technical specialist staff from SCCWRP; and
- Regionally recognized, topic-specific Technical Advisors from:
  - Academia
  - Regulatory agencies
  - Local, State, and federal science agencies and/or agency partnerships.

In some circumstances (as recommended by the Program Manager and approved by the Steering Committee), private or non-governmental technical consultants may be used to support Core Team activities; however, this is not expected to be common.

Science Core Team Role: The Core Team focuses on specific areas of NMS scientific need as discussed by the Core Team, managed by the Program Manager, and directed by the Steering Committee. These specific needs are carried out by focused “sub-teams”. Presently, these teams include (but are not limited to) a:

- Modeling Team,
- Risk Assessment Framework Team, and
- Monitoring Program Team.

The primary workload of each team is conducted by SFEI and SCCWRP staff. Topic specific Technical Advisors collaborate with SFEI and SCCWRP staff and, at times, may take a leadership role on these teams. Technical Advisors have significant expertise on one or more technical subjects (i.e., hydrology, nutrient uptake, water treatment, etc.) and are used for their regional and technical acumen.

Science Core Team Membership: The Core Team does not have “members.” Rather, the Core Team is comprised of the staff and advisors (described above) that carry out technical assignments.

Science Core Team Decision-Making: The Core Team and its component teams use the same decision-making protocols described above in Section 4.2 (Steering Committee Decision-Making). That said, since the Core Team makes recommendations to the Steering Committee, the Core Team is not held to as high a standard to make consensus recommendations. While consensus should be sought, the Core Team and its component teams may provide a range of recommendations to the Steering Committee for final decision-making.

Science Core Team Operating Protocols: The Core Team and its component teams meet internally and regularly to get work done. This day-to-day work is not open for public involvement. Core Team meetings are either self-managed by Core Team colleagues, or, at times, a team leader may be identified if deemed needed. In some circumstances, a Core Team meeting may be facilitated by a neutral third-party facilitator as requested by the Program Manager; however, this is not expected to be common. Meeting agendas (when needed) for Core Team meetings are prepared by Core Team staff and advisors.

Work by the Core Team is also discussed in public meetings (described below in Section 4.5). Public feedback is collected and compiled for Steering Committee consideration before they make a decision.

4.5 Nutrient Technical Work Group: The Nutrient Technical Work Group (NTW) serves as the primary public venue for stakeholder input on technical issues. The NTW focuses on the review of highly technical work products from the Core Teams. All NTW meetings are open to the public and are publicly noticed. NTW meetings are held in various formats including in-person, virtual web-based meetings, and /or conference call settings. NTW meetings are convened by the Program Manager on an as-needed basis.

NTW Role: The NTW combines NMS technical specialists from the Core Team with other technical specialists that do not serve on the Core Team to publicly discuss Core Team draft recommendations. These other technical specialists may have personal interests in Core Team outcomes and/or may act as technical representatives of other stakeholders. For example, a private technical consultant may be asked by an interested stakeholder that regularly attends SAG meetings to attend a NTW meeting as a means to participate in a technically-focused analysis and discussion of Core Team draft recommendations. Information and outcomes from NTW meetings are provided to the Steering Committee and are considered by the Steering Committee as it makes decisions.



NTW Membership: The NTW has no formal membership or membership criteria. Participation in the NTW is focused on appropriate technical specialists that have an applied and credible background in the topics to be discussed.

NTW Decision-Making: The NTW does not make any decisions. It is an information exchange venue wherein Core Team recommendations can be reviewed and transparently discussed by other technical specialists.

NTW Operating Protocols: The NTW is facilitated by the Program Manager or a neutral third-party facilitator (as requested by the Program Manager). Agendas are prepared by the Program Manager. Core Team recommendations may first be discussed at the public NTW meeting before being submitted to the Steering Committee for decision-making; however, this may not always be practical or feasible. In between an NTW meeting and submission of final recommendations to the Steering Committee, the Program Manager and Core Team staff, are expected to review NTW discussions and legitimately consider feedback that might modify a Core Team recommendation(s).

4.6 Peer Review: An important component of the NMS is robust, peer-reviewed science. NMS Peer Reviewers are paid individuals of significant reputation on technical topics applicable to the NMS; however, they have no relationship with or interest in NMS outcomes.

Peer Review Role: Peer Reviewers provide independent review and critique of Core Team recommendations and Science Manager planning activities (i.e., annual Work Plans).

Peer Review Member Selection. Peer Reviewers are selected based on criteria prepared and recommended by the Science Manager, agreed on by the Steering Committee, and available for public review. All Peer Reviewers are selected by the Steering Committee after a solicitation and application process managed by the Science Manager. The Science Manager may be asked to provide selection recommendations by the Steering Committee and may do so or may defer providing such a recommendation.

Selection criteria for Peer Reviewer applicants currently does not exist. It is expected to include but not be limited to the following variables:

- Technical expertise and reputation of the applicant,
- Relevance of the applicant to NMS topics,
- Applicant availability and resources to commit the appropriate level of effort to technical reviews, and
- The applicant's independence from, or avoidance of any conflict of interest with, the NMS and/or any parties associated with the NMS.

Peer Review Members: TBD.

Peer Review Decision-Making: Peer Reviewers do not make decisions per se. They provide input and recommendations about NMS technical documents but do so individually and therefore have no need for decision protocols.

Peer Review Operating Protocols: Peer Reviewers are used on an as-needed basis to review technical deliverables prepared by the Core Team. However, their activities must be effectively scheduled to accommodate their other work responsibilities outside of the NMS. To avoid last minute requests and circumstances where Peer Reviewers may not have appropriate background to fulfill their responsibilities, Peer Reviewers will be updated regularly about materials they will be asked to review and the status of said materials. Such updates may be done in-person, via email, or by virtual meeting methods (if the reviewers are geographically distant from the Bay-Delta region).

The Science Manager will coordinate all communications with the Peer Reviewers to ensure that communications are controlled and efficient. Peer Reviewers may submit their outcomes back to the Science Manager to be compiled and presented to the Steering Committee, or the Steering Committee may ask that Peer Review comments be sent directly to them. Not all Peer Reviewers will be used at the same time on all deliverables but rather, they will be used as a study / deliverable applicable to their expertise is available and needing independent review.

The Peer Reviewer(s) agree to serve and provide their input with the expressed understanding that the Steering Committee and Regional Water Board will consider all Peer Review comments seriously. However, neither the Steering Committee nor the Regional Water Board is under an obligation to accept and support all Peer Reviewer recommendations / input.

4.7 Public Outreach and Education: The Steering Committee will decide on the public outreach and education effort needed for the NMS and the level of resource expenditure. The Regional Water Board will continue to manage the NMS webpage on the Board's website. Others, e.g., BACWA and SFEI, also have webpages that they will continue to maintain. Other possible outreach activities include:

- Preparation and distribution of NMS newsletters and fact sheets,
- Authoring of NMS-related information for the media, and
- Design and delivery of public outreach events.

4.8 Other Regional Efforts: As described in Section 3.0 (Guiding Principles), NMS participants are collectively dedicated to ensure that there is minimal overlap and/or duplication between the NMS and other stakeholder and technical efforts in the Bay-Delta region. Similarly, NMS participants want to ensure that the NMS communicates transparently and proactively with other stakeholder and technical efforts in the Bay-Delta region and that these efforts are similarly transparent and proactive with the NMS. NMS leaders are dedicated to create and modify communication tools and methods to ensure that these principles are achieved.

## 5.0 Charter Revision

The Steering Committee may amend this Charter by following the same decision rule set forth above. Amendments may be proposed by the Steering Committee Members during or between meetings to the Facilitator. The proposal will be agendaized for discussion and possible action, using the consensus decision rule process, at the next meeting, or through email and/or conference call communication if feasible and appropriate.

## 6.0 General Nutrient Management Strategy Operating Guidelines

To ensure all aspects of the NMS are effective, all participants commit to the following guidelines:

- All participants will have scheduled opportunities to accurately represent the interests of their participating organization in the development and implementation of the NMS.
- The personal integrity, values and legitimacy of the interests of each participant will be respected by other participants. Everyone will participate; no one will dominate.
- All interests will be considered by all participants in general deliberation and in decision-making procedures.
- Participants participate regularly and in person (if possible) and will be well informed on the issues under discussion.
- Every participant will communicate their respective interests and will disclose pertinent information on issues under consideration.
- Commitments will not be made lightly and will be kept. Delay will not be employed as a tactic to avoid an undesired result.
- All participants will have the authority necessary to represent their respective organizations in deliberations.
- All participants will inform their respective decision-making bodies in a timely manner of developments in the NMS.

## 7.0 Facilitator Roles and Responsibilities

Stakeholders have suggested that third party neutral facilitation be available for certain aspects of the NMS. The following describes the roles and responsibilities of the facilitator(s):

- Serve as professional neutrals, manage dialogue in meetings, and oversee the provisions of this Charter;
- Design, implement and refine (as needed) a consensus-seeking process;
- Ensure that all points of view held by NMS participants are heard and that the interests of each participant's constituencies are considered;
- Provide assistance to participants requesting help with communications; and
- Memorialize and distribute meeting discussions and outcomes in a neutral and unbiased manner.

