



Executive Board Meeting Agenda

Friday, June 20, 2014, 9:00 a.m. – 12:30 p.m.
 SFPUC Hetch Hetchy Room, 13th Floor
 525 Golden Gate Ave., San Francisco, CA

<u>Agenda Item</u>	<u>Time</u>	<u>Page #</u>
ROLL CALL AND INTRODUCTIONS	9:00 a.m. – 9:03 a.m.	
PUBLIC COMMENT	9:03 a.m. – 9:05 a.m.	
CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER	9:05 a.m. – 9:07 a.m.	
CONSENT CALENDAR	9:07 a.m. - 9:15 a.m.	
1. May 16, 2014 BACWA Executive Board Meeting Minutes		3-8
2. March 2014 Treasurer's Report		9-17
3. Contract with David R. Williams for Executive Director Services in Fiscal Year 2014-15		18-23
4. Contract with CH2M Hill for AIR Committee Support in Fiscal Year 2014-15 for a not to exceed value of \$77,064, and AIR Committee Revised FY15 Budget		24-26
5. Amendment to Avila Contract for Prop 50 for a new termination date of June 30, 2015, File 11,780		27-28
REPORTS		
6. Committee Reports	9:15 a.m. – 9:45 a.m.	30-49
7. Executive Board Reports	9:45 a.m. – 9:55 a.m.	
8. Executive Director Report	9:55 a.m. – 10:05 a.m.	50-59
9. Regulatory Program Manager Report	10:05 a.m. – 10:10 a.m.	60-61
10. Other BACWA Representative Reports	10:10 a.m. – 10:30 a.m.	
a. RMP-TRC: Rod Miller		
b. RMP Steering Committee: Karin North; Jim Ervin		62-63
c. Summit Partners: Dave Williams		
d. ASC/SFEI: Laura Pagano; Dave Williams		
e. Nutrient Governance Steering Committee: Ben Horenstein; Jim Ervin		64
f. SWRCB Nutrient SAG: Dave Williams		
g. SWRCB Focus Group – Bacterial Objectives: Lorien Fono; Mike Kellogg		
h. SWRCB Focus Group – Mercury Amendments to the State Plan: Tim Potter		
11. Chair & Executive Director Authorized Actions		
a. Chair Authorization of Agreement with Adammer for bacwa.org and bawise.org support in Fiscal Year 2014 - 15, in an amount not to exceed \$6,500; File 13,217.	10:30 a.m. – 10:40 a.m.	65-68

<p>b. Executive Director Authorization for payment of Product Stewardship Institute 2014 membership dues, \$500; File 13,184.</p> <p>c. Chair Authorization of agreement with Sherry Hull for Assistant Executive Director Services beginning in fiscal year 2013-14 (FY14) continuing through fiscal year 2014-15 (FY15) for a not to exceed amount of \$84,500 to be funded up to \$8,000 by the FY14 budget and up to \$76,500 by the FY15 budget: File 13, 218.</p> <p>d. Chair Authorization to reallocate funds for SFEI</p> <p>e. Chair Authorization of agreement with Carollo Engineers for Nutrients Symposium II support, not to exceed \$9,999; File 13,220.</p> <p>f. Chair Authorization for contribution to CPSC (CA Product Storage Council) for \$5,000.</p>		<p>69-76</p> <p>77-82</p> <p>83</p> <p>84</p> <p>85</p>
<p>OTHER BUSINESS</p> <p>12. Approval: Chair / Vice Chair Nomination & Election</p> <p>13. Discussion: Succession Plan for Committees and Other BACWA Reps, Review of BACWA Reps’ Guidelines</p> <p>14. Discussion : League of Women Voters of the Bay Area Water Education Initiative</p> <p>15. Discussion: Coastal Hazards Adaptation Resiliency Group</p> <p>16. Discussion: Bay Delta Conservation Plan</p> <p>17. Discussion: pesticide application permit modifications and hearing</p> <p>18. Discussion: Nutrients</p> <p> a. Technical Work</p> <p> i. Update on WS Case Studies Symposium</p> <p> b. Regulatory</p> <p> i. Debrief on Joint Meeting with WB</p> <p> ii. Debrief on SWRCB SAG on Nutrient WQO</p> <p> iii. Update on Consultant Selection Process</p> <p> c. Governance Structure</p> <p> i. Update on Planning for 2nd Steering Committee Meeting</p> <p> ii. Program Coordinator</p>	<p>10:40a.m. – 10:50 a.m.</p> <p>10:50 a.m. – 11:00a.m.</p> <p>11:00 a.m. – 11:05 a.m.</p> <p>11:05 a.m. – 11:10 a.m.</p> <p>11:10 a.m. – 11:20 a.m.</p> <p>11:20 a.m. – 12:25 a.m.</p>	<p>86-91</p> <p>92-96</p> <p>97</p> <p>98-127</p> <p>128</p>
<p>SUGGESTIONS FOR FUTURE AGENDA ITEMS</p>	<p>12:25 a.m. – 12:30a.m.</p>	
<p>NEXT REGULAR MEETING</p> <p>19. The next regular meeting of the Board is scheduled for July 18, 2014 from 9:00 am – 12:30 pm at the EBMUD Lab Library, 2020 Wake Ave., Oakland.</p>		
<p>ADJOURNMENT</p>	<p>12:30 p.m.</p>	



Executive Board Meeting Minutes

Friday, May 16, 2014, 9:00 a.m. – 12:30 p.m.

EBMUD Treatment Plant, Lab Library

2020 Wake Avenue, Oakland, CA

ROLL CALL AND INTRODUCTIONS

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

Other Attendees: Amy Chastain (San Francisco Public Utilities Commission); Joanna De Sa (San Jose); Tim Potter (Central Contra Costa Sanitary District); Vince De Lange (East Bay Municipal Utility District); Linda Hu (East Bay Municipal Utility District); Bhavani Yerrapotu (Sunnyvale); Dan Stevenson (Sunnyvale); Karin North (Palo Alto); Meg Hurston (Fairfield Suisun Sewer District); David Senn (San Francisco Estuary Institute); Denise Conners (Larry Walker Associates); Tom Hall (EOA); Holly Kennedy (HDR); Jim Graydon (Brown & Caldwell); Rion Merlo (Brown and Caldwell); Arvind Akela (CDM Smith); Eric Casares (Carollo Engineers); Steve McDonald (Carollo Engineers); Kathryn Gies (West Yost Associates); Marilu Corona (CH2M Hill); Patricia McGovern (Patricia McGovern Engineers); Lorien Fono (Patricia McGovern Engineers); David Williams (BACWA); Alexandra Gunnell (BACWA).

PUBLIC COMMENT

None.

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

None

REPORT OUT FROM CLOSED SESSION MAY 12, 2014

The Board met in Closed Session to discuss personnel matters pursuant to California Government Code section 54957 and agreed on a procedure to hire a new Assistant Executive Director. No formal actions were approved.

CONSENT CALENDAR

1. April 18, 2014 BACWA Executive Board Meeting Minutes
2. February 2014 Treasurer's Report
4. Fiscal Year 2014 - 15 Contracts
 - a. RMC for Collections Systems Committee and As Needed Technical Support, \$35,000; File 13,207.
 - b. LWA for As Needed Technical Support, \$15,000; File 13,208.
 - c. HDR for As Needed Technical Support, \$15,000; File 13,209
 - d. EOA for As Needed Technical Support, \$10,000; File 13,210.
 - e. Kennedy Jenks for Info Share Groups Support, \$12,000; File 13,211.
 - f. PME for Regulatory Program Manager Services, \$120,000; File 13,212.
 - g. Stephanie Hughes for BAPPG Multi-Pollutant Outreach; \$16,000; File 13,216.
5. Amendments to Fiscal Year 2013 - 14 Agreements
 - a. Whitley Burchett IRWMP/Recycled Water Amendment 2 to Extend Termination Date to June 30, 2015; File 12,786.

- b. O'Rorke BAPPG Social Marketing Assistance Amendment 1 to Extend Termination Date to December 31, 2014; File 13,159.
- c. SFEI Nutrients Strategy Support Amendment 1 to Extend Termination Date to June 30, 2015; File 12,980.
- d. SFEI Nutrients Strategy Support Amendment 1 to Extend Termination Date to June 30, 2015; File 13,064.

Consent Calendar items 1, 2, 4 and 5 were approved in a motion made by Tim Potter and seconded by Mike Connor. The motion carried unanimously.

Item 3, Confirmation of BACWA Representatives to the Aquatic Science Center / San Francisco Estuary Institute Governing Board, was pulled from the Consent Calendar for further discussion. The Executive Director (ED) explained that Laura Pagano's term will expire in 2014, and this action is required to allow her to continue to serve as BACWA's representative to the ASC/SFEI Board. Dave Williams will remain as the other BACWA representative, and Kirsten Struve and Jim Ervin as BACWA's Alternate representatives. *A motion was made by Lara Pagano to continue her role for another term. Ben Horenstein seconded the motion and the action passed 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 the handout packet. She noted that a draft comment letter to the Bay Area Air Quality Management District (BAAQMD) regarding cross-media issues was included in the packet. Anyone interested in providing feedback on the letter should contact her by Monday.

The Collection Systems Committee report was included in the handout packet and reviewed by Dan Stevenson.

Tim Potter, Permits Committee Chair, distributed and reviewed the committee report. There are two Statewide General Permits on pesticide application being considered: Aquatic Weed Control for Residual Aquatic Pesticide application, hearing on 5/20; and Biological and Residual Pesticide Dischargers from Vector Control Applications (Comments due 6/9, Public Hearing 7/1). These could both have significant impacts on water quality, and BAPPG does not have the resources to address them. BACWA's Regulatory Program Manager (RPM) will work with Kelly Moran to draft a comment letter.

The State Water Board is holding focus group meetings to develop state-wide bacterial objectives for inland waters and the Ocean. They have released a Fact Sheet outlining these plans. The focus group meeting is invitation-only. The ED will follow up with the State Board to determine if BACWA can have two representatives attend, and if so the Board felt that Lorien Fono and Mike Kellogg, Supervising Biologists at SFPUC would be good reps for BACWA.

The Pretreatment Committee report was included in packet.

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.

Jim Ervin informed attendees that San Jose will be participating in the upcoming Bayworks' Workshop on Wheels. A few spots remain, and registration information can be found on the flyer included as an attachment to the Executive Director's report in the handout packet.

Mike Connor, of the East Bay Dischargers Association (EBDA), reported that they have received a grant from the State Coastal Conservancy to fund wetlands discharge projects with South Bay agencies, and have been meeting with the San Francisco Regional Water Quality Control Board (SF Bay Water Board) representatives and the Conservancy to move forward with this effort. Mike Connor informed attendees that he attended a FEMA workshop that included discussions about POTW efforts to address sea level rise. He noted that workshop topics included insurance company lawsuits against organizations that have not planned for sea level rise, and that FEMA is working on this issue for the SF Bay area.

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

- NACWA is requesting information from municipal water and wastewater utilities that have successfully collaborated with the agricultural sector to improve water quality. Attendees suggested that agencies in Napa or Sonoma may have input. The ED will reach out to applicable agencies and respond to NACWA,
- The ED received an update from Margaret Orr regarding Stockton's Tentative Order.
- A flyer for the upcoming Bayworks' Workshop on Wheels event was included with the ED report.
- The ED has been reviewing minutes from recent Info Share Group meetings which appear to provide a valuable forum for attendees. Meeting schedules and activities will be highlighted in future BACWA e-Bulletins.
- The ED distributed a handout entitled, "Draft Updates to EPA Recommended Ambient Water Quality Criteria for the Protection of Human Health", and explained that the EPA has revised their process for development of these criteria. There is a 60-day comment period regarding these changes and the ED recommended that each agency review the proposed criteria. The ED will consult with NACWA and CASA to consider whether BACWA should collaborate with them on this issue. The Board requested adding this topic to the May 23rd Joint SF Water Board/BACWA Meeting agenda
- EPA's Selenium Criteria have been released. This will be discussed at the 5/23 Joint Meeting.
- The ED has received a request from CASA to participate in an upcoming workshop to present information on BACWA's collaborative efforts with the SF Bay Water Board to develop the Nutrient Watershed Permit. Either Ben Horenstein, the ED or Mike Connor will participate.

- The ED notified attendees that the CASA has received pledges for roughly two thirds of the amount needed to fund the Wheeler Institute Citizen Lawsuit white paper. Once enough pledges have been secured, CASA will contract with the Wheeler Institute to prepare the white paper which will likely require a year to prepare.
- The Board supported the ED's suggestion to draft a scaled-down version of the annual report to expedite the production process.

The **Regulatory Program Manager (RPM) Report** was included in the handout packet and reviewed by Lorien Fono under agenda **item 9**. She informed the Board that BACWA and the Western States Petroleum Association (WSPA) have suggested a contribution of \$75,000 allocated over 5 years to the SF Bay Water Board staff to meet Risk Reduction permit requirements and she will continue to work with WSPA to determine a final combined contribution amount from BACWA and WSPA for the life of the permit. She also noted that a comment letter on the Palo Alto permit was submitted to specifically address concerns about proposed language, requiring that they file a petition with the Division of Water Rights, which could hinder their ability to implement recycled water projects. She is continuing discussions with Water Board staff about this issue and the BACWA Board requested adding this topic to the 5/23 Joint meeting agenda.

The following **Executive Director Authorized Actions** were taken since the April 18, 2014 Board meeting, listed under agenda **item 10**, and reviewed by the ED. **He noted a correction to the list, that item c had not been authorized, as the contract was still being reviewed.**

- a. Chair Authorization of Agreement with Downey Brand for Regulatory Legal Counsel for fiscal years 2013 - 14 and 2014 - 15, in an amount not to exceed \$5,000; File 13,196.
- b. Chair Authorization of Agreement with Causey Consulting for Sewer Charge Survey Support in Fiscal Year 2014 - 15, in an amount not to exceed \$6,000; File 13,215.
- ~~c. Chair Authorization of Agreement with Adammer for bacwa.org and bawise.org support in Fiscal Year 2014 - 15, in an amount not to exceed \$6,500; File 13,217.~~
- d. Executive Director Authorization of Agreement with Day Carter Murphy for Executive Board Legal Counsel in Fiscal Year 2014 - 15, in an amount not to exceed \$2,000; File 13,214.

OTHER BUSINESS

Item 11, the presentation on ReNUWIt by Christian Nilsen, has been postponed to the July 18th BACWA Board meeting. The ED will develop a single page handout on the ReNUWIt nutrient proposals for discussion at the upcoming Special Board meeting scheduled for May 23rd.

Under item 12, the Policy for BAPPG Comments on Legislation was discussed. It was agreed that when time permits, BAPPG will circulate draft comment letters to the Board and ED prior to finalizing and submitting on behalf of BACWA.

The Revised Water Operator Training Program Agreement Template was reviewed under item 13. The ED noted that BACWA's legal counsel has incorporated new language to address liability concerns. The Board supported the revisions and noted that the signature block should be updated.

Regional Monitoring Program (RMP) Reserves were discussed under agenda **item 14**. Laura Pagano notified attendees that Treasure Island will be paying outstanding charges to reconcile their permit obligations in an amount that totals slightly over \$25,000. These funds are being put into SFEI's unencumbered reserves to be used for future studies/needs.

Linda Hu, co-Chair of the Recycled Water Committee provided an **IRWM Drought Relief Update, under agenda item 15**. The project screening committee is currently working to finalize project selection for the first round of funding, which is focused on drought relief. The draft guideline comment period has closed. Final guidelines are expected to be released in early June and proposals will be submitted by July 3rd. The Coordination Committee will be asked to approve the final list of proposals to be submitted. ABAG has agreed to be the grant administrator for this round of funding and have selected a consultant to assist with the grant administration. The Bay Area allocation of the total grant funds available is approximately \$73 million and approximately 40% of that \$73 million will be awarded in the first round. The final round of funding is currently not anticipated to be focused on drought relief but the selection criteria have not been determined at this time and they may be influenced by whether or not the drought continues.

Under agenda **item 16, Nutrient related issues** were discussed.

For item **16.a.i, David Senn of the San Francisco Estuary Institute (SFEI), presented an Overview of the Suisun Synthesis**.

For item **16.a.ii, a Draft Agenda, Schedule and Consultant Support for Lessons Learned Workshop** were reviewed by the Board. Steve McDonald of Carollo Engineers distributed and reviewed materials to support the discussion and noted that the date of the workshop has tentatively been set for September 10, 2014. It was suggested that a larger venue may be needed to accommodate at least 200 – 250 attendees. Brown and Caldwell has expressed interest in participating and Ben Horenstein and Bhavani Yerrapotu will assist with planning. Anyone interested in assisting with the planning process should contact the ED. Paul Freedman of LimnoTech and Phil Trowbridge of SFEI were suggested as possible participants.

Under item 16.b.ii, Affirmation of BACWA membership on Payment of Nutrient Surcharge, the ED distributed an updated list of agencies who have confirmed their interest in participating in BACWA's Optimization and Upgrade Studies, and although we are still awaiting for some agencies to respond it is likely that all agencies included in the Nutrient Watershed Permit will participate and pay the nutrient surcharge.

Under agenda item 16.c the ED provided a **review of the 1st Steering Committee Meeting**, notified attendees that the **2nd Steering Committee Meeting** is scheduled for June 25th, and requested feedback on possible agenda items. The Board suggested adding a discussion about how to include the RMP Steering Committee in the governance structure to the upcoming agenda. The ED will keep the Board apprised as the agenda is developed and solicit feedback from the Board.

Under agenda item 17, the Board agreed to Grant the Chair Authorization to Execute the Interim Contract for Nutrient Steering Committee Facilitation; not to exceed \$15,000 Program

Coordinator, with the stipulation that any BACWA funds provided for this contract will be deducted from the \$880,000 of BACWA funding required by the Nutrient Watershed Permit. *This action was made in a motion by Ben Horenstein, seconded by Jim Ervin and approved unanimously by the Board.*

Draft agenda for the Special Board Workshop, scheduled for May 23, 2014 was included in the handout packet and reviewed by the ED under agenda **item 18**. It was noted that due to time constraints the number of agenda items may need to be reduced.

Draft agenda for the Joint SF Bay Water Board / BACWA bimonthly meeting, scheduled for May 23, 2014 was included in the handout packet and reviewed by the ED under agenda **item 19**. It was suggested that the item on the Bay Delta Conservation Plan be removed from the agenda to allow the BACWA Board to discuss the matter first. The agenda will be edited to include EPA Proposed Water Quality Criteria and the Palo Alto Permit Comments, as discussed under previous agenda items.

The meeting adjourned at 12:30 p.m.

The next regular meeting of the Board is scheduled for June 20, 2014 from 9:00 am – 12:30 pm at the SFPUC Hetch Hetchy Room, 13th Floor, 525 Golden Gate Ave., San Francisco.

BACWA Revenue Summary Report for 3rd Quarter FY 2014

DEPARTMENT	REVENUE TYPE	AMENDED BUDGET	YEAR TO DATE	YTD Acutal /
			ACTUAL	Budget (%)
Bay Area Clean Water Agencies	BDO Member Contributions	450,000	494,061	110
Bay Area Clean Water Agencies	BDO Other Receipts	-	(9,987)	-
Bay Area Clean Water Agencies	BDO Fund Transfers	10,675	11,163	105
Bay Area Clean Water Agencies	BDO Interest Income	3,000	2,073	69
Bay Area Clean Water Agencies	BDO Assoc.&Affiliate Contr	159,000	159,000	100
BACWA TOTAL		622,675	656,310	105
AIR-Air Issues&Regulation Grp	BDO Member Contributions	78,340	78,384	100
AIR-Air Issues&Regulation Grp	BDO Interest Income	-	83	
AIR TOTAL		78,340	78,467	100
BAPPG-BayAreaPollutnPreventGrp	BDO Member Contributions	80,000	79,505	99
BAPPG-BayAreaPollutnPreventGrp	BDO Interest Income	-	141	
BAPPG TOTAL		80,000	79,646	100
WQA-WtrQualityAttainmntStratgy	Administrative & General	-	1,500	
WQA-WtrQualityAttainmntStratgy	BDO Member Contributions	675,000	674,750	100
WQA-WtrQualityAttainmntStratgy	BDO Other Receipts	-	13,219	
WQA-WtrQualityAttainmntStratgy	BDO Interest Income	1,000	1,276	128
WQA CBC TOTAL		676,000	690,746	102
SUBTOTAL		1457015	1505169	103
WOT - Wtr/Wwtr Operat Training	BDO Member Contributions	160,500	147,000	92
WOT - Wtr/Wwtr Operat Training	BDO Interest Income	-	163	
WOT TOTAL		160,500	147,163	92
Prop84BayAreaIntegRegniWtrMgmt	BDO Fund Transfers	-	(488)	
Prop84BayAreaIntegRegniWtrMgmt	BDO Interest Income	-	2,466	
Prop84BayAreaIntegRegniWtrMgmt	Administrative Support	-	143,122	
Prop84BayAreaIntegRegniWtrMgmt	Water Efficient Landscape Reba	-	3,647,671	
Prop84BayAreaIntegRegniWtrMgmt	Novato North Area Proj.	-	31,250	
Prop84BayAreaIntegRegniWtrMgmt	Napa St Hospital Stage 1	-	31,250	
Prop84BayAreaIntegRegniWtrMgmt	Harding Park RWP	-	2,008,300	
Prop84BayAreaIntegRegniWtrMgmt	South Bay Salt Pond Habitat Re	-	1,201,750	
Prop84BayAreaIntegRegniWtrMgmt	Regional Green Infrastructure	-	178,934	
Prop84BayAreaIntegRegniWtrMgmt	WQ Improve Flood Mgmt & EP	-	190,361	
Prop84BayAreaIntegRegniWtrMgmt	Water Efficient LRP	-	57,471	
Prop84BayAreaIntegRegniWtrMgmt	Bay Friendly Landscape TP	-	39,205	
Prop84BayAreaIntegRegniWtrMgmt	Weather Based Irrigation Cntrl	-	15,863	
Prop84BayAreaIntegRegniWtrMgmt	High Efficiency Toilet & UR	-	134,148	
Prop84BayAreaIntegRegniWtrMgmt	High Efficiency Toilet & UI	-	183,415	
Prop84BayAreaIntegRegniWtrMgmt	Napa Co. Rainwater HP	-	7,126	
Prop84BayAreaIntegRegniWtrMgmt	Conservation Program Admin	-	20,752	
Prop84BayAreaIntegRegniWtrMgmt	Watershed Partnership TA	-	50,108	
Prop84BayAreaIntegRegniWtrMgmt	Flood Infrastructure Mapping T	-	3,457	
Prop84BayAreaIntegRegniWtrMgmt	Pescadero Integrated FRAH	-	41,188	
Prop84BayAreaIntegRegniWtrMgmt	Restoration Guidance, San FC	-	11,534	
Prop84BayAreaIntegRegniWtrMgmt	SF Estuary Steelhead MP	-	49,405	
Prop84BayAreaIntegRegniWtrMgmt	Watershed Program Admnstrtn	-	14,192	
PRP84 TOTAL		-	8,062,481	
Prop50BayAreaIntegRegniWtrMgmt	BDO Interest Income	-	330	
Prop50BayAreaIntegRegniWtrMgmt	Administrative Support	-	14,257	
PRP50 TOTAL		-	14,586	

BACWA Expense Summary Report for 3rd Quarter FY 2014

DEPARTMENT	EXPENSE TYPE	AMENDED BUDGET	YEAR TO DATE		OBLIGATED	UNOBLIGATED
			Acutal	Acutal / Budget (%)		
Bay Area Clean Water Agencies	Reloc HYD 11595 Edgewater OAK	-	7,341		7,341	(7,341)
Bay Area Clean Water Agencies	BC-Collections System	26,000	17,698	68	25,250	750
Bay Area Clean Water Agencies	BC-Water Recycling Committee	41,552	-	-	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	5,057	20	25,000	-
Bay Area Clean Water Agencies	BC-Laboratory Committee	5,000	550	11	550	4,450
Bay Area Clean Water Agencies	BC-Miscellaneous Committee Sup	106,368	44,789	42	137,853	(31,485)
Bay Area Clean Water Agencies	LS-Regulatory Support	2,000	1,402	70	2,000	-
Bay Area Clean Water Agencies	LS-Executive Board Support	2,000	782	39	2,000	-
Bay Area Clean Water Agencies	CAS-CPSC	5,000	5,000	100	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	5,634	72	7,134	686
Bay Area Clean Water Agencies	AS-BACWA Admin Expense	3,000	2,273	76	2,273	727
Bay Area Clean Water Agencies	CAR-Other Communications	5,199	73	1	73	5,127
Bay Area Clean Water Agencies	SP-BAPPG Contribution	50,000	50,000	100	50,000	-
Bay Area Clean Water Agencies	GBS-Contingency	31,100	-	-	-	31,100
Bay Area Clean Water Agencies	GBS- Meeting Support	13,000	11,381	88	11,731	1,269
Bay Area Clean Water Agencies	AS-Executive Director	175,000	116,667	67	175,000	-
Bay Area Clean Water Agencies	AS-Assistant Executive Directo	75,000	49,975	67	73,000	2,000
Bay Area Clean Water Agencies	AS-EBMUD Administrative Servic	40,000	7,499	19	36,617	3,383
Bay Area Clean Water Agencies	AS-Insurance	4,000	4,321	108	4,321	(321)
Bay Area Clean Water Agencies	BDO-CAS-Stanford ERC	10,000	10,000	100	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	100	5,000	-
BACWA TOTAL		643,539	345,441	54	590,054	53,486
AIR-Air Issues&Regulation Grp	Administrative Support	3,900	3,900	100	3,900	-
AIR-Air Issues&Regulation Grp	BDO Contract Expenses	74,440	37,709	51	74,440	-
AIR TOTAL		78,340	41,609	53	78,340	-
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Fog	17,000	8,000	47	8,000	9,000
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Mercury	2,500	-	-	-	2,500
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Pesticides	10,000	10,000	100	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	13,323	62	15,672	5,766
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Other	11,500	-	-	4,999	6,501
BAPPG-BayAreaPollutnPreventGrp	Administrative Support	4,275	4,275	100	4,275	-
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Multi-Pollutant	19,000	10,772	57	16,000	3,000
BAPPG TOTAL		97,210	46,370	48	58,946	38,265
WQA-WtrQualityAttainmntStratgy	WQA-CE-Technical Support	896,902	271,161	30	879,703	17,199
WQA-WtrQualityAttainmntStratgy	WQA-CE-Collaborations & Sponso	30,000	30,000	100	30,000	-
WQA-WtrQualityAttainmntStratgy	WQA-CE-Commun. & Reporting	6,000	-	-	-	6,000
WQA-WtrQualityAttainmntStratgy	WQA-CE-Other	33,800	1,678	5	35,000	(1,200)
WQA CBC TOTAL		966,702	302,839	31	944,703	21,999
SUBTOTAL		1,785,791	736,259	41	1,672,042	113,750

BACWA Expense Summary Report for 3rd Quarter FY 2014

DEPARTMENT	EXPENSE TYPE	AMENDED BUDGET	YEAR TO DATE		OBLIGATED	UNOBLIGATED
			Acutal	Acutal / Budget (%)		
WOT - Wtr/Wwtr Operat Training	Administrative Support	2,500	2,500	100	2,500	-
WOT - Wtr/Wwtr Operat Training	BDO Contract Expenses	158,000	151,000	96	151,000	7,000
WOT TOTAL		160,500	153,500	96	153,500	7,000
Prop84BayAreaIntegRegnlWtrMgmt	Administrative Support	-	4,434		4,984	(4,984)
Prop84BayAreaIntegRegnlWtrMgmt	BDO Contract Expenses	-	35,232		71,453	(71,453)
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		156,005	(156,005)
Prop84BayAreaIntegRegnlWtrMgmt	WQ Improve Flood Mgmt & EP	-	(197,743)		(197,743)	197,743
Prop84BayAreaIntegRegnlWtrMgmt	Water Efficient LRP	-	241,291		241,291	(241,291)
Prop84BayAreaIntegRegnlWtrMgmt	Bay Friendly Landscape TP	-	56,287		56,287	(56,287)
Prop84BayAreaIntegRegnlWtrMgmt	Weather Based Irrigation Cntrl	-	97,094		97,094	(97,094)
Prop84BayAreaIntegRegnlWtrMgmt	High Efficiency Toilet & UR	-	997,358		997,358	(997,358)
Prop84BayAreaIntegRegnlWtrMgmt	High Efficiency Toilet & UI	-	1,218,500		1,218,500	(1,218,500)
Prop84BayAreaIntegRegnlWtrMgmt	High Efficiency Clothes Washrs	-	1,401,879		1,401,879	(1,401,879)
Prop84BayAreaIntegRegnlWtrMgmt	Napa Co. Rainwater HP	-	22,127		22,127	(22,127)
Prop84BayAreaIntegRegnlWtrMgmt	Conservation Program Admin	-	71,115		71,115	(71,115)
Prop84BayAreaIntegRegnlWtrMgmt	Watershed Partnership TA	-	126,676		126,676	(126,676)
Prop84BayAreaIntegRegnlWtrMgmt	Stream Restoration in North BD	-	179,741		179,741	(179,741)
Prop84BayAreaIntegRegnlWtrMgmt	Flood Infrastructure Mapping T	-	12,568		12,568	(12,568)
Prop84BayAreaIntegRegnlWtrMgmt	Stormwater Improvements & PBP	-	30,326		30,326	(30,326)
Prop84BayAreaIntegRegnlWtrMgmt	Pescadero Integrated FRAH	-	62,592		62,592	(62,592)
Prop84BayAreaIntegRegnlWtrMgmt	Restoration Guidance, San FC	-	11,534		11,534	(11,534)
Prop84BayAreaIntegRegnlWtrMgmt	SF Estuary Steelhead MP	-	122,239		122,239	(122,239)
Prop84BayAreaIntegRegnlWtrMgmt	Watershed Program Admnstrtn	-	35,241		35,241	(35,241)
PRP84 TOTAL		-	7,957,047		7,993,818	(7,993,818)
Prop50BayAreaIntegRegnlWtrMgmt	Administrative Support	-	225		1,000	(1,000)
Prop50BayAreaIntegRegnlWtrMgmt	BDO Contract Expenses	-	6,698		26,778	(26,778)
Prop50BayAreaIntegRegnlWtrMgmt	Regional Conservation	-	48,321		48,321	(48,321)
Prop50BayAreaIntegRegnlWtrMgmt	EBMUD Ca. Waterstar Initiative	-	-		-	-
Prop50BayAreaIntegRegnlWtrMgmt	EBMUD Richmond RWP	-	-		-	-
Prop50BayAreaIntegRegnlWtrMgmt	Redwood City RWP	-	3,285		3,285	(3,285)
Prop50BayAreaIntegRegnlWtrMgmt	Mt. View-Moffat RWP	-	-		-	-
Prop50BayAreaIntegRegnlWtrMgmt	N. Marin RWP	-	1,971		1,971	(1,971)
PRP50 TOTAL		-	60,500		81,356	(81,356)



