

**BACWA EXECUTIVE BOARD MEETING**  
**Thursday, May 27, 2010, 9:00 a.m. – 12:00 p.m.**

**HANDOUTS**

Handout Packet is available on the BACWA website ([www.BACWA.org](http://www.BACWA.org)).

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42 – 50	Board Action Request – Approve FY 2010-11 Consultant Contracts to Implement BACWA and Special Programs FY 2010-11 Budgets and Workplan	12 – 16
51 – 53	Summary Review of SF Bay Selenium TMDL Technical Work Products, Memo from CH2M Hill, May 6, 2010	17

# **AGENDA**

## **Executive Board Meeting**

Thursday, May 27, 2010  
9:00 a.m. – 12:00 p.m.

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

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### **ROLL CALL AND INTRODUCTIONS (9:00 a.m. – 9:05 a.m.)**

### **PUBLIC COMMENT (9:05 a.m. – 9:10 a.m.)**

### **CLOSED SESSION (9:10 a.m. – 9:45 a.m.)**

The Board will meet in Closed Session to discuss personnel matters pursuant to California Government Code section 54957.

### **REPORT OUT FROM CLOSED SESSION (9:45 a.m. – 9:50 a.m.)**

### **REPORTS (9:50 a.m. – 10:30 a.m.)**

1. Committee Reports Question and Answers.
2. Proposition 50 Grant Disbursements Status Report.
3. Executive Director Report.
4. Executive Board Reports.

### **CONSENT CALENDAR (10:30 a.m. – 10:40 a.m.)**

5. Approval of April 2010 Treasurer's Report.
6. Approval of Minutes from April 22, 2010 BACWA Executive Board Meeting.
7. Chair Authorized Actions
  - a. BAPPG Eco Metro Guide Advertising

### **BOARD ACTION ITEMS (10:40 a.m. – 11:20 a.m.)**

8. Integrated Watershed Management Plan Update; File 12,168
9. BACWA and Special Programs FY 2010-11 Budgets and Workplan; File 12,167
10. Executive Board Chair and Vice Chair Nominations for FY 2010-11; File 12,169
11. CH2M Hill AIR Amendment 1; \$5,000 increase for FY 2009-10; File 11,819
12. Oakley Water Strategies Committee and As-Needed Support Contract for FY 2010-11; File 12,162
13. Larry Walker & Associates Technical and As-Needed Support Contract for FY2010-11; File 12,163

14. EOA, Inc. As-Needed Technical Support Contract for FY 2010-11; File 12,164
15. Day Carter Murphy General Legal Counsel Contract for FY 2010-11; File 12,165
16. Downey Brand Legal Counsel Contract for FY 2010-11; File 12,166

**BOARD DISCUSSION ITEMS (11:20 a.m. – 11:55 a.m.)**

17. Selenium TMDL Update
18. Energy Workgroup Update
19. CalRecycle Proposed Rule

**REVIEW ACTION ITEMS (11:55 a.m. – 12:00 p.m.)**

**NEXT REGULAR MEETING**

The next regular meeting is scheduled for June 24, 2010, 9:00 to 12:00 at the EBMUD Plant Lab Library in Oakland.

**ADJOURNMENT (12:00 p.m.)**

*Handout Packet will be available by noon on May 26, 2010 on the BACWA website ([www.BACWA.org](http://www.BACWA.org)).*

# **BAPPG Committee Report to BACWA Board**

Meeting Date: May 27, 2010  
Prepared By: Jen Jackson, EBMUD  
BAPPG Committee Chair