## **8.0 Nutrient Management Strategy Communications**

When communicating outside of the NMS, all NMS participants will speak only for themselves and/or organizations when asked about NMS progress, unless there has been adoption of concepts or recommendations by a respective NMS full group and concurrence by the Steering Committee.

Meeting announcements will be sent out at least 10 business days before any public NMS meeting. Meeting agendas will be sent out at least 5 business days before any public NMS meeting. All NMS groups will make a good faith effort to send out meeting materials at least 3 business days prior to any NMS meeting. Facilitators will distribute draft meeting summaries within two weeks after each meeting.

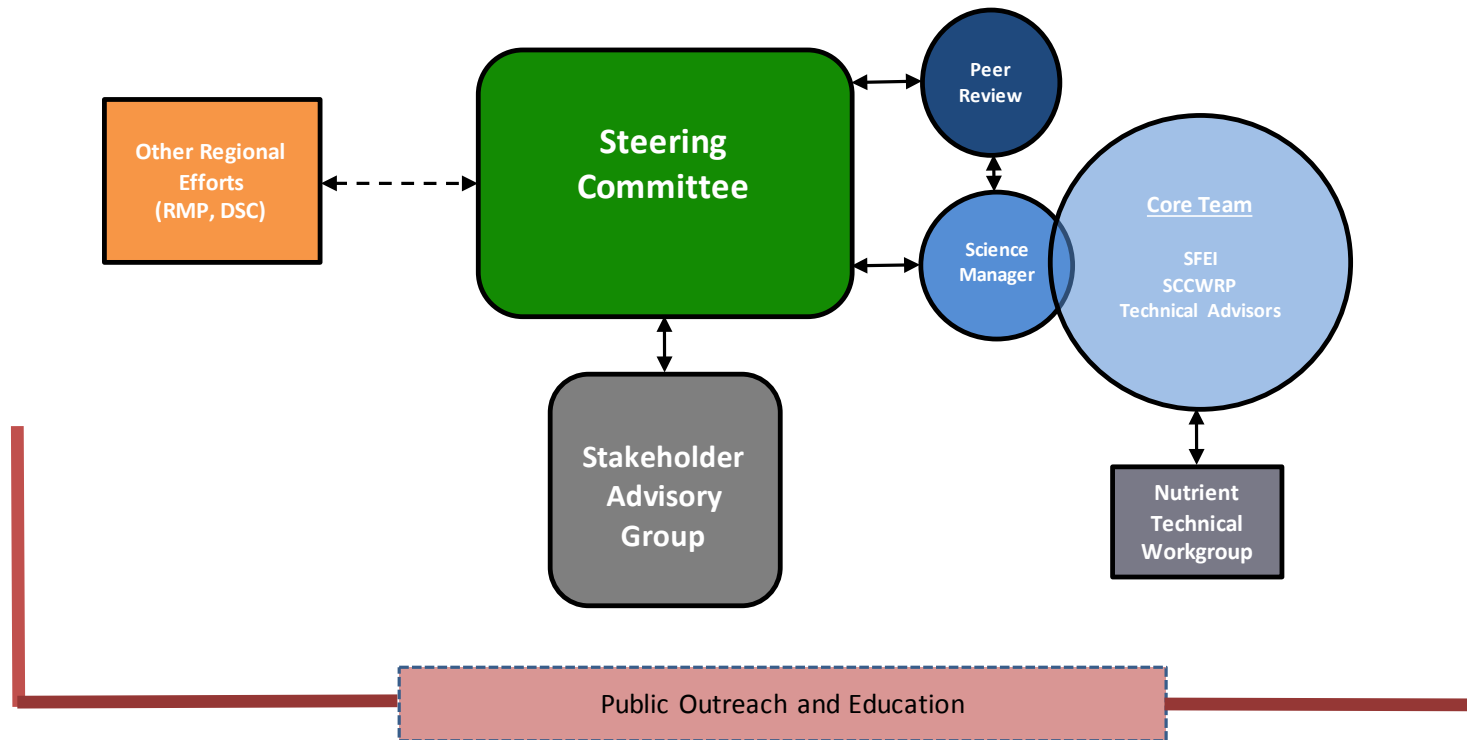
## **9.0 Nutrient Management Strategy Group and Process Closure**

The NMS process (and/or groups within the NMS process) will be completed at some time either by virtue of it having been successful in achieving the various objectives and missions adopted or, in the unlikely circumstance, of it being unsuccessful in achieving these objectives and missions. The process for closure will be the following:

- Any member of the Steering Committee and/or the Executive Officer (or a designee) can prepare a recommendation to close the process.
- The recommendation document should include but may not be limited to:
  - Name(s) of the Members making the recommendation
  - Rationale for the recommendation
  - Analysis of alternates to closure and analysis of the implications of the proposed closure.
- The Steering Committee will discuss the recommendations among themselves and with the Program Manager.
- The Steering Committee will provide a recommendation to the Executive Officer.
- The Executive Officer will consider the Steering Committee's recommendation. The Executive Officer will have the sole responsibility to close the process (if recommended) or start efforts through which the NMS may be revised and/or a new Steering Committee is selected.



Figure 1 - Nutrient Management Strategy Organizational Structure



**APPENDIX A**  
**Near-Term Tasks for the**  
**Nutrient Management Strategy Steering Committee**

The role of the Nutrient Management Strategy (NMS) Steering Committee will likely evolve over the timeline of the NMS. Some tasks however can be reasonably expected for the initial three to six months of the Steering Committee. The following provides brief descriptions of these near-term tasks:

**Determine funding needs for upcoming years and coordinate needs with other organizations**

*For calendar years 2014 and 2015, the Steering Committee will identify, prioritize, and recommend the specific funding needs for technical work. This will include coordination with and determination of funding contributions from the Regional Monitoring Program (RMP) and the Bay Area Clean Water Agencies (BACWA).*

**Determine long term funding outlook**

*Using existing recommendations from the San Francisco Estuary Institute (currently serving the NMS as the Science Manager), the Steering Committee will assess, confirm, and recommend future funding allocations including initial scopes of work and associated timelines and costs, additional funding sources and potential collaborating institutions.*

**Track and get closure on NMS reports**

*The November NMS document includes preliminary recommendations for technical activities including key reports and information that provide initial guidance to the NMS process. The Steering Committee will be updated on the status of this information and will be responsible for ensuring closure on these reports, e.g., Conceptual Models.*

**Clarify and confirm interface with the RMP, US Geological Survey, and potential other monitoring activities**

*The Steering Committee will be responsible for coordinating the approach to developing a monitoring plan with all relevant parties, concurring on the monitoring priorities, and developing an approach to funding the priorities established in monitoring plan.*

**Provide Input on Peer Review (Science Panel) member selection**

*The Steering Committee will recommend specific roles and responsibilities of the Science Panel and will provide review and input and concurrence on recommendations for the selection of the Science Panel members.*

**Create technical workgroup(s)**

*The Steering Committee will work with the Science Manager and the current NMS document and will determine the need for and recommended membership of technical workgroups to support the Technical Team and NMS goals.*

**Scope NMS Plans**

*Expanding on the November 2012 NMS, the Steering Committee will recommend the scope, scale, work assignments, timing, and budgets to prepare a range of plans that support the NMS including, but not limited to, the modeling plan, monitoring plan, science plan, and treatment optimization plan.*

-----Original Message-----

From: Criddle, Craig [<mailto:ccriddle1@gmail.com>]

Sent: Thursday, March 13, 2014 10:49 AM

To: Olivia Chen

Cc: Dave Williams; Mike Connor

Subject: Re: Proposal to BACWA

Dear Olivia, Dave and Mike,

I now have more detailed budgets for a proposal: to BACWA and a second proposal for Prop 84.

For the BACWA proposal, we would propose an 18' trailer, with modest sensing and control. We'd likely begin with Perry's system, but we could also build a CANDO trailer, depending on what most interests the utilities.

This trailer could be operational by early 2015. Depending on funding, we could design and fabricate it during the summer for testing at the Resource Recovery Center in the Fall. In the presentation to the BACWA board, I indicated 150K. That was intended as a one year budget. The 2-year budget is 300K, assuming full salary. Unfortunately, as I look at the slides presented to the Board, this was now clear. If ReNUWIT kicks in funding for student support (quite possible) or we get a student with fellowship support, the number would go down significantly, as student pay is the major cost.