Bay Area Clean Water Agencies

A Joint Powers Public Agency

Leading the Way to Protect our Bay

May 13, 2014

MEMO TO: Bay Area Clean Water Agencies Executive Board
MEMO FROM: D. Scott Klein, Controller, East Bay Municipal Utility District
SUBJECT: Ninth 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 March 31, 2014** (nine 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 03/31/14

DESCRIPTION	BEGINNING FUND BALANCE 07/1/13	TOTAL RECEIPTS	TOTAL DISBURSEMENTS	ENDING FUND BALANCE 3/31/14	OUTSTANDING ENCUMBRANCES	UNOBLIGATED FUND BALANCE 3/31/14
BACWA	669,142	656,310	345,441	980,010	244,612	735,398
TRNG FND	248,247	507	-	248,754	-	248,754
AIR	12,894	78,467	41,609	49,752	36,731	13,021
BAPPG	51,748	79,646	46,370	85,025	12,576	72,449
LEGAL RSRV	303,928	621	-	304,549	-	304,549
WQA CBC	369,481	690,746	302,839	757,388	641,864	115,524
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	147,163	153,500	41,725	-	41,725
PRP84	59,109	8,062,481	7,957,047	164,542	36,771	127,772
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	60,500	111,938	20,855	91,083
	3,032,754	9,732,552	8,907,307	3,858,000	993,409	2,864,591

BACWA Revenue Report for March 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	-	-	-	-	-	-	34	34	(34)
RWR TOTAL		-	-	-	-	-	-	34	34	(34)
WOT - Wtr/Wwtr Operat Training	BDO Member Contributions	160,500	-	500	-	-	147,000	-	147,000	13,500
WOT - Wtr/Wwtr Operat Training	BDO Interest Income	-	-	-	-	-	-	163	163	(163)
WOT TOTAL		160,500	-	500	-	-	147,000	163	147,163	13,337
Prop84BayAreaIntegRegnlWtrMgmt	BDO Fund Transfers	-	-	-	-	-	-	(488)	(488)	488
Prop84BayAreaIntegRegnlWtrMgmt	BDO Interest Income	-	-	-	-	-	-	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)
PRP84 TOTAL		-	-	-	-	-	8,060,503	1,978	8,062,481	(8,062,481)
WQA Emergency Resrve Fnd	BDO Interest Income	-	-	-	-	-	-	827	827	(827)
WQA EMERG TOTAL		-	-	-	-	-	-	827	827	(827)
WQA Tech Action Fund	BDO Interest Income	-	-	-	-	-	-	517	517	(517)
TECHACTION TOTAL		-	-	-	-	-	-	517	517	(517)
CBC Operating Resrve Fnd	BDO Interest Income	-	-	-	-	-	-	335	335	(335)
CBC OPRSRV TOTAL		-	-	-	-	-	-	335	335	(335)
Prop50BayAreaIntegRegnlWtrMgmt	BDO Interest Income	-	-	-	-	-	-	330	330	(330)
Prop50BayAreaIntegRegnlWtrMgmt	Administrative Support	-	-	-	-	-	14,257	-	14,257	(14,257)
PRP50 TOTAL		-	-	-	-	-	14,257	330	14,586	(14,586)

BACWA Revenue Report for March 2014

DEPARTMENT	REVENUE TYPE	AMENDED 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	-	-	-	-	-	2,073	2,073	927
Bay Area Clean Water Agencies	BDO Assoc.&Affiliate Contr	159,000	-	-	-	-	159,000	-	159,000	-
	BACWA TOTAL	622,675	-	-	-	-	653,061	3,249	656,310	(33,635)
BACWA Training Fund	BDO Interest Income	-	-	-	-	-	-	507	507	(507)
	TRNG FND TOTAL	-	-	-	-	-	-	507	507	(507)
AIR-Air Issues&Regulation Grp	BDO Member Contributions	78,340	-	-	-	-	78,384	-	78,384	(44)
AIR-Air Issues&Regulation Grp	BDO Interest Income	-	-	-	-	-	-	83	83	(83)
	AIR TOTAL	78,340	-	-	-	-	78,384	83	78,467	(127)
BAPPG-BayAreaPollutnPreventGrp	BDO Member Contributions	80,000	-	-	-	-	29,505	50,000	79,505	495
BAPPG-BayAreaPollutnPreventGrp	BDO Interest Income	-	-	-	-	-	-	141	141	(141)
	BAPPG TOTAL	80,000	-	-	-	-	29,505	50,141	79,646	354
BACWA Legal Reserve Fnd	BDO Interest Income	-	-	-	-	-	-	621	621	(621)
	LEGAL RSRV TOTAL	-	-	-	-	-	-	621	621	(621)
WQA-WtrQualityAttainmntStratgy	Administrative & General	-	-	-	-	1,500	-	-	1,500	(1,500)
WQA-WtrQualityAttainmntStratgy	BDO Member Contributions	675,000	-	-	-	-	674,750	-	674,750	250
WQA-WtrQualityAttainmntStratgy	BDO Other Receipts	-	-	-	-	3,232	-	9,987	13,219	(13,219)
WQA-WtrQualityAttainmntStratgy	BDO Interest Income	1,000	-	-	-	-	-	1,276	1,276	(276)
	WQA CBC TOTAL	676,000	-	-	-	4,732	674,750	11,264	690,746	(14,746)
BACWA OperatingRsrve Fnd	BDO Interest Income	-	-	-	-	-	-	312	312	(312)
	BACWAOPRES TOTAL	-	-	-	-	-	-	312	312	(312)

BACWA Expense Report for March 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	Reloc HYD 11595 Edgewater OAK	-	-	-	-	-	-	7,341	-	7,341	(7,341)	
Bay Area Clean Water Agencies	BC-Collections System	26,000	(7,121)	7,121	-	-	7,552	17,448	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	(644)	644	-	-	19,943	5,057	-	-	25,000	-
Bay Area Clean Water Agencies	BC-Laboratory Committee	5,000	-	-	-	-	-	-	550	-	550	4,450
Bay Area Clean Water Agencies	BC-Miscellaneous Committee Sup	106,368	-	-	-	-	93,064	44,789	-	-	137,853	(31,485)
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	(782)	782	-	-	1,218	782	-	-	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	-	5,634	-	7,134	686
Bay Area Clean Water Agencies	AS-BACWA Admin Expense	3,000	-	-	1,132	-	-	-	2,273	-	2,273	727
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	(81)	81	115	-	351	649	10,831	(100)	11,731	1,269
Bay Area Clean Water Agencies	AS-Executive Director	175,000	(58,333)	58,333	-	-	58,334	116,667	-	-	175,000	-
Bay Area Clean Water Agencies	AS-Assistant Executive Directo	75,000	(5,475)	5,475	-	-	23,025	49,975	-	-	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	-
Bay Area Clean Water Agencies	CAS-Arleen Navaret Award	1,000	-	-	-	-	-	-	-	-	-	1,000
Bay Area Clean Water Agencies	CAS-FWQC	5,000	-	-	5,000	-	-	-	5,000	-	5,000	-
BACWA TOTAL		643,539	(72,436)	72,436	6,360	-	244,612	247,651	54,775	43,015	590,054	53,486
AIR-Air Issues&Regulation Grp	Administrative Support	3,900	-	-	-	-	-	-	-	3,900	3,900	-
AIR-Air Issues&Regulation Grp	BDO Contract Expenses	74,440	-	-	-	-	36,731	59,409	-	(21,700)	74,440	-
AIR TOTAL		78,340	-	-	-	-	36,731	59,409	-	(17,800)	78,340	-
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Fog	17,000	-	-	-	-	-	-	8,000	-	8,000	9,000
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Mercury	2,500	-	-	-	-	-	-	-	-	-	2,500
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Pesticides	10,000	-	-	10,000	-	-	-	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	-	-	-	-	2,349	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	-	-	-	-	5,228	10,772	-	-	16,000	3,000
BAPPG TOTAL		97,210	-	-	10,000	-	12,576	13,422	31,700	1,247	58,946	38,265
WQA-WtrQualityAttainmntStratgy	WQA-CE-Technical Support	896,902	(107,038)	107,038	-	-	608,542	271,161	-	-	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	(1,278)	1,278	-	-	33,322	1,678	-	-	35,000	(1,200)
WQA CBC TOTAL		966,702	(108,316)	108,316	-	-	641,864	272,839	30,000	-	944,703	21,999

BACWA Expense Report for March 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	-	-	73,500	-	-	-	151,000	-	151,000	7,000
WOT TOTAL		160,500	-	-	73,500	-	-	-	151,000	2,500	153,500	7,000
Prop84BayArealIntegRegnlWtrMgmt	Administrative Support	-	(25)	25	1,019	-	550	450	3,984	-	4,984	(4,984)
Prop84BayArealIntegRegnlWtrMgmt	BDO Contract Expenses	-	(10,887)	10,887	-	-	36,221	35,232	-	-	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	-	-	-	-	-	-	-	241,291	-	241,291	(241,291)
Prop84BayArealIntegRegnlWtrMgmt	Bay Friendly Landscape TP	-	-	-	-	-	-	-	56,287	-	56,287	(56,287)
Prop84BayArealIntegRegnlWtrMgmt	Weather Based Irrigation Cntrl	-	-	-	-	-	-	-	97,094	-	97,094	(97,094)
Prop84BayArealIntegRegnlWtrMgmt	High Efficiency Toilet & UR	-	-	-	-	-	-	-	997,358	-	997,358	(997,358)
Prop84BayArealIntegRegnlWtrMgmt	High Efficiency Toilet & UI	-	-	-	-	-	-	-	1,218,500	-	1,218,500	(1,218,500)
Prop84BayArealIntegRegnlWtrMgmt	High Efficiency Clothes Washrs	-	-	-	-	-	-	-	1,401,879	-	1,401,879	(1,401,879)
Prop84BayArealIntegRegnlWtrMgmt	Napa Co. Rainwater HP	-	-	-	-	-	-	-	22,127	-	22,127	(22,127)
Prop84BayArealIntegRegnlWtrMgmt	Conservation Program Admin	-	-	-	-	-	-	-	71,115	-	71,115	(71,115)
Prop84BayArealIntegRegnlWtrMgmt	Watershed Partnership TA	-	-	-	-	-	-	-	90,386	36,290	126,676	(126,676)
Prop84BayArealIntegRegnlWtrMgmt	Stream Restoration in North BD	-	-	-	-	-	-	-	30,250	149,491	179,741	(179,741)
Prop84BayArealIntegRegnlWtrMgmt	Flood Infrastructure Mapping T	-	-	-	-	-	-	-	10,520	2,047	12,568	(12,568)
Prop84BayArealIntegRegnlWtrMgmt	Stormwater Improvements & PBP	-	-	-	-	-	-	-	30,326	-	30,326	(30,326)
Prop84BayArealIntegRegnlWtrMgmt	Pescadero Integrated FRAH	-	-	-	-	-	-	-	62,592	-	62,592	(62,592)
Prop84BayArealIntegRegnlWtrMgmt	Restoration Guidance, San FC	-	-	-	-	-	-	-	11,534	-	11,534	(11,534)
Prop84BayArealIntegRegnlWtrMgmt	SF Estuary Steelhead MP	-	-	-	-	-	-	-	122,239	-	122,239	(122,239)
Prop84BayArealIntegRegnlWtrMgmt	Watershed Program Admnstrtn	-	-	-	-	-	-	-	25,326	9,915	35,241	(35,241)
PRP84 TOTAL		-	(10,912)	10,912	1,019	-	36,771	35,682	7,921,365	-	7,993,818	(7,993,818)
Prop50BayArealIntegRegnlWtrMgmt	Administrative Support	-	-	-	-	-	775	225	-	-	1,000	(1,000)
Prop50BayArealIntegRegnlWtrMgmt	BDO Contract Expenses	-	(2,625)	2,625	-	-	20,080	6,698	-	-	26,778	(26,778)
Prop50BayArealIntegRegnlWtrMgmt	Regional Conservation	-	-	-	48,321	-	-	-	48,321	-	48,321	(48,321)
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)
PRP50 TOTAL		-	(2,625)	2,625	48,321	-	20,855	6,923	74,909	(21,331)	81,356	(81,356)

**BAY AREA CLEAN WATER AGENCIES
PROFESSIONAL SERVICES CONTRACT**
Executive Director

This PROFESSIONAL SERVICES CONTRACT, effective July 1, 2014 through June 30, 2015, is between Bay Area Clean Water Agencies (“BACWA”), a joint powers agency which exists as a public entity separate and apart from its Member Agencies, created January 4, 1984 by a Joint Powers Agreement between Central Contra Costa Sanitary District, East Bay Dischargers Association, East Bay Municipal Utility District, the City and County of San Francisco and the City of San Jose, with a mailing address of P.O. Box 24055, MS 702, Oakland, CA 94623, and David Williams (dba DRW Engineering) (“Consultant”), an individual doing business at 1133 Snyder Lane, Walnut Creek, CA for professional services as described in any Exhibit A attached hereto.

In consideration of the mutual covenants, stipulations and agreements, the parties agree as follows:

1. Consultant will perform the Services as described by and in accordance with Exhibit A in a manner acceptable to BACWA. This work will be performed at the direction and under the supervision of the BACWA Executive Board.
2. Consultant shall not contract with or otherwise use any subconsultants, subcontractors or other non-employee persons or entities (“Subconsultants”) to perform the Services without the prior written approval of BACWA. If Consultant and BACWA agree that Subconsultants shall be used, Consultant shall ensure Subconsultants’ compliance with all the terms and conditions of this agreement.
3. BACWA will pay Consultant a monthly flat rate of \$14,875.00 for services rendered, for a maximum total of \$178,500 for the 2014-2015 Fiscal Year (July 1, 2014 through June 30, 2015).
4. No later than June 30 of each year the Executive Board shall evaluate the Executive Director’s performance and consider any appropriate increase to the compensation described in paragraph 3, either based on merit or increases in the Consumer Price Index. Any future increases shall be implemented via an amendment to this contract.
5. BACWA agrees to reimburse Consultant for actual and reasonable job-related expenses necessary to carry out the work described in Exhibit A. This includes, but is not limited to, travel expenses for BACWA-related meetings, and the cost of attending trainings, conferences and other events necessary for the Consultant to act as the Executive Director.
6. Consultant shall submit invoices on a monthly basis. Payments under this Contract will be due thirty (30) days after BACWA’s receipt of invoices. The invoices shall include a brief description (not to exceed three pages) of the activities and accomplishments of the previous period.
7. Consultant will maintain all records relating to this Contract in accordance with generally accepted accounting principles and for at least three years following termination of this Contract. Consultant will grant BACWA and its representatives access upon request to all such records and all other books, documents, papers, drawings, and writings of Consultant that refer or relate to this Contract.
8. All drawings, specifications, reports, programs, manuals, and other work product of Consultant that result from this Contract (“Work Product”) will be considered the exclusive property of BACWA. Consultant agrees that it will not use, disclose,

communicate, publish or otherwise make available to third parties any products, analyses, data, compilations, studies, proposals, technical or business information, and any other information related to the Services provided to BACWA without BACWA's prior written approval.

9. The Consultant expressly agrees to indemnify, defend and hold BACWA, its officers, and directors, free and harmless from and against any and all loss, liability, expense, claims, costs, suits and damages, including attorney's fees, arising out of negligence of the Consultant's work and or performance under this Contract, excepting only such injury or damage as may be caused by the negligence of BACWA.
10. This contract shall automatically terminate on August 30, 2015. Either party may also terminate this Contract in whole or in part at any time for its convenience. For a termination for convenience, the termination will be effective thirty (30) days following receipt of a written notice of termination by one party from the other.
11. If this contract is terminated before June 30, 2015, the Consultant shall only be paid for services provided through the termination date. If the termination date is any date but the last day of the month, the Consultant shall receive payment for those days calculated on a daily pro rata basis.
12. This Contract constitutes the entire, legally binding contract between the parties regarding its subject matter. No waiver, consent, modification or change of terms of this Contract is binding unless in writing and signed by both parties.

The following documents are incorporated into and made a part of this Contract. Any conflicts between these documents and this Contract will be resolved in favor of this Contract. Exhibit A: Scope of Work and Exhibit B: Conflict of Interest Protocol.

CONSULTANT: DRW Engineering
1133 Snyder Lane
Walnut Creek, CA 94598

Tax Identification No.

Consultant Signature

Date

Name, Title

BACWA Signature

Name, Title

Exhibit A

BACWA EXECUTIVE DIRECTOR

SCOPE OF SERVICES

The Consultant shall serve, in a full-time capacity, as the Executive Director of the Bay Area Clean Water Agencies (BACWA), providing professional services at the direction of the BACWA Executive Board. These services include, but are not limited to the following:

1. Financial/Administrative Management

- Develop and maintain sound financial practices,
- Prepare an annual budget that implements the Board's goals and objectives,
- Manage contracts to stay within budget,
- Ensure that compliance with applicable rules and regulations,
- Oversee BACWA's role as fiscal agent for State and other grants,
- Maintain official records and documents, and ensure compliance with federal, state and local regulations.

2. Board, Committee, and Member Functions

- Organize and facilitate Executive Board meetings,
- Coordinate committees and provide chairs with all necessary support,
- Assist the Executive Board in maintaining beneficial relationships with regulatory agencies,
- Plan and execute the Executive Board fall retreat and the Annual Member Meeting,
- Prepare annual workplan with Executive Board and Committee input,
- Prepare annual report as required by the Joint Powers Agreement,
- Promote active and broad participation by volunteers in all areas of the organization's work.

3. Communication/Representation

- Represent BACWA at key forums including, but not limited to, meetings of the Regional and State Water Boards, Integrated Regional Water Management Plan Coordinating Committee, Aquatic Science Center, Regional Monitoring Program, Summit Partners, California Association of Sanitation Agency, and the National Association of Clean Water Agencies,
- Maintain and improve the BACWA website,
- Prepare monthly member newsletter,
- Respond to press and public inquiries.

4. Program Management

- Maintain a working knowledge of significant developments and trends in the field,

- Act as a lead in communicating with regulatory agencies on issues of importance to BACWA,
- Prepare, or assist in preparing, comment letters on behalf of BACWA members regarding technical and regulatory issues,
- At the direction of the Executive Board, carry out technical, regulatory, and scientific projects to benefit BACWA members.

REIMBURSABLE EXPENSES

BACWA shall reimburse the Executive Director for all reasonable, work-related expenses, including the following, consistent with BACWA's policies and procedures:

- Direct expenses incurred on behalf of the agency (e.g., copies, catering, etc.);
- Travel to meetings and workshops as a representative of BACWA;
- Costs of attending professional conferences on behalf of BACWA including the following:
 - Two California Association of Sanitation Agencies conferences;
 - The National Association of Clean Water Agencies' National Environmental Policy Conferences;
 - Any such other conferences authorized, in writing, by the Board Chair on case-by-case basis.

Exhibit B CONFLICT OF INTEREST PROTOCOL

Consultant is currently a member of the Board of Directors of the Central Contra Costa Sanitary District (“CCCSD”), which is a member agency of BACWA. In order to address not only potential issues of California law relating to conflicts of interest—including but not limited to the Political Reform Act and Government Code section 1090—but also to avoid the appearance that Consultant, acting in his capacity as Executive Director of BACWA, has placed the interests of CCCSD ahead of the interests of BACWA, Consultant shall abide by the following conflict of interest protocol for so long as he serves as a member of the Board of Directors of CCCSD.

It is the goal of BACWA that its Executive Director shall conduct the assignment in a manner consistent with sound ethical and business practices; that the interests of BACWA shall always be considered when Consultant acts in his/her capacity as Executive Director when conducting BACWA business; that impropriety or the appearance of impropriety shall be avoided to ensure and maintain public confidence in the BACWA; and that Consultant shall execute his/her duties lawfully, fairly, impartially, and without discrimination, and in accordance with the stated purposes of the BACWA.

In the furtherance of this goal, Consultant is expected to devote his best efforts and attention to the performance of his duties as Executive Director, to use good judgment, to adhere to high ethical standards and to avoid situations that create actual or potential conflicts between not only the interests of BACWA and Consultant’s personal interests, but also between the interests of BACWA and the interests of CCCSD. This Protocol is intended to augment, and not to replace or otherwise impact Consultants obligations under any and all California laws relating to conflicts of interest.

Recognizing that California conflict of interest laws—including but not limited to the Political Reform Act and Government Code section 1090—contain exemptions with respect to covered officials and employees who have an interest in more than one government agency, Consultant nonetheless agrees that, while acting in his capacity as Executive Director of BACWA, he shall not make, participate in making or use or attempt to use his position as Executive Director of BACWA to influence: a) any decision directly or indirectly having a material impact on CCCSD, or b) any negotiation of a contract between BACWA and CCCSD, or his position as a member of the Board of Directors of CCCSD to influence: a) any decision directly or indirectly having a material impact on BACWA, or b) any negotiation of a contract between BACWA and CCCSD.

For the purposes of interpreting the foregoing prohibition, the meaning of the terms “making, participating in making, or using or attempting to use his/her official position to influence a decision,” the determination of when a decision directly or indirectly affects CCCSD, and the determination of when such a direct or indirect effect is material to CCCSD shall be construed in a manner consistent with the regulations interpreting the

Political Reform Act promulgated by the California Fair Political Practices Commission (2 Cal. Code Regs. section 18700 et seq.), and by presuming that Consultant has a financial interest in CCCSD as both a “business entity” and as a “source of income.”

The BACWA Board will establish an ad hoc committee that will review situations that have the potential for conflict of interest on the part of the Executive Director in order to provide guidance on whether any particular matter is a conflict or has the potential to be perceived as a conflict by the BACWA membership. Any recommendations from the ad hoc committee shall be voted on by the BACWA Board. The ad hoc committee’s review will continue for the term of this contract.



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 4

FILE NO.: 12,978

MEETING DATE: June 20, 2014

TITLE: Approval of Contracts to Implement FY 2015 BACWA and Special Programs Workplan and Budget

MOTION _____ RESOLUTION _____ DISCUSSION _____

RECOMMENDED ACTION

Authorize the approval of contracts with CH2M Hill to implement the Fiscal Year 2014 – 2015 BACWA and Special Programs Budget and Workplan.

SUMMARY

The BACWA fiscal year (FY) begins July 1, 2014. In order to prevent a gap in core services, BACWA typically executes contracts for the coming FY before the end of June. The contracts summarized below will ensure that, as of July 1, BACWA has committee support from CH2M Hill. The agreement with CH2M Hill is contingent upon the collection of annual membership dues from AIR Committee members. Bills will be sent to AIR Committee members within the month of July 2014. This contract was included in the BACWA and Special Programs FY 2014 - 2015 workplan and budget and become effective July 1, 2014. The AIR Committee is requesting approval to continue the 3-year contract with CH2M Hill with a termination date of June 30, 2016.

Contractor	Services	Contract Amount	File Number
CH2M Hill	AIR Committee Support	\$77,064	12,978

FISCAL IMPACT

The funding for these contracts is consistent with the Fiscal Year 2014 workplans and budget for BACWA and Special Programs. The CH2M Hill contract amount is contingent upon receipt of funds from AIR Committee members, for which billing will occur within the month of July 2014. Total contract value for CH2M Hill AIR Committee support in fiscal year 2015-16 will be determined by the BACWA Board approved AIR Committee Budget and Workplan for each of that fiscal year.

Excerpt from File 12,978, agreement between BACWA and CH2M Hill for AIR Committee support

Payment for Services

6. For fiscal year 2013-2014, BACWA will pay Consultant based on the rates in Exhibit B, up to a maximum amount payable of \$74,440 contingent upon receipt of this same amount from AIR Committee member fees. For fiscal years 2014-2015 and 2015-2016, the total contract value will be determined by the BACWA Executive Board and will be contingent upon the Executive Board's approval of a budget for each of the individual fiscal years. Consultant will not exceed the maximum amount payable without obtaining prior written approval from BACWA.

7. *The total cost of services provided by Consultant shall not exceed the total funds collected from AIR committee member fees minus deduction of BACWA's 5% administrative fees.*

ALTERNATIVES

As required by the BACWA contracting policy, AIR committee consultant support services were subject to an informal competition, whereby the committee co-chairs, Nohemy Revilla and Randy Schmidt solicited proposals from four prospective vendors. The AIR committee is recommending execution of a contract with CH2M Hill, based on their qualifications and experience.

No other alternatives were considered for the other seven contracts as the terms of these agreements are consistent with BACWA contracting policies.

Attachments:

1. CH2M Hill Scope of Work and FY 2014 Rates
2. BACWA Consultant Rates 2009-2014

**AMENDMENT NO. 1
TO
AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES
AND
CH2M Hill Engineers, Inc.
FOR
AIR Committee Support**

This Amendment No. 1 is made this 20th day of June, 2014, in the City of Oakland, County of Alameda, State of California, to that certain agreement File 12,978 of July 1st, 2013 by and between CH2M Hill Engineers, Inc. (CH2M Hill) and Bay Area Clean Water Agencies, (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

1. BACWA and CH2M Hill agree to a not to exceed contract amount of \$77,064 for AIR Committee support for the period of July 1, 2014 – June 30, 2015.
2. BACWA and CH2M Hill agree to the Scope of Work outlined in Exhibit A.
3. BACWA and CH2M Hill agree to the Fiscal Year 2014-15 Hourly Rates and Reimbursable Expenses outlined in Exhibit B.
4. Except as herein expressly modified, the Agreement will remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By _____
Mike Connor, Chair Executive Board

Dated _____

CH2M HILL ENGINEERS, INC.

By _____

Dated _____

BACWA EIN: 94-3389334



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 5

FILE NO.: 11,780

MEETING DATE: June 20, 2014

TITLE: Avila Amendment 3 for Proposition 50 Grant Administration Support

MOTION

RESOLUTION

DISCUSSION

ACTION UNDER CONSIDERATION

Amend an existing agreement with Avila & Associates Consulting Engineers, Inc. to provide administrative support for the Proposition 50 IRWM grant, to extend the contract termination date to the end of Fiscal Year 2015 (June 30, 2015).

SUMMARY

BACWA, in its role as grantee for the Bay Area Integrated Regional Water Management (IRWM) Implementation grant, entered into a contract for support services to administer the Bay Area Prop 50, IRWM grant. The work of the consultant is overseen by the participants in the IRWM grant.

The original agreement between Avila and BACWA was approved on May 28, 2009. On June 13, 2013 the BACWA Executive Board approved an amendment to extend the term of the contract from June 30, 2013 to a new termination date of December 31, 2013. A second amendment extended the termination date to June 30, 2014. This third amendment would further extend that termination date to June 30, 2015, which would allow time for the consultant, Avila, to provide administration assistance through the rest of this fiscal year for the remaining tasks associated with the Prop 50 projects. The Prop 50 Agreement with DWR has been extended from December 31, 2014 to December 31, 2015.

FISCAL IMPACT

There is no direct fiscal impact. This amendment only extends the termination date of the contract and does not impact the original contract value.

ALTERNATIVES

This amendment is consistent with BACWA contracting policies and does not require a consideration of alternatives.

ATTACHMENT

1. Avila Amendment 3

**AMENDMENT NO. 3
TO
AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES
AND
Avila & Associates Consulting Engineers, Inc.
FOR
Prop 50 Grant Administration Support**

This Amendment No. 3 is made this 20th day of June, 2014, in the City of Oakland, County of Alameda, State of California, to that certain agreement File 11,780 of May 28th, 2009 by and between Avila & Associates Consulting Engineers, Inc. (Avila) and Bay Area Clean Water Agencies, (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

1. BACWA and Avila agree to extend the contract termination date to June 30, 2015.

2. Except as herein expressly modified, the Agreement will remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By _____
Mike Connor, Chair Executive Board

Dated _____

AVILA & ASSOCIATES CONSULTING ENGINEERS, INC.

