



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'Rourke 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.