Craig

## Decision Support for Assessment of Nutrient Control in San Francisco Bay





David L. Sedlak, Mike Kiparsky, Christian Nilsen, Sasha Harris-Lovett  
*BACWA Board Meeting  
 February 21, 2014*

### Broadening Control Options

|              | Cost | Risk of Failure | Institutional Barriers |
|--------------|------|-----------------|------------------------|
| Optimization |      |                 |                        |
| Upgrades     |      |                 |                        |

### Broadening Control Options

|                | Cost | Risk of Failure | Institutional Barriers |
|----------------|------|-----------------|------------------------|
| Optimization   |      |                 |                        |
| Upgrades       |      |                 |                        |
| Wetlands       |      |                 |                        |
| Water Reuse    |      |                 |                        |
| Source Control |      |                 |                        |

### Broadening Control Options


|                | Cost | Risk of Failure | Institutional Barriers | Ancillary Benefits | Other Funding | Public Support |
|----------------|------|-----------------|------------------------|--------------------|---------------|----------------|
| Optimization   |      |                 |                        |                    |               |                |
| Upgrades       |      |                 |                        |                    |               |                |
| Wetlands       |      |                 |                        |                    |               |                |
| Water Reuse    |      |                 |                        |                    |               |                |
| Source Control |      |                 |                        |                    |               |                |

Caution: Entries based (only) on informed speculation


### Scenarios

- **Nutrient Control by Dischargers**
  - Minimize costs and failures risk
  - Assess institutional issues
  - Coordinate with SF Bay science
- **Systems Vision for SF Bay**
  - Share costs/risks w/more stakeholders
  - Address other BACWA concerns

|                | Cost | Risk of Failure | Institutional Barriers |
|----------------|------|-----------------|------------------------|
| Optimization   |      |                 |                        |
| Upgrades       |      |                 |                        |
| Wetlands       |      |                 |                        |
| Water Reuse    |      |                 |                        |
| Source Control |      |                 |                        |



### A Straw Man






## Wetlands for Nutrient Control

- Objective: Assess Potential Costs and Risks**
  - Cost: evaluate existing and planned systems (e.g., Oro Loma, Sunnyvale); conduct spatial analysis
  - Risks: Workshop on institutional issues
  - Coordinate with SF Bay science
- Timing/Deliverables**
  - Scoping report on feasibility in 2.5 yrs
- Project Partners**
  - Eisenstein, Doremus, Harris-Lovett, Kiparsky, Sedlak
  - ESA/PWA, BACWA/RWQCB, SFEI



## Enhancing Water Reuse

- Objective: Assess Potential and Mechanism**
  - Market Assessment: Review existing/future reuse plans
  - Identify Mechanisms: Trading, compliance needs
  - Solicit feedback from potential partners
- Timing/Deliverables**
  - Assessment of market potential/impediments in 2 years
- Project Partners**
  - Kiparsky, Doremus, Harris-Lovett, Sedlak, Sunding, Truffer
  - BACWA/RWQCB, Water Agencies




## Enhancing Water Reuse



Water Supply Management Program 2040


## Nutrient Recovery

- Objective: Assess Long-Term Prospects for Technology**
  - Literature Review: Identify existing and emerging technologies
  - Pathway Analysis: Technology pilots/demonstration
  - Institutional Assessment: Identify impediments, incentives
- Timing/Deliverables**
  - Scoping study of best practices in 2 years
- Project Partners**
  - Nelson, Eisenstein, Kiparsky, Mauer, Sedlak, Truffer
  - BACWA/RWQCB, Eawag



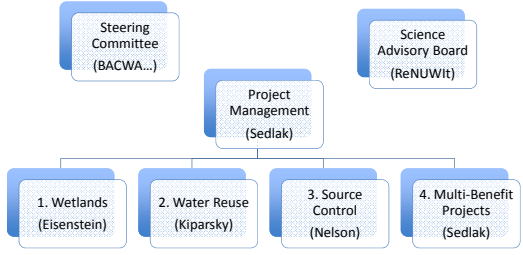
## A Systems-Level Vision

- Objective: Identify a Path Forward**
  - Stakeholder Engagement: Identify priority projects
  - Workshop: Identify potential partnerships/funding
  - Synthesis: Summarize options
- Timing/Deliverables**
  - White paper in 18 months
- Project Partners**
  - Sedlak, Eisenstein, Groves(R), Harris-Lovett, Kiparsky, Truffer
  - BACWA/RWQCB, Flood Control, CDFW, SBSP, SFEI, Eawag



|                | Cost | Water Quality | Water Quantity | Water Quality | Water Quantity | Water Quality | Water Quantity |
|----------------|------|---------------|----------------|---------------|----------------|---------------|----------------|
| Confidence     | High | High          | High           | High          | High           | High          | High           |
| Support        | High | High          | High           | High          | High           | High          | High           |
| Water Quality  | High | High          | High           | High          | High           | High          | High           |
| Water Quantity | High | High          | High           | High          | High           | High          | High           |

## Structure/Oversight



```


graph TD
    SC[Steering Committee (BACWA...)] --- PM[Project Management (Sedlak)]
    SAB[Science Advisory Board (ReNUWR)] --- PM
    PM --- W1[1. Wetlands (Eisenstein)]
    PM --- W2[2. Water Reuse (Kiparsky)]
    PM --- W3[3. Source Control (Nelson)]
    PM --- W4[4. Multi-Benefit Projects (Sedlak)]
    
```




## Qualifications



- **Expertise**
  - ReNUWIt System-Level Approach
  - Multidisciplinary Team
  - Track Record
- **Objectivity**
- **Motivation**



## Next Steps



- **Stage I: The Details**
  - Management Structure
  - Scope of Work
  - Budgets
- **Project Initiation**
- **Stage II (2 years)**

## MERCURY/PCB RISK REDUCTION OPPORTUNITIES UPDATE

April 18, 2014 BACWA Board meeting

BACWA Lead: Lorien Fono

### SUMMARY

The 2013 Mercury/PCB watershed permit requires participation in risk reduction programs as follows:

*Dischargers shall continue to implement and participate in programs to reduce mercury and PCB-related risks to humans from consumption of San Francisco Bay/Delta fish. This requirement may be satisfied by a combination of related efforts through the Regional Monitoring Program or other similar collaborative efforts. Dischargers shall describe the progress of their efforts in the Annual Self-Monitoring Report. Alternatively, the Bay Area Clean Water Agencies (BACWA) may fulfill the annual reporting requirement by providing a summary of annual risk reduction program efforts for agencies that choose to participate through BACWA.*

The DPH, in collaboration with the ASC, is applying for an EPA Water Quality Improvement Fund (WQIF) grant. A draft proposal narrative is attached. They are looking for matching funds for their program, as well as in-kind support (\$800K total). In-kind staff support will be provided by DPH and Region 2. DPH staff have asked whether BACWA and WSPA funds could be used to support the community-based grants program. The proposal includes funding eight to ten grants of up to \$25K each. Regional Water Board Staff concur that contributing to the DPH effort would satisfy BACWA's permit requirement.

The Regional Water Board is waiting for BACWA to propose a dollar figure for our effort in this permit term. BACWA provided \$100,000 over the previous permit term. WSPA has stated its willingness to make a small contribution as well. BAASMA is unlikely to commit funding unless compelled by their Municipal Regional Permit, which is due to be reissued next year.

In the last permit cycle, \$100,000 was allocated to the community-based grants program, as follows:

| <b>Funded Groups</b>                             | <b>Total</b>     |
|--|------------------|
| APA Family Support Services                      | \$26,250         |
| California Indian Environmental Alliance (CIEA)  | \$26,250         |
| Greenaction for Health and Environmental Justice | \$26,250         |
| Kids for the Bay (KftB)                          | \$21,250         |
| <b>Total</b>                                     | <b>\$100,000</b> |

The following are the recommendations for "next steps" from the 2012 Fish Project Final Report, pertaining to the Grant Program:

- Continue to target women ages 18-45, children (including students), families, fish consumers, anglers.
- Increase opportunities for collaboration among funded groups to share ideas and resources. Consider making some of these activities mandatory.
- Improve timeliness of developing educational materials and improve schedule, timing, and coordination of activities. [Note: These points were mentioned because delays in completing the advisory brochure translations and evaluation tools were a problem for the funded group].

Risk Reduction Update  
April 18, 2014

- Provide more evaluation support. Seek increased consistency in reporting practices among groups.
- Develop more in-depth training for funded groups to increase their technical knowledge and their ability to teach others.
- Revise and update evaluation reporting forms for consistency and clarity.
- Continue to provide funding for community based organizations to provide outreach and education in their communities.
- Seek to incorporate more interactive and activity centered components within training activities.
- Explore ways to incorporate longer-term follow up activities within funded group projects in order to document behavior change. This might require a longer time frame for the overall projects (e.g., 18 months rather than 12 months).