By _____

Dated _____

BACWA EIN: 94-3389334



June 6, 2014

Ms. Christy Riviere
Principal Environmental Planner
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109

SUBJECT: IMPACT OF CROSS-MEDIA ISSUES ON WASTEWATER TREATMENT PLANTS

Dear Ms. Riviere,

The Air Issues and Regulations (AIR) Committee is a coalition of San Francisco Bay Area Publicly Owned Treatment Works (POTWs) working cooperatively to address air quality and climate change issues, under the guidance of the Bay Area Clean Water Agencies (BACWA). Many of our member agencies also manage potable water treatment, distribution systems, wastewater treatment, and biosolids residual programs. The BACWA AIR Committee has 14 member agencies, including large metropolitan facilities such as East Bay Municipal Utility District, the City and County of San Francisco, Central Contra Costa Sanitary District, and the City of San Jose. Together, BACWA AIR Committee member agencies treat over ninety percent of the municipal wastewater in the Bay Area.

The Bay Area Air Quality Management District (BAAQMD) intends to update the Clean Air Plan in 2014 to incorporate a Climate Protection Strategy for the Bay Area, address a multi-pollutant strategy regarding feasible emissions control measures, and identify mechanisms for encouraging and tracking greenhouse gas (GHG) emissions reductions. The BACWA AIR Committee supports the BAAQMD's intent to protect air quality in the Bay Area by continuing to reduce emissions of ozone precursors, particulate matter (PM), toxic air contaminants (TAC), and GHG. However, implementation of prior regulatory actions has resulted in contradictory impacts to the municipal wastewater treatment sector. While regulatory actions may be seen as effective when each media (air, water, climate change, etc.) is addressed separately, the deficiencies become evident when the regulations are viewed holistically as one set of regulations for protecting the overall environment. As a result, the BACWA AIR Committee members have several concerns regarding cross-media regulatory coordination.

1. Nutrient removal will impact facilities' GHG emissions

The San Francisco Regional Water Quality Control Board (Regional Water Board) recently issued a nutrient watershed permit for all POTWs that discharge to the San Francisco Bay¹. There are many uncertainties on the type and degree of impacts of nutrients in the San

¹Nutrient watershed permit is available at :
http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2014/R2-2014-0014.pdf.

Francisco Bay. The current permit does not require effluent nutrient load reductions, but does require support of scientific studies that will indicate whether there will be a need for reductions in future permits.

As part of the nutrient watershed permit, POTWs are required to perform studies to evaluate alternatives for optimizing and upgrading their facilities to remove nutrients from their effluent. Because many nutrient removal technologies are energy-intensive, any future requirements to reduce nutrient loads in effluent will have an impact on energy-related GHG emissions. As part of the optimization and upgrade studies required by the permit, POTWs will quantify this increase in GHG emissions for the different nutrient removal alternatives to be considered. The final optimization and upgrade reports are due July 1, 2018.

Because requiring nutrient removal has the potential to increase GHG emissions, it may work against Assembly Bill 32 and other BAAQMD climate change initiatives to reduce GHG emissions. POTWs should not be penalized for increased GHG emissions and additional economic burden as a result of more stringent future water regulations. The BACWA AIR Committee recommends that the BAAQMD consults with the Regional Water Board, and uses the results of the GHG analyses that will be part of the optimization and upgrade studies, to better understand the cross-media implications of nutrient removal.

2. Air quality regulations inadvertently discourage the use of renewable fuels

Second, there is concern that increasingly stringent air quality regulations governing stationary combustion conflict with GHG regulations encouraging the use of renewable fuels. For example, the U.S. Environmental Protection Agency (USEPA), California Air Resources Board (CARB), and BAAQMD want Best Performance Standards (BPS) for limiting air emissions from engines and boilers. Biogas-fired engines and boilers often face unique operational and technical challenges² which may prevent them from achieving the same thermal efficiencies as natural gas-fired engines and boilers. Therefore, biogas-fired engines and boilers can neither cost effectively nor, in some cases, technically meet the BPS. In response to the BPS, an increasing number of POTWs are flaring biogas rather than using it as a renewable, non-fossil-fuel-based combustion fuel in engines and boilers to generate power from renewable sources that would otherwise unduly strain the waste management infrastructure of California, resulting in higher rates for the ratepayers and greater GHG emissions.

Las Gallinas Valley Sanitary District (LGVSD) in San Rafael, for example, has fallen victim to this regulatory conflict. The LGVSD wastewater treatment plant's biogas-fueled internal combustion engine, which generates renewable heat and power for on-site use, will not meet the BAAQMD Rule 9-8 emissions limits by 2016. The two most viable alternatives will cost LGVSD \$100,000 to \$200,000 per year over business-as-usual to utilize the biogas for renewable energy and may require significant biogas flaring.

Alternately, biogas is a commonly and widely recognized renewable fuel that reduces GHG emissions when used in place of fossil fuels.³ Similarly, in the California Low Carbon Fuel Standard life-cycle analysis of alternative fuels, landfill gas has the lowest carbon intensity

² Challenges include the pretreatment of siloxane contaminants to minimize equipment fouling, removal of excess moisture prior to combustion, and higher carbon dioxide content in non-combusted biogas, which causes a lower temperature differential between the flame front and the exhaust stream temperature.

³ Please see pages 92 through 99 of the San Joaquin Valley Air Pollution Control District's *Final Staff Report Addressing Greenhouse Gas Emissions Impacts under the California Environmental Quality Act*, dated December 17, 2009.

pathway of nearly every other fuel.⁴ In this regard, CARB is encouraging the use of biogas as a low carbon fuel to reduce anthropogenic GHG emissions, which is a direct contradiction to the implications of the BPS air regulations described above. Similarly, the California Public Utilities Commission's (CPUC) Self Generation Incentive Program⁵ (SGIP) recognizes biogas as a beneficial renewable fuel type that needs to be more widely utilized as part of California's renewables portfolio.

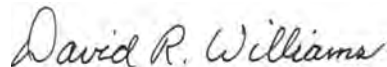
Based on the foregoing, the BACWA AIR Committee recommends that the BAAQMD allows the use of renewable fuels, such as biogas, as a potential alternative BPS for combustion units. Although combustion units fired with renewable fuels may not achieve the same thermodynamic efficiency as their fossil fuel counterparts, the use of renewable fuels will result in radically lower GHG emissions originating from fossil fuels. Therefore, the BACWA AIR Committee also recommends that the BAAQMD consults with CARB, CPUC, the California Energy Commission (CEC), and USEPA to ensure uniformity between federal, state, and local regulations governing the use of renewable fuels. The multiple issues raised related to biogas quality, based on origin (e.g., landfill versus wastewater treatment, as raised by the CEC), also need to be resolved before further limitations can be reliably imposed.

3. Incentives are needed to facilitate the development of green infrastructure

Lastly, the BACWA AIR Committee would like to stress the need for incentives to encourage green infrastructure. As noted previously, the BACWA AIR Committee supports the BAAQMD's intent to reduce emissions that may negatively affect the Bay Area's climate. However, many of the energy initiatives applicable to POTWs are impeded by existing regulations, sometimes set forth in the absence of proven technologies that can be cost-effective and widely implemented, as described above, and institutional barriers. The most notable institutional barriers include lengthy permitting processes, capital costs associated with infrastructure, and lack of effective, proven technologies. By offering more financial or administrative incentives to POTWs, statewide GHG emissions reduction goals may be better realized. For example, POTWs could help increase biogas production through the anaerobic digestion of food waste, fats, oils, and greases (FOG), algae-based biodiesel production biomass, etc., thus increasing the use of renewable fuels throughout the state and adding to California's renewables portfolio.

Given the concerns from the Bay Area wastewater treatment sector at large, we think it could be beneficial to meet with you or your staff to discuss our concerns in greater detail and collaborate on a solution that meets the needs of both the BAAQMD and BACWA agencies. Please contact the BACWA AIR Committee project manager, Jim Sandoval (510-610-9301), with any questions.

Sincerely,



David R. Williams
BACWA Executive Director

⁴ Please see CARB's lookup table for carbon intensity values: http://www.arb.ca.gov/fuels/lcfs/lu_tables_11282012.pdf. The closest to sewage digester gas is probably dairy digester gas, which has one of the lowest intensity values.

⁵ Please see CPUC's SGIP website: <http://www.cpuc.ca.gov/PUC/energy/DistGen/sqip/>.

Cc: Nohemy Revilla, BACWA AIR Committee Co-Chair
Randy Schmidt, BACWA AIR Committee Co-Chair
Jim Sandoval, BACWA AIR Committee Project Manager
Sherry Hull, BACWA Assistant Executive Director

Committee Request for Board Action: None

Highlights of New Items Discussed and Action Items

Private Sewer Lateral – Insurance/Warranty Programs

A panel discussion on private sewer lateral insurance/warranty programs was held at the June committee meeting. The two agencies presenting their programs were West Bay Sanitary District (WBSD) and the North San Mateo County Sanitation District (Daly City). Both programs have been initiated within the last six months. Residents pay a monthly fee, and if their lateral sewer fails the insurance company arranges for the necessary repair or replacement. The premiums are currently \$9.25/month or \$106 per year (Daly City), and \$9.99 per month (WBSD). Daly City calls their program an insurance program. WBSD calls their program a warranty program.

Elements of the one or both programs have included involvement by public agency in marketing - both agencies are participating in some way; whether public agencies opt to accept small percentage of proceeds from insurance company - both agencies opted out and said to reduce premium instead; and the scope of program – both programs exclude multi-line laterals such as two homes that share a lateral, mobile home parks, or homeowners associations. BACWA members had many questions for the panel members. The two insurance companies being used are Service Line Warranties of America (Daly City) and HomeServe (WBSD).

In addition, the Vallejo Sanitation and Flood Control District (VSFCD) has an upper lateral program (they own the lower lateral), in which each homeowner automatically contributes \$1.70/month on the sewer bill. The program has been in place for several years now. The District has a \$/ft maximum, and a qualified contractors list. The program helps prevent I/I and the homeowner has a trouble-free lateral. VSFCD replaces a lot of the lower laterals at the same time the upper later is replaced. They do about 400-500 laterals per year. It's been very successful.

Highlights from Recent Data Review Committee Meeting

Dan Stevenson, committee chair, and other BACWA members participated in a recent State Water Resources Control Board Data Review Committee conference call. Items discussed included plans to update the BACWA Sewer System Management Plan (SSMP) Development Guidance and make it a statewide document (the first meeting on this effort is June 26 at the Fairfield-Suisun Sewer District); eight technical reports for sanitary sewer overflows (SSOs) greater than 50,000 gallons have been submitted to date and seven more are pending; and the group may try to make SSMP training more widely available especially to smaller communities.

SSMP Audit Template is Available

BACWA recently updated a Sewer System Management Plan audit template. The document is available on the BACWA website in the committee documents section.

Round of Applause for Dan Stevenson

Dan Stevenson of Sunnyvale, our fearless committee chair, received a round of applause from committee members at the June meeting, thanking him for his leadership over the last three years. Vince Falzon of Burlingame will become committee chair with the July meeting.

Next Collection System Committee Meeting

Our next committee meeting will be held on July 17 at 1:30 PM, at the Boy Scouts facility in San Leandro.

Committee Request for Board Action: None

24 attendees representing 16 BACWA member agencies

Lila Tang from the Regional Water Board was in attendance

Adoption of Permits/Permit Amendments:

June – *Palo Alto* - The language about needing to file a water rights petition prior to a change in discharge volume or location was removed from Palo Alto's permit. The regional water board does not intend to put it into other estuarine discharger permits, except where there is a drinking water intake downstream.

Benicia - The Regional Water Board agreed with Benicia's request to reduce pretreatment monitoring to the minimum allowed under Attachment H.

July – None for BACWA Members.

August – *Delta Diablo* – Water rights language was reinserted into their tentative order, but it is less specific than the previous language in the Palo Alto permit, and makes it clear that it isn't an NPDES requirement.

San Jose – San Jose is generally happy with their tentative order. They are hoping for a designation of net environmental benefit, but that looks unlikely.

Regional Water Board Staff Report-out (Lila Tang)

- The State Water Board is pushing the Regional Water Boards to reduce their permitting backlog. Region 2 is doing relatively well with their backlog, so they have been recruited to provide management support to other regions. Lila pointed out that one of the advantages in our region is better collaboration between stakeholders and regulators than is common in California.
- Regional Water Board staff will be making another SSO report to the Board in July or August. Last year they reported erroneously that SSO rates were comparable to the State, since the intern analyzing the data wasn't comparing complete data sets. This year they will make the correction and report that SSO are decreasing.
- The State Water Board has stepped in to help the Regional Board complete the minimum number of compliance inspections for treatment plants. Next year the State Board is expected to do more pretreatment inspections since funds from EPA for contractor support has diminished.
- They will be hiring new staff to replace Dylan Garner in July, which will trigger some reshuffling of staff responsibilities.
- Bruce will be making a report to the Board on Mercury and PCBs. In general, loads continued to go down.
- EPA has conducted a permit review audit of Region 2 and a few of their Regional Water Boards. Region 2 got a passing score, and the State Water Board has provided comments to EPA on their evaluation. Lila will highlight EPA's proposed changes at the next joint meeting with BACWA. She noted that Regions 2 and 5 had different approaches to reasonable potential analysis – Region 2 is more likely to have a limit, but Region 5 requires more monitoring when they do impose a limit.

Executive Board Report-out

Key issues from the 5/16 Executive Board meeting were:

- Sherry Hull has joined BACWA as the new AED.
- BACWA has submitted a [letter](#) on the Vector Control General Order.
- The Board approved a set of Guidelines for representing BACWA with outside organizations. They call for a more robust verification process to ensure that representatives reflect BACWA positions, rather than individual agency positions, as well as reporting back to the Board and BACWA members when appropriate.
- The next nutrient symposium is being planned for early September. The theme will be nutrient management case studies from around the country.
- Dave Senn gave a presentation on the Suisun Synthesis I. His review showed there is support in the literature for preferential uptake of ammonia compared to nitrate by phytoplankton, but it's not clear whether increased ammonia uptake slows phytoplankton growth.
- The recycled water committee has put together a proposal as part of the Regional Bay Area drought-relief specific Proposal to get Prop 84 Round 3 funding. Four recycled water projects worth \$13M were included in the Regional Application. They were:
 - Napa SD (\$4M)
 - SCVWD/Sunnyvale (\$4M)
 - DERWA (Dublin San Ramon/EBMUD) (\$4M)
 - Calistoga \$750

Key issues from the 5/23 Joint Meeting with the Region Water Board were:

- There was a discussion about using some of the BACWA funds designated for supporting science studies in the watershed permit to support a facilitator of the steering committee
- *Risk Reduction* – BACWA and WSPA agreed to a joint \$75K proposal to provide matching funds for a DPH grant application to EPA. Next steps will depend on the results of the proposal.
- *Toxicity Plan* – Melissa Thorne circulated a letter from EPA showing that a two-concentration test is approved as an alternative test procedure to the 5-concentration test. According to Tom Mumley, a new draft of the Toxicity Plan is slated for later in the summer.
- *Selenium* – Barbara Baginska is spearheading the development of the North Bay Selenium TMDL. They are developing an ambient water objective that will work for both the North and South Bays, but their latest tentative objective of 1 ug/L was rejected by EPA for being too high. The EPA has recently published draft freshwater objectives for Selenium of 4.8 ug/L in flowing rivers, which will complicate compliance with a very low local objective, particularly in the North Bay.
- *Comment Letter on Palo Alto permit* – Regional Water Board agreed to drop the language about water rights for agencies where it is not applicable.
- *Human Health Criteria* – EPA published draft human health criteria for toxic constituents, some are much lower than what is in the CTR. It's unclear what action the State plans to take if they are adopted.

Nutrients

- *Optimization/Upgrade Studies* – The RFP is out and proposals are due 6/27. The process of selecting a consultant will be governed by the Contract Management Group, made up of representatives from seven BACWA agencies.
- *Nutrient Technical Workgroup Meeting* – Martha Sutula reported that the Assessment Framework technical team met in February and identified the need to quantitatively link chlorophyll a as a primary indicator to each of harmful algal blooms, and to low DO. Dave Senn updated on the various projects he is developing and working on and asked for input on prioritization. Misty Peacock from UCSC gave an update on her pigment-based identification of phytoplankton species, similar to Dave's update at the last Board meeting.
- *Steering Committee* – The first meeting was held on 4/22, and the next meeting is scheduled for 6/25.
- *Statewide Nutrient SAG* – Dave Williams will be attending meeting on 6/13 to ensure that our Regional process is not impacted by the Statewide process.
- *Nutrient Symposium* – The next symposium planned for September will feature speakers who will discuss nutrient management experiences in Chesapeake Bay, Long Island Sound, Biscayne Bay, and others.

Statewide Mercury Program

- The State Water Board is holding an invitation-only focus group meeting on the Statewide mercury program on July 14. Tim Potter will represent BACWA and is looking for feedback on the program that he can bring to the meeting. He will make sure risk reduction is addressed, as a step to ensuring it is a sustainable program that is managed at the State level. It appears that existing TMDLs will be exempted from any changes that will be brought about by the program.

Informational Items/Announcements

- *Basin Plan Amendment* - A [Basin Plan Amendment](#) hearing is scheduled 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.
- *CECs Monitoring* – Nine agencies have volunteered to participate in the RMP's CEC study. At least eight agencies were needed, but in general a larger pool of volunteers are needed to ensure that each study has participation across different types of POTWs. We will continue to solicit participation as the studies move forward.
- *Vector Control General Order* – The five areas of concern in BACWA's letter were identified and summarized. A copy of the final letter was sent to the Permit Committee email list.
- *Recycled Water General Order* – In response to BACWA's comment letter, the State Water Board will allow programs that are currently covered under another permit, such as 96-011 in Region 2, to keep their coverage. The [Final Order](#) was adopted at the June 3 meeting.
- *Bacterial Objectives* – The invitation-only focus group meeting will be held July 14, where Lorie Fono and Mike Kellog (SFPUC) will represent BACWA. Lorie will put together a summary matrix of the [Fact Sheet](#) prior to the next permits meeting to get member feedback.
- *Federal Dental Amalgam Rule* – The EPA is proposing to create a new pretreatment standard: "Dental Industrial User", which would have relaxed requirements for dentists and programs that comply. Those that don't comply would become Categorical Industrial Users. Future updates on the Dental Amalgam Rule will be through the Pretreatment Committee.
- *DPR evaluation of fabric treatment pesticides* – According to Kelly Moran, the evaluation was not favorable to BACWA's concerns. BAPPG may develop a position to propose to the BACWA Board for further action.
- *Federal Report to the President Recommends removing chemical facility exemption for water utilities* – If this recommendation is carried out it would put water utilities under the jurisdiction of Homeland Security.

Next BACWA Permits Committee Meeting: Tuesday, July 8, 2014, at EBMUD Plant Library – Meg Herston will be assuming the Chair responsibilities and leading this meeting. Dave Williams thanked Tim Potter for his tenure as Chair.

Sherry Hull

From: Dave Williams <dwilliams@bacwa.org>
Sent: Monday, June 9, 2014 3:18 PM
To: Tim Potter; Lorien Fono (lfono@pmengineers.com)
Subject: FW: Outcome of BACWA comments - DPR Surface Water Evaluation of Pesticide for fabric products
Attachments: BACWA Comments on Copper Oxide PHMB DPR Application.pdf;
DPR_Response_to_BACWA_Cliniweave_12-13.pdf;
DPR_Cliniweave_PHMB_Surface_Water_Evaluation_05-14.pdf

It seems like we should discuss what if anything we want to do regarding the issues that Kelly raises. Might be a good topic for the Permit Committee meeting tomorrow. Some thoughts would be to discuss further with the WB staff to see what their feelings are; or have Kelly attend the next Board meeting and brief the Board on the issue, etc. if we don't view it as a significant issue we can always just continue to monitor. So let's kick it around and see what might be the next best steps.

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

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

From: Dave Williams
Sent: Monday, June 9, 2014 3:00 PM
To: Kelly Moran
Subject: FW: Outcome of BACWA comments - DPR Surface Water Evaluation of Pesticide for fabric products

Kelly, thanks for the heads up on this issue. I will discuss further with our permit committee and formulate our next steps. I may be getting back to you with some additional questions or requests for help.

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

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

From: Kelly Moran [<mailto:kmoran@tdcenvironmental.com>]
Sent: Friday, June 6, 2014 4:54 PM
To: Dave Williams
Cc: Dave Tamayo; Linda Dorn; Mike Connor; gkester@casaweb.org; Tom Meregillano; Karin North; Melody LaBella; Tom Mumley; Jan O'Hara; Daniel@Waterboards McClure; Rich Breuer
Subject: Outcome of BACWA comments - DPR Surface Water Evaluation of Pesticide for fabric products

Dave,

Late last fall, BACWA sent a letter to DPR requesting that DPR thoroughly review applications to register three fabric treatment products that could affect POTWs (see attached letter). In response, DPR sent you a letter promising to have DPR's surface water program evaluate the product (copy attached). Although technically I'm not following POTW-related pesticides items, since this DPR review has larger implications, I looked into DPR's decision on the one of the products, which was announced today.

DPR proposes to deny registration for this product--but not based on its surface water review (based on missing efficacy data). The surface water review was conducted--but it was not thorough. The review (attached) reveals serious shortcomings in DPR's processes with regard to antimicrobial chemicals, wastewater discharges, and impregnated products like treated fabrics.

DPR's surface water program has almost no information about the chemical, other than limited aquatic toxicity data indicating that it is highly toxic to aquatic organisms. The fate and effects of the chemical in POTWs are unknown. Total usage is unknown. Discharge to POTWs is unknown. BACWA's questions are largely unanswered. Nonetheless, DPR's surface water program recommended registration because there are other registered products with the same pesticide chemical.

This decision repeats a similar decision on a silver product last year--and repeats an uncomfortable precedent of allowing a pesticide to have expanded use without any meaningful scientific evaluation of the implications of that use for POTWs, for water quality, or for the environment. DPR established this uninformed approach because it thinks it is a pragmatic. Under current law, treated fabric products manufactured in other states can be sold in California without any DPR approval. This decision reveals disturbing gaps in DPR's authorities to regulate pesticide-impregnated consumer products and EPA's pesticide registration processes (which similarly had very little information and no meaningful analysis).

Based on my experience working with DPR, I expect that education at the senior management level could achieve a better approach. At a minimum, educating DPR could get DPR to obtain the data necessary to answer the appropriate list of questions on page 2 of BACWA's letter.

Regards,

Kelly Moran
TDC Environmental
UP3 Partnership



December 10, 2013

Ann Prichard
California Department of Pesticide Regulation
Pesticide Registration Branch
P.O. Box 4015
Sacramento, CA 95812

Subject: Registration Applications – Cupron Antifungal Fibers & Pro Fibers (Tracking Nos. 260203 and 260213) and Cliniweave Av Liquid (Tracking No. 259352)

Dear Ms. Prichard:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to provide input into DPR's review of registration applications for the following new pesticide products with antimicrobial active ingredients:

- Cupron Inc.'s Antifungal Fibers (Tracking #260203) – Copper oxide
- Cupron Inc.'s Pro Fibers (Tracking #260213) – Copper oxide
- Cliniweave Av Liquid (Tracking #259352) – Polyhexamethylenebiguanide (PHMB)

BACWA requests that these three registration applications be reviewed by DPR's Environmental Monitoring Branch Surface Water Protection Program to fully assess the potential for copper oxide and PHMB to impact water quality and wastewater treatment operations. We provide background information and list the specific topics that we request DPR evaluate below.

BACWA's members include fifty-five publicly owned wastewater treatment facilities and collection system agencies serving 6.5 million San Francisco Bay Area residents. We take our responsibilities for safeguarding receiving waters seriously and are very concerned about discharges of pesticides into wastewater systems that may compromise effluent quality, biosolids reuse, and compliance with NPDES permit requirements.

BACWA's Interest in Antimicrobial Registration Applications

BACWA and our colleagues in the wastewater community have noted with some alarm that new product lines treated with antimicrobials, such as copper oxide and PHMB, are quickly expanding. For example, the applicants, Cupron Inc. and Intelligent Fabrics Technologies Inc., sell many fabric products such as socks, pillowcases and gloves,¹ as well as sports clothing and hospital gowns and sheets.² Washing these items could result in antimicrobial active ingredients washing out of the fabrics and into the sanitary sewer. We have attached four studies that have shown that antimicrobial-treated products slough down the drain when they are washed.

¹ Cupron, Inc., <http://www.cupron.com/>, last viewed November 25, 2013.

² Intelligent Fabric Technologies (North America), Inc. <http://iftna.com/clinaweave-2/>. Last viewed December 4, 2013.

When copper oxide enters the environment it can become copper, which is highly toxic to aquatic life at low concentrations, is persistent and bioaccumulative, and is one of the nation's most common causes of water quality impairment. We know that DPR is keenly aware of California's copper water pollution challenges, as DPR has long worked to address pesticide contributions to copper water pollution. We greatly appreciate DPR's 1996 action to prohibit sale and use of copper-based root control products in the San Francisco Bay area, which DPR took to protect San Francisco Bay Area POTWs. The San Francisco Bay Area has invested millions of dollars to address copper water pollution, which today is closely managed through a special water quality program in the San Francisco Bay Regional Water Quality Control Board's Basin Plan. Depending on copper concentrations in the Bay, this program may require wastewater agencies with increasing copper effluent levels to develop and implement plans to control these increasing levels. If use of copper oxide causes copper effluent concentrations to grow, it will be challenging and costly to comply with this requirement.

For its part, PHMB is resistant to degradation and may pose a threat to wastewater treatment operations. Specifically, when the US Environmental Protection Agency reviewed PHMB's registration last year, docket documents indicated that it could potentially inhibit activated sludge respiration and because it sorbs to solids, could result in problems with biosolids management.⁵ Since PHMB has numerous other uses, such as swimming pool treatments, it is important that DPR look at this registration application in the cumulative context of all PHMB uses.

Request for Surface Water Protection Program Review

Since these pesticides have a clear pathway to the sanitary sewer, we request that DPR's Surface Water Protection Program review the applications before registration. We believe there are fundamental questions that need to be answered before biocides with pathways to the sanitary sewer are registered. We request that DPR ask the following questions for any biocides:

- What quantities of copper and PHMB are now being used as antimicrobial agents in residential, commercial and industrial products, both those registered and not registered by EPA?
- What is the anticipated removal efficiency of PHMB antimicrobial agents in wastewater treatment plants?
- What fraction of PHMB will remain in the treated wastewater and what fraction will remain in the biosolids?
- What quantities and concentrations of and copper and PHMB will be released to wastewater treatment plants and the natural environment from the cumulative total of these and other copper and PHMB-containing products being marketed and registered?
- What affect does PHMB have on biological wastewater treatment processes such as those used in municipal wastewater treatment plants? To what extent could PHMB reduce treatment effectiveness, increasing releases of other pollutants into surface waters?
- What impacts will there be on the beneficial use of biosolids?

³ US EPA. 2012. PHMB Registration Review Preliminary Work Plan, Docket # EPA-HQ-OPP-2012-0341).

Evaluate All Use Patterns for Environmental Exposures

BACWA requests that DPR evaluate all use patterns for potential environmental exposures for the PHMB product, which would have multiple uses. To illustrate how current uses may result in exposures in the aquatic and terrestrial environments, please see our conceptual model for nanosilver (attached). While the conceptual model was created for nanosilver, it is applicable to any antimicrobial that is used in numerous types of products.

Protect Water Quality

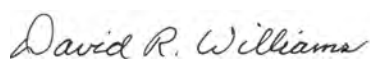
Under the Clean Water Act, wastewater facilities are subject to NPDES permits, which include stringent limits for toxicity. Exceeding these limitations has serious consequences. In addition to the potential for adverse environmental impacts, the costs of non-compliance with Federal Clean Water Act requirements can mount quickly: staff must be deployed to first identify the cause of toxicity to the treatment organisms and then to investigate the source of the toxicity. Both may involve extensive sampling, costly laboratory fees and significant staff resources. The cost of a toxicity identification evaluation (TIE) can vary widely from \$10,000 to well over \$100,000 depending on complexity and persistence of the toxicant. Once identified, the cost to treat or remove the toxicity causing compound(s) can vary dramatically.

When surface water bodies become impaired by pollutants, POTWs discharging to the water bodies can be impacted through additional requirements established through special management programs (as currently exists for copper in San Francisco Bay) or as part of Total Maximum Daily Loads (TMDLs) set for the water bodies by the Water Boards. When the toxicant is a registered pesticide, because California prohibits local regulation of pesticides, there are few ways for treatment plants to mitigate the problem other than extremely costly treatment plant upgrades.

The cost to wastewater facilities and other dischargers to comply with these requirements can be up to millions of dollars per water body per pollutant. It is therefore imperative that DPR exercise its regulatory authority to fully assess the potential for copper oxide and PHMB to impact water quality and restrict uses so that water quality impacts are prevented. If DPR pesticide regulators do not take preventative action, wastewater agencies in California may be subject to mandatory minimum penalties, administrative civil liabilities, fines and other enforcement actions.

