



MINUTES

Executive Board Meeting

Thursday, April 22, 2010
9:00 a.m. – 12:00 p.m.

EBMUD Plant Lab Library
2020 Wake Ave., Oakland, CA

ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Dave Tucker, Chair (City of San Jose); Natalie Sierra, Vice-Chair (San Francisco Public Utilities Commission); Jim Kelly (Central Contra Costa Sanitary District); Mike Connor (East Bay Dischargers Association); Ben Horenstein (East Bay Municipal Utility District).

Other Attendees: Dave Williams (East Bay Municipal Utility District); Brian Campbell (East Bay Municipal Utility District); Kirsten Struve (City of San Jose); Tom Hall (Eisenberg Olivieri Associates); Denise Conners (Larry Walker Associates); Patricia McGovern (Patricia McGovern Engineers); Amy Chastain (BACWA); Alexandra Gunnell (BACWA) .

PUBLIC COMMENT

There were no public comments.

REPORTS

Committee reports, agenda item 1, were included in the meeting handout packet and Committee Chairs were given the opportunity to provide further clarification, as requested by meeting attendees.

- The Collection System committee report was included in the meeting handout packet and the following items were discussed:
 - Changes to the Sanitary Sewer Overflow Waste Discharge Requirement (SSO-WDR) may be released by the State Water Resources Control Board (SWRCB) this summer.
 - The “Flush Green” flyer included with the committee report can be customized for member agencies. It will be uploaded to the BACWA website.
- Discussion topics at the April Permits Committee meeting included reasonable potential analyses (RPA) and mixing zone studies. The committee may request board approval to fund a workshop on conducting RPA and/or mixing zone studies at the May Executive Board meeting. Bacteria and dilution will be added to the agenda for the next meeting of the San Francisco Regional Water Quality Control Board (RWQCB) and BACWA board.

For **agenda item 2**, it was noted that the **Proposition 50 Grant Disbursements Status Report** remains unchanged from last month. All program participants (LPs) have paid their share to fund administrative costs. Under current project timelines administrative funds are sufficient and if administrative costs exceed \$250K, then LPSs would be obligated to cover any additional costs. In the future BACWA may want to increase the indirect cost recovery rate. The proposal for supplemental funding **under agenda item 8** includes administrative costs.

The ED referred to the **Executive Director Report** included in the meeting handout packet for

agenda item 3, and highlighted the following items:

- The ED will survey the BACWA Board and RWQCB to schedule a May or June meeting in Orinda.
- A DRAFT issue summary on risk reduction was distributed at the meeting. An electronic version will be circulated and feedback should be sent to the ED. The ED will update the Board after meeting with ASC and CDPH to draft a contract and identify the next steps.
- CH2M Hill, Bhupinder Dhaliwal, and the ED plan to attend the next selenium advisory committee meeting on April 28, 2010. CH2M Hill will prepare a summary memo for distribution to the BACWA Board. The ED will investigate whether previous comments from BACWA were accepted by the RWQCB and SWRCB and will work with Bhupinder and Mike Connor to determine whether new comments should be submitted. The ED will provide a summary of the proposed 303(d) list changes to the BACWA Board.
- The EPA has approved the PCB TMDL.
- Contracts for FY 10-11 will be included on the May and June meeting agendas for BACWA Board approval.
- The ED will schedule a closed session pursuant to Section 54956.9(b) for the Executive Board to hold a conference with Legal Counsel to discuss potential litigation.

Under **agenda item 4, Executive Board Reports**, Executive Board members shared the following items of interest:

- E-mail update regarding the RWQCB Meeting in April from the ED was appreciated by the Executive Board.
- Concern was raised about pending legislation AB 1987 (Hernandez) and its potential impacts on retirement benefits and compensation policies for public agencies.
- Arleen Navarret and the ED will be attending the shellfish workshop on May 3, 2010.
- Effective immediately, Ben Horenstein will be the designated representative from EBMUD to the BACWA Executive Board.
- Mike Connor attended the RMP Steering Committee Meeting in April during which the following items were discussed:
 - funding and focus planning for the next five years;
 - SQO strategy and how data affects listings;
 - inputs and impacts of nutrients (ammonia and phytoplankton);
 - new bacterial indicators;
 - RMP fees will remain the same this year but may increase by 2% per annum in the following years.
- A summary of proposed talking points to be submitted by EBMUD to support congressional testimony for the San Francisco Bay Improvement Act of 2010 was distributed. Feedback should be sent to Ben Horenstein. David Lewis of Save the Bay and Marc Holmes of Bay Institute are also working to support this bill initiated by Congresswoman Jackie Speier.
- NACWA dues will not increase next year.

CONSENT CALENDAR

5. Approval of March 2010 Treasurer's Report.
6. Approval of Minutes from March 25, 2010 BACWA Executive Board Meeting.
7. Chair Authorized Actions (None).

Jim Kelly moved to approve all items on the consent calendar. Ben Horenstein seconded. The motion carried unanimously.

BOARD ACTION ITEMS

The Executive Board took action on the following agenda items:

*Under **agenda item 8, the motion to authorize the Executive Director to submit a \$3.7 million Grant Proposal to DWR for up to six Bay Area Integrated Regional Water Management (IRWM) Plan projects (File 12,144)** was moved by Jim Kelly. Mike Connor seconded. The motion carried unanimously.*

The revised IRWM Plan will be submitted to the BACWA Executive Board for review in May.

***Agenda item 9, Amendment 2 to the Carollo Engineers Stormwater Diversion White Paper agreement, File 11,739,** was approved in a motion made by Jim Kelly and seconded by Natalie Sierra. The motion carried unanimously.*

New tasks to be funded by Amendment 2 are outlined in the accompanying scope.

BOARD DISCUSSION ITEMS

The Board discussed the following items:

The ED introduced the **FY 10-11 BACWA and CBC DRAFT Budgets & Workplans under agenda item 10** and will set up individual meetings with Board members as necessary to discuss questions and concerns as needed.

Greg Baatrup will contact ED with questions regarding the proposed Biosolids budget for FY 10-11.

The ED will schedule a meeting with representatives from the Principal agencies to discuss the proposed **BACWA Energy Workgroup, agenda item 11**, and review consultant proposals.

Board members will notify the ED of any updates to the **Succession Plan, agenda item 12**, and will submit designation letters from their agencies to the Assistant Executive Director (AED) by May 15, 2010. The ED will investigate the Aquatic Science Center (ASC) Board of Directors JPA requirements and BACWA will provide names of representatives and alternates to the ASC. It was noted that individuals from BACWA member agencies may be interested in upcoming vacancies on the San Francisco Estuary Institute Board of Directors. The ED will work with the current BACWA Chair and Vice Chair to include nominations for the BACWA FY 10-11 Chair and Vice Chair on the May 27, 2010 Executive Board meeting agenda.

REVIEW ACTION ITEMS

Action items from the meeting will be distributed to meeting attendees with the DRAFT meeting minutes.

NEXT REGULAR MEETING

The next regular meeting is scheduled for May 27, 2010, 9:00 to 12:00 at the EBMUD Plant Lab Library in Oakland.

ADJOURNMENT

The meeting adjourned at 12:00 p.m.