### **SUPPORTING MATERIAL**

The documents related to the CDPH's risk reduction report from the previous permit are viewable here:  
<https://bacwa.box.com/s/hurlfsb4c6eezlpjnhvx>

Delta Mercury Exposure Reduction Program Webpage:

[http://www.waterboards.ca.gov/rwqcb5/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/hg\\_exposure\\_reduction/index.shtml](http://www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/hg_exposure_reduction/index.shtml)

## **Proposal Narrative for SFBWQIF grant**

### **TITLE: San Francisco Bay Fish Project: Reducing Human Exposure to Mercury and PCBs through Monitoring and Education**

**DRAFT 4/11/14**

In San Francisco Bay (SFB), sport-fish consumption and protection of aquatic life are two designated uses that are impaired and have caused the Bay to be placed on the 303(d) list. The impairment is primarily due to bioaccumulation of mercury and polychlorinated biphenyls (PCBs) in tissues of fish and wildlife. This impairment also represents a significant public health problem because human populations are exposed to these contaminants from eating SFB fish. The Bay is a popular water body for fishing with over 140 shore-based fishing sites and 20 boat launch ramps. SFB anglers represent many different ethnicities, and include people with limited English skills. Most SFB anglers consume their catch and share their catch with their families (SFEI 2000). The fish consumption advisory for the Bay, first issued in 2004 and recently updated (OEHHA 2011), recommends limited or no consumption for ten types of SFB fish or shellfish. However, the advisory is incomplete because it only addresses species for which monitoring data are available. Many important species that are commonly consumed have not been sampled and thus are not included in the advisory.

To address this problem, TMDLs for mercury and PCBs were approved in 2008 and 2010. The TMDLs recognize that attainment of the numeric targets for mercury and PCBs in fish tissue will take many years and possibly decades. To protect human health in the interim, the TMDLs require the implementation of risk management activities that will reduce exposure to mercury and PCBs among fish-consuming populations. Specifically, the TMDLs require community outreach and education activities such as providing multilingual fish consumption advice to Bay fish consumers, posting warning signs at fishing locations, and informing the public about monitoring data and the hazards of eating mercury and PCB contaminated fish.

For almost two decades, the Regional Monitoring Program for Water Quality (RMP) has been collecting fish tissue for analysis of mercury and PCBs as well as other pollutants of concern. The RMP provides critical information necessary to assess health risks in SFB sport fish and is the basis for the advisories and educational messages that guide and protect SFB fish consumers and their families from exposure to mercury and PCBs.

From 2010 to 2012, the Aquatic Science Center (ASC) in collaboration with the California Department of Public Health (CDPH) implemented a pilot project called the San Francisco Bay Fish Project (SFBFP) with funding from NPDES permit holders and the 2010 SFB WQIF. The goal of the SFBFP was to increase public awareness of mercury and PCB contamination in SFB fish and reduce exposure to these chemicals by encouraging fish consumers to change their fish consumption patterns. Because meaningful involvement of diverse communities who eat contaminated fish from SFB is critical to addressing this problem, the SFBFP engaged and collaborated with many community-based groups who work with fish-consuming populations. In 2010, CDPH met with 11 community-based organizations (CBOs) (including environmental and angler groups) to introduce the project and to solicit input project activities. The SFBFP was also guided by a stakeholder advisory group (SAG) that had a diverse membership including CBOs. Finally, a central part of the SFBFP was education projects conducted by 4 community-based groups. These projects collectively reached over 5700 consumers of SFB fish with information about contaminated

## DRAFT

fish in SFB. In addition, these consumers reported that over 17,000 members of their households also ate SFB fish. Extensive evaluation activities documented increases in consumers': (1) awareness and knowledge of advisories, (2) intent to share information about the advisory with others, and (3) intent to follow the advisory or make a specific change in their fish consumption patterns (e.g., stop eating surfperch) to reduce chemical exposure. Additional accomplishments of the SFBFP included (1) development and posting of a low-literacy warning sign at 50 fishing access locations in SFB, (2) development, printing, and distribution of an advisory brochures and kiosk poster in ten languages plus English, (3) production of a short education video, and (4) training and technical assistance on fish contamination in SFB for community groups, Women, Infants, and Children (WIC) clinic staff.

Using an adaptive management approach, ASC will continue to collaborate with CDPH and build on the findings and lessons learned from the SFBFP in the proposed project. This project will include the entire SFB, as well as parts of the Delta within Solano and Contra Costa counties, with a focus on areas with the highest fishing activity. The project will be an important component of the implementation of the mercury and PCB TMDLs for San Francisco Bay and will include the following five tasks, to be implemented over a four-year period.

1. Convene and expand the Stakeholder Advisory Group (SAG). Building on the extensive partnerships and stakeholder involvement already established under the SFBFP, ASC/CDPH will convene the SFBFP SAG to inform and guide the project, facilitate collaboration, and ensure that project activities reach affected fish-consuming populations. We will also collaborate with our partners in the Bay Area Pollution Prevention Group and others to explore opportunities for coordinating outreach and education activities that are conducted under existing pollution prevention efforts. Outputs/Outcomes: ASC/CDPH will convene the SAG 3-4 times per year over the duration of the project, document the number and types of groups participating, and summarize SAG accomplishments, including collaborations with other groups. We will also evaluate SAG meetings to solicit feedback and ensure accomplishment of our project goals.
2. Conduct fish tissue monitoring. In order to address data gaps in the current advisory and provide more accurate information to fish consumers, this project will support expanded monitoring of fish tissue for mercury and PCBs. Species selection will be determined by the RMP Technical Review Committee with SAG input. It is essential to maintain a fish tissue monitoring program. This supports the capacity to refine our predictive models of ecosystem recovery, bioaccumulation models that can inform site-specific interventions in areas with great methylmercury production risk (the bioaccumulative form of Hg) and protect aquatic life uses, especially those ecosystem components particularly vulnerable to Hg and PCB contamination. The fish tissue monitoring component will enhance on-going RMP sport fish activities, and the RMP participants represent a significant source of matching funds to this request. In addition, the RMP is also conducting recovery forecasting work that includes a bioaccumulation component. Output/Outcomes: This task will be completely supported by in-kind resources in the amount of xxx for tissue analysis and assessment. These data will provide the foundation for trends evaluation, assessment, modeling, and communication purposes. Outputs will include fish tissue data of specific fish species popular with anglers. Outcomes will include incorporation of new data into advisories

and educational messages that promote behavior change and exposure reduction in fish consuming populations.

3. Implement community-based outreach, education, and exposure reduction projects. CBOs and local agencies are particularly suited to reaching under-served and at-risk populations with culturally-appropriate activities aimed at reducing exposure to contaminants from SFB fish. ASC/CDPH will develop a competitive process to award small grant to for implementation of community-based projects. Specific selection criteria for these projects will be guided by input from the SAG. Outputs/Outcomes: This program will support approximately eight to ten community-based projects (up to \$25,000 per project over two 18-month grant cycles). The funded projects will be required to reach an average of xxx participants per project, and document evaluation outcomes for at least xxx of these participants. Participants will include consumers of SFB fish or their family members. Outputs will include the type of activity, number and type of participants, and whether participants are at risk due to their specific SFB fish consumption patterns. Outcomes will include reported changes in awareness or knowledge of SFB fish contamination issues or intent to change behavior in ways that reduce exposure to contaminants from SFB fish (for example, showing an intent to eating less contaminated fish). ASC/CDPH will update the evaluation tools from the SFBFP and provide evaluation training and technical assistance to funded groups to ensure that outputs and outcomes are thoroughly documented. In addition, to track and monitor progress of these projects, we will conduct regular meetings and site visits with the funded groups, and link payment of funds to completion of specific project milestones.
4. Training and technical assistance. ASC/CDPH will conduct training activities and provide technical support to SAG members, including funded CBOs, local agencies and SAG member organizations have direct contact with fish-consuming populations through their on-going programs. Training improves their ability to communicate fish contamination information directly with the populations they serve and is an efficient approach to addressing this problem. Outputs/Outcomes: ASC/CDPH will conduct two trainings per year and document the number of participants, types of organizations represented, and content of each training. We anticipate training 100 people from at least 12 different organizations during the project. Training evaluation will measure changes in knowledge among participants and training effectiveness. We will also document they type of technical assistance provided.
5. Develop educational materials, evaluate sign posting, and implement training activities.
  - (A) *Educational materials development.* ASC/CDPH will add to the existing multilingual educational materials with SAG guidance to determine additional types of materials (i.e., formats, literacy level, languages, etc.) that will best support project activities, including the community-based projects described above. Possible materials include the following, with additional materials to be determined by the SAG:
    - Audio or video messages in multiple languages;
    - Revision and translation of the low-literacy brochure on mercury in fish that was developed for the Delta to include fish caught from SFB;
    - A tip card for anglers, similar to the tip card developed to communicate advisories in Southern California.
  - (B) *Sign Posting and Evaluation.* ASC/CDPH will continue to collaborate with local agencies in the posting of the SFB warning sign that was developed under the SFBFP

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and conduct an evaluation to document where signs are posted and assess angler awareness and understanding of the sign's basic messages.

Outputs/Outcome: (A) *Educational Materials.* ASC/CDPH will develop two new educational materials during the project. ASC/CDPH will document the audience the materials serves, the languages the material is translated into, the number produced, and how the material is disseminated. ASC/CDPH may also conduct formative evaluation (such as interviews or focus groups) to ensure the material will be effective at reaching the target audience. (B) *Sign Posting and Evaluation.* ASC/CDPH will post the warning sign at xxx fishing locations in SFB. We will also summarize sign posting activities and interview approximately 50 anglers on their awareness and comprehension of the sign messages.