Thank you for your consideration of our comments. If you have any questions, please contact BACWA's Project Manager, Melody LaBella, at (925) 229-7370 or mlabella@centralsan.org.

Sincerely,



David R. Williams, P.E.
Executive Director

Enclosures

1. Kemikalieinspektionen (KEMI) (2011). Antibacterial substances leaking from the clothes by washing. The analysis of silver, triclosan and triclocarban in textiles before and after washing. Sweden, Swedish Chemicals Agency. (See English Summary, p. 7)
2. Benn, T. M. and P. Westerhoff (2008). Nanoparticle silver released into water from commercially available sock fabrics. *Environmental Science & Technology*, 42(11): 4133-4139.
3. Kiser, M. A., P. Westerhoff, et al. (2009). Titanium Nanomaterial Removal and Release from Wastewater Treatment Plants. *Environmental Science & Technology*, 43(17): 6757-6763.
4. Geranio, L, M. Heuberger and B. Nowack (2009). The Behavior of Silver Nanotextiles during Washing. *Environmental Science and Technology*, 2009, 43 (21), pp. 8113–8118.
5. BACWA. 2009. Nanosilver Wastewater Conceptual Model.

cc: Charles Andrews, California Department of Pesticide Regulation
David Duncan, California Department of Pesticide Regulation
Nan Singhasemanon, California Department of Pesticide Regulation
Patti TenBrook, Life Scientist, U.S. EPA Region 9
Richard Breuer, California State Water Resources Control Board
Jodi Pontureri, California State Water Resources Control Board
Tom Mumley, California Regional Water Quality Control Board, San Francisco Bay Region
Janet O'Hara, California Regional Water Quality Control Board, San Francisco Bay Region
Daniel McClure, California Regional Water Quality Control Board, Central Valley Region
Melody LaBella, Central Contra Costa Sanitary District / Member DPR Pest Management
Advisory Committee
Dave Tamayo, Sacramento Regional Sanitary District / Alternate Member DPR Pest
Management Advisory Committee
Kelly D. Moran, Urban Pesticides Pollution Prevention Project
Jen Jackson, Jackson Environmental Consulting
Greg Kester, California Association of Sanitation Agencies
Chris Hornback, Senior Director, Regulatory Affairs, National Association of Clean Water
Agencies
Tri-TAC Pesticides Steering Committee



Department of Pesticide Regulation



Brian R. Leahy
Director

Edmund G. Brown Jr.
Governor

December 24, 2013.

Mr. David R. Williams, P.E.
Executive Director
Bay Area Clean Water Agencies
PO Box 24055, MS 59
Oakland, CA 94623

Dear Mr. Williams:

Thank you for your recent letter on behalf of the Bay Area Clean Water Agencies (BACWA) regarding the Department of Pesticide Regulation's (DPR) scientific evaluation of the pesticide products, Cupron Antifungal Pro Fibers, EPA Reg. No. 84542-10 (ID No. 260213); Cupron Antifungal Fibers, EPA Reg. No. 84542-11 (ID No. 260213); and Cliniweave AV Liquid, EPA Reg. No. 87246-5 (ID No. 259352). Your letter expressed concern over the potential impacts of copper in the aquatic environment, including potential discharges into California's wastewater systems.

DPR will address your concerns as we conduct our scientific evaluation of the three products. The Cupron products are currently under scientific evaluation by DPR's Medical Toxicology, Chemistry and Microbiology programs. The Cliniweave product is under evaluation by DPR's Microbiology program. The aforementioned products will additionally be routed to the Environmental Monitoring Branch's Surface Water Program for evaluation of the potential impacts to water quality.

If you have any further questions, please let me know.

Sincerely,

Ann M. Prichard, Chief
Pesticide Registration Branch
(916) 324-3931

cc: Dr. Marylou Verder-Carlos, DPR
Mr. David Duncan, DPR
Ms. Melody LaBella, Project Manager, BACWA



Cliniweave™ AV Liquid
259352
5/12/2014



EVALUATION REPORT - PESTICIDE
Surface Water – April DaSilva

Date: May 12, 2014

Product Name : Cliniweave™ AV Liquid
I.D. No. : 259352
Applicant : Intelligent Fabric Technologies North America, Inc.
EPA Reg. No. : 87246-5
Document No. : 51530-0005
51530-0033

Active Ingredient : Poly(hexamethylene biguanide) hydrochloride (20%)
(DPR #2258)

Use : Antimicrobial product for household/consumer products
and cellulosic materials/textiles

Registration Action : Section 3 registration- New Product
Area of Review : Environmental Monitoring- Surface Water Contamination

Registration Specialist : Richard Spas

Data/Information Support Registration Data/Information Support Conditional
Registration

Data/Information Do Not Support No Registration Action Registration
Required

Background

Intelligent Fabric Technologies North America Inc. (IFTNA) has requested a Section 3 pesticide registration for Cliniweave™ AV Liquid containing the active ingredient (a.i.) polyhexamethylene biguanide (PHMB; CAS NO. 32289-58-0). Currently, there are 17 registered products in California that contain PHMB at concentrations equal to or less than that of Cliniweave™ AV Liquid. These products are currently used in formulations for application to swimming pools, spas, industrial materials and household products.

The submitted registration is to repack Vantocil 1B Microbiocide, for the use in household/consumer products and cellulosic materials and textiles. The Cliniweave™ AV Liquid label states use shall be at levels of 250-2500 ppm (2.5-25 lb. of Cliniweave per 10,000 lb. product) for preserving liquid and solid/paste consumer products such as, surface and floor cleaners, disinfectant/sanitizers (non-food contact, hard surface use), fabric softeners, laundry detergents, automotive care, silicone emulsions and automotive cleaning products. To control growth and action of microorganisms on cellulosic materials and textiles, it is to be diluted and

Cliniweave™ AV Liquid

259352

5/12/2014

applied at 0.025-2.0% active ingredient on the dry weight of the substrate such as cotton, cotton blends and synthetic fibers (non-wovens, tissues, paper and pulp). Textiles and cellulosic materials, including upholstery carpet, curtains, sponges, wipes and clothing are all suitable for finishing with this product.

Registrant-supplied studies were evaluated for potential risk to surface waters and aquatic organisms. Submitted data focused on the antibacterial activity of Cliniweave on finished textiles, thus these data were not useful toward evaluating aquatic risks. Use of products containing or finished with this a.i., may enter the sewer system potentially introducing it to surface waters, if not sufficiently removed via waste water treatment plant (WWTP) processes. This is of concern for the use of Cliniweave™ on textiles and other products, which may generate rinsate. Chen-yu et al. (2007) report PHMB to have consistently large reductions (>90%) in two bacterial strains following 25 laundering cycles of treated health care worker's uniforms. This implies a slow release of PHMB occurs throughout the laundering of treated textiles. Despite, its release from textiles and other materials, the applied concentration on these products would be fairly low (0.025-2% a.i. on the dry weight), thus further dilution and removal via sorption shall highly reduce WWTP effluent concentrations. The degradation of radio-labelled PHMB, via activated sewage sludge (144 days at increasing nominal concentrations of 50 to 500 ppb), resulted in <1% mineralized to CO₂, with 18% remaining in the aqueous effluent and 82% sorbed to the activated sludge (ECHA, 2011). This study indicates adequate removal via WWTP will aid to reduce surface water contamination; however removal via WWTP may be overwhelmed and inefficient if a greater number of consumers contribute to an increase in PHMB influent concentrations.

In addition, urban stormwater runoff, swimming pool/spa discharge or use of outdoor products, such as automotive care products, may become sources of PHMB in runoff, ultimately entering storm drains or surface waters like rivers, creeks and lakes. US EPA (2004) has concluded that PHMB will not likely impact surface or ground water resources based on its uses, unless improperly discarded or misused. Currently, monitoring of this compound in surface waters throughout California does not occur. Due to an increase in sales between 2003 and 2008, it has been recommended that PHMB be monitored for in locations of high urban land use (TDC, 2008 and 2010). If monitoring begins, it will be more apparent if measured levels are of aquatic concern as this compound has been reported to be highly toxic to aquatic organisms as a 20% solution.

The physical-chemical properties of PHMB are provided in Table 1. PHMB is non-volatile, highly water soluble and is stable to hydrolytic and photolytic breakdown under both acidic and basic conditions. Due to its high water solubility, PHMB is likely to be transported into water systems via runoff or following WWTP discharge. Nevertheless, its affinity to sorb to negatively charged humic substances is strong, thus removal from the water column is achievable (ECHA, 2011; Lucas, 2012). Microbial degradation has been observed to occur with bacteria utilizing the amine and guanidine end-groups as nitrogen sources (O'Malley et al., 2006). The rate at which this degradation occurs is unknown. Furthermore, its low K_{ow} and high water solubility decrease the

Cliniweave™ AV Liquid

259352

5/12/2014

likelihood for PHMB to bioaccumulate. However, PHMB has been found to be highly toxic to both freshwater fish and algae and moderately toxic to invertebrates based on reported LC₅₀ values (Table 2).

Although acute toxicity data indicates that PHMB is highly toxic to fish and algae and moderately toxic to invertebrates, similar products are currently registered for use in California at use and application rates comparable to Cliniweave™ AV Liquid. At this time, due to the use, laundering and rinsing of textiles and products currently treated with PHMB, and in addition to a lack of monitoring data, Surface Water Protection Program staff cannot conclude that this product on its own will impact water quality at a level that will produce adverse effects. However, once monitoring efforts adopt PHMB as a priority compound, it may be characterized in surface waters at concentrations which negatively impact water quality and sensitive species.

Table 1. Physical-chemical properties of PHMB.

Chemical name ^a	Poly (Iminoimidocarbonyliminoimidocarbonyl iminohexamethylene) hydrochloride
Common name ^a	Polyhexamethylene biguanide (PHMB)
CAS Number ^a	32289-58-0 or 27083-27-8
Molecular formula ^b	(C ₈ H ₁₇ N ₅ .HCl) _{n+1} , where n=1-40
Density ^c	1.04 g/mL @ 20°C
Water Solubility ^d	700 g/L @ 25°C
Vapor pressure ^c	1.32 x 10 ⁻⁷ Pa @ 20°C 4.11 x 10 ⁻⁷ Pa @ 25°C
Octanol/Water partition coefficient (K _{ow}) ^a	2.39 x 10 ⁻³
Hydrolytic half-life ^a	Stable (> 30days) @ pH 5, 7, 9
Photolytic half-life ^a	Stable (> 20days) @ pH 5, 7, 9

^{a)} Data from ICI Americas Inc (1987), ^{b)} Data from Avecia Inc. (2000), ^{c)} Mareva Inc. (2004),

^{d)} Data from ECHA (2011)

Table 2. Aquatic toxicity results of exposure to a 20% PHMB solution^{a, b}.

Species	Test	Concentration (ppb)	Test	Concentration (ppb)
Rainbow trout (<i>Salmo gairdnerii</i>) ^a	96-h LC ₅₀	25	NOEC	9.8
Bluegill (<i>Lepomis macrochirus</i>) ^a	96-h LC ₅₀	570	NOEC	170
Waterflea (<i>Daphnia magna</i>) ^a	48-h EC ₅₀	180	NOEC	700
Freshwater algae (<i>Pseudokirchneriella subcapitata</i>) ^b	72-h EC ₅₀	11.4	NOEC	4.6

^{a)} Data from US EPA (2004), ^{b)} Data from ECHA (2011)

Evaluation

Cliniweave™ AV Liquid
259352
5/12/2014

Based on information gathered through the US EPA and currently registered products, there are concerns regarding the use of Cliniweave™ AV Liquid and the protection of sensitive aquatic species.

1. The use of Cliniweave™ AV Liquid for textiles and cellulosic materials has the potential to produce rinsate which would enter municipal sewage systems. In addition, rinsate from indoor/outdoor household products (i.e., sponges, mops etc.) and automotive cleaning products may be washed off/ or purposefully discharged into storm drains or urban streams via rinsing of surfaces such as cars, mop buckets, sponges or cleaning of textiles outside in exchange of traditional laundering practices.
2. The active ingredient, PHMB, is stable to environmental degradation processes including hydrolysis and photolysis. This suggests it may be persistent in aquatic environments with limited humic material for sorption.
3. Current available aquatic toxicity data is minimal, thus it is uncertain if these studies encompass the most sensitive species.
4. It is unclear if removal via WWTP processes will be as efficient if influent concentrations were to exceed those (50-500ppb) reported in the ECHA (2011) study.

Recommendation

At this time, due primarily to 1) current registration of similar PHMB products, 2) the lack of monitoring data that could provide a better assessment of exposure and 3) the fact that a denial of registration would only prohibit the manufacturing and treatment of consumer products with Cliniweave and not necessarily the use of such treated products that could enter California from other states, DPR Surface Water Protection Program staff determined that the data evaluated support the registration of Cliniweave.

Reference

- Avecia Inc. 2000. Registrant Data Volume for Baquacil[®] Ultra Swimming Pool Sanitizer & Fungicide, 51530-033, California Department of Pesticide Regulation.
- Chen-yu, JH et al. 2007. Antibacterial and laundering properties of AMS and PHMB as finishing agents on fabric for health care worker's uniforms. *Clothing & Textiles Research Journal* 25(3): 258-272.
- European Chemicals Agency (ECHA). 2011. Annex 1: Background document to the opinion proposing harmonised classification and labelling at community level of polyhexamethylene biguanide or poly(hexamethylene) biguanide hydrochloride or PHMB. Committee for Risk Assessment (RAC). <http://echa.europa.eu/documents/10162/2125cf0b-8320-48fc-b213-2f4fe29e3d38>

Cliniweave™ AV Liquid

259352

5/12/2014

ICI Americas Inc. 1987. Registrant Data Volume for Baquacil[®] Swimming Pool Sanitizer and Algistat, 51530-0001, 51530-0005, California Department of Pesticide Regulation.

Lucas, A.D. 2012. Environmental fate of polyhexamethylene biguanide. Bull Environ Contam Toxicol 88: 322-325.

Mareva Inc. 2004. Registrant Data Volume for Revacil, 51530-0057, California Department of Pesticide Regulation.

O'Malley LP et al. 2006. Biodegradability of end-groups of the biocide polyhexamethylene bigudine (PHMB) assessed using model compounds. J Ind Microbiol Biotechnol 33: 677-684.

TDC Environmental. 2008. Pesticides in Urban Surface Water: Annual Review of New Scientific Findings. Prepared for the San Francisco Estuary Project.

TDC Environmental. 2010. Pesticides in Urban Runoff, Wastewater and Surface Water: Annual Urban Pesticide Use Data Report. Prepared for the San Francisco Estuary Partnership.

US EPA. 2004. Reregistration eligibility decision (RED) for PHMB.

http://www.epa.gov/oppsrrd1/REDs/phmb_red.pdf

April DaSilva, Ph.D.
Environmental Scientist

Pretreatment Committee – Report to BACWA Board

Pretreatment Committee Meeting on: 6/3/2014
 Executive Board Meeting Date: 6/20/14
 Committee Chairs: Tim Potter, Kirsten Struve

Committee Request for Board Action: None

6/3/14 Pretreatment Committee Meeting – 21 attendees representing 19 agencies

<p>1. BACWA Updates</p> <ul style="list-style-type: none"> • Tim provided updates on a CWEA Wipes forum, which BACWA participated in, the toxicity standards, and the federal dental amalgam rule.
<p>2. PCA/PCI Debrief</p> <ul style="list-style-type: none"> • Santa Rosa received the report, focus on industrial surveys. • San Jose’s audit also focused on industrial surveys.
<p>3. State Board Enforcement Initiative</p> <ul style="list-style-type: none"> • Tim reported that Jim Fischer identified plans to communicate with the Regional Boards but that he did not have any “public” information yet.
<p>4. SIU Criteria</p> <ul style="list-style-type: none"> • Discussion on the range of interpretations of the federal and local standards (e.g. how hospitals are classified [i.e. what constitutes process waste water]). • Discussion on when notification of changes to the Regional Board is needed and how to complete these notifications. • Need for ensuring consistency when an industry changes status/control mechanism and how to document such actions. Tim agreed to share with the Committee a guideline document CentralSan prepared and submitted to the Regional Board to use when completing reclassifications of IUs. • Discussion of zero discharge permits and whether or not they are also SIUs. Consensus that non-CIU zero dischargers are not SIUs. Different strategies used for zero-discharging facilities with categorical processes.
<p>5. Resource sharing template</p> <ul style="list-style-type: none"> • Discussion of the benefits of a resource sharing template. Kirsten agreed to distribute the blank copy of the template for members to consider further.
<p>6. Local Limits Technical Review</p> <ul style="list-style-type: none"> • Discussion of timing, level of effort, level of documentation • Difference between technical review and full evaluation • Triggers may be new limits for the treatment plant
<p>7. Next meeting: late September/early October at EBMUD, followed by meeting in January in Hayward</p>
<p>Future Meeting Topics</p> <ul style="list-style-type: none"> • Data management systems • Resource Template • Root Control • Planning for when to invite Amelia Whitson and/or Michael Chee



May 27, 2014

commentletters@waterboards.ca.gov
State Water Resources Control Board

Subject: General Order Waste Discharge Requirements for Recycled Water Use

To Whom It May Concern:

On behalf of the Bay Area Clean Water Agencies (BACWA), we would like to thank the State Water Resources Control Board (SWRCB) and staff for developing a statewide general permit for non-potable recycling. BACWA's members include fifty-five publicly-owned wastewater treatment facilities and collection system agencies serving 6.5 million San Francisco Bay Area residents. We understand that WaterReuse California is also providing comments to the draft General Waste Discharge Requirement for Recycled Water Use. BACWA encourages the SWRCB to consider all comments that promote recycling while protecting public health and the environment.

BACWA's specific comment on the draft statewide permit addresses the fact that the draft permit does not clarify how currently permitted projects or those that wish to remain under their existing permits would be handled under the proposed general statewide permit. Recyclers currently operating under other permits that are acceptable to the recycler should be allowed to continue to operate under their existing permits for existing projects and new projects, and we request that a finding to this effect be added to the draft statewide permit. Many recyclers in the Bay Area operate under General Order 96-011, and we would like the option to remain with this permit for existing and new projects, and not have to opt into the proposed statewide general permit. Bay Area recyclers have a long history of operating under General Order 96-011 issued by Region 2 (San Francisco Bay Regional Water Quality Control Board) and have worked cooperatively with Region 2 to significantly expand the use of recycled water in the Bay Area.

Thank you for your consideration. Please contact me at dwilliams@bacwa.org if you have any questions.

Sincerely,

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

David R. Williams
Executive Director

cc: BACWA Executive Board
Linda Hu, BACWA Recycled Water Committee Co-Chair
Cheryl Munoz, BACWA Recycled Water Committee Co-Chair
Lorien Fono, BACWA Regulatory Program Manager

NUTRIENTS:

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

- Coordinated with the facilitator and the WB staff to prepare for the 2nd Governance Steering Committee meeting scheduled for June 25th, and preparation of a bridge contract to allow continuation of the facilitator's services.
- On-going discussions with the CMG for the Optimization/Upgrade studies on planning for receipt and short-listing of proposals.
- Developed a rating sheet for use by the Contract Management Group to evaluate the Proposals received on the Optimization/Upgrade Studies.
- Meetings with the Nutrient Watershed Case Studies Symposium planning group and consultant to begin planning for the Fall Symposium.
- Continued coordination on the in-kind support committed by BACWA for the EBMUD EPA grant for nutrient research

BACWA BOARD MEETING:

- Worked with the AED in preparing for the June BACWA Board agenda including reviewing the agenda with the chair.
- Attended the BACWA May Board meeting and worked with the AED in preparing minutes and action summary.
- Continuing to track all action items to completion.
- Met with the WB for the bi-monthly Joint meeting and discussed issues including; nutrients, the RFP, risk reduction, toxicity, CEC monitoring, WQC for Human Health, selenium, mercury, and the state law regarding change of discharge location.
- prepared for and attended a BACWA Special Board meeting to discuss issues on the future of nutrient regulations and BACWA's interactions in the development of those regulations; membership dues, CBC fees and the Nutrient Surcharge; and interest in collaborating with ReNUWIt.

ASC/SFEI:

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

FINANCE:

-Met with the AED and the EBMUD accounting group to discuss what needs to be done during the transitions to the new AED and the close-out and opening for the new FY 15.

PERMITS COMMITTEE:

-Attended the monthly Permit Committee meetings. Received update from WB staff on their activities; updated the Committee on the nutrient activities; discussed the Statewide Mercury Program focus group and the bacterial objectives focus group that were formed by the SWRCB; discussed the on-going need to find more volunteers to participate in the CEC monitoring program; and discussed upcoming Tentative Orders.

RECYCLED WATER COMMITTEE:

-Coordinated with the chair regarding the request for assistance on Recycled Water Committee Activities.

-attended the IRWM Coordinating Committee as one of the BACWA reps and participated in the discussion that led to the finalizing the selection of the projects that would be included in the Drought Relief application.

COLLABORATION:

-Coordinated with the CASA ED on topics on mutual interest (i.e. State Nutrient objectives, toxicity and potential litigation, and utility leadership committee).

-Participated in the monthly CASA Board conference call.

-participated in the CASA conf call on the SWRCB Stakeholder Advisory Group for Nutrient Objectives.

ADMINISTRATION:

-participated in the interviews for the new AED and began familiarizing her with the organizations through meetings and phone discussions.

-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 bulletin.

-Met with the new AED to coordinate activities and review duties, schedules, and priorities.

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 Interim Executive Director of SFEI
- other misc calls and inquiries regarding BACWA activities

**May 16, 2014 BACWA Board Meeting
Action Items**

Number	Subject (Lead)	Task	Deadline	Status
2014.05-101	ASC/SFEI Board Reps from BACWA (ED)	Notify ASC/SFEI of reappointment of Laura Pagano to ASC/SFEI Board.		
2014.05-102	NACWA Inquiry Regarding Collaboration with Agriculture (ED)	Forward request to Napa and Sonoma agencies and respond to NACWA.		
2014.05-103	Updates to EPA Recommended Ambient Water Quality Criteria for the Protection of Human Health (ED)	Include on Joint Water Board Agenda (5/23) for discussion. Consider collaboration with NACWA and CASA to address any potential concerns.	5/21/2014	completed
2014.05-104	CASA Workshop on Collaboration (ED)	Determine who will attend on BACWA's behalf and notify CASA		
2014.05-105	Annual Report (ED)	Produce scaled-down version.		
2014.05-106	Palo Alto Permit Comments (ED)	Add to Joint Meeting agenda	5/20/2014	completed
2014.05-107	ReNUWIt Nutrient Proposals (ED)	Prepare single page pro/con handout for 5/23 BACWA Board Special meeting discussion.	5/23/2014	completed
2014.05-108	Lessons Learned Nutrients Symposium (ED)	Compile list of individuals interested in participating in the planning process and schedule planning meeting.	6/20/2014	completed
2014.05-109	Nutrients Governance, Steering Committee Meeting (ED)	Circulate draft June 25 th meeting agenda to Board to solicit feedback.	6/20/2014	
2014.05-110	Special Board Meeting Agenda for May 23rd (ED)	Consider reducing number of discussion items.		
2014.05-111	Bay Delta Conservation Plan (ED)	Remove from Joint Meeting agenda and add to future Board meeting agenda.		

Action Items Remaining from Previous BACWA Executive Board Meetings

Number	Subject (Lead)	Task	Deadline	Status
2014.03-79	Baywise Website (BAPPG Chair)	Edit baywise.org to indicate that BACWA and BASMAA are sponsors.	7/1/2014	Pending

FY14: 99 of 100 Action Items completed.

FY13: 67 of 67 Action Items completed.



Board Calendar thru December 2014

As of Wednesday, June 18, 2014 at 4:58 PM

DATE	ASSIGNMENT	STATUS NOTES
6/20/2014 Monthly Board Mtg Items due: 6/13 Connor; Pagano; Horenstein; Ervin; Bailey Williams; Fono; Gunnell	Consent Previous Board Meeting Minutes (AED) Monthly Treasurer's Report (EBMUD Accounting)	5m 40m
	Reports Committee Reports (Committee Chairs) Board Reports (Executive Board) ED Report (ED) RPM Report (RPM) Other Report-Outs Chair/ED Authorizations (AED)	
	Other Business: Authorizations Chair / Vice Chair Nomination & Election (Board/AED) Approval of FY2015 Contracts (AED) Approval of FY2014 Amendments (AED) AIR FY15 Budget (R. Schmidt / N. Revilla)	
	Other Business: Discussions CARB and BACWA relations Succession Plan for Committees and Other BACWA Reps, Review of BACWA Reps' Guidelines (ED) Bay Delta Conservation Plan (M. LaBella)	
7/?/2014 Joint Meeting Items due: ? Connor; Pagano; Horenstein; Ervin; Bailey Water Board Staff Williams; Fono	Other Business: Discussions	
7/18/2014 Monthly Board Mtg Items due: 7/11 Connor; Pagano; Horenstein; Ervin; Swanson Williams; Fono; Gunnell	Consent Previous Board Meeting Minutes (AED) Monthly Treasurer's Report (EBMUD Accounting)	5m 40m
	Reports Committee Reports (Committee Chairs) Board Reports (Executive Board) ED Report (ED) RPM Report (RPM) Chair/ED Authorizations (AED)	
	Other Business: Authorizations BACWA Amended Budget FY15 Additional scope of work for WBA	
	Other Business: Discussions Board and Committee Meeting Calendar for Jan-Dec 2015 (AED) ReNUWit Update (C. Nilsen) Circulate Guidelines to all BACWA Representatives (AED) Presentation, David Senn, LSB synthesis CARB and BACWA relations	

DATE	ASSIGNMENT	STATUS NOTES
<p>8/2/2014 BAAQMD Joint Meeting Items due: ?</p> <p>Connor; Pagano; Horenstein; Ervin; Bailey</p> <p>BAAQMD Executive Officer and Staff</p> <p>Williams; Fono</p>	<p><u>Other Business: Discussions</u></p>	
<p>8/15/2014 Monthly Board Mtg Items due: 8/8</p> <p>Connor; Pagano; Horenstein; Ervin; Bailey</p> <p>Williams; Fono; Gunnell</p>	<p><u>Consent</u> Previous Board Meeting Minutes (AED) Monthly Treasurer's Report (EBMUD Accounting)</p> <p><u>Reports</u> Committee Reports (Committee Chairs) Board Reports (Executive Board) ED Report (ED) RPM Report (RPM) Chair/ED Authorizations (AED)</p> <p><u>Other Business: Authorizations</u></p> <p><u>Other Business: Discussions</u> Pardee Technical Seminar Planning (ED/AED) SFEI/RMP (Phil Trowbridge) Biannual Update from CWCCG (S. Deslauriers)</p>	<p>5m</p> <p>40m</p>
<p>9/2/2014 Joint Meeting Items due: ?</p> <p>Connor; Pagano; Horenstein; Ervin; Bailey</p> <p>Water Board Staff</p> <p>Williams; Fono</p>	<p><u>Other Business: Discussions</u></p>	
<p>9/19/2014 Monthly Board Mtg Items due: 9/12</p> <p>Connor; Pagano; Horenstein; Ervin; Swanson</p> <p>Williams; Fono; Gunnell</p>	<p><u>Consent</u> Previous Board Meeting Minutes (AED) Monthly Treasurer's Report (EBMUD Accounting)</p> <p><u>Reports</u> Committee Reports (Committee Chairs) Board Reports (Executive Board) ED Report (ED) RPM Report (RPM) Chair/ED Authorizations (AED)</p> <p><u>Other Business: Authorizations</u></p> <p><u>Other Business: Discussions</u> Pardee Technical Seminar (ED/AED) Quarterly Update from CWCCG (S. Deslauriers) Regulatory Issue Matrix, Updated (RPM) Annual Member Meeting Planning (ED) Optimization/Upgrade Studies Quarterly Update (CMG)</p>	<p>5m</p> <p>40m</p>
<p>10/21 – 10/23 Pardee Technical Seminar Items due: 10/15</p> <p>Connor; Pagano; Horenstein; Ervin; Bailey</p>	<p><u>Other Business: Discussions</u> AIR Committee Restructuring</p>	<p><i>No Board Actions Permitted</i></p>

DATE	ASSIGNMENT	STATUS NOTES
Williams; Fono; Gunnell		
11/?/2014 Joint Meeting Items due: ? Connor; Pagano; Horenstein; Ervin; Swanson Water Board Staff Williams; Fono	<u>Other Business: Discussions</u>	
11/21/2014 Monthly Board Mtg Items due: 11/14 Connor; Pagano; Horenstein; Ervin; Bailey Williams; Fono; Gunnell	<u>Consent</u> Previous Board Meeting Minutes (AED) Monthly Treasurer's Report (EBMUD Accounting) Annual Audit Report (EBMUD Accounting) <u>Reports</u> Committee Reports (Committee Chairs) Board Reports (Executive Board) ED Report (ED) RPM Report (RPM) Chair/ED Authorizations (AED) <u>Other Business: Authorizations</u>	10m <i>plus previous month (Aug2013)</i> 40m
12/19/2014 Monthly Board Mtg Items due: 12/12 Connor; Pagano; Horenstein; Ervin; Bailey Williams; Fono; Gunnell	<u>Consent</u> Previous Board Meeting Minutes (AED) Monthly Treasurer's Report (EBMUD Accounting) <u>Reports</u> Committee Reports (Committee Chairs) Board Reports (Executive Board) ED Report (ED) RPM Report (RPM) Chair/ED Authorizations (AED) <u>Other Business: Authorizations</u>	5m 40m
	<u>Other Business: Discussions</u> Quarterly Update from CWCCG (S. Deslauriers) Annual Member Meeting Planning (ED) FY2016 Budget Planning - Info Share Groups: consider bidding contract; update on participation and regular updates to e-mail list in FY15 (M. Barnes) 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

-



Regulatory Program Manager's Report to the Board

May 18 2014 – June 13 2014

Prepared for the June 20, 2014 Executive Board Meeting

NUTRIENT WATERSHED PERMIT SUPPORT: Finalized Nutrient Support RFP based on input from the CMG and Regional Water Board Staff. Posted the final RFP on the BACWA website, and developed responses to questions from consultants. Attended the first nutrient symposium planning meeting and organized the second meeting.

SFEI CONTRACT OVERSIGHT: Reviewed invoices from SFEI, and updated the schedule of deliverables. Supported the administration of closing out the FY13 contract. For the FY14 contract, which will be extended through FY15 pending Board approval, \$262K of the \$675K has been spent through April 2014. Attended Nutrient Technical Workgroup meeting and reported back to the ED and Permits Committee.

RISK REDUCTION: Received an email from Alyce Ujihara (DPH) on 6/12 that EPA will not be funding the risk reduction proposal. Will follow up with Regional Water Board staff about what this means about having entities to fund for permit compliance.

CALL FOR VOLUNTEERS FOR CEC EFFLUENT MONITORING: Put out a call to find POTWs that are willing to provide effluent samples to the RMP for a special study on CECs. Eight agencies are needed in Region 2, and at least nine have volunteered.

SELENIUM: Call with Barbara Baginska about direction of Selenium TMDL in the North Bay. The Regional Water Board is developing an ambient water objective that will be implementable for both the North and South Bays. Their latest tentative objective of 1 µg/L was rejected by EPA for being too high. The EPA has recently published draft freshwater objectives for Selenium of 4.8 µg/L in flowing rivers, which, if adopted, could complicate compliance with a very low local objective. This is particularly true in the North Bay since the San Joaquin River has high selenium concentrations and flows through the Delta and North Bay.

TRI-TAC: Toxicity – Several southern California POTWs are planning to sue EPA over procedural mishandling in allowing the two-concentration TST test as an alternative test procedure to the five-concentration test. There is concern that Regional Water Boards will not be given discretion in their ability to look at five-concentration tests when warranted. It is unknown how this issue will play out in the next draft of the Toxicity Plan.

Human Health Criteria – EPA released draft revised human health criteria for toxic pollutants. Many of them are much lower than current standards. There has been no word from the State about their plans to implement these criteria, should they be adopted. CASA is not planning to comment on the draft criteria.

BACWA BULLETIN: Drafted and distributed June BACWA Bulletin.

ADMINISTRATION: Discussed IT needs with ED and AED. Sent out a survey to committee chairs asking about use of BACWA's IT tools.

COMMITTEE SUPPORT: Drafted agenda and Board Report for Permits Committee meeting. Drafted Board Report and meeting notes for Recycled Water Committee. Recruited writers to contribute to the AIR committee annual newsletter.

MEETINGS ATTENDED: Joint meeting with RWB (5/23), Nutrient Technical Workgroup Meeting (5/28), Nutrient Symposium Planning meeting (5/29), Recycled Water Committee (6/4), Permits Meeting (6/10), BACWA CMG telecon on response to comments from Consultants (6/11), Tri-TAC in Sacramento (6/12).

SF Bay Nutrient Strategy FY2014 Status (Contract with SFEI)

Updated 5/18/2014

Total Spent of \$675,000

\$261,726.45

Task	Description	Upcoming Deliverable	Original Date	Updates
11	Lower South Bay Synthesis	Draft Report	December 2013	Expected in June 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

RMP Budget Year: 2014 #REF! increase in budget
 Total of Current Year's Program Fees: \$3,350,990
 Avg Number of Program Participants: 73 <- this number is the average number of RMP participants (2002-2011)
 Number of Municipal Participants: 34 (POTWs)
 Current Fees for Municipal Participants: \$1,474,436
 Base Charge ¹⁾ \$4,590
 Additional Fee for Load Factor ²⁾ \$83

NOTE: As of 2007 budget year the Water Board Letter requests that these data are reported in pounds per year (lbs/year) not lbs/day as in prior years.

2014 RMP Fees for Municipal Participants

Participant	Average Daily Flow (not mandatory)	Daily flow unit	Cu	Ni	Cr	Se	2012 Total Load of Selected Metals	2011 Total Load of Selected Metals	2010 Total Load of Selected Metals	2009 Total Load of Selected Metals	Yearly Difference (%)	Yearly Metals Difference Load (unit)	Base Charge ¹⁾	Additional Fee for Load Factor ²⁾	Total Fee
1 Benicia		MGD	37.83	23.26	3.20	1.95	66.24	64.92	64.19	66.10	102.03%	1.32 lbs/year	\$4,590	\$5,481	\$10,071
2 Burlingame		MGD	77.51	36.24	5.33	4.93	124.01	88.19	90.91	107.14	140.62%	35.82 lbs/year	\$4,590	\$10,261	\$14,851
3 Calistoga		MGD	6.34	2.14	0.26	0.34	9.08	5.25	6.68	4.28	172.95%	3.83 lbs/year	\$4,590	\$751	\$5,342
4 CCCSD		MGD	713.40	221.60	45.00	26.00	1,006.00	1,252.80	1,225.70	1,171.30	80.30%	(246.80) lbs/year	\$4,590	\$83,236	\$87,826
5 Central Marin		MGD	116.19	104.80	17.64	6.18	244.81	203.44	285.45	239.11	120.34%	41.37 lbs/year	\$4,590	\$20,255	\$24,846
6 Delta Diablo		MGD	118.94	128.30	31.30	13.01	291.55	324.22	269.02	381.07	89.92%	(32.67) lbs/year	\$4,590	\$24,123	\$28,713
7 EBDA		MGD	1,526.00	746.00	182.00	132.00	2,586.00	2,378.00	2,779.90	3,388.00	108.75%	208.00 lbs/year	\$4,590	\$213,964	\$218,555
8 EBMUD (SD#1)		MGD	1,138.20	803.70	139.80	60.80	2,142.50	2,661.90	3,704.00	3,206.10	80.49%	(519.40) lbs/year	\$4,590	\$177,270	\$181,860
9 Fairfield-Suisun		MGD	161.74	145.05	15.69	16.83	339.31	323.02	283.58	274.28	105.04%	16.29 lbs/year	\$4,590	\$28,074	\$32,665
10 Las Gallinas		MGD	43.10	26.60	2.12	1.74	73.56	68.57	82.49	78.15	107.28%	4.99 lbs/year	\$4,590	\$6,086	\$10,677
11 Millbrae		MGD	30.71	16.25	1.62	1.97	50.55	62.30	61.00	57.95	81.14%	(11.75) lbs/year	\$4,590	\$4,182	\$8,773
12 Mountain View		MGD	26.14	11.84	0.95	1.18	40.11	42.81	43.29	48.43	93.69%	(2.70) lbs/year	\$4,590	\$3,319	\$7,909
13 Napa		MGD	80.26	57.90	6.27	5.84	150.27	147.53	150.20	149.67	101.86%	2.74 lbs/year	\$4,590	\$12,433	\$17,024
14 Novato		MGD	36.21	37.68	4.08	3.68	81.65	87.64	149.87	99.65	93.17%	(5.99) lbs/year	\$4,590	\$6,756	\$11,346
15 Palo Alto		MGD	579.90	353.00	22.50	109.30	1,064.70	827.90	820.90	878.60	128.60%	236.80 lbs/year	\$4,590	\$88,093	\$92,683
16 Petaluma		MGD	54.44	36.04	3.68	3.04	97.20	106.10	92.53	82.58	91.61%	(8.90) lbs/year	\$4,590	\$8,042	\$12,633
17 Pinole/Hercules		MGD	56.29	39.62	2.40	7.18	105.49	93.95	91.99	123.11	112.28%	11.54 lbs/year	\$4,590	\$8,728	\$13,319
18 Rodeo		MGD	8.04	3.42	0.66	2.14	14.26	12.38	11.09	14.16	115.19%	1.88 lbs/year	\$4,590	\$1,180	\$5,770
19 SF Airport		MGD	8.52	11.19	1.87	0.77	22.35	25.76	25.89	28.41	86.76%	(3.41) lbs/year	\$4,590	\$1,849	\$6,440
20 San Francisco C&C SE		MGD	937.70	674.64	152.31	38.64	1,803.29	1,747.37	1,769.12	2,822.52	103.20%	55.92 lbs/year	\$4,590	\$149,203	\$153,794
21 San Jose/Santa Clara		MGD	910.10	1,747.20	128.80	129.60	2,915.70	3,086.50	3,140.20	2,825.60	94.47%	(170.80) lbs/year	\$4,590	\$241,244	\$245,834
22 San Mateo		MGD	204.72	172.91	15.49	7.04	400.16	346.27	495.70	466.75	115.56%	53.89 lbs/year	\$4,590	\$33,109	\$37,699
23 Sausalito		MGD	48.00	30.40	15.40	0.00	93.80	63.22	75.64	87.55	148.37%	30.58 lbs/year	\$4,590	\$7,761	\$12,351
24 Sew. Ag So. Marin		MGD	140.00	38.60	6.42	3.73	188.75	176.57	214.59	149.00	106.90%	12.18 lbs/year	\$4,590	\$15,617	\$20,207
25 So. SF/San Bruno		MGD	214.65	71.62	15.09	42.80	344.16	361.62	373.00	364.50	95.17%	(17.46) lbs/year	\$4,590	\$28,476	\$33,066
26 Sonoma		MGD	20.44	6.68	5.50	5.50	38.12	67.90	100.92	51.53	56.14%	(29.78) lbs/year	\$4,590	\$3,154	\$7,744
27 South Bayside		MGD	175.91	195.67	20.01	12.32	403.91	378.71	493.46	503.16	106.65%	25.20 lbs/year	\$4,590	\$33,419	\$38,010
28 Sunnyvale		MGD	111.30	113.81	16.90	21.50	263.51	287.70	265.90	240.70	91.59%	(24.19) lbs/year	\$4,590	\$21,803	\$26,393
29 St. Helena		MGD	0.50	0.51	0.08	0.04	1.13	4.74	12.60	0.00	23.84%	(3.61) lbs/year	\$4,590	\$93	\$4,684
30 Tiburon (SD#5)		MGD	11.78	9.20	1.17	1.02	23.17	18.28	27.51	13.44	126.75%	4.89 lbs/year	\$4,590	\$1,917	\$6,507
31 Union Sanitary District		MGD	31.50	83.50	30.00	4.20	149.20	145.40	154.30	185.90	102.61%	3.80 lbs/year	\$4,590	\$12,345	\$16,935
32 Vallejo SFC		MGD	218.30	103.56	20.10	16.00	357.96	309.99	364.19	318.33	115.47%	47.97 lbs/year	\$4,590	\$29,617	\$34,208
33 West County		MGD	243.40	137.20	40.20	13.30	434.10	334.52	515.80	482.60	129.77%	99.58 lbs/year	\$4,590	\$35,917	\$40,508
34 Yountville		MGD	5.29	1.62	0.16	0.21	7.28	8.84	6.79	2.93	82.35%	(1.56) lbs/year	\$4,590	\$602	\$5,193
TOTAL	0.000	MGD					15933.88	16114.31	18248.38	18912.59	98.88%	-180.43 lbs/year	\$156,074	\$1,318,362	\$1,474,436

¹⁾ BASE CHARGE = [10% of total program costs / avg number of RMP Program participants 2002-2011]

²⁾ ADDITIONAL FEE FOR LOAD FACTOR = [(total municipal costs - base charges) / total load of POTWs] * individual POTW's metals load

**Joint Executive and Audit Committee Conference Call
Thursday, June 12, 2014
2:00 pm**

AGENDA

	Call Meeting to Order, Introductions and Review Agenda
1.	Closed Door Session – Discuss Upcoming ED Interviews 15 min
2.	Action Item: Review Action Items and Minutes 5 min <i>Attachment 1 – Action Items and Minutes from May 20th Executive Committee Meeting – page 2</i> Recommended Action: Approve Minutes
3.	Review April Financials 5 min <i>Attachment 2 – April Financials – page 5</i> Recommended Action: Review Financials
4.	Prepare for July 11, 2014 Board Meeting 5 min <i>Attachment 3 – Draft Board Agenda – page 13</i> Recommended Action: Review draft agenda and provide direction to staff
5.	Update on SFEI and ASC Audits and Payments <i>Attachment 4 –SFEI/ASC Audits & Management Responses Memo – page 16</i>
5a.	Review 2013 ASC Audit, Findings, and Management Response 10 min <i>Attachment 5 –ASC Audit for FY ending June 30, 2013 – page 17</i> Recommended Action: Review attachment 5 and accept audit.
5b.	Review 2013 SFEI Audit, Findings, and Management Response 10 min <i>Attachment 6–SFEI Audit for FY ending December 31, 2013 – page 40</i> Recommended Action: Review attachment 5 and accept audit.
5c.	Review Management Letter and Responses 5 min <i>Attachment 7 – Management letter and responses– page 71</i> Recommended Action: Review management responses and approve.
6.	Review Action Items and Adjourn 5 min
	Next Meeting Date and Time Will Be Set By Doodle Poll

Dial-in Information – Ellen Willis-Norton is host

Toll Free: 1-888-296-6500
Direct Dial: 1-913-227-1219
Guest Code: 604242
Host Code: 168712



BACWA CHAIR / EXECUTIVE DIRECTOR AUTHORIZATION REQUEST

FILE NO.: 13,217

DATE: May 16, 2014

TITLE: Adammer LLC Contract for BACWA and Baywise Websites

RECOMMENDED ACTION

Executive Board Chair authorization for an agreement with Adammer LLC in an amount not to exceed \$6,500 for bacwa.org and baywise.org support for the period of July 1, 2014 – June 30, 2015.

SUMMARY

This contract will allow Adammer to continue to provide website support for the BACWA and Baywise websites. Baywise work will be carried out under the supervision of BAPPG.

FISCAL IMPACT

This item is included in the Fiscal Year 2014 -15 BACWA/ CBC budget that was approved by the BACWA Board on April 18, 2014.

ALTERNATIVES

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

Attachments:

1. Adammer Scope of Work and FY15 Rate Sheet

BAY AREA CLEAN WATER AGENCIES

PURCHASE ORDER

TO: Adam Humphrey adamh@adammer.com
 Adammer, LLC phone: 1-866-200-3131
 100 N Whisman Rd, #4611
 Mountain View, CA 94043

FROM: David Williams, Executive Director dwilliams@bacwa.org
 Bay Area Clean Water Agencies
 PO Box 24055, MS59
 Oakland, CA 94623

RE: BACWA Adammer LLC As Needed Website Support Purchase Order for FY 2014-15

This Purchase Order (PO) covers professional consulting services to be performed by Adammer LLC (Consultant) in to provide as needed support to the BACWA website. This work is described in the attached Scope of Work and under the direction of the BACWA Executive Director or BACWA Executive Board designated representative. The total cost of professional services to be performed by Consultant is not to exceed \$1,500. This contract will be funded by the BACWA Communications, Website Development and Maintenance budget line item, FY 2014-15


This PO may be terminated by either party at any time for convenience with 30 day notice. In the event of termination by BACWA, BACWA shall pay Consultant for professional and competent services rendered to the date of termination upon delivery of assigned work products to the BACWA.

Consultant shall submit invoices to the Assistant Executive Director via e-mail. Invoices shall indicate hours associated with each task. EBMUD will pay Consultant within thirty (30) days of receipt and approval of satisfactory Consultant invoices.

E-mail: agunnell@bacwa.org

If this purchase order for professional services is acceptable to you, please sign and mail this document to the Assistant Executive Director via e-mail for BACWA records and distribution. Please call me if you have any questions or concerns relating to this matter.

Approved:

By 
 Mike Connor
 Chair, BACWA Executive Board

Date 7/17/2013

BACWA EIN: 94-3389334

Consultant EIN: 74-3093527



BACWA PURCHASE REQUEST

1 ORGANIZATION NUMBER

803

1 7 8 8 4

PURCHASE ORDER NUMBER

FOR REQUESTER'S USE (See instructions on back) ATTACH ALL REQUIRED SUPPORTING DOCUMENTS SHADED AREAS FOR PURCHASING USE ONLY

2 Date 3 Fund 4 For additional information, contact 5 Ext 6 Mail slot 7 Purchase Max. 8 MSDS 20 BUYER 21 DATE PROCESSED 22 TYPED 23 BY
 6/19/2014 BDO GARY TOMINAGA 239 402 \$ 4,999.00 Yes No

9 Approval (Full signature required) Sect. Supv. Div Mgr. BACWA Executive Director David R. Williams G.M / A.G.M

24 VENDORS
 Vendor Code 10053411

10 To be delivered to (work location) 11 To be used for
 VARIOUS BACWA

13 Suggested vendor(s) Adammer (P2) 21701 Stevens Creek Blvd., Suite 603 Cupertino, CA ZIP 95015-0603
 12 Confirming Order: Authorized Unauthorized
 Approved by: Buyer Name

SBE: Yes No Set-Aside: Yes No Contact Name: Adam Humphrey Phone no.: 866-200-3131 14 Delivery required by 6/20/2014 25 Delivery date

15 Item No.	16 Qty.	17 Unit	36 Commodity Code	18 Budget information: Project I.D. 1011141 Activity I.D. Program: 9218 Account 6231	19 Encum Y/N	37 Tax Y/N	38 Tag Y/N	39 Price (item, disc., etc.)	26 P.O discount %	27 Tax code	28 Payment Terms	29 F.O.B. Destination Other	30 Freight amt. \$	31 Ship to code: Attn:	32 Purchase order Source Type Action	33 Payment method	34 If blanket, <input type="checkbox"/> C <input type="checkbox"/> G <input type="checkbox"/> S	35 R.P.O. DATE RECEIVED RECEIVED BY
				Description of Items: Blanket Purchase Order Not to Exceed \$ 4,999.00	Y													
				Product/Service Provided: Baywise Website Support														
				Budget Line Item: BAPPG-CE-Other														
				Effective Date: 7/1/2013 to 7/30/2014														
				Payment Terms: Net Cash														
				Memo Only Do Not Mail														

40 Text statements

Adammer Scope of Work

TASK 1

Adammer agrees to provide as needed administration, support and maintenance of the www.bacwa.org website upon written request by the BACWA Executive Director or the Assistant Executive Director, the total annual costs of which are **not to exceed \$1,500**.

TASK 2

Work under this contract will include maintenance and development of new content for the www.Baywise.org website to support BAPPG regional campaigns throughout the 2014/2015 fiscal year, on an as-needed basis. In addition, it is anticipated that Adammer will conduct a training class (either in-person or remotely) for interested BAPPG members on how to post basic content to the www.Baywise.org website. The total annual costs of work associated with task 2 are **not to exceed 5,000**.

All work conducted under this contract will be performed on a time and materials basis, in accordance with the attached fee schedule.

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
TOTAL		\$500.00

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 PO Box 24055, MS702 Oakland, CA 94623

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

Invoice #	P11261303
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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 Total Amount Due:	\$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

PSI's Tax ID #: 20-2059607

Alexandra Gunnell

From: Dave Williams
Sent: Friday, April 11, 2014 11:28 AM
To: Alexandra Gunnell
Cc: 'Karin.North@cityofpaloalto.org'; Ving, Karri; Melody LaBella
Subject: RE: Renewal of PSI Partnership - Bay Area Clean Water Agencies

yes

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

From: Alexandra Gunnell
Sent: Tuesday, April 8, 2014 11:15 AM
To: Dave Williams
Cc: 'Karin.North@cityofpaloalto.org'; Ving, Karri; Melody LaBella
Subject: FW: Renewal of PSI Partnership - Bay Area Clean Water Agencies

Dave,

This is in the approved 2014 budget and I can proceed with preparing for payment w/ your approval. Let me know .

Thanks,

Alexandra

From: North, Karin [<mailto:Karin.North@cityofpaloalto.org>]
Sent: Tuesday, April 08, 2014 11:01 AM
To: Alexandra Gunnell; Dave Williams
Cc: Melody LaBella (MLaBella@centralsan.org); Mike Connor (mconnor@ebda.org)
Subject: FW: Renewal of PSI Partnership - Bay Area Clean Water Agencies

Alexandra-

Since this was approved in the budget please renew BACA's membership with PSI.

Thanks,
Karin

From: Amanda Nicholson [<mailto:Amanda@productstewardship.us>]
Sent: Thursday, March 13, 2014 11:21 AM
To: North, Karin
Subject: RE: Renewal of PSI Partnership - Bay Area Clean Water Agencies

Dear Karin,

We at PSI have truly enjoyed collaborating with you and others at Bay Area Clean Water Agencies to advance sustainable product stewardship programs. **However, please note that your partnership lapsed on December**

31, 2013 and would like to give you this ***last chance to renew*** it now. For your convenience, I have attached your partnership renewal invoice to this email. PSI accepts payment in U.S. dollars by check (made payable to the Product Stewardship Institute, Inc.) or by credit card [online](#). Feel free to contact me for additional support at (617) 236-4833 or amanda@productstewardship.us.

I would like to take this opportunity not just to invite you to renew for the year, but also to consider upgrading to a **Sustaining Organizational Partnership**, which would enable Bay Area Clean Water Agencies to take advantage of the full breadth of benefits that we provide. I have outlined these benefits for you, below:

What's In It For You?

Shape Policy

An **Organizational Partnership** with PSI will entitle you to a range of exclusive benefits that are currently unavailable to you—including a seat at the table during critical policy negotiations with legislators, manufacturers, and other stakeholders. This will give Bay Area Clean Water Agencies the opportunity to help shape product stewardship legislation that will ultimately benefit the Bay Area and California.

Be Part Of A National Strategy

A **Organizational Partnership** with PSI is also a gateway to national strategy development workshops that lay the groundwork for legislative action, including bill introduction, lobbying, media outreach, bill passage, and program implementation. These workshops, which are held either in person or by phone, bring together policymakers, industry groups, manufacturers, recyclers, and politically active environmental organizations in a single forum to devise nationally coordinated game plans for achieving agreed-upon goals.

Form Alliances, Access Critical Information

Through a **Organizational Partnership** with PSI, Bay Area Clean Water Agencies will also have direct access to key legislative and industry influencers for the purposes of networking, exchanging market intelligence, and forming strategic alliances. This will empower you with insider knowledge that keeps you in front of government regulation and voluntary industry programs.

Other Benefits

In addition to the above-mentioned benefits, PSI Sustaining Corporate Partners receive a wealth of other valuable perks, including:

- Opportunities to showcase your company's services and news to PSI's expansive database of national contacts
- Logo on PSI website and other marketing collateral
- Free access to our acclaimed webinars and in-person events
- Monthly product stewardship news update emails
- Bi-weekly legislation updates

- Breaking news alerts
- Personal access to PSI staff
- Priority selection for leadership opportunities
- Priority selection for pilot projects
- Discounted rates for à la carte services
- Discounted event sponsorship opportunities
- Exclusive webinar sponsorship opportunities

How Much Does An Upgrade Cost?

Bay Area Clean Water Agencies qualifies for a **PSI Sustaining Organizational Partnership annual rate of \$1,000**. To renew your current Standard Partnership with PSI, *which—remember—entitles you to significantly fewer benefits* (see chart, below), Bay Area Clean Water Agencies would simply continue to pay an annual rate of \$500.

Sustaining Organizational Partnership (\$1,000)	Standard Organizational Partnership (\$500)
A seat at the table during critical policy negotiations with legislators and manufacturers	
Participation in national strategy development workshops that lay the groundwork for legislative action	
Direct access to key legislative and industry influencers for the purposes of networking, exchanging market intelligence, and forming strategic alliances	Direct access to key legislative and industry influencers for the purposes of networking, exchanging market intelligence, and forming strategic alliances
Opportunities to showcase your organization’s services and news to PSI’s expansive database of national contacts	Opportunities to showcase your company’s services and news to PSI’s expansive database of national contacts
Logo on PSI website and other marketing collateral	
Free access to our acclaimed webinars and select in-person events	25% to webinars and select in-person events
Monthly product stewardship news update emails	Monthly product stewardship news update emails
Bi-weekly legislation updates	Bi-weekly legislation updates
Breaking news alerts	Breaking news alerts
Priority selection for leadership opportunities	
Priority selection for pilot projects	
Discounted rates for à la carte services	
Discounted event sponsorship opportunities	
Exclusive webinar sponsorship opportunities	

We hope you decide to join us again at the forefront of the product stewardship movement. Please don’t hesitate to contact me with any questions.

Best regards,
Amanda

Amanda Nicholson

Business Manager

Product Stewardship Institute, Inc.

29 Stanhope St., 3rd Floor, Boston, MA 02116

P: (617) 236-4833 F: (617) 236-4766

TTY: please use i711.com

www.productstewardship.us

amanda@productstewardship.us

"The Product Stewardship Institute, Inc. is an equal opportunity provider and employer."

From: Scott Cassel

Sent: Tuesday, November 26, 2013 10:04 PM

To: karin.north@cityofpaloalto.org

Cc: Amanda Nicholson; Rachel Rose Belew; Scott Cassel

Subject: Renewal of PSI Partnership - Bay Area Clean Water Agencies

Dear Karin:

How have you been? Well, it is certainly great that Alameda County passed its law over the past year! And then King County followed!!

I want to thank you for BACWA's **Organizational Partnership** with PSI over the last year. December marks the renewal period for this partnership, which expires on December 31st. I am writing today to thank you for your support and ask you to renew for another year.

I hope that you have found your partnership with PSI to be of value to your company. PSI is dedicated to advancing product stewardship for pharmaceuticals and other materials that impact the health of our waters. This year, we are actively involved in assisting King County to implement their pharmaceutical take-back ordinance, and continue to support Alameda County to promote and defend their ordinance. We also recently completed a 3-year long project in the Great Lakes, which resulted in our new [Go-To-Guide for Safe Drug Take-Back](#), which is an excellent resource for local governments nationwide. I have attached a summary of all of our current projects, and would be pleased to discuss any of them with you. If there are additional ways that PSI can provide value for you through our partnership, I would like to hear your suggestions and would be happy to set up a time to speak by phone.

By supporting PSI's work at the Partner level of \$500, you will continue to have access to PSI Partner [benefits](#), including our monthly Product Stewardship News Updates, bi-weekly Legislative Updates, and discounted access to our [webinars](#). To receive even more benefits—including FREE access to our webinars—I encourage you to renew at the Sustaining Organizational Partner level of \$1,000. To refresh your memory about partner benefits, I have attached our Partnership brochure.

Also attached is your partnership renewal invoice. Payment may be made by check to the Product Stewardship Institute, Inc. or [online](#) by credit card. Alternatively, you or your staff can contact PSI's Business Manager, Amanda Nicholson, for additional support at (617) 236-4833, or at amanda@productstewardship.us.

I look forward to continuing our partnership!

All the best,

Scott

Scott Cassel

Chief Executive Officer/Founder

Product Stewardship Institute, Inc.

29 Stanhope Street

Boston, MA 02116
617-236-4822 (ph)
617-236-4766 (fax)
scott@productstewardship.us
www.productstewardship.us



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EXECUTIVE BOARD CHAIR AUTHORIZATION REQUEST

FILE NO.: _____

DATE: June 11, 2014

TITLE: Executive Board Chair Authorization to Pay FY 2015 Contribution to the California Product Stewardship Council

RECOMMENDED ACTION

BACWA Executive Board Chair authorization to contribute to the California Product Stewardship Council (CPSC) for FY 2015 dues amounting to \$5,000.

SUMMARY

On April 18, 2014 the BACWA Executive Board approved the FY15 Budget and Workplan. An annual contribution of \$5,000 to the CPSC was included in that FY15 Budget and Workplan. Additional information about CPSC is attached.

FISCAL IMPACT

This expense was included in the FY15 Budget and Workplan.

ALTERNATIVES

No other alternatives were considered as this action is consistent with BACWA contracting policies.

Attachments:

1. CPSC invoice and supporting materials



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 1

FILE NO.: 13,218

MEETING DATE: May 23, 2014

TITLE: Chair Authorization to Execute an Assistant Executive Director Agreement

MOTION

RESOLUTION

DISCUSSION

ACTION UNDER CONSIDERATION

Authorize the BACWA Executive Board Chair to execute an agreement with Sherry Hull to provide Assistant Executive Director services up to a maximum amount of \$8,000 for fiscal year 2013-14 (FY14) and up to \$76, 500 or fiscal year 2014-15 (FY15), and provide direction on the term of the contract.