ASC/CDPH anticipates that many project outcomes will continue to be achieved beyond the funding period. Based on evaluation of similar projects, we have found that stakeholders we have trained, including staff from community-based groups, continue to educate local populations about fish contamination beyond the funding period through one-on-one counseling, community workshops and events, dissemination of educational materials, and by serving as a local resource or expert. Also, the SFB signs will continue to provide information to anglers well beyond the project period. Finally, CDPH and our state and local agency collaborators will continue to disseminate educational materials developed under the project after this project ends, through our websites and by responding to direct requests for educational materials, technical assistance, and training from outside groups.

### Linkages to EPA Strategic Plan and SFEP CCMP Objectives and Actions

This project supports EPA's Strategic Plan Goal 2, Protecting America's Water by addressing a critical beneficial use: recreational and subsistence fishing. The project addresses both Goal 2 objectives: to Protect Human Health, and to Protect and Restore Watershed and Aquatic Ecosystems, since outreach and education efforts will also make the connection between fish contamination and contemporary sources of mercury that can be prevented by residents (e.g., compact fluorescent light bulb recycling). Fish monitoring also protects human health and the watershed by helping to characterize the scope of the mercury and PCB contamination and inform priorities for remediation activities.

This proposal is consistent with the San Francisco Estuary Project CCMP Objectives AR-2 and PO-3. The project addresses Objective AR-2, Action AR-2.7, "identify and control fish contamination", by monitoring SFB sport fish to identify and characterize mercury and PCBs in species that are consumed by the public. The project also addresses Objective PO-3, "remediate pollution threats to public health". ASC/CDPH is proposing a new action to achieve this objective that will improve public health by reducing human exposure to chemicals from consumption of SFB fish through community outreach and education activities.





## BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 18

FILE NO.: N/A

MEETING DATE: April 18, 2014

### TITLE: San Francisco Bay Area Integrated Regional Water Management Plan (IRWM Plan), Activities funded by BACWA and Others

DISCUSSION

MOTION

RESOLUTION

### RECOMMENDED ACTION

Receive update and provide feedback to the Executive Director and BACWA Bay Area IRWM Plan Representatives regarding expenditures funded, in part, by BACWA.

### SUMMARY AND DISCUSSION

#### *Background*

BACWA has contributed funding and resources to help develop, adopt and implement the Bay Area IRWM Plan, which is a requirement to be eligible for DWR IRWM grant funds:

1. The 2006 Bay Area IRWM Plan (IRWM Plan) relied on four “functional area” plans that were incorporated into the final adopted plan. BACWA paid a consultant approximately \$25,000 to prepare the plan that included more than 40 projects, mostly recycled water projects. The other functional areas (Water Supply, Flood Control, Stormwater, and Habitat/Watershed) also prepared functional area plans.
2. In 2007, a total of \$100,000 was gathered via a four party agreement to pay for consultant assistance to help with implementation activities. The four functional areas split the amount equally, each contributing \$25,000. The Coastal Conservancy administered this activity.
3. During 2009-2010, a total of \$173,000 was gathered via new four party agreement, primarily to serve as a cash match for grant funding to update the IRWM Plan to meet heightened standards, plus implementation activities (website, meeting support, etc.). The costs were divided on ability to pay. **BACWA contributed \$60,000**, the Bay Area Water Agencies Coalition (BAWAC) contributed \$63,000, the Coastal Conservancy contributed \$25,000, and the Contra Costa County Flood Control and Water Conservation District contributed \$25,000.

#### *Remaining Funds*

The DWR has finished its review of the IRWM Plan and has provided a draft approval. DWR has not provided comments that would require updating the Plan. Approximately **\$78,000** remains available (Table 1) to advance the IRWM Plan. This is an increase from the \$35,600 that was estimated in June 2013 that would be remaining after DWR review. Many of the tasks that were meant to be funded from this reserve were conducted at less cost than was anticipated.

In addition to paying for IRWM Plan Update and Coordinating Committee support through 2015, one of the potential uses for the remaining funds is to pay a portion of a budget overage of **\$117,000** requested

by Kennedy Jenks, the consultant retained to prepare the IRWM Plan Update. According to members of the Project Update Team, approximately **\$50,900** of this request reflects legitimate overruns such as increases in scope. Other activities that may need funding include adding additional projects to IRWM Plan in the future and helping to support two Bay Area Regional Grant Proposals to DWR (Proposition 84 Rounds 3A and 3B).

The four parties have been asked by the IRWM Plan Project Update Team to provide feedback and direction on use of the funds to pay for the budget overage on April 18, 2014. No additional funding has been requested from BACWA at present. Based in information available at that time, in June 2013 BACWA Executive Director and BACWA IRWMP Representatives recommended that the estimated 2015 unspent funds, **\$35,600**, should be utilized to fund a portion of the Kennedy Jenks budget overage. However, now that additional funds are available, it would be possible to remit the full \$50,600 while still retaining some funds for unforeseen IRWMP-related tasks.

**FISCAL IMPACT**

No fiscal impact is expected for FY 14. The impact in future FYs would depend on how much of the four party agreement funds, if any, remains from the current funding pool and how many activities need to be implemented later.

**ALTERNATIVES**

Possible alternatives to recommend to the Project Update Team include:

1. Provide Kennedy Jenks their full request of **\$117,000**. This would require raising additional funds.
2. Provide KJ no additional funds.
3. Provide Kennedy Jenks that full **\$50,900** that was considered le legitimate. This would leave \$27,200 in reserve for future IRWM-related tasks.
4. Provide Kennedy Jenks the **\$35,600** that was previously recommended. This would leave a larger reserve of \$42,500 for future IRWM-related tasks.

**Attachments:**

1. Table 1 - Four Party Agreement Funds

|  |   |
|--|---|
| <b>2007 Agreement to fund and manage consultant work to help implement the IRWM Plan</b> |   |
| \$25,000   | State Coastal Conservancy (SCC) - Watershed and Ecosystem Restoration Organizations           |
| \$25,000   | Bay Area Clean Water Agencies - Wastewater Agencies   |
| \$25,000   | Contra Costa County Flood Control and Water Conservation District - Flood Protection Agencies |
| \$25,000   | Santa Clara Valley Water District - Bay Area Water Agencies Coalition                         |
| <b>\$100,000</b>   | <b>Total Agreement Funding</b>  |
| SCC  | Primary Administrator   |
| <b>2010 Agreement to fund and manage consultant work to help implement the IRWM Plan</b> |   |

|          |  |
|----------|--|
| \$63,000 | Marin Municipal Water District(MMWD) - Bay Area Water Agencies Coalition             |
| \$25,000 | State Coastal Conservancy - Watershed and Ecosystem Restoration Organizations        |
|          | Contra Costa County Flood Control and Water Conservation District - Flood Protection |
| \$25,000 | Agencies   |
| \$60,000 | Bay Area Clean Water Agencies - Wastewater Agencies                                  |

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**\$173,000 Total Agreement Funding\***

MMWD Primary Administrator

\* The North Bay Watershed Association offered to provide up to \$10,000 to assist with implementation outside of the 2010 Agreement.

| Four Party Agreement Funds |                        |           |                  |                    |  |
|----------------------------|------------------------|-----------|------------------|--------------------|--|
| Vendor                     |                        | Date      | Amount Disbursed | 4P Funds Remaining | Activity / Task  |
|                            |                        | 18-Aug-10 |                  | \$173,000.00       |  |
| RMC                        | 11346                  | 8-Oct-10  | \$25,997.70      | \$25,997.70        | \$147,002.30 CC support  |
| SCC                        | #3760-801-8029001-2004 | 6-Dec-10  | \$1,000.00       | \$1,000.00         | \$146,002.30 Contribution for BAWF authorized by BAWAC               |
| RMC                        | 12060                  | 1-Mar-11  | \$13,599.24      | \$13,599.24        | \$132,403.06 CC support  |
| RMC                        | 12366                  | 25-Apr-11 | \$4,278.50       | \$4,278.50         | \$128,124.56 CC support  |
| RMC                        | 12432                  | 12-May-11 | \$7,541.49       | \$7,541.49         | \$120,583.07 CC support  |
| RMC                        | 12650                  | 13-Jun-11 | \$3,143.50       | \$3,143.50         | \$117,439.57 CC support  |
| SF Chronicle               | B of A Mastercard      | 7-May-12  | \$839.40         | \$839.40           | \$116,600.17 Public Notice - Bay Area CC to Update IRWMP             |
| SF Chronicle               | B of A Mastercard      | 6-Mar-14  | \$494.88         | \$494.88           | \$116,105.29 Public notice of CC's intent to adopt the updated IRWMP |
| Zentraal                   | 1656 (Jan/Feb 2014)    | 14-Mar-14 | \$749.80         | \$749.80           | \$115,355.49   |

|   |             |
|---|-------------|
| Zentraal contract amendment; encumbered:    |             |
|   | \$20,000    |
| Remaining in Zentraal contract:             |             |
|   | \$19,250.20 |
| <b>\$96,105.29 Total 4P funds available</b> |             |

| Potential Costs through 2015: | June 2013 Est. | March 2014 Est. | Remaining Funds |  |
|-------------------------------|----------------|-----------------|-----------------|--|
|                               | \$25,000.00    | \$0.00          | \$96,105        | Potential add'l work to produce Final IRWMP Update for adoption        |
| Within Zentraal contract now. | \$3,000.00     | \$0.00          | \$96,105        | website hosting for calendar years 2014 & 2015                         |
|                               | \$10,000.00    | \$0.00          | \$96,105        | website trouble-shooting on as-needed basis                            |
|                               | \$18,000.00    | \$18,000.00     | \$78,105        | consultant assistance re: Round 3 project scoring? Other Round 3 work? |
|                               | \$24,000.00    | \$0.00          | \$78,105        | consultant assistance for CC meetings @ \$1,000 per meeting            |