SUMMARY

The contract with BACWA's current Assistant Executive Director (AED), Alexandra Gunnell, will terminate on June 6, 2014. Over the past month the BACWA Board, Executive Director (ED), and current AED conducted a search for a new AED that included publically posting the position, reviewing applications, interviewing candidates, and ultimately selecting Sherry Hull. The Executive Director has confirmed that Sherry would like to accept the position. This action will provide the BACWA Chair with the authority to enter into a contract, on BACWA's behalf, with Sherry Hull to provide Assistant Executive Director services. Direction is requested on the initial term of the contract. Compensation shall not exceed \$8,000 for the remainder of FY14 and \$76,500 for FY15. The agreement will be similar to the AED contract and scope of work template that is attached.

FISCAL IMPACT

It is possible that the total expenditures for the FY14 AED line item may exceed the budgeted amount due to the period of overlap when BACWA will be funding support from two AED's, Alexandra Gunnell and Sherry Hull. Funds are available to support this transition period from other unspent line items in the FY14 budget. Funds up to \$76,500 are available in the FY15 budget AED line item that was approved by the Board.

ALTERNATIVES

This action is consistent with BACWA's contracting policy.

ATTACHMENTS

1. AED contract and scope of work template



PURCHASE REQUEST

1 ORGANIZATION NUMBER

800

2 0 4 7 6

PURCHASE ORDER NUMBER

--	--	--	--	--	--	--	--	--	--

FOR REQUESTER'S USE (See instructions on back)				ATTACH ALL REQUIRED SUPPORTING DOCUMENTS				SHADED AREAS FOR PURCHASING USE ONLY			
2 Date 5/28/2014	3 Fund BDO	4 For additional information, contact Caren Sikat		5 Ext 1218	6 Mail slot 402	7 Purchase Max. \$ 8,000.00	8 MSDS Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	20 BUYER	21 DATE PROCESSED	22 TYPED	23 BY

9 Approval (Full signature required)
 Sect. Supv. _____ Div Mgr. _____
 BACWA Executive Director David R. Williams G.M / A.G.M _____

10 To be delivered to (work location)
VARIOUS

11 To be used for
BACWA

13 Suggested vendor(s) Sherry Hull
974 High Street
 Address Alameda, CA ZIP 94501

12 Confirming Order: Authorized
 Unauthorized

Approved by: _____ Buyer Name _____

Vendor Code 0

SBE: Yes No Set-Aside: Yes No Contact Name: _____ Phone no.: _____

14 Delivery required by 5/29/2014

25 Delivery date

15 Item No	16 Qty.	17 Unit	36 Commodity Code	18 Budget information: Project I.D. _____ Activity I.D. _____ Program: _____ Account _____				19 Encum Y/N	37 Tax Y/N	38 Tag Y/N	39 Price (item, disc., etc.)
Description of Items:				TOTAL Purchase Order Not to Exceed				\$ 8,000.00			
Product/Service Provided:											
				<u>ORG</u>	<u>Project I.D.</u>	<u>Program</u>	<u>Account</u>	<u>Budget Line Item</u>			
1	7500	\$1		800	1011124	9217	6241	AS-Assistant Executive Directo	Y		
2	250	\$1		815	1011142	9217	6241	BDO-Administrative Expenses (PRP50)	Y		
3	250	\$1		811	1011142	9217	6241	BDO-Administrative Expenses (Prop84)	Y		
Effective Date:				5/27/2014	to	7/30/2015					
Payment Terms: Net Cash											
Memo Only Do Not Mail											

40 Text statements

26 P.O discount % _____

27 Tax code _____

28 Payment Terms _____

29 F.O.B. Destination Other _____

30 Freight amt. \$ _____

31 Ship to code: _____
Attn: _____

32 Purchase order
Source _____
Type _____
Action _____

33 Payment method _____

34 If blanket, C G S

35 R.P.O.
DATE RECEIVED _____
RECEIVED BY _____

**BAY AREA CLEAN WATER AGENCIES
PROFESSIONAL SERVICES CONTRACT
*Assistant Executive Director***

This PROFESSIONAL SERVICES CONTRACT, effective May 27, 2014, is between Bay Area Clean Water Agencies ("BACWA"), a joint powers agency which exists as a public entity separate and apart from its Member Agencies, created January 4, 1984 by a Joint Powers Agreement between Central Contra Costa Sanitary District, East Bay Dischargers Association, East Bay Municipal Utility District, the City and County of San Francisco and the City of San Jose, with a mailing address of P.O. Box 24055, MS 59, Oakland, CA 94623, and Sherry A. Hull ("Consultant"), an individual doing business at 974 High Street, Alameda, CA 94501, for professional services as described in any Exhibit A attached hereto.

In consideration of the mutual covenants, stipulations and agreements, the parties agree as follows:

1. Consultant will perform the Services as described by and in accordance with Exhibit A in a manner acceptable to BACWA. This work will be performed at the direction and under the supervision of the Executive Director.
2. Consultant shall not contract with or otherwise use any subconsultants, subcontractors or other non-employee persons or entities ("Subconsultants") to perform the Services without the prior written approval of BACWA. If Consultant and BACWA agree that Subconsultants shall be used, Consultant shall ensure Subconsultants' compliance with all the terms and conditions of this agreement.
3. BACWA will pay Consultant for services at an hourly rate of \$51.00, up to a maximum annual amount of \$8,000.00 for the 2013-14 fiscal year and \$76,500 for the 2014-15 fiscal year. Consultant will not exceed the maximum amount payable without obtaining prior written approval from BACWA.
4. BACWA agrees to reimburse Consultant for actual and reasonable job-related expenses necessary to carry out the work described in Exhibit A. This includes, but is not limited to, travel expenses for BACWA-related meetings and events, and the cost of attending trainings necessary for the Consultant to act as the Assistant Executive Director. Travel to meetings, events and trainings outside of the San Francisco Bay and Sacramento Area must be approved by the Executive Director in advance.
5. Consultant shall submit invoices on a monthly basis. Payments under this Contract will be due thirty (30) days after BACWA's receipt of invoices. BACWA may withhold from any progress or final payment any damages, backcharges or claims incurred or anticipated by BACWA to the extent caused by Consultant.
6. Consultant will maintain all records relating to this Contract in accordance with generally accepted accounting principles and for at least three years following termination of this Contract. Consultant will grant BACWA and its representatives access upon request to all such records and all other books, documents, papers, drawings, and writings of Consultant that refer or relate to this Contract.
7. All drawings, specifications, reports, programs, manuals, and other work product of Consultant that result from this Contract ("Work Product") will be considered the exclusive property of BACWA. Consultant agrees that it will not use, disclose, communicate, publish or otherwise make available to third parties any products, analyses, data, compilations, studies, proposals, technical or business information, and any other information related to the Services provided to BACWA without BACWA's prior written approval.

8. The Consultant expressly agrees to indemnify, defend and hold BACWA, its officers, and directors, free and harmless from and against any and all loss, liability, expense, claims, costs, suits and damages, including attorney's fees, arising out of negligence of the Consultant's work and or performance under this Contract, excepting only such injury or damage as may be caused by the negligence of BACWA.
9. This contract shall automatically terminate on June 30, 2015. Either party may also terminate this Contract in whole or in part at any time for its convenience. For a termination for convenience, the termination will be effective thirty (30) days following receipt of a written notice of termination by one party from the other.


This Contract constitutes the entire, legally binding contract between the parties regarding its subject matter. No waiver, consent, modification or change of terms of this Contract is binding unless in writing and signed by both parties.

The following document is incorporated into and made a part of this Contract. Any conflicts between this document and this Contract will be resolved in favor of this Contract.


Exhibit A – Scope of Work

CONSULTANT: Sherry A. Hull

974 High Street
Street Address
Alameda, CA 94501
City, State, Zip Code
445-48-4639
Tax Identification No.

 5/27/2014
Consultant Signature *Date*

Sherry A. Hull, Assistant Executive Director
Name, Title

 5-27-14
BACWA Signature *Date*

Laura Pagano, BACWA Executive Board Vice Chair, acting on behalf of
 Mike Connor, BACWA Executive Board Chair

Name, Title

Exhibit A
BACWA ASSISTANT EXECUTIVE DIRECTOR
SCOPE OF SERVICES

CONSULTANT will act as the Assistant Executive Director and provide professional services at the direction of the BACWA Executive Director to support BACWA and its Special Programs at a rate of \$51.00/hour consistent with the following key activities:

1. Financial Management

- Communicate and coordinate with EBMUD Accounting to ensure proper and timely processing of contracts, invoices, dues and contributions to specific accounts and payments to BACWA vendors;
- On a monthly basis reconcile EBMUD and BACWA financial records, including calculating and tracking obligated funds and ensuring accuracy of the Treasurer's Report;
- Assist with annual budget development and management;
- Act as an intermediary between Project Managers and EBMUD Accounting to track revenues and expenditures for specific projects and Special Programs;
- Provide recommendations and support for revisions to accounting processes and financial reporting, including strategic analysis of the implications of those changes on BACWA contracting procedures;
- Assist in developing contracting and fiscal policies for BACWA.

2. Meeting Support

- Attend monthly BACWA Board meetings and selected other meetings;
- Assist Executive Director in developing the Executive Board agenda and meeting packet; prepare and distribute meeting minutes;
- Work with the ED, Committee Chairs, consultants, and Project Managers on coordination, preparation, attendance, recordkeeping, meeting facilitation and follow up for special meetings, including but not limited to the following: Budget Planning Workshops, Pardee Technical Seminar, Annual Membership Meeting, Committee or BACWA-sponsored training and workshops, Quarterly Committee Chair Meetings;
- Assist with the coordination and facilitation of other meetings (e.g., Committee meetings) as requested by the ED.

3. Document Management

- Manage retention, organization, maintenance and storage of BACWA electronic and paper files;
- Develop and maintain written and electronic records of policies, procedures, forms, and templates;
- Work with ED, Committee Chairs, and Project Managers to draft, edit, and execute contracts, amendments, contract scopes, approval forms (BARs,

Task Authorizations, Chair Authorization, Travel Request), and other agreements;

- Compile background information or supporting documentation in response to requests from ED, Project Managers, and Committee Chairs;
- Act as BACWA's Filing Official and Filing Officer for Statements of Economic Interest as required by FPPC;
- Obtain general guidance from legal counsel as requested by ED.

4. **Communication and Website Management**

- Manage the delivery of documents and information to members, including e-mail correspondence;
- Maintain BACWA contacts and distribution lists;
- Assist with the development of the BACWA Annual Report, including working with ED, Consultants, and Committee Chairs to compile content, edit draft, and oversee production and distribution;
- Assist with the delivery of selected communications to the RWQCB, including invitations to meetings, and formatting and submitting comment letters;
- Create, maintain and revise website content;
- Coordinate website revisions with consultants and Committee Chairs, including maintenance of the dynamic calendar and uploading of promotional materials;
- Provide content management system training for committees and consultants;
- Manage BACWA private website user authorization;
- Assist ED with the development and implementation of communications plan, including website improvements and a newsletter;
- Respond to inquiries from the general public and members.

5. **Miscellaneous**

- Assist with other tasks and projects upon request from the ED



EXECUTIVE DIRECTOR AUTHORIZATION REQUEST

FILE NO.: 13,220

DATE: May 28, 2014

TITLE: Executive Director Authorization for Agreement with Carollo for Nutrient Watershed Case Study Symposium

RECOMMENDED ACTION

BACWA Executive Director authorization for an agreement with Carollo, in an amount not to exceed \$9,999, to provide support for the second Nutrient Watershed Case Study Symposium, to be funded by the FY14 WQA/CBC Budget.

SUMMARY

On October 21, 2013 BACWA worked with Carollo to host a Nutrient Treatment Technologies Symposium that presented a wide range of experts addressing the state-of-the-art engineering alternatives in treating ammonia and total nitrogen, designed to provide educational opportunities for advancing the general public and stakeholders understanding of the issue of nutrients and San Francisco Bay. As a follow up, the Executive Director has been working with Carollo to plan a second symposium. The intent of this second Symposium is to better understand through case studies the lessons learned in progressing from the underlying science studies to watershed action initiatives. At the May 16, 2014 BACWA Executive Board meeting the BACWA Board expressed their support to move forward with the development of this second symposium.

This agreement would enable Carollo to provide planning and management support for this Nutrient Watershed Case Study Symposium at a cost not to exceed \$9,999 to be billed in lump sum upon completion of tasks outlined in the scope of work.

FISCAL IMPACT

Though this was not included in the annual workplan, funds are available in the Technical line item of the FY14 CBC Budget.

ALTERNATIVES

No other alternatives were considered as this action is consistent with BACWA contracting policies.

Attachments:

1. Carollo, File 13,220

**AMENDMENT NO. 1
TO
AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES
AND
San Francisco Estuary Institute (SFEI)
FOR
Nutrient Strategy Support**

This Amendment No. 1 is made this 16th day of May, 2014, in the City of Oakland, County of Alameda, State of California, to that certain agreement File 12,980 of July 1st, 2013 by and between San Francisco Estuary Institute (SFEI) and Bay Area Clean Water Agencies, (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

1. BACWA and SFEI agree to extend the contract termination date to June 30, 2015.
2. Except as herein expressly modified, the Agreement will remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By 
Mike Connor, Chair Executive Board

Dated 5/16/2014

SAN FRANCISCO ESTUARY INSTITUTE

By _____

Dated _____

BACWA EIN: 94-3389334

Alexandra Gunnell

From: Christine Flowers [Christine@calpsc.org]
Sent: Thursday, May 08, 2014 12:05 PM
To: Alexandra Gunnell
Cc: Heidi Sanborn
Subject: CPSC Associate Fees FY 14/15 for BACWA
Attachments: CPSC Invoice FY15-001-AF Bay Area Clean Water Agencies.pdf; fy_14_15_cpsc_associates_tiered_fee_schedule_2014_02_24.pdf; cpsc_annual_report_FY_12-13.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Alexandra,

Thank you for taking my call today to confirm the invoice amount for the Bay Area Clean Water Agencies for CPSC Associate Fees (Fiscal year 2014/2015).

Attached is the invoice for \$5,000, the 2012/2013 CPSC Annual Report, and the Associate Fee schedule for FY 14/15 for your records.

Please let me know if you need anything else.

Sincerely,

Christine Flowers

Christine Flowers-Program Manager Christine@CalPSC.org
California Product Stewardship Council
(916) 706-3420 office (916) 454-9067 cell



**BAY AREA CLEAN WATER AGENCIES
SUCCESSION PLANNING
July 1, 2014**

A. BACWA Principal Representation

Agency	Representative	Title & Roles
EBMUD	Ben Horenstein	
	Vincent De Lange (Alternate)	
SFPUC	Laura Pagano	BACWA, Vice Chair BACWA, Finance Committee BACWA, Ad Hoc Conflict of Interest Committee Joint ASC/SFEI, Board Representative
	Tommy Moala (Alternate)	
	Amy Chastain (Alternate)	
	Marla Jurosek (Alternate)	
City of San Jose	Jim Ervin	Joint ASC/SFEI, Board Alternate
	Joanna De Sa (Alternate)	
EBDA	Mike Conner	BACWA, Chair BACWA, Finance Committee BACWA, Ad Hoc Conflict of Interest Committee
	Rich Currie (Alternate)	
	David Stoops (Alternate)	
CCCSD	Roger Bailey	
	Tim Potter (Alternate)	
	Melody LaBella (Alternate)	

B. Other BACWA Representation

Agency	Representative	Successor	Notes
RMP Technical Committee	Rod Miller, SFPUC		
RMP Steering Committee	Karin North, Palo Alto Jim Ervin, City of San Jose		Dan Tafolla from VSFCD is also a POTW member of the Committee
Summit Partners	Mike Connor		
	Dave Williams		
Joint SFEI/ASC Board	Laura Pagano		One seat on loan from BACWA to Sac Regional
	Dave Williams		
	Kirsten Struve (Alternate)		
	Jim Ervin (Alternate)		

C. BACWA Committees

Committee	Chair	Vice Chair	Potential Succession Date	Comments
AIR	Nohemy Revilla, SFPUC (Co-Chair)	Randy Schmidt, CCCSD (Co-Chair)	7/2015	Represents BACWA on CWCCG.
Biosolids	Matt Krupp, Palo Alto		7/2015	
BAPPG	Mike Auer, Union Sanitary District	Jennifer Seguin, San Jose, and Robert Wilson, Petaluma, Co-vice Chair roles.	7/2015	
Collection Systems	Vince Falzon, Burlingame		7/2015	
Laboratory	Noel Enoki San Jose	Nirmela Arsem EBMUD	7/2015	Chair rotates each year among the five principals
Permits	Meg Herston, FSSD		7/2015	
Pretreatment	Kirsten Struve, Palo Alto (Co-Chair)	Tim Potter, CCCSD (Co-Chair)	TBD	
Recycled Water	Cheryl Munoz, SFPUC (Co-Chair)	Linda Hu, EBMUD (Co-Chair)	TBD	Coordinates with IRWMP
Info Share Groups	Mike Barnes, Kennedy Jenks (Consultant)			

TITLE **Guidance for Representing BACWA**

DATE Adopted April 18, 2014

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 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”.

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.

Sherry Hull

From: Dave Williams
Sent: Tuesday, June 17, 2014 11:56 AM
To: Sherry Hull
Subject: FW: League of Women Voters of the Bay Area WaterEducation Initiative
Attachments: Water Education Initiative.pdf

Sherry, this email and the attachment for the packet under item #14.

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

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

From: MARION E TAYLOR [<mailto:mariontaylor@me.com>]
Sent: Thursday, May 29, 2014 11:46 AM
To: Dave Williams
Subject: League of Women Voters of the Bay Area WaterEducation Initiative

David Williams,

Here is the flyer from the League of Women Voters of the Bay Area about our Water Education Initiative. Please let me know if the Bay Area Clean Water Agencies can contribute \$300 to support it.

Marion Taylor
LWV Bay Area
510-532-5797



Bay Area Monitor

2014-2015

Water Education Initiative

A Call for Micro-Contributions to Help Underwrite the League's New Water Education Reporting Fellowship



WATER EDUCATION INITIATIVE

The problem

Water is an invaluable resource. Unfortunately, demand is increasing and supply is diminishing. And yet, while California grapples with an increasingly urgent water crisis, many in the state lack the awareness and information needed to address this worrisome situation.

Our idea

To promote better understanding of the water crisis, the League of Women Voters of the Bay Area Education Fund intends to establish a Water Education Reporting Fellowship. This fellowship will enable a professional journalist to research and write about water issues affecting the nine-county San Francisco Bay Area.

The reporting fellow's coverage will run in the Bay Area Monitor, the League's bimonthly publication covering regional planning and policy. We will also look to publicize and distribute this coverage via additional channels: in other print publications, through our network of local Leagues, and on social media, to name a few.

The reporting fellow's work will build on the Monitor's long-standing efforts to spotlight water issues, including articles about conservation, wastewater, desalination, wetlands restoration, the water-energy nexus, infrastructure, grey water, pollution, fracking, recycling, and sea level rise.

Your contribution

To gather support for this endeavor, we are reaching out to suppliers, consultants, environmentalists, and other stakeholder groups involved with water. We are asking each agency, organization, or individual to pitch in with a small donation of \$300, to be bundled into the fellowship. Each contributor will be credited by name alongside all Water Education Reporting Fellowship coverage. In the spirit of journalistic integrity, contributors will not be allowed to influence coverage.

The timetable

We will finalize our list of contributors by June 1, 2014. We will select the reporting fellow by July 1, 2014. The reporting fellow will submit a minimum of six articles for publication in Volume 40 of the Monitor, which includes six editions: August 2014, October 2014, December 2014, February 2015, April 2015, and June 2015.

Contact us

We are eager to hear from you and may be reached at (510) 839-1608 or editor@bayareamonitor.org. Please know that we will be following up with you about this inquiry in early May.

League of Women Voters of the Bay Area Education Fund

Bay Area Monitor

Volume 39, Number 4
February/March 2014

A Bimonthly Review of Regional Issues

Regional Vote on Bay Restoration?

By Alec MacDonald

Regional governance in the Bay Area tends to keep a low profile. Most inter-county agencies just don't attract as much attention as those operating on the local and state levels. One regional agency in particular has stayed virtually invisible over its short lifespan, but in an intriguing turn, it could soon generate sweeping publicity with a move that's never been tried here before.

The San Francisco Bay Restoration Authority was established in 2008 to "raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline," according to its founding legislation, Assembly Bill 2954 (Lieber). The authority has remained inconspicuous ever since for the simple fact that it hasn't yet raised any resources to allocate; according to the State Coastal Conservancy's Amy Hutzel, "The authority has not had any funding — no funding at all — for the last six years."

Hutzel, her colleagues at the conservancy, and employees of the Association of Bay Area Governments have been fulfilling the authority's staffing needs at no charge while its board and advisory committee work on procuring a funding source. Early on, the authority decided a region-wide parcel tax represented the most viable option, and began preparing to submit the idea to the voters. Now, with the economy having crawled back from recession into recovery, the November 2014 election could be an opportune time to ask the public for financial backing.

Backing for what, exactly? Well, after the California Gold Rush transformed this region into a commercial and industrial hub, the San Francisco Estuary suffered massive ecological degradation and lost some 95 percent of its original wetlands. Experts believe that at least 100,000 acres of wetlands should encircle the estuary, but it's currently surrounded by less than half that amount. The authority hopes to boost the existing acreage, among other goals, by drawing on an estimated \$15 million in annual parcel tax revenue.

The money could help pay for restoration activities around the rim of the San Francisco, Suisun, and San Pablo bays, as well as along the Carquinez Strait and much of the northern edge of Contra Costa County, enhancing sites like the South Bay Salt Ponds, Yosemite Slough, Breuner Marsh, Hamilton Airfield, and the Bel Marin Keys. Hutzel said that efforts to improve and expand wetlands habitat could prevent the extinction of the California clapper rail and the salt marsh harvest mouse — two endangered animals found only in this region — while also benefiting migratory ducks and shorebirds, steelhead trout, salmon, Dungeness crab, and "a lot of the aquatic species that make up the base of the food chain." Besides addressing habitat needs, funding would go toward removing pollution, bolstering flood protection, and increasing public access to the shoreline, with no more than 5 percent reserved to cover administrative costs.

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Estuary proponents would like to see more funding for wetlands restoration.

photo courtesy of Sea the Bay

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League of Women Voters of the Bay Area Education Fund

Bay Area Monitor

Volume 39, Number 3
December 2013/January 2014

A Bimonthly Review of Regional Issues

Leadership Training Wheels

By Quynh Tran

Bay Area youth are determined to make alternative transportation and sustainability the norm when they become adults.

Jasmine Jolly, a student at Windsor High School in Sonoma County, is among the leaders of this movement and was a keynote speaker at the YES (Youth for the Environment and Sustainability) Conference on November 2 in Oakland.

"People have to take control of what they're doing and inspire others," Jolly said. "Species are going extinct and we are going to live to experience that."

The freshman currently rides her bike 25 miles round trip to school several days a week. She's riding a folding bike in eighth grade when she participated in Climate Ride 2012 with her family. The five-day, 320-mile ride from Fortuna to San Francisco motivated her to become passionate about educating others about climate change.

Jolly was one of about 60 middle school and high school students from around the Bay Area who attended the all-day conference hosted by the Bay Area Air Quality Management District and the Metropolitan Transportation Commission.

"We hope the students can take the skills learned here with them throughout life, develop activism, and create positive action in their schools," said Ursula Vogler, manager of MTC's Climate Initiatives Program.

The conference included keynote speeches from Jolly and from Simon Dunne of Specialized Bicycles, an overview of climate change, presentations on student-led sustainability projects, bike repair workshops, and leadership training.

Vogler said the conference was part of a four-year, \$3 million Spare the Air Youth educational program, which started in 2011 and targets Bay Area youth. Its goal is to reduce transportation-related greenhouse gas emissions. Its other activities include the Safe Routes to School program in each county; partnering with local bicycling coalitions to provide family bicycling workshops; and the creation of the Bay Area BikeMobile, a vehicle that will provide bicycle repair and rider training at local schools and events.

Conference presenters highlighted many reasons to support the need for alternative transportation, such as the high volume of carbon dioxide emitted by cars, the fact scientists believe that 97 percent of climate change is caused by humans, and the link between automobile use and childhood obesity.

In the 1970s, 50 percent of children walked or biked to school and only 8 percent of children were obese or overweight. Today only 15 percent of children walk or bike to school and 30 percent of children are obese or overweight.

However, Dunne said that the health and environmental benefits of riding a bicycle, while reasonable, are not enough to move people to change their transportation habits. Rather,

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Students at the YES Conference learn to change a flat tire with help from Sal Morris (center) of Local Motion.

photo by Quynh Tran

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ABOUT THE BAY AREA MONITOR

The Monitor covers policy, planning, and legislation affecting the nine-county San Francisco Bay Area, with particular emphasis on transportation, air quality, water, open space, and land use. Published six times a year, it is distributed at no cost to over 3,000 readers, including state legislators, county supervisors, city councilmembers, government staffers, business and nonprofit leaders, library patrons, League members, and civically-engaged residents. Print copy subscriptions are free, and electronic editions are accessible at www.bayareamonitor.org.

The goal of the Monitor is to promote awareness about critical yet frequently overlooked issues that profoundly impact the Bay Area. It highlights efforts by government officials to improve quality of life, providing information to community stakeholders for use in guiding, critiquing, or joining those efforts. It showcases replicable strategies for enhancing sustainability, conserving resources, advancing equity, increasing efficiency, and safeguarding people across the region.

League of Women Voters of the Bay Area Education Fund

Bay Area Monitor

Volume 37, Number 6
June/July 2012

A Bimonthly Review of Regional Issues

Boosting Consumer Confidence

By Ann Blake

Early this summer, the California Environmental Protection Agency's Department of Toxic Substances Control is expected to release a long-awaited final draft of the groundbreaking California Safer Consumer Product regulations. The goal of these regulations and the broader California Green Chemistry Initiative is to drive innovation toward safer products and industries in the Golden State.

These will be the first regulations in the United States and globally to ask not only if the chemicals in products are safe, but also to take the next step. If specific chemicals in specific products are found to be potentially unsafe for human health or the environment, the regulations will require manufacturers to seek and evaluate alternatives. Safer alternatives could include drop-in chemical replacements for the chemical deemed to be a hazard, or redesign of the product or manufacturing process.

Why are we talking about this at all, you ask? The average person on the street assumes that if a product is on the market, some arm of the government has reviewed it and pronounced it safe. While this is generally true for foods and drugs and for the worst anticipated effects of many consumer products (for example, choking hazard for toys with small parts), it is not as comprehensive a system as most of us would like to believe. To address the long-term impacts of industrial chemicals in everyday goods, a groundswell of activity locally and globally is raising concerns and demanding reform.

Context and New Science

An emerging global scientific consensus around the research of the last 15 to 20 years shows that exposures to even minuscule quantities of some chemicals — particularly hormone-disrupting chemicals — at critical stages of development in utero or early life lead to detrimental health effects over an entire human lifespan.

Moreover, environmental chemical exposure exacerbates many, if not most, of our major public health issues, including cancer, obesity, diabetes, and cardio-vascular disease. The cost for a handful of diseases that can be directly linked to environmental exposure to chemicals, including childhood cancers and asthma, are in the billions of dollars a year in California alone. Many more diseases are correlated with our collective ubiquitous low-level exposure to the more than 80,000 chemicals currently used in commerce.

Innovative Regulation

In 2008, in response to this new science, California took the pioneering step of proposing fundamental reform to

continued on page 2

THE CALIFORNIA SAFER CONSUMER PRODUCT REGULATIONS WILL ASK MANUFACTURERS TO IDENTIFY SAFER ALTERNATIVES FOR POTENTIALLY HAZARDOUS INGREDIENTS IN THEIR PRODUCTS — PRODUCTS SUCH AS BABY BOTTLES.

photo courtesy of Namah Sobel

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ABOUT THE LEAGUE OF WOMEN VOTERS

Founded in 1920, the League of Women Voters is a nonpartisan organization that encourages informed and active participation in government. Headquartered in Washington, DC, it includes more than 800 state, regional, and local Leagues.

The League of Women Voters of the Bay Area was formed as a regional League in 1959 to address regionwide issues and facilitate communication among local Leagues. Today, it connects 20 local Leagues with approximately 4,000 total members. The Bay Area Monitor is published under the League of Women Voters of the Bay Area's Education Fund, a 501(c)3 nonprofit entity.



BAY AREA MONITOR READER TESTIMONIALS

"The Bay Area Monitor is both timely and informative. As a member of a number of regional governance boards, I appreciate the in-depth review of topics it provides. The information that the Bay Area Monitor provides is not reported anywhere else."

- Ken Yeager, Santa Clara County Supervisor, Former California Air Resources Board Member

"As a Bay Area 'decision-maker' for the past two decades, I have found the Monitor invaluable. The regional perspective it has is unique in the media... The more readers and resources given the Monitor, the better Bay Area government will be."

- Greg Harper, Board President of the Alameda-Contra Costa County Transit

"The Transportation Authority of Marin is proud to be among the many public agencies that benefit from the in-depth reporting done by the Bay Area Monitor... It is a very useful educational tool for our staff, our Board members, advocacy groups, and the public here in Marin."

- Dianne Steinhauser, Executive Director, Transportation Authority of Marin

"The Monitor I look forward to... The information is current, relevant, local and referenced so that I can follow up. The Monitor is a worthy read."