April 28, 2014

Marcia Liao  
Water Resources Control Engineer  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Via e-mail: [mliao@waterboards.ca.gov](mailto:mliao@waterboards.ca.gov)

**SUBJECT: Comment Letter – City of Palo Alto Tentative Order for NPDES Permit**

Dear Ms. Liao:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to comment on the San Francisco Bay Regional Water Quality Control Board's (Regional Water Board's) Tentative Order for reissuance of the City of Palo Alto NPDES Permit. BACWA is a joint powers agency whose members own and operate publicly-owned treatment works (POTWs) and sanitary sewer systems that collectively provide wastewater services to over 6.5 million people in the nine county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals to protect the environment and public health.

BACWA acknowledges the extensive effort that Regional Water Board staff have undertaken to prepare this tentative NPDES permit. However, BACWA has a major concern with the tentative order as indicated below.

**1. The need for a Petition for Change under the Division of Water Rights is contradictory to the prohibition on a shallow water discharge.**

On page F-4 of the permit, new permit language that we have just become aware of indicates that, "The Discharger must file a petition with the State Water Resources Control Board (State Water Board), Division of Water Rights, and receive approval for any change in the point of discharge, place of use, or purpose of use of treated wastewater that decreases the flow in any portion of a watercourse." This new requirement to obtain approval to remove treated wastewater from an estuarine receiving water for the sole purpose of supplying recycled water to new users is overly burdensome and a waste of scarce public resources. The Petition for Change process is very onerous, and is contrary to the State Water Board's and Regional Water Board's expressed strong encouragement for the development of recycled water projects by wastewater agencies.

South San Francisco Bay and Matadero Creek are not drinking water sources (they are not designated MUN in the vicinity of the discharge), and there would be no aquatic life impact

from using treated wastewater for recycled water uses instead of discharging it to San Francisco Bay or Matadero Creek, which are both tidal water bodies. The Petition for Change requirement is also contrary to Basin Plan Discharge Prohibition 1 which *prohibits* discharge to shallow waters (except under certain exceptions, which have been granted to the City of Palo Alto).

The most perplexing aspect of this requirement is that the City recycles water to justify the shallow water prohibition exception, yet the Petition for Change process requires the City to engage in significant, time-consuming, and costly documentation and regulatory process to show why and how taking treated wastewater out of San Francisco Bay will not affect water rights holders (there are none) or aquatic life (no one studies this for estuaries because it is so insignificant from a common sense standpoint that it is simply not worthy of scientific exploration).

Furthermore, the Regional Water Board has expressed an interest in increasing recycled water delivery for the reduction of nutrients, which is also contrary to this development.

For all these reasons, BACWA requests the following change on page F-4 of the tentative order:

- B.** The Discharger is regulated pursuant to National Pollutant Discharge Elimination System (NPDES) Permit No. CA0037532. It was previously subject to Order No. R2-2009-0032 (previous order), which was adopted on April 8, 2009, and expired on May 31, 2014. The Facility discharges treated wastewater to South San Francisco Bay and Matadero Creek, both of which are waters of the United States. Attachment B provides maps of the area around the Facility. Attachment C provides a flow schematic.

~~The Discharger must file a petition with the State Water Resources Control Board (State Water Board), Division of Water Rights, and receive approval for any change in the point of discharge, place of use, or purpose of use of treated wastewater that decreases the flow in any portion of a watercourse. The State Water Board retains the jurisdictional authority to enforce such requirements under Water Code section 1211.~~

BACWA appreciates the Regional Water Board's close attention to the comments made herein. Representatives of BACWA would be more than happy to discuss our comments and concerns with you in more detail if necessary.

Respectfully Submitted,

David R. Williams  
Executive Director  
Bay Area Clean Water Agencies

cc: Bruce Wolfe, Regional Water Board  
Lila Tang, Regional Water Board  
Bill Johnson, Regional Water Board  
BACWA Executive Board



March 29, 2013

Mr. Vincent Christian  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

VIA EMAIL: [ychristian@waterboards.ca.gov](mailto:ychristian@waterboards.ca.gov)

**Subject: Comments on Tentative Order Issued to the West County Agency, West County Wastewater District, City of Richmond, and Richmond Municipal Sewer District No. 1**

Dear Mr. Christian:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to comment on the Tentative Order issued to the West County Agency (WCA), West County Wastewater District, City of Richmond, and Richmond Municipal Sewer District No. 1, collectively referred to in this letter as West County. BACWA is a joint powers agency whose members own and operate publicly-owned treatment works (POTWs) and sanitary sewer systems that collectively provide sanitary services to over 6.5 million people in the nine-county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health.

On behalf of its member agencies, BACWA requests that the San Francisco Bay Regional Water Quality Control Board (Water Board) consider the following comments on the Tentative Order's ammonia limits, and hopes that changes will be made prior to issuance of the final Order for West County.

Prior to the issuance of the Tentative Order, West County submitted a dilution study technical memorandum, "Near-Field Dilution Modeling – WCA Discharges to San Francisco Bay", dated September 17, 2012. The study used the peak wet weather design flow (41 MGD), which resulted in a dilution factor of 117:1 for acute conditions, and the dry weather design flow (28.5 MGD), which resulted in a dilution factor of 164:1 for chronic conditions. In comparison, the previous permit developed ammonia limits using a dilution factor of 25:1, which was based on a dilution study performed in 1977. The updated dilution factors resulted in a calculation of water quality-based effluent limits (WQBELs) for ammonia of 210 mg/L (AMEL) and 550 mg/L (MDEL). However, the Tentative Order states, "The limits in the previous order (AMEL of 32 mg/L and MDEL of 59 mg/L) are more stringent than the newly-calculated limits and are retained to avoid backsliding."



BACWA is concerned that if a precedent is set where true dilution isn't allowed for ammonia WQBEL calculations, then some of our member agencies will experience difficulties with future compliance. Water conservation, a high priority for most Bay Area communities, results in lower volume of wastewater requiring treatment but does not result in significant changes to ammonia loading to wastewater treatment plants. This dynamic is manifested in higher ammonia concentrations in wastewater but not higher ammonia loadings. Regulating ammonia with restrictive concentration limits can put Bay Area wastewater agencies serving communities with successful water conservation programs at risk of non-compliance.

More specifically, WCA is a joint powers authority that operates an outfall that discharges combined effluent from the Richmond Municipal Sewer District Water Pollution Control Plant (Richmond Plant) and the West County Wastewater District Water Pollution Control Plant (West County Plant). The effluent from the Richmond Plant has higher ammonia concentrations than effluent from the West County Plant. Since the West County Wastewater District plans to recycle more of its effluent in the future, concentrations of ammonia in the WCA outfall will increase, even as the loads decrease.

BACWA understands that the Water Board seeks to limit nutrient loading into the Bay as part of the San Francisco Bay Nutrient Strategy (Nutrient Strategy). Increasing West County's ammonia WQBELs in accordance with their new dilution study would appear to permit them to increase their nutrient loads, which is contrary to the spirit of the Nutrient Strategy efforts. We propose that instead of limiting ammonia WQBELs, the Water Board caps ammonia load based on current performance to prevent the increase of nutrient loads.

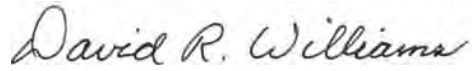
The ammonia control strategy employed in Central Contra Cost Sanitary District's permit (R2-2012-0016) makes sense for West County. In that permit, ammonia WQBELs were calculated based on the dilution factor determined by a modeling study. A daily ammonia load cap was also established that was calculated from the plant's permitted dry weather flow and its past performance, measured by the 95<sup>th</sup> percentile of the concentration in its effluent. Thus, although the effluent limit concentration was appropriately based on total dilution, the total loading was not allowed to increase since it was controlled by the load cap. If this strategy is employed for the West County permit, the Water Board can restrict an increase in ammonia loading without penalizing water recycling or conservation efforts.

The Clean Water Act grants exceptions to anti-backsliding if "...information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance" (§402(o)(2)(B)(i)). Submission of a new dilution study meets the criteria necessary to obtain an exception from anti-backsliding.