- Brad Wagenknecht, Napa County Supervisor

"As an elected official, and the executive director of a non-profit, I have always found the Bay Area Monitor an excellent way to receive and, when appropriate, educate the public about important public policy issues that affect our daily lives. The balanced approach to reporting, analyzing and educating is critical in a world today where many other forms of media tend to make noise and not want to help foster a healthy debate on important issues."

- John Coleman, Board Member, East Bay Municipal Utility District; Exec. Dir., Bay Planning Coalition

"Thank you so much for sending local elected officials a copy of the Bay Area Monitor. I appreciate the insight and objective information I receive on issues that are important. I find it helps me make informed decisions in my work as a city council member."

- Janet Abelson, Mayor, City of El Cerrito

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- Eric Carruthers, Former Santa Clara County Principal Planner

"I depend on the Bay Area Monitor for a fair assessment of timely public issues. Good government depends on an informed public."

- Robert Raburn, Board Member, Bay Area Rapid Transit District

"When I read the Monitor, it's always a fair, thoughtful, and informative description of the issues discussed. This is an invaluable service to my constituents and to Bay Area readers everywhere... Thank you for providing this valuable service, and I hope that you will continue to help the Bay Area understand these vital issues."

- Katy Foulkes, Board Member, East Bay Municipal Utility District; Former Mayor, City of Piedmont

"You can always count on the Bay Area Monitor to present the facts, plain and simple, on major transportation and environmental issues in the Bay Area. A must read for anyone who cares."

- Sue Lempert, Former San Mateo Supervisor

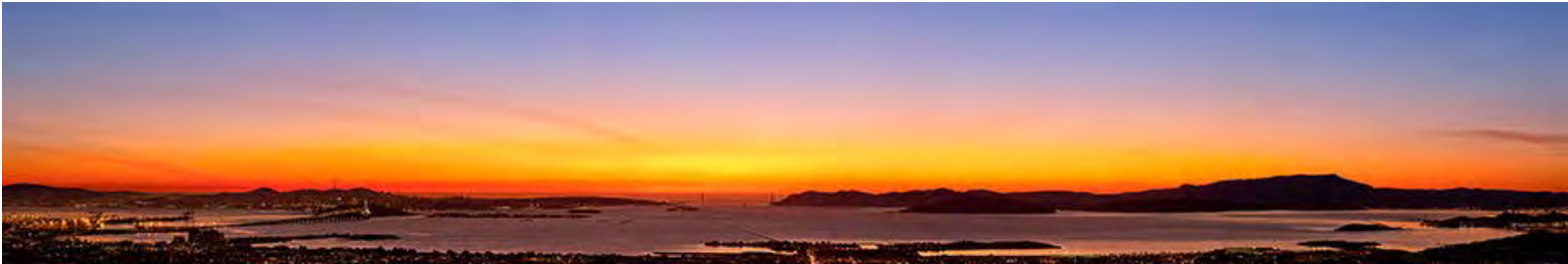
CRITERIA FOR DECISION MAKING ON REQUESTS FOR FUNDING COLLABORATIVE INITIATIVES OR SPONSORSHIPS

THRESHOLD CRITERIA

Are there funds available in the current fiscal year budget line item where these types of initiatives are specifically budgeted? ***If not, optional funding mechanisms should be identified.***

ADDITIONAL CRITERIA

1. Is the mission of the organization making the request or the specific initiative for which funding is sought sufficiently aligned with BACWA's mission or specific initiatives to warrant funding? ***It is preferable to have a linkage to BACWA's mission or initiatives.***
2. Will there be any direct benefit to BACWA or its membership? ***It is preferable to have a direct measurable benefit to BACWA or a majority of its membership.***
3. Will there be any accountability as to how the funds are spent? ***It is preferable to have some feedback mechanism, as to how specifically the funds were used.***
4. Is the request for a one time contribution or is it a recurring contribution; or is there an expectation of a recurring contribution? ***A one-time contribution is preferable.***
5. Are there identified upsides to BACWA making the contribution? ***Identified upsides which may warrant approving the request include furthering environmental protection, increasing public awareness of their role in pollution prevention, advancing technology associated with wastewater treatment, etc.***
6. Is the amount requested in-line with other BACWA contributions? ***If a request is greater than \$25,000 or cumulatively more than \$50,000, need to ensure compliance with BACWA policies and JPA requirements.***
7. In exchange for the contribution does BACWA gain a voice in the initiative or the activities of the organization? ***BACWA being offered a voice in the governance associated with the completion of the initiative or carrying out the mission of the organization is preferable.***
8. Is the request for use of discretionary funds a high priority relative to other such requests? ***If so, consideration should be given to approving the request assuming funds are available.***



San Francisco Bay Regional CHARG

Coastal Hazards Adaptation Resiliency Group

With the looming implications and impacts of sea level rise on the horizon, the San Francisco Bay region, for the first time ever, will need to address various aspects of flood protection on a regional level. In 2014, representatives from federal, state, and local agencies assembled an ad hoc working group to address regional flood protection issues.

The draft goals of this group are to improve regional coordination; identify and work to solve regional flood plain management issues; exchange ideas and transfer technical knowledge and expertise; and improve flood forecasting tools in support of activities that address climate change.

This web page serves as a repository for the Working Group's communications.

The San Francisco Bay Regional CHARG is led by Kathleen Schaefer, FEMA, and will be facilitated by Ellen Cross who can be reached at e.cross@conveyinc.com or 510.316.9657.

Meetings

Date	Time	Group	Agenda	Minutes
05/08/2014	12:00 - 2:00	Steering Committee	agenda	minutes
05/15/2014	11:30 – 1:30	Stakeholders	agenda	minutes
06/12/2014	12:00 - 2:00	Steering Committee	agenda	minutes
07/24/2014	TBD	Stakeholders	agenda	minutes

Studies

Please [email us](#) studies on relevant Flood Management projects that we may add to the list below.

- [Climate Change Adaptation Efforts at the State and Bay Area Regional Levels](#)
- [IPCC: Climate Change 2014: Impacts, Adaptation, and Vulnerability](#)
- [2013 FloodSAFE California Annual Report](#)
- [Northern Alameda County, California - San Francisco Bay Area Coastal Study - March 2014](#)
- [California's Flood Future: Recommendations for Managing the State's Flood Risk](#)

[contact us](#)



June 6, 2014

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100

Via E-mail: commentletters@waterboards.ca.gov

**SUBJECT: Comment Letter – Proposed amendments to Water Quality Order
2011-0002-DWQ Statewide General Vector Control Permit for Residual
Adulticide and Larvicide Pesticide Discharges (Vector Control Permit)**

Dear Ms. Townsend:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to comment on the State Water Resource Control Board's (State Water Board's) May 9, 2014 proposed amendments to the Vector Control Permit (Water Quality Order 2011-0002-DWQ). 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 charged with protecting the environment and public health.

BACWA understands that vector control, like wastewater treatment, is an invaluable public health service. In providing these respective public services, each jurisdiction should be aware of and understand the regulatory and public health realms of the other. In recent months, it appears the effectiveness of the NPDES permit used to control the water quality impacts from aquatic applications administered by vector control agencies is being adversely affected. Specifically, BACWA believes the elimination of water quality monitoring requirements in the March 12, 2014 amendment (2014-0038-EXEC) and removal of effective NPDES regulatory limits on the choices of pesticides available in both past amendments and the current proposed amendments could have detrimental consequences on water quality or significantly shift the burden of protecting water quality impacts from vector control applications to other dischargers (e.g. wastewater treatment plants). Therefore, we recommend that the State Water Board proceed cautiously and consider alternative amendments to this permit to help ensure water quality is protected during the conduct of this important public health activity.

BACWA has five areas of concern regarding the proposed amendments:

1. Modifications Proposed Without Scientific Justification
2. Cumulative Impact of Pesticide Mixtures
3. Statewide General Permit Amendments Include Pesticides that are 303(d) Pollutants
4. Relevance of Numeric Triggers is Negated Without Water Quality Monitoring
5. Proposal to Reopen the Permit When DPR Registers New Active Ingredients

BACWA's concerns and comments regarding the proposed amendment to the Vector Control Permit are presented below.

1. Modifications Proposed Without Scientific Justification

There was no Staff Report accompanying the proposed permit amendments and no scientific justification for these substantial modifications. The pairing of the recently adopted 2014-0038-EXEC amendment with these follow-up proposed amendments result in sweeping and significant changes to a statewide general permit that appear to limit the permit's effectiveness in protecting water quality. There should be scientific studies to support the findings that relaxing the standards of the Vector Control Permit would not result in an impact to water quality. If the State Board's regulatory management decision is to relax the standards of this permit without supporting scientific studies, there should at least be a staff report available to demonstrate the justification for such decisions.

BACWA members, and other wastewater dischargers throughout the state, convey wastewater containing some pollutants which are subject to strict effluent limitations and stringent Monitoring and Reporting Programs. The State Board is developing a Toxicity Plan to regulate wastewater discharges statewide. Based on past versions of the proposed Toxicity Plan, stringent standards are being proposed for wastewater dischargers that are incongruous with the changes to the proposed amendments to the Vector Control Permit. Vector control providers apply full strength pesticides directly to water bodies and yet the permit to regulate their water quality impacts excludes water quality monitoring and instead relies on numeric triggers in the receiving water that will never be demonstrated since there's no required monitoring (see discussion below). The amendment to authorize a broader list of pesticide alternatives is being proposed without a commensurate level of regulation to monitor and manage the impacts from these pesticide applications. Water quality protection is a public health and environmental issue and amendments to the Vector Control Permit need to strike an appropriate balance.

In 2010, MVCAC was awarded an IPM Innovator Award for promoting IPM principles and for "a switch from broad-spectrum pesticides targeted at adult mosquitoes to less-toxic pest-specific larvicides such as insect growth regulators and biopesticides."¹ Since they are IPM Innovators, MVCAC and its members surely understand that broad-spectrum pesticides are a last resort, particularly those that are already on 303(d) lists throughout the state. The Vector Control Permit should establish standards that are consistent with this control strategy hierarchy. The proposed permit changes seem incongruous with IPM methodology.

BACWA Comment: *The State Water Board should identify the scientific studies or produce a staff report that documents how the amendments will not impair water quality. The State Water Board should develop relatively consistent standards in statewide permits used to regulate potential water quality impacts related to toxicity for different categories of dischargers.*

2. Cumulative Impact of Pesticide Mixtures

The current permit includes Attachments E and F which list product-by-product formulations that may be used as adulticides and larvicides, respectively. To develop such a list, State Water Board staff reviewed proprietary pesticide formulations, including active ingredients and "inerts" to identify which formulations would be least likely to impact water quality. These lists were developed with a reasonable science-based approach. Unfortunately, these Attachments were

¹ <http://www.cdpr.ca.gov/docs/pestmgmt/ipminov/awards/10awards.htm#mosquitovca>

both deleted in the proposed amendments and replaced with a broad list of active-ingredient pesticides, rather than formulations. Although pesticide ingredient lists are not public, we know that allowable pesticide “inert” ingredients include numerous water pollutants, such as chlorinated solvents and other Clean Water Act Priority Pollutants. Many end-use products also contain synergists (e.g. piperonyl (PBO), MGK-264) that cause the product to be more toxic to aquatic organisms than the active ingredient alone. No evidence was presented with the proposed amendments to assess if the replacement of Attachments E and F with a list of registered pesticide active ingredients—instead of a list of pesticide products for which the entire formulation has been scientifically evaluated for its water quality impacts—will adversely impact water quality. BACWA supports the approach in the current permit to evaluate the environmental risks associated with exposure of the water bodies to specific formulations.

BACWA Comment: *The State Board should either continue their previous methodology of considering the cumulative impacts of pesticide formulations and mixtures or provide scientific support and justification that the proposed updated approach, particularly in the absence of water quality monitoring, will adequately protect water quality.*

3. Permit Amendments Include Pesticides that are 303(d) Pollutants

When surface water bodies become impaired by pesticides, wastewater agencies, including BACWA members, may be subject to additional requirements established as part of Total Maximum Daily Loads (TMDLs) set for the water bodies. In fact, a number of TMDLs have been adopted or are being prepared to address pesticide-caused water quality impairments in California. The cost to wastewater facilities and other dischargers to comply with TMDLs can be up to tens of millions of dollars per impaired water body listed. Such a scenario could become more prevalent if pesticides are approved for uses that result in water quality impacts. It is imperative that the State Water Board exercise its regulatory authority to fully assess and manage how best to achieve the dual goals of mosquito abatement and water quality protection and not allow activities in one area while ignoring impacts in the other.

There are watersheds throughout the state that are 303(d) listed as impaired due to the same pesticides included in these amendments:

- Chlorpyrifos
- Malathion
- Pyrethroids
- Bifenthrin (a pyrethroid that is individually identified on the 303(d) list)

BACWA is concerned with how the State Water Board and Regional Boards will implement TMDLs throughout the state for the DPR-approved pesticides that are on the 303(d) lists as impairing receiving waters. We are concerned that the burden will shift to wastewater agencies as TMDL implementation moves forward for these pollutants. This shift could result in wastewater agencies being required to conduct source control or pretreatment activities when the pesticides passing through our systems will likely pale in comparison to the direct discharges from vector control activities.

BACWA Comment: *The State Water Board should prohibit the use of 303(d) pollutants in the Vector Control Permit within watersheds that currently have one or more water bodies that are listed as impaired by these pollutants, with possible exceptions for public health emergencies or situations in which less toxic controls are ineffective or temporarily unavailable. Alternatively, the*

State Water Board should prepare a staff report that demonstrates how the proposed permit amendments allowing direct application of pesticides to water bodies will align with future TMDL processes for these pollutants.

4. Relevance of Numeric Triggers is Negated without Water Quality Monitoring

In Section III. Findings, Subsection A. Amendment of the proposed amendments, the text is amended to acknowledge that (highlight added):

“Some of the newly added larvicides and adulticides contain active ingredients that may potentially cause or contribute to an exceedance of a water quality objective, or impact beneficial uses of a receiving water body. Thus, this amendment also includes additional corresponding receiving water limitations and receiving water monitoring triggers for the new active ingredients in Tables 3 and 4.”

The updated text in the Vector Control Permit Factsheet further states:

“This General Permit may be re-opened to add receiving water limitations if the monitoring result for diflubenzuron, temephos, naled, pyrethrin, bifenthrin, cyfluthrin, deltamethrin, etofenprox, lambda-cyhalothrin, permethrin, prallethrin, resmethrin, sumithrin, PBO, and MGK-264 exceed the associated monitoring trigger.”

Prior to March 12, 2014, the Monitoring and Reporting Program included water quality sampling within 24 hours of an application event followed by a second sampling event within one week of project completion. However, the Monitoring and Reporting Program (Attachment C) was updated less than 3 months ago (2014-0038-EXEC, effective March 12, 2014) to eliminate all pesticide chemical monitoring of the receiving water. This action ensures that the triggers will never be exceeded because monitoring pesticide concentrations in the water body is not required. If there is no data, how will it be determined that the triggers have been exceeded?

The proposed amendments ignore a recent UC Davis study sponsored by the State Water Board regarding the toxicity of mosquito abatement pesticides and breakdown products. If and when the numeric “triggers” become meaningful once again, the list only includes the pesticides themselves, without a consideration for breakdown products. The State Board sponsored UC Davis study indicates that the toxicity for naled (an organophosphate insecticide included as one of approved adulticides) is underestimated when the toxicity of its breakdown product is not evaluated (highlight added):

“In the case of naled in water, analysis of only the active ingredient underestimated potential impacts to the receiving system because toxicity was attributed to the breakdown product, dichlorvos. Toxicity testing can provide useful risk information about unidentified, unmeasured toxicants, or mixtures of toxicants. In this case, toxicity testing provided information that **could lead to the inclusion of dichlorvos monitoring as a permit requirement.**”²

Meanwhile, in MCVAC’s Monitoring Plan from March 2011 it is noted that (highlights added):

² Phillips, B., Anderson, B., Voorhees, J., Siegler, K., Denton, D., TenBrook, P., Larsen, K., Isorena, P., and Tjeerdema, R.S. (2014, in press) “Monitoring the Aquatic Toxicity of Mosquito Vector Control Spray Pesticides to Freshwater Receiving Waters.” Integrated Environmental Assessment and Management.

“**Naled** and **malathion** are organophosphate insecticides, and are used in rotation with **pyrethrins** or **pyrethroids** to avoid the development of resistance. **Naled is the most commonly used material for this purpose.** Because **application rates are high** relative to other adulticides, naled accounts for a large **proportion of adulticide use by mass (66.8 percent)**, but a much smaller **proportion by acreage (6.1 percent).**”³

This assessment suggests that some water bodies may be targeted with a high mass of naled, which could result in a high concentration of dichlorvos. Therefore, it appears that naled and dichlorvos, rather than being exempt from monitoring, actually warrant additional water quality monitoring at this time.

BACWA Comment: *The State Water Board should amend the permit to require receiving water monitoring, with an option allowing vector control agencies to participate in regional monitoring programs to assess the potential water quality impacts from their pesticide applications. At a minimum, receiving water monitoring should be required for the newly added pesticides as well as dichlorvos, the naled breakdown product. Alternatively, the State Water Board should prepare a staff report that explains how these numeric triggers will be effectively implemented in the absence of water quality monitoring.*

5. Proposal to Reopen the Permit When DPR Registers New Active Ingredients

One of the proposed amendments states:

“The State Water Board may reopen this General Permit to add new active ingredients that DPR registers for use in larvicides and adulticides for vector control.”

This blanket statement is inappropriate particularly in light of the proposal to delete Tables E and F (specific formulations) and replace them with a sweeping list of DPR-registered pesticides. Clearly these pesticides have not been vetted by Water Board staff with respect to water quality, as should be keenly evident by the inclusion of 303(d) listed pollutants amongst the pesticides registered for mosquito abatement.

To agree to consider listing any new ingredient registered by DPR for vector control is to presume that there is clear communication and an agreed-upon methodology between the Water Boards and U.S. EPA Office of Pesticide Programs (OPP) and DPR when it comes to water quality impacts prior to registering a pesticide for a particular use. While the communication process and methodologies are evolving, the current procedures are not yet adequate to ensure protection of water quality. In our collective experience, BACWA has observed incomplete analyses of water quality impacts, on the part of both U.S. EPA OPP and DPR, during pesticide registrations.

While we appreciate that there has been an enhanced dialogue with DPR in recent years, the fact remains that water quality protection is not their focus when evaluating a pesticide for registration—and incongruence between pesticide and water quality laws sometimes necessitate decisions under pesticide law that are inconsistent with the Clean Water Act and Porter-Cologne. Thus, the State Water Board needs to continue independently evaluating the appropriateness of direct pesticide application to water bodies in order to protect water quality objectives and safeguard beneficial uses.

³ <http://sgvmosquito.org/downloads/NPDES/MVCAC%20Monitoring%20Plan.pdf>

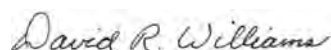
BACWA Comment: *The State Water Board should delete the proposed amendment “The State Water Board may reopen this General Permit to add new active ingredients that DPR registers for use in larvicides and adulticides for vector control”, or modify the statement to incorporate how the State Water Board will review and evaluate pesticides registered by DPR.*

Conclusion

BACWA recognizes that mosquito abatement is an important public health service. We further appreciate that vector control agencies have voiced concerns regarding both water quality monitoring and the current limits to pesticide “tools” in their toolbox. However, we feel the proposed amendments address the vector control agencies concerns but largely ignore the need to adequately assess impacts to water quality. If it is concluded that every DPR-registered pesticide is needed in the vector control toolbox, then the applicators of the pesticides should bear the responsibility to monitor potential impacts to demonstrate that such use is neither exceeding triggers nor causing toxicity to state water bodies. On the other hand, if such monitoring is deemed to be too onerous then there should be limits placed on the chemical tools in the toolbox. To remove both the water quality monitoring and any limits as to chemical compositions of pesticides to be applied seems to be unprecedented with regards to ensuring water quality is protected.

For the reasons outlined above, BACWA respectfully requests that the State Board carefully re-evaluate the proposed language modifications. BACWA appreciates the State Water Board’s 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.

Respectfully Submitted,



David R. Williams
Executive Director
Bay Area Clean Water Agencies

Enclosure: Phillips, B., Anderson, B., Voorhees, J., Siegler, K., Denton, D., TenBrook, P., Larsen, K., Isorena, P., and Tjeerdema, R.S. (2014, in press) “Monitoring the Aquatic Toxicity of Mosquito Vector Control Spray Pesticides to Freshwater Receiving Waters.” *Integrated Environmental Assessment and Management*.

cc: BACWA Executive Board
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Nan Singhasemanon, California Department of Pesticide Regulation
Kelly D. Moran, Urban Pesticides Pollution Prevention Partnership
Geoff Brosseau, CASQA
Greg Kester, California Association of Sanitation Agencies

BACWA
San Francisco Bay Nutrients Symposium Series
Symposium #2
“Watershed Management Case Studies - Lessons Learned”
Speakers

TENTATIVE

June 18, 2014

1. Dr. Kenneth Reckhow, PE (Topic: **Neuse River Basin (Pamlico Sound) Watershed Model/TMDL**,).
 - a. Duke University
 - b. (919) 423-0096
 - c. Reckhow@duke.edu

2. Dr. David Dilks, PE (Topic: **Lake Huron/Saginaw Bay**)
 - a. Chief WQ & Watershed Modeler, LimnoTech
 - b. (919) 423-0096
 - c. ddilks@limno.com

3. Dr. Paul Freedman, PE, BCEE, F ASCE, F WEF (**Symposium Moderator/Overview Presentation**)
 - a. President and CEO, LimnoTech
 - b. (734) 332-1200 work
 - c. (734) 646-0521 cell
 - d. pfreedman@limno.com

4. Dr. Bruce W. Husselbee, P.E. (**Chesapeake Bay: Agency Perspective: Status Update**)
 - a. Director of Engineering, Hampton Roads Sanitation District
 - b. (757) 460-4270
 - c. bhusselbee@hrsd.com

5. Dr. Charles Bott, P.E. (**Chesapeake Bay: POTW Perspective**)
 - a. Director of Research
 - b. (757)460-4228
 - c. cbott@hrsd.com

6. Mark Tedesco, PE (Topic: **Long Island Watershed Management Approach/Trading Program**).
 - a. US Environmental Protection Agency, Long Island Sound Office, Chair Long Island Sound Study
 - b. mtedesco@epa.org

7. Dr. Steven C. Chapra, PE, F. ASCE (Topic: **Watershed/WQ Modeling Overview**)
 - a. Professor and Louis Berger Chair, Dept. of Civil Engineering, Tufts, MA
 - b. (617) 627-3654 work
 - c. steven.chapra@tufts.edu

8. Rich Batiuk, PE (Topic: **Chesapeake Bay** Watershed Approach)
 - a. US EPA, Associate Director for Science, Analysis and Implementation
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9. Holly Greening (Topic: **Tampa Bay** Nutrient Management Consortium).
 - a. Exective Director of the Tampa Bay Estuary Program.
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PROPOSED WORKPLAN FOR DEVELOPMENT OF A NUTRIENT CONTROL PROGRAM

STEVE CAMACHO, LEAD STAFF

JACOB IVERSEN, STAFF

ZANE POULSON, PROGRAM MANAGER

STATE WATER RESOURCE CONTROL BOARD, BASIN PLANNING
AND STANDARDS UNIT

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DRAFT

1.0 Introduction and Purpose of Document

The California State Water Resources Control Board (State Water Board) has initiated the process to develop a nutrient objectives and a program of implementation for the state's surface waters. Staff envisions that the objectives and program of implementation would be adopted as amendments to the Inland Surface Water, Enclosed Bays and Estuaries Plan. The nutrient amendments could include objectives and control strategies to help improve water quality in aquatic habitats by providing the endpoints that describe conditions necessary to protect beneficial uses. Creating a nutrient amendments for the state will assist in supporting the Water Boards' Mission to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

The purpose of this document is to: 1) lay out an overarching strategy that will govern the development of nutrient objectives for freshwater and estuarine habitats and 2) describe the process and technical work elements that the State Water Board will pursue to collect the information it requires to develop nutrient objectives, focusing on wadeable streams in the first phase.

2.0 Previous Work on Nutrient Objectives

In 1999 the US EPA Region 9 and the State Water Resources Control Board (SWRCB) began development of nutrient objectives, focused on streams and lakes. Pilot studies were conducted to analyze existing data and explore alternative approaches. Based on these pilot studies, SWRCB staff favor an approach to establish nutrient objectives known as the Nutrient Numeric Endpoint (NNE) framework. The NNE is comprised of two components. First, it would establish a suite of numeric endpoints based on the ecological response of an aquatic waterbody to nutrient over-enrichment (eutrophication, e.g., algal biomass, dissolved oxygen). Second, models would be used to link the ecological response endpoints to site-specific numeric nutrient targets and other potential management controls.

A conceptual framework describing the NNE framework and review of applicable indicators was completed (Tetra Tech 2006) and recommended regulatory endpoints were proposed for streams and lakes (Tetra Tech 2006, Appendix 1). Spreadsheet models were developed for streams and lakes to serve as scoping tools. The NNE response endpoints and models would serve as *guidance* to translate *narrative* water quality objectives for nutrients and biostimulatory substances and/or conditions. Draft scoping models were previously developed for lakes and streams by Tetra Tech (2006). For streams, two types of models were included in the Benthic Spreadsheet Model: 1) statistical model based on empirical field data developed by Dodds et al. (1998) for temperate streams in North America and 2) simplified versions of the QUAL2K, an EPA-supported steady state model. The standard and revised QUAL2K models in the Benthic Spreadsheet Tool were optimized to the Dodds empirical relationship. For lakes, a scoping model was developed based on a simplified version of the BATHTUB model, a model developed and supported by the Army Corps of Engineers for uses in US lakes and reservoirs. At the time they were developed, model optimization occurred without the benefit of an abundance of data from California waterbodies. A substantial dataset on algal-nutrient response relationships in wadeable streams is now available for many parts of the State. The SWRCB is interested in utilizing these wadeable stream data to make additional refinements response indicator numeric endpoints and on scoping models over time.

Since publication of the conceptual framework and recommended endpoints for streams and lakes, the SWRCB and EPA Region 9 have also funded updates to the science supporting the freshwater NNE (Tetra Tech 2006). The SWRCB has also funded science to support the development of regulatory endpoints for

June 2, 2014

California estuaries (McLaughlin and Sutula 2008, Sutula et al. 2011), including San Francisco Bay (McKee et al. 2011, SFRWQCB 2012).

3.0 Guiding Principles

The state's effort to create nutrient objectives has several fundamental guiding principles. These include:

- 1) **The state should develop nutrient objectives that address nutrient pollution and biostimulatory substances and/or conditions (Figure 1).** Nutrient pollution can result in the overproduction of primary producers (e.g. algae and macrophytes) and heterotrophs (e.g. bacteria). This organic matter can have adverse consequences to aquatic life through changes in water and sediment quality as well as changes to the food web. Environmental variables such as hydrology, available light, etc. can modify the ecosystem response to nutrients. Anthropogenic activities that alter these environmental variables can in some cases lead to biostimulatory conditions (lead to increased eutrophication) even under low nutrient conditions. Therefore a policy is needed that addresses both nutrient pollution and biostimulatory substances and/or conditions.
- 2) **The state should develop narrative nutrient objectives with numeric guidance.** The addition of numeric guidance to narrative objectives provides two important benefits: 1) a framework for consistent quantitative assessments and interpretation; and 2) the potential to trigger enforcement and remedial actions that narrative objectives do not. However, numeric guidance should consider different expectations for different types of systems including unaltered, moderately, and even highly modified waterbodies.
- 3) **Numeric guidance should have a strong linkage to beneficial use.** Nutrient pollution results in adverse ecological responses in a waterbody. Indicators of these ecological response are more directly linked to beneficial uses than nutrients. Therefore, the state is considering the option that nutrient objectives may consist of a set of numeric endpoints for these biological and chemical indicators, plus models to establish waterbody specific nutrient numeric targets.
- 4) **The state should have numeric guidance for all waterbody types.** The State Water Board intends to develop numeric guidance that translates the narrative nutrient objective for all waterbody types.
- 5) **There should be statewide consistency with regional flexibility.** Statewide consistency is an important component of equity among stakeholders and is therefore crucial for statewide objective development. However, it is well recognized that the state has many different ecosystems, each of which has varying biological characteristics. Therefore, a defensible statewide program must accommodate the unique qualities of each ecoregion. Furthermore, our knowledge of the ecology of our waterbodies varies throughout the state so the refinement of numeric guidance will likely proceed at different rates in different regions.