West County TO Comments  
March 29, 2013  
Page 3 of 3

BACWA appreciates the opportunity to comment on this Tentative Order and thanks you for considering our concerns.

Respectfully Submitted,

A handwritten signature in cursive script that reads "David R. Williams".

David Williams  
Executive Director  
Bay Area Clean Water Agencies

cc: BACWA Board  
E.J. Shalaby, West County Agency General Manager

## Alexandra Gunnell

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**From:** Dave Williams  
**Sent:** Friday, April 11, 2014 11:26 AM  
**To:** Alexandra Gunnell  
**Subject:** FW: [NACWA FACS Cmte] EPA Blending Forum - Input Needed

Pls include the email from Cynthia as well as the two letter links, each letter is only 2 pages, in the packet under this item.

*David R. Williams*  
*Executive Director*  
*Bay Area Clean Water Agencies (BACWA)*  
*Cell: 925-765-9616*  
*Email: [dwilliams@bacwa.org](mailto:dwilliams@bacwa.org)*

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**From:** Cynthia Finley [<mailto:cfinley@nacwa.org>]  
**Sent:** Thursday, April 10, 2014 2:13 PM  
**To:** Dave Williams  
**Subject:** [NACWA FACS Cmte] EPA Blending Forum - Input Needed

NACWA Facility & Collection System Committee:

Last November, NACWA and other municipal organizations sent a letter to EPA ([http://www.nacwa.org/index.php?option=com\\_mediadownload&filename=2013-11-26iowaloc.pdf](http://www.nacwa.org/index.php?option=com_mediadownload&filename=2013-11-26iowaloc.pdf)) asking the Agency to apply the Eighth Circuit Court of Appeals decision in Iowa League of Cities v. EPA nationwide. The court found that EPA's prohibition of blending exceeded its authority under the Clean Water Act and was inconsistent with EPA's secondary treatment bypass rules.

EPA response letter ([http://www.nacwa.org/index.php?option=com\\_mediadownload&filename=2014-04-02epa-blending.pdf](http://www.nacwa.org/index.php?option=com_mediadownload&filename=2014-04-02epa-blending.pdf)) was received by NACWA this week. The letter states that the Eighth Circuit decision is only binding in this Circuit, and EPA does not intend to apply the decision nationwide. EPA also explained that it is "planning to hold a forum with public health experts to ask questions about the public health implications of various bypass and blending scenarios during wet weather events."

A Federal Register notice (attached) was signed yesterday, and should be published next week, asking for recommendations for public health experts to participate in the forum, as well as wastewater treatment plant design and operation experts to serve as advisors to the public health forum participants. EPA also requests that data be submitted regarding the performance of wastewater treatment plants during wet weather conditions. Once the Federal Register notice is published, nominations and data must be submitted within 14 days, and the forum will be held in June.

Please review the attached notice and send me suggestions for experts that NACWA should nominate for the forum, along with any data that you think might be useful.

Thank you,  
Cynthia

Cynthia A. Finley, Ph.D.  
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November 26, 2013

The Honorable Gina McCarthy  
Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**RE: Need for Nationwide Consistency on Implementation of the 8<sup>th</sup> Circuit's Iowa League of Cities Decision**

Dear Administrator McCarthy,

As you are aware, on March 25, 2013, the 8<sup>th</sup> Circuit Court of Appeals issued a ruling in *Iowa League of Cities v. EPA* (Docket No. 11-3412) that vacated, on procedural and substantive grounds, the unadopted legislative rules set forth in two U.S. Environmental Protection Agency (EPA) guidance letters. The decision addressed EPA's reinterpretation and enforcement of three key federal rules (bypass rule, Secondary Treatment rule and Water Quality-Based Permitting rule) that apply nationwide.

Specifically, the Court held that EPA's prohibition of bacteria mixing zones in primary contact recreation waters, regardless of the degree of possible health risks, unlawfully eliminated state discretion to utilize such mixing zones and, therefore, constituted a revised rule that did not go through the proper rulemaking procedures under the Administrative Procedure Act (APA). The Court also found that EPA's blending prohibition, which restricted how municipalities could design facilities to address peak flow processing (thereby reducing CSO and SSO discharges or system backups), exceeded the Agency's statutory authority under the Clean Water Act (CWA) and was inconsistent with both EPA's secondary treatment rule and bypass rule (711 F.3d 844 (8th Cir. 2013)).

We understand that even though this decision came down more than seven months ago and was never stayed, clarification requests regarding the implementation of this decision have gone unanswered and EPA has yet to withdraw its prior objections to NPDES permits based on these now vacated policies. We also understand based on recent public comments from EPA officials that the Agency believes the decision to have binding legal effect only in the 8<sup>th</sup> circuit and that it will be applied to permittees elsewhere in the country on a case-by-case basis. We would note that Congress expressly granted the circuit courts original jurisdiction to review the NPDES regulations at issue under Section 509 of the CWA to ensure nationwide uniformity and that EPA regulations provide for only one circuit to render an opinion on a petition for review. Consequently, we believe there is no legal basis to assert that the 8<sup>th</sup> Circuit decision does not apply nationwide.

In closing, the Agency's attempt to modify nationally applicable NPDES rules without undertaking a rulemaking was struck down in no uncertain terms. The issues in this case have been causing delay and confusion for municipal entities throughout the country in addressing wet weather compliance and have greatly increased local costs, unnecessarily. For example, even by its own estimates, the municipal cost implication of implementing just one of these rule interpretations was estimated by EPA to exceed \$150 billion nationwide, with similar extraordinary costs associated with the other provisions. It is time to put that confusion and conflict to rest. Accordingly, we respectfully request confirmation that EPA will apply the *Iowa League of Cities* decision uniformly across the country and so advise its Regions and delegated States.

Sincerely,



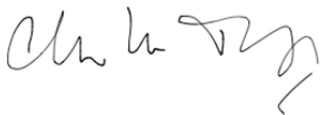
Tom Cochran  
CEO and Executive Director  
The U.S. Conference of Mayors



Clarence E. Anthony  
Executive Director  
National League of Cities



Matthew D. Chase  
Executive Director  
National Association of Counties



Chuck Thompson  
Executive Director and General Council  
International Municipal Lawyers Association



Ken Kirk  
Executive Director  
National Association of Clean Water Agencies



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR - 2 2014

OFFICE OF WATER

Mr. Ken Kirk  
National Association of Clean Water Agencies  
1816 Jefferson Place, NW  
Washington, D.C. 20036-2505

Dear Mr. Kirk:

Thank you for your November 26, 2013, letter to Administrator McCarthy. In your letter, you raised concerns about how the Environmental Protection Agency is responding to the decision in *Iowa League of Cities v. EPA* (711 F.3d 844 (8<sup>th</sup> Cir. 2013)). In addition, you indicated that you believe that there is no legal basis for EPA to assert that the decision does not apply nationwide and request that the EPA apply the *Iowa League of Cities* decision uniformly across the country.

In the *Iowa League of Cities* decision, the Eighth Circuit reviewed two EPA letters regarding two subjects under the Clean Water Act. The first area addressed in the decision was the EPA's policy view that bacteria mixing zones "should not be permitted" in waters designated for primary contact recreation. The second area addressed the issue of blending and the specific question of whether a facility that uses a physical/ chemical treatment process, such as ACTIFLO, to treat flows that are diverted around biological treatment units during wet weather events is subject to a "no feasible alternatives" demonstration under the bypass provision at 40 CFR 122.41(m). The court determined that the letters constituted legislative rules and vacated the letter's "rules" because they had been promulgated without following notice and comment procedures required under the Administrative Procedure Act.

While not necessary to its holding to vacate the letters as legislative rules, the court also stated that the EPA's statement in the blending letter "severely restricts the use of 'ACTIFLO systems that do not include a biological component' because the EPA does not 'consider[] [them] to be secondary treatment units' . . . If a POTW designs a secondary treatment process that routes a portion of the incoming flow through a unit that uses non-biological technology disfavored by the EPA, then this will be viewed as a prohibited bypass, regardless of whether the end of pipe output ultimately meets the secondary treatment regulations." 711 F.3d at 876. The court stated that "the September 2011 letter applies effluent limitations to a facility's internal secondary treatment processes, rather than at the end of the pipe." *Id.* at 876. Finally the court stated that "the blending rule clearly exceeds the EPA's statutory authority and little would be gained by postponing a decision on the merits." *Id.* at 877.

The Eighth Circuit's decision applies as binding precedent in the Eighth Circuit. The court's decision, however, did not and could not have vacated the bypass regulation at 40 C.F.R. §122.41. The bypass regulation itself was promulgated in 1984 (94 Fed. Reg. 37,990 (Sept 26, 1984)) and was subject to the exclusive jurisdiction review provision of section 509(b) of the Clean Water Act after its date of

promulgation. That rule was reviewed and upheld by the U.S Court of Appeals for the D.C. Circuit in *NRDC Inc. v. US EPA*, 822 F.2d 104, 126 (D.C. Cir. 1987). The D.C. Circuit found that “[t]he agency’s adoption of a bypass regulation which incorporates two broad and sensible exceptions . . . is, in our view, reasonable and therefore lawful.” The Eighth Circuit vacated only the letters at issue in the case.

The EPA shares with you a desire to protect human health and the environment while recognizing economic constraints and feasibility concerns. To that end, the EPA is planning to hold a forum with public health experts to ask questions about the public health implications of various bypass and blending scenarios during wet weather events. The EPA believes that this public health forum will provide valuable information on how to address discharges from POTWs that, during certain wet weather events, are diverted around biological treatment units. We expect to hold this workshop in the summer of 2014.

If you have any questions, please contact Andrew Sawyers, Director of the Office of Wastewater Management, at 202-564-0748.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy K Stoner". The signature is fluid and cursive, with a small flourish at the end.

Nancy K Stoner  
Acting Assistant Administrator



**ENVIRONMENTAL PROTECTION AGENCY**

[FRL – XXXX]

**Stakeholder Input; Experts Forum on Public Health Impacts of Blending at Publicly Owned Treatment Plants****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency is announcing plans to hold a forum of public health experts in June 2014 to discuss the public health implications of discharges of ‘blended’ effluent from publicly owned treatment works (POTWs) served by separate sanitary sewers into waterways. The discussion will include public health implications of such discharges.

Today’s notice asks for recommendations of public health experts that would be interested and qualified to participate in the forum. In addition, today’s notice seeks recommendations of wastewater treatment plant design and operation experts to serve as advisors to the public health forum participants. Today’s notice also provides the public with an opportunity to submit data regarding the performance of municipal wastewater treatment plants during wet weather conditions.

Blending is a practice used by some POTWs to manage wastewater when flows to the plant exceed the capacity of the secondary treatment units, which happens most often during wet weather conditions. POTWs engaged in the practice of blending divert excess flow around secondary treatment units and subsequently blend the diverted flows to the portion of flow that received secondary treatment. In some cases the diverted flows receive some additional treatment before blending. The Agency is interested in evaluating the public health implications

of different blending scenarios, including scenarios where the diverted flow is subject to supplemental physical/chemical treatment prior to blending and where the diverted flows do not receive any additional treatment prior to blending.

The Agency is undertaking this outreach to help advance the Clean Water Act (CWA) objective to restore and maintain the chemical, physical and biological integrity of the nation's waters (CWA, Section 101(a)).

**DATES:** Suggestions on experts should be made on or before [insert date 14 days after publication in the Federal Register.] Other technical information requested in this notice should be provided on or before [insert date 30 days after publication in the Federal Register.] We expect to hold the public health forum during June of 2014.

**ADDRESSES:** Submit your recommendations for experts or other input by one of the following methods:

- Email to [weiss.kevin@epa.gov](mailto:weiss.kevin@epa.gov)
- Mail: Kevin Weiss

Water Permits Division  
U.S. Environmental Protection Agency  
Room 7421J EPA East  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

**FOR FURTHER INFORMATION CONTACT:** EPA will post the date and location of the public health experts' forum at: [www.epa.gov/npdes/peakflowsforum](http://www.epa.gov/npdes/peakflowsforum).

For further information about this notice, contact Kevin Weiss, EPA Headquarters, Office of Water, Office of Wastewater Management at tel.: 202-564-0742 or e-mail:

[weiss.kevin@epa.gov](mailto:weiss.kevin@epa.gov).

## **SUPPLEMENTARY INFORMATION:**

### **I. Background**

Wastewater collection systems collect wastewater from homes and other buildings and convey it to wastewater treatment plants for proper treatment and disposal. The collection and proper treatment of municipal wastewater is vital to the public health in our cities and towns and to the viability of our receiving waters.

During and immediately after wet weather events, flows to wastewater collection systems and to treatment facilities typically increase. Significant flow increases in a wastewater collection system can cause overflows of untreated wastewater and sewage backups into buildings. For some municipalities, an important component of their strategy to reduce collection system overflows and backups into buildings is to increase the conveyance of wet weather flows to a treatment plant. Significant increases in flow at the treatment facility can cause operational challenges, especially for biological-based secondary treatment units. Activated sludge systems are particularly vulnerable to high volume peak flows. Peak flows that approach or exceed design capacity of an activated sludge unit can shift the solids inventory from the aeration basin to the clarifier(s), and can result in excessive solids losses from the clarifier(s). If a clarifier experiences excessive loss of solids, treatment efficiencies can be lowered for weeks or months until the biological mass in the aeration basins is reestablished. In addition to these hydraulic concerns, wastewater associated with peak flows may have low concentrations of oxygen-demanding pollutants, which can also decrease treatment efficiencies. Biological nutrient removal processes typically have an increased sensitivity to the hydraulic and loading fluctuations associated with wet weather flows.

Design and operational options that are routinely employed to maintain the effective capacity of biological-based secondary treatment units include:

- Providing alternative feed patterns in the aeration basin(s);
- Increasing the returned activated sludge rate relative to those needed for steady flow;
- Increasing the size of secondary clarifiers; and
- Damping peak flows to biological-based secondary units by providing flow equalization (i.e. storage) prior to the biological-based secondary unit either at the plant or before flows get to the plant.

These options may temporarily decrease treatment efficiencies for the biological-based secondary treatment units and may have limited applicability to biological nutrient removal processes. As a result, there are limitations on the variation in flow volumes and influent strength that biological-based secondary treatment units can accommodate.

Many POTW treatment plants have been designed with primary treatment capacity that is significantly greater than the biological-based secondary treatment capacity. These plants typically provide screening and primary clarification of all flows entering the plant. In order to protect biological-based secondary treatment units during wet weather events, flows that exceed the capacity of the biological-based secondary treatment units are diverted around the biological-based secondary treatment units after they receive primary treatment. At some treatment facilities diverted flows are disinfected and discharged directly to a surface water from a separate outfall. Other facilities blend the diverted flows with flows that receive biological-based secondary treatment and discharge the combined flow after it has been disinfected. Some

facilities provide some additional treatment of the diverted flows while other facilities provide no additional treatment, other than disinfection.

Operators of treatment facilities have several design and operational options that can be used to increase pollutant removals during high flow conditions, including:

- Adding chemicals to the primary treatment process that increase solids removals;
- Providing additional primary treatment capacity, thereby lowering overflow rates in the facility's primary treatment units;
- Providing structural changes to primary treatment units, such as the installation of lamella settlers;
- Providing supplemental side stream physical/chemical treatment units, such as high rate clarification systems or fine screen systems, to provide supplemental treatment to flows that are diverted around biological-based secondary treatment units.

EPA is particularly interested in the relative risks associated with pathogens, sediments, nutrients, pharmaceuticals, toxics and other contaminants that may be discharged under blending scenarios.

EPA is seeking nominations of public health experts to participate at a forum to discuss these issues. The experts should be nationally recognized in the fields of evaluating the risks associated with various levels of water quality and/or of effluent from wastewater treatment plants. EPA, in consultation with key stakeholders, will identify wastewater treatment plant design and operation experts to serve as advisors to the public health forum participants. EPA is soliciting nominations for these experts as part of this Federal Register notice.

After EPA selects the participants it will provide the participants with more detailed information to read prior to the forum and will provide specific questions on which participants will be asked to provide input.

## **II. Purpose of Public Health Experts' Forum**

The purpose of this forum is to enlist public health experts from federal agencies, local health departments and academia in an effort to ensure that EPA has appropriate health-based information associated with different engineering options available to address wet weather blending at POTWs served by separate sanitary sewers. EPA does not intend that this meeting be a forum for debating the application of the Agency's bypass regulation at 40 CFR 122.41(m) going forward. Rather, this forum is solely concerned with the potential public health impacts of blended discharges from POTWs.

Further, it is not EPA's objective during the forum to establish consensus among the parties or to obtain a collective set of recommendations. Rather, it is EPA's intention to obtain individual input from knowledgeable experts so that the Agency can better understand the differences and commonalities among the individual recommendations. In this regard, EPA has determined that this workshop is not subject to the requirements of the Federal Advisory Committee Act. 5 U.S.C. Appendix 2.

## **III. Additional Information on the Forum**

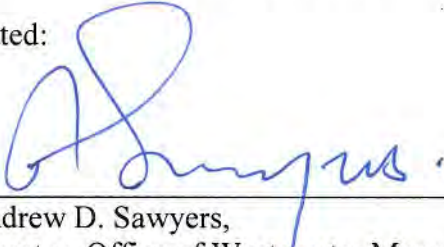
EPA plans to schedule the forum in June, 2014. Information regarding the date and location of the forum, along with other logistics information, when available, will be posted at [www.epa.gov/npdes/peakflowsforum](http://www.epa.gov/npdes/peakflowsforum).

Members of the public are invited to participate as observers in the forum as capacity allows. Additional details concerning the participation of observers will be posted on this web page

when the location and time of the forum is set.

Authority: Clean Water Act, 33 U.S.C. 1251 et seq.

Dated:

 4/9/14

Andrew D. Sawyers,  
Director, Office of Wastewater Management.