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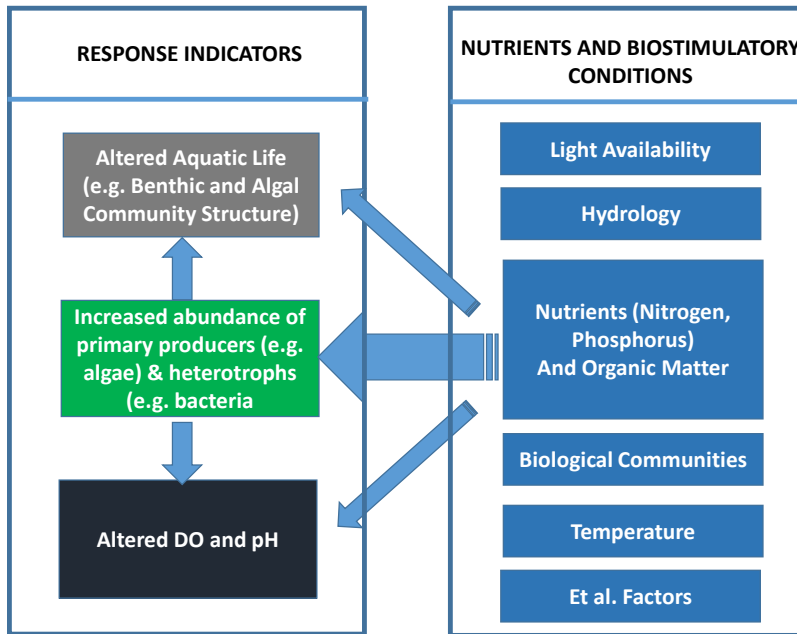


Figure 1. Conceptual model of symptoms (response indicators; left-hand box) of eutrophication and other adverse effects of nutrient pollution and biostimulatory conditions (right hand box).

4.0 Strategy to Develop Numeric Guidance to Interpret Narrative Nutrient Objectives

California is a large state and has a tremendous number and diversity in waterbodies. It is not possible to develop numeric guidance for all types in the near-term; it will be necessary to prioritize the adoption for specific waterbody types. Three phases are envisioned for development and adoption of the nutrient amendments. The bulk of previous work has been focused on freshwater habitats, specifically wadeable streams. For this reason, State Water Board staff's near-term strategy is to complete development and adoption of nutrient amendments to address the following elements by January 2016, hereto referred to as "Phase I":

- 1) Description of the options and recommended conceptual approach to support the interpretation of narrative guidance applicable to all waterbodies and
- 2) Specific guidance for wadeable streams.

Work to complete numeric guidance for lakes will be completed pending additional technical work (Phase 2). Technical work supporting development of numeric guidance for California estuaries and non-wadeable rivers will be complete in Phase 3. Strategies and technical workplans are available describing nutrient objective development for San Francisco Bay (SFRWQCB 2012) and the rest of the State's estuaries (McLaughlin and Sutula 2008). A workplan governing science to support NNE development in the Delta is under development (Chris Foe, Central Valley Regional Water Quality Control Board, personal communication).

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Table 1. Approximate schedule for completion of science, amendments development and adoption of guidance supporting nutrient objective for California waterbodies.

Type	Science	Regulatory Amendments	
		Development	Adoption
Conceptual Approach ¹	2014	2015	2017
Wadeable streams	2014	2015	2017
Lakes	2014-2017	2017	2018
Estuaries ² and Non-wadeable streams/rivers	2014-2018	2018	2020
San Francisco Bay	TBD	TBD	TBD
Delta	TBD	TBD	TBD

5.0 General Approach for Phase I

There are six basic tasks that have been identified for nutrient objective development for Phase I (Table 2). Some of the tasks are technical and some are not, but taken all together they represent the major milestones necessary for a scientifically-defensible and equitable program.

Table 2. Summary of tasks and description to complete first phase of nutrient objective development.

Number	Task	Description
1	Conceptual Approach, Waterbody Definition and Classification	Provides an overview of conceptual approaches to nutrient objectives, rationale for preferred approach, provides definitions and classification of waterbodies.
2	Conduct and Synthesize Science to Support Numeric Guidance in Wadeable Streams	Science to support policy decisions on numeric guidance (i.e. selection of abiotic and/or ecological response indicators, numeric endpoints, and use of models to establish linkage to nutrient management in wadeable streams).
3	Implementation Plan Development	Defines how nutrient objectives will be used in regulatory programs such as 303(d) listing, NPDES compliance, 401 certification, etc.
4	Rulemaking	The legislatively defined public process of developing, adopting, and implementing objectives
5	Outreach	Actively reaching out to technical, regulatory, regulated, and non-governmental stakeholders to ensure that their ideas, suggestions, and concerns are fully considered
6	Training, Standardization, and Information Management	Provides sufficient method standardization, data transfer formats, documentation and education for widespread, consistent, effective implementation.

¹ Applicable to all waterbodies

² Excluding the San Francisco Bay-Delta ecosystem

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6 Specific Approach for Phase I

6.1 Conceptual Approach to Nutrient Objectives, Waterbody Definition and Classification (Task 1)

A strong technical foundation supporting policy decisions on approach to nutrient objectives has already been drafted (Tetra Tech 2006). This documentation will be updated to provide 1) the environmental problem associated with nutrient pollution and biostimulatory substances and/or conditions that the policy could be crafted to address, 2) a definition and classification of the targeted waterbodies that could be covered under this policy, and 3) description of the regulatory approaches and their advantages and disadvantages under consideration by the State Water Board for nutrient objective. The product of this task will be a technical report.

Product: Technical report and related appendices.

6.2 Conduct and Synthesize Science to Support Numeric Guidance for Wadeable Streams (Task 2)

The primary goal of this task is conduct analyses of existing data and synthesize science supporting decisions on numeric guidance for California wadeable streams. Documentation will be expanded to: 1) evaluate a wide range of candidate abiotic and ecological response indicators that adequately represent wadeable stream response to nutrient pollution, 2) conduct analyses and summarize published information on thresholds at which candidate indicators support or adversely affect beneficial uses and articulate how these thresholds link to a gradient of biological condition, 3) summarize the distribution of these indicators in both minimally disturbed “reference” sites as well as ambient sites across the State of California, 4) develop models using available data to support the linkage of response indicators to nutrient management, and 5) identify key technical considerations for how science could be used in implementation.

Three existing or completed studies will contribute to this task. First, the SWAMP program has produced a synthesis of algal abundance indicators in reference and ambient perennial wadeable streams (Fetscher et al. 2013). Second, EPA-ORD has conducted analysis of existing California perennial wadeable stream data to document the statistical relationships between nutrients, algal biomass, algal and benthic macroinvertebrate species composition (Fetscher et al., 2014). Third, a sub-set of the analyses conducted by EPA-ORD will be repeated for southern California only, in order to determine whether numeric endpoints should vary by ecoregion.

A detailed technical workplan will propose additional analyses of existing data and synthesis to be conducted in order to accomplish this task. Advisory groups will have an opportunity to comment on this technical work plan.

Product: 1) Technical workplan, and 2) Technical reports and related appendices.

6.3 Implementation Plan Development (Task 3)

The goal of this task is to define how numeric guidance can be used in regulatory programs such as 303(d) listing, TMDLs, NPDES compliance, NPS, etc. The linkage between numeric guidance and compliance should be abundantly clear, convincing, and defensible. The State currently has specific guidance for how multiple site/event data should be compiled to make regulatory assessments. For example, there is an implementation policy for the 303(d) listing/delisting program. However, this guidance is based largely on chemical objectives and there is general agreement that the listing policy

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needs to be updated to work with sediment quality and biological objectives. This task necessitates working with stakeholders, regulators, and external Science Panel members to solicit their feedback on specific elements of the implementation guidance for nutrient objectives which utilize response indicators for assessment. Topics such as how many sites are needed per waterbody, how many sample events over what period of time, the precision or error inherent in the stressor response model, and how large the magnitude of impairment, should all be factors used to decide if a site is defined as biologically impaired.

Product: Implementation guidance to accompany the draft nutrient amendments that includes draft language for 303(d) listing, NPDES permit compliance, NPS, and TMDLs.

6.4 Rulemaking (Task 4)

The goal of this task is to follow the legislatively defined public process of developing, adopting, and implementing objectives. We contemplate documents such as a detailed Staff Report and proposed amendments to the State Water Board's Inland Surface Waters Plan. This task will also include public dissemination, review, and response process such as public workshops, response to comments, informational meeting presentations, State Water Board briefings, and a California Environmental Quality Assessment (CEQA) document, or equivalent, including a discussion of the factors that must be considered when establishing water quality objectives, which include economic considerations.

Product: Proposed amendment language, staff report and CEQA documentation with a full and complete administrative record for state and federal approval.

6.5 Outreach (Task 5)

Outreach will be conducted in accordance with the State Water Boards Public Participation Plan. The goal of this task is to actively reach out to technical, regulatory, regulated, and nongovernmental stakeholders to ensure that their ideas, suggestions, and concerns are fully considered. This task covers three important areas. First, stakeholders need to know about the development of any new objective. Transparency is imperative for a successful process. Second, it is important that the Water Boards give all parties a reasonable and fair opportunity to voice their opinions about the relative merits of the possible approach(es). Third, the technical aspects of the objectives should receive an independent and rigorous technical review to ensure scientific integrity. The intent is that this technical review be ongoing through the program and will not replace the final peer review during amendment development. This task will require the creation of three different committees. These include: 1) Stakeholder Advisory Group: the primary committee that responds to early ideas and concepts, provides recommendations on project development, and serves as one of the vehicles for public outreach. Anyone can join the group, but representatives will be chosen to represent different sectors of the community such as regulated dischargers (i.e., wastewater, storm water, industrial, etc.), non-governmental organizations or environmental advocacy groups, other vested parties as needed and interested. 2) Regulatory Advisory Group: the primary committee that responds to regulatory specific issues such as Implementation Plan development including compliance/enforcement. Members may include staff from each of the nine Regional Water Boards, staff from each of the major programs at the State Water Board, other state resource agencies such as Fish and Wildlife, and federal agencies such as the USEPA and/or Fish and Wildlife Service. 3) Science Panel: reviews all technical aspects of the objectives development. The process, desired attributes and candidates for the Panel will be vetted by the two advisory groups. This three-committee system, if started early in the process, will provide tremendous

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value in terms of communication and policy-building, creating fair and equitable objectives, and minimizing potential road blocks at the end of the objective development process.

A regulatory advisory group for nutrient objectives (the State and Regional Technical Advisory Group or STRTAG, now renamed as the Regulatory Advisory Group (RAG)) exists. A similar three-committee system has already been established for the creation of estuarine nutrient objectives. The state will consider how to expand or reform these committees to achieve the intended goal.

Products: 1) A Stakeholder Management Plan prepared in accordance with State Water Board public participation guidelines, 2) Creation/reformation and facilitation of three Advisory Groups; Scientific, Stakeholder, and Regulatory, and 3) Meeting agendas, presentation materials and reports related to the convening of these groups.

6.6 Training, Standardization, and Information Management (Task 6)

Once nutrient objectives are promulgated by the state, there must be clear and concise guidance to stakeholders on how to collect data with prescribed levels of quality assurance, how to interpret data, how the data will be used in regulation, and what to do if one fails to meet the objectives. To ensure nutrient objectives are applied appropriately, standardization of monitoring must be achieved. This task will require development of Methods Manuals, Standard Operating Procedures, and Quality Assurance Plans as needed to ensure that this standardization occurs. Also needed are standardized data transfer formats for incorporation of nutrient assessment data into SWAMP.

Significant progress in the area of methods standardization for bioassessment of wadeable streams has already been achieved, with a direct benefit for application in stream nutrient objectives. Methods Manuals for stream algae and physical habitat measurements and a Quality Assurance Project Plan for chemistry sampling currently exist (<http://swamp.mpsl.mlml.calstate.edu/resources-and-downloads>). A series of training workshops have been conducted on the SWAMP Stream Algal SOP and should be expanded. As with Bio-objectives, the State Water Board has a Training Academy that could serve as the platform for implementing the training.

Products: Methods Manuals/SOPs, standardized data transfer formats, training curriculum, training events for wadeable stream sampling in various regions of the state.

Workplan for Nutrient Control Program

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7.0 Schedule

Table 2. Approximate schedule for completion of Phase I tasks.

Number	Task	Description	Targeted Date for Completion
1	Conceptual Approach, Waterbody Definition and Classification	Provides an overview of conceptual approaches to nutrient objectives, rationale for preferred approach, provides definitions and classification of waterbodies.	2015
2	Conduct and Synthesize Science to Support Nutrient Objectives	Science to support policy decisions on selection of abiotic and/or ecological response indicators, numeric endpoints, and use of models to establish linkage to nutrient management.	2015
3	Implementation Plan Development	Defines how nutrient objectives will be used in regulatory programs such as 303(d) listing, NPDES compliance, 401 certification, etc.	Staff report by 2016
4	Rulemaking	The legislatively defined public process of developing, adopting, and implementing objectives	2017
5	Outreach	Actively reaching out to technical, regulatory, regulated, and non-governmental stakeholders to ensure that their ideas, suggestions, and concerns are fully considered	Ongoing throughout 3 yr period
6	Training, Standardization, and Information Management	Provides sufficient method standardization, documentation, standard data transfer formats, and education for widespread, consistent, effective implementation.	2016

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8.0 References

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- Fetscher AE, MA Sutula, A Sengupta, N. Detebeck. 2014. Improving Tools to Link Nutrients to Adverse Effects on Stream Ecosystem Services in California. EPA ORD Draft Technical Report. In Review
- McKee L., M. Sutula, A. Gilbreath, J Beagle, D Gluchowski, 2011 Numeric Nutrient Endpoint Development for San Francisco Bay Estuary: Literature Review and Data Gaps Analysis. Technical Report 644. Southern California Coastal Water Research Project. Costa Mesa, CA.
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- SFRWQCB 2012. San Francisco Bay Nutrient Management Strategy. San Francisco Regional Water Quality Control Board
http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amenagements/estuarineNNE/Nutrient_Strategy%20November%202012.pdf
- Sutula M. 2011. Review of Indicators for Development of Nutrient Numeric Endpoints in California Estuaries. SCCWRP Technical Report No. 646. June 2011.
- Tetra Tech. 2006. Technical Approach to Develop Nutrient Numeric Endpoints for California. Tetra Tech, Inc. http://rd.tetrattech.com/epa/Documents/CA_NNE_July_Final.pdf
- US EPA 2010. Using Stressor-response Relationships to Derive Numeric Nutrient Criteria. EPA-820-S-10-001.

Nutrient Objectives Stakeholder Advisory Group (SAG) Meeting

Monday, 06/13/2014 Time: 10:00 AM-3:00 PM

Location: Cal/EPA Headquarters Room: Training 1 West

No Teleconferencing is Available

Meeting Goal(s):

- 1. Get feedback from stakeholders on SWRCB workplan for the development of nutrient objectives for all waterbody types;**
- 2. Form Statewide stakeholder interest groups, choose representatives and discuss governance.**
- 3. Vet process and desired attributes of Science Panel candidates**

Meeting Materials:

1. State Water Resources Control Board Proposed Workplan for Development of a Nutrient Control Program (6-2-2014 Draft)
2. SWRCB Staff Proposal for Selection of Nutrient Objectives Science Panel (SP) Members: Process, Attributes and Proposed Candidates (5-23-2014 Draft)

Agenda:

- | | |
|-------------------|---|
| 9:30 –9:40 pm | Introductions, meeting goals, updates, targeted date of next SAG meeting (Rik Rasmussen). |
| 9:40 - 11:00 pm | Presentation of SWRCB workplan and feedback from stakeholders (Rik Rasmussen and Martha Sutula) |
| 11:00- 11:15 pm | Break |
| 11:15 –12:00 noon | Formation of stakeholder interest groups, discussion of governance (Brock Bernstein) |
| 1:00-2:00 pm | Vet process and desired attributes of Science Panel candidates. (Martha Sutula) |
| 2:00- 2:15 pm | Wrap up, next steps |

**SWRCB Staff Proposal for Selection of Nutrient Objectives Science Panel (SP) Members:
Process, Attributes and Proposed Candidates
May 23, 2014 Draft**

Context: The State Water Resources Control Board (SWRCB) is developing nutrient objectives (SWRCB 2014). A group of four scientific experts will be empanelled to provide ongoing technical review for the products of SWRCB's nutrient objective development program. This includes technical work for wadeable streams and estuaries, including San Francisco Bay. The purpose of this document is to provide an overview of the process, suggested attributes of the Science Panel (SP), and propose candidates for the positions.

The proposed process, attributes sought, and a subset of the candidate members have previously been vetted for San Francisco Bay and other estuaries in the State by the Regulatory Advisory Group (formerly known as STRTAG), the San Francisco Bay and Coastal Stakeholder Advisory Groups (SAGs).

The scope of the Science Panel is now being expanded to include technical work supporting nutrient objective development in freshwater habitats (streams, rivers and lakes). The existing Stakeholder Advisory Group will be likewise expanded. For this reason, the SWRCB staff need to: 1) expand the expertise on the Panel to provide coverage for freshwater habitats, and 2) vet the process, suggested attributes and choose candidates for the positions.

Process:

- Technical Team lead (SCCWRP) identifies candidates, based on desired attributes of SP panel members
- Members of the Regulatory Advisory Group (RAG) and SAG:
 - Review nominated candidates
 - Have right to reject individual candidates
 - Rank the candidates in the preferred order
- Technical Team lead (SCCWRP) summarizes stakeholder input and provides to SWRCB staff
- SWRCB staff makes final decision

Desired Attributes:

Four Science Panel members will be empaneled. The Science Panel members should not have a conflict of interest (e.g. by having conducted significant work in California freshwater and estuarine habitats that would likely be subjected to technical review). These four members will

be national or internationally-recognized experts in science and management of eutrophication and possess technical expertise in one of the following areas:

- Nutrient and organic biogeochemistry and/or ecology with experience in management of eutrophication in estuaries;
- Nutrient and organic biogeochemistry and/or ecology with experience in management of eutrophication in freshwater habitats;
- Development of statistical and computational models describing relationship between nutrients, environmental variables and ecological response;
- Creation of nutrient-related water quality criteria and/or numeric targets and implementation of management actions to address eutrophication.

DRAFT

Candidates:

Area	Name	Links
Aquatic ecology, nutrient bio-geochemistry and management of eutrophication in ESTUARIES	Walter Boynton, Professor University of Maryland	http://www.umces.edu/cbl/people/wboynton http://www.gonzo.cbl.umces.edu/
	Ivan Valiela, Professor, Boston University	http://people.bu.edu/valiela/index.html
	Robert Twilley, Professor, Louisiana State University	http://www.sce.lsu.edu/index.php/people1/faculty/robert-r-twilley/
	Robert Diaz, Professor, Virginia Institute of Marine Science	http://www.vims.edu/people/diaz_rj/
Aquatic ecology, nutrient bio-geochemistry and management of eutrophication in FRESHWATER HABITATS	Hans Pearl, Professor, University of North Carolina	http://marine.unc.edu/people/faculty-2/hans-paerl/
	Judith Meyer, Professor, University of Georgia	http://www.ecology.uga.edu/facultyMember.php?Meyer-45/
	Robert (Jan) Stevenson, Professor, Michigan State University	http://scholars.opb.msu.edu/expert.asp?n=Robert+Jan+Stevenson&u_id=2387&o_id=65
	Stephen Carpenter, Professor, University of Wisconsin	http://limnology.wisc.edu/personnel/carpenter/
Water quality computer simulation modeling, statistical stress-response models	Ken Reckhow, Professor Emeritus, Duke University	http://fds.duke.edu/db/Nicholas/esp/faculty/reckhow
	Dominic DiToro, Professor, University of Delaware	http://www.ce.udel.edu/faculty/ditoro/
	Victor Bierman, LimnoTech Inc.	http://www.limno.com/ourpeople.html#ad
	Don Scavia, Professor, University of Michigan	http://graham.umich.edu/scavia/

Development of Nutrient Water Quality Objectives and Implementation of Nutrient Management Measures	Richard Batiuk, Assistant Director, Chesapeake Bay Program	Institution: http://www.epa.gov/chesapeakebaytmdl/ Short bio: http://www.ci.uri.edu/Projects/mon_ind/Presentations/BatiukShortbio.htm
	Holly Greening, Executive Director, Tampa Bay Estuary Program	Institution http://www.tbep.org/
	Paul Stacey, Connecticut Department of Environmental Protection	See biosketch (appendix 1)
	Ephraim King, Former Director of EPA OST	See biosketch (appendix 1)

DRAFT

Paul Stacey, Connecticut Department of Environmental Protection

Paul E. Stacey is Supervising Environmental Analyst with the Connecticut Department of Environmental Protection's Bureau of Water Management (since 1985). He oversees agency participation in the Long Island Sound Study (LISS) and Long Island Sound (LIS) management programs and the state's nonpoint Source Program. Previously he spent eight years at the Academy of Natural Sciences Applied Ecology Program. Mr. Stacey received a B.A. in Psychology from the College of the Holy Cross, Worcester, MA (1972), a B.S. in Wildlife and Fisheries from Utah State University (1974), and an M.S. in Fisheries Biology from Colorado State University (1977).

As a principal state water quality analyst and manager focusing on cultural eutrophication, Mr. Stacey is well versed in the study of reactive nitrogen sources; air, watershed and coastal nitrogen dynamics; environmental effects; and management. He has emphasized a multimedia approach in these endeavors, linking airshed and watershed sources into comprehensive analyses and management efforts. Having served on a number of EPA, NOAA and ASIWPCA workgroups to define and establish policy and criteria for nitrogen, most recently as an invited participant in an EPA effort to define critical loads of nitrogen and acidifying compounds, Mr. Stacey is expert in programs and policies related to nitrogen control in an integrated protocol. Connecticut has implemented the most extensive nitrogen-trading program in the country, essential to the success of a bi-state management plan (TMDL) for nitrogen, efforts in which Mr. Stacey has played prominent roles. He is responsible for formulating Connecticut's risk-based dissolved oxygen criteria, necessary to effective management of nitrogen enrichment in LIS. Further, his long-standing positions on the Scientific and Technical Advisory Committee for the LISS and as a technical reviewer for state and federal research funding programs have involved him in research programs that have improved nitrogen understanding and control.

He is a member of the Estuarine Research Federation and its Program Advisory Council for ERF 2007; the Water Environment Federation; and the New England Estuarine Research Society. Mr. Stacey has been honored with distinguished service awards from CTDEP and the Governor, and was a lecturer in the Curtis and Edith Munson Distinguished Lecturer Series at Yale University. He sits on the New England Governors and Eastern Canadian Premiers Acid Rain Steering Committee and the Interstate Environmental Commission. He regularly presents at professional conferences on nitrogen management and the LIS ecosystem and has produced technical publications on trading, monitoring and atmospheric deposition of nitrogen including co-editorship of a Coastal and Estuarine Studies volume for the AGU. In the last five years Mr. Stacey has served on over a dozen advisory committees including projects for the Water Environment Research Foundation, the Hubbard Brook Research Foundation, and the Institute of Marine Sciences in Lisbon on projects related to nitrogen dynamics and management, setting

feasible management goals and defining effective management tools. Mr. Stacey is responsible for extensive monitoring programs for the LISS and the National Coastal Assessment. He has been awarded special funding for projects to develop a nutrient watershed model in Connecticut (completed), to establish nitrogen criteria for the protection of eelgrass beds (current), and to assess Connecticut's nitrogen trading program and evaluate its potential for expansion (completed).

DRAFT

Ephraim King, Former Director, US EPA Office of Science and Technology

Ephraim King is a national expert on the development of public policy and regulatory requirements under the Clean Water and Safe Drinking Water Acts. He has over 32 years experience with the U.S. Environmental Protection Agency in working with scientists, state leaders, and stakeholders across the country in applying peer-reviewed research, cutting edge technology, quantitative assessment, economic analysis, and national environmental data to support state and national water program implementation.

As the Director of the Office of Science and Technology (2005-2011) Mr. King led the development of water quality policy, technical guidance, science-based water quality criteria, best management practices, technology-based effluent guidelines, and drinking water public health criteria. Prior to OST, he was a Division Director and Branch Chief in the Office of Ground Water and Drinking Water (years?) and Chief of the National Pollutant Discharge Elimination System (NPDES) State Programs Branch (1987 to 1996). He also served in the Administrator's office and General Counsel's office (1979 to 1986). In 2011 he retired from US EPA.

Mr. King holds a B.A. degree from Harvard University and a J.D. from the University of Maine School of Law. He now provides policy and program implementation advice in the areas of regulatory and non-regulatory tools, water quality, fracking, and nutrients.



CALIFORNIA ASSOCIATION of SANITATION AGENCIES

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June 17, 2014

TO: CASA Nutrient Workgroup

FROM: Bobbi Larson

SUBJECT: Summary of Initial Nutrient Stakeholder Meeting and Next Steps

On Friday, June 13, 2014, the State Water Resources Control Board convened the initial stakeholder meeting for its nutrient policy development. Approximately 30 stakeholders from wastewater, water supply, stormwater, agriculture, forestry, NGOs and state and federal resource agencies participated.

Overview Presentations

Rik Rassmussen provided an overview of the draft workplan. All of the presentations from the meeting are available at the following link:

http://www.waterboards.ca.gov/plans_policies/nutrients.shtml

In his overview, Rik noted that developing a nutrient policy requires a different approach from the typical regulatory paradigm of setting a number and then establishing permit limits and TMDLs to achieve that number. Martha Sutula from SCCWRP provided an overview of the technical workplan. She noted that the presentation was simply to orient the stakeholders to the science and that stakeholders will have an opportunity to review and comment on the technical workplan later this summer. SCCWRP is developing default numeric targets for biological indicators, which she stressed are the “starting point” for policy discussions rather than the end point. Martha also indicated that an important USEPA document that SCCWRP has been working on will be released in the next month or two. She stated that review of that document with the stakeholder advisory group will be an important first step in the policy development effort.

A webinar is scheduled for July 7, 2014 from 9:30 a.m. to 12:30 p.m. to provide the same information to interested persons who were unable to attend Friday’s session.

Science Advisory Panel

Martha reviewed the proposed panel categories and candidates. She indicated that the panel will be limited to 4 members due to funding constraints. Martha and Rik stated that adding members to the panel (to match the typical composition the SWRCB has used in other similar processes) would require external funding. There was a lot of discussion regarding the

fourth category, development of criteria and implementation, and a general consensus that this is more of a regulatory than technical focus. Martha suggested, and some stakeholders favored, modifying this to a “nutrient management” expertise and to seek someone with an understanding of the feasibility/efficacy of nutrient control and management measures across sectors (POTW, ag, etc.) Others felt that the science panel should be limited to more core science and not address implementation. There was significant concern expressed about the lack of any experts with understanding of waterbodies in the arid west. As noted below, stakeholders have an opportunity to weigh in on the candidates and categories for the panel.

Stakeholder Group Formation

Facilitator Brock Bernstein stated that the role of the Stakeholder Advisory Group is to address both scientific and implementation aspects of the Nutrient Policy. Each of the constituencies (POTW, stormwater, agriculture, NGOs, land managers, water agencies, etc.) will identify a representative and alternate, who will assume the responsibility of communicating information back and forth with their constituency. Meetings will be open to all and there will be equal participation; the official representatives will not have any different “rights” to speak or to provide input.

Schedule:

Task	Responsible Party	Due Date
Each constituency provide names of Rep and Alt (to Brock)	Stakeholders	ASAP—TBD on conference call
Provide recommendations for additional candidates for Science Panel (to Martha)	Stakeholders	June 25
Distribute Revised List of Science Panel candidates to Stakeholders	Martha Sutula	June 30
Stakeholder Webinar (repeat of 6/13 agenda)	SWRCB Staff	July 7
Provide rankings of Science Panel candidates and identify unacceptable candidates (to Martha)	Stakeholders	July 18
Provide Comments on Draft Workplan (to Brock)	Stakeholders	July 18
Schedule Next SAG meeting	Brock	Late August/September

CASA Nutrient Workgroup Next Steps:

We will convene a conference call in the next couple of weeks to discuss the following:

- Agree upon POTW representative and alternate to stakeholder group.
- Develop comments on SWRCB workplan. To facilitate the comment process, CASA staff will work with LWA to prepare a markup of the workplan, which we will distribute for further review and comment by June 23. Once you receive the redline version of the workplan, please provide your edits/ markups to Adam Link, alink@casaweb.org, by June 30, 2014. We will compile the comments and prepare a proposed revised draft for review by the workgroup.
- Provide rankings of science panel candidates.
- Discuss convening a presentation on the CASA alternative via webinar with other interested regulated community stakeholders (ag, stormwater, industry) in order to develop additional support.

Suggestions for additional science panel members are due June 25, which may be before our next conference call, **so please provide any suggestions you may have for expert scientists to Adam no later than Tuesday 6/24**. Note that these should be scientists who are not engaged in significant current research in California.

San Francisco Bay Regional Water Quality Control Board

**San Francisco Bay Nutrient Management Strategy
Steering Committee
Meeting 2, June 25, 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	X, Water Board David Ceppos, Facilitator	10:00 a.m.
2	Administrative Business - Final Charter - Steering Committee Member Updates - Meeting 1 Action Items	X, Water Board or David Ceppos, Facilitator	10:15 a.m.
3	NMS Status Report - Project Status - Funding Status	David Senn, SFEI or NMS Science Program Manager	11:00 a.m.
Lunch			11:45 p.m.
4	NMS Assessment Framework	Martha Sutula, SCCWRP	12:30
4	Science Program – 2014/2015 Studies - X ? - Priorities -	David Senn, SFEI or NMS Science Program Manager	1:00 p.m.
5	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.**

DR. TERRY F. YOUNG, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

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