## **Project Updates**

<b>Project</b>	<b>Update</b>	<b>Completion Date</b>
FOG Inspector Training & AGRD Fact Sheets	Seventy participants attended this very successful all-day training conducted by consultant John Shaffer of EEC. The consultant noted that active participation from the audience was the best he had experienced from any previous FOG training. Three fact sheets were developed for this training and cover gravity and hydromechanical interceptors, and grease removal devices. They are available for all agencies to use and are attached. [Project Leads: Training - Sarah Scheidt, City of Sunnyvale; Fact Sheets - Karen Hurst, SFPUC]	March 30, 2010
Mercury	The Mercury Training and Outreach project for dental hygienist and assistant schools has been very successful this year. Fourteen presentations were conducted throughout the Bay Area by consultant Stephanie Hughes. Presentations focused primarily on mercury, but also touched on other pollutants that may come from the medical industry, including Triclosan and pharmaceuticals. The schools are already approaching us for presentations again in the coming fiscal year.	May 2010
Copper	The Copper Outreach to Bay Area Plumbing project faced some challenges this year. Due to the economy, most plumbing unions did not offer first-year apprenticeship programs, reducing opportunities for BAPPG to present to new students (most students in the second and third year of these programs have already had our presentation). Our consultant, Stephanie Hughes, re-tooled and initiated outreach to Bay Area building inspectors, the state building inspector association and recently to a Bay Area community college green building program. This new outreach is planned to continue to in the coming year.	May 2010
Cyanide	BAPPG project champions are pooling existing cyanide information to create a one-hour training/presentation and fact sheet for inspectors and program staff. Content will include sources and potential source control measures for cyanide, treatment methods, discharge requirements, Cyanide Action Plans and emergency response. [Project Leads: Fact Sheet – Sarah Scheidt, City of Sunnyvale; Training/Presentation – Mike Dunning, Union San & Norm Domingo, SBSA]	June 2, 2010
EcoMetro Guide Ads	BAPPG will place two ads in the South Bay and East Bay EcoMetro Guide. Ads will be created from previous artwork from the No Drugs Down the Drain campaign, directing residents to BayWise.org for disposal information. EcoMetro Guides are coupon books that are in circulation for one year for “green” services and products. Artwork will be submitted this summer for publication in the fall.	Fall 2010

## **Next BAPPG Meeting**

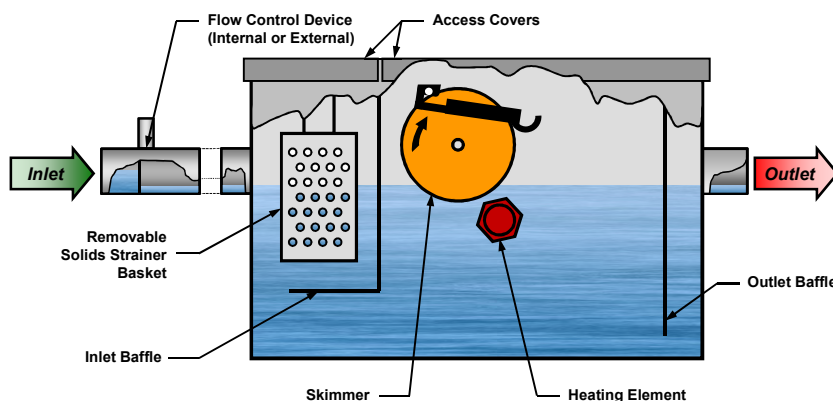
June 2, 2010, 10am – 12pm, 1515 Clay Street, Oakland, CA, Second Floor, Room 11

## **Attachments**

FOG Training Fact Sheets (GRDs, Hydromechanical Grease Interceptors, Gravity Grease Interceptors)

## Grease Removal Device (GRD) Fact Sheet

Grease Removal Devices (GRDs) are a type of hydromechanical grease interceptor (HGI) that treats kitchen wastewater from food service establishments (FSEs) and are equipped with automatic grease removal features. They are typically installed indoors and connected to one to four sinks in the kitchen. They accumulate fats, oil and grease (FOG) in a relatively small separator tank. The accumulated FOG is automatically removed from the GRD and transferred to a separate FOG waste container reducing the need for cleaning (see the figure below).



**Grease Removal Device**  
Skimmer Style Shown. Other Style Units are Available  
Indoor, Above Ground (Typical)  
15-60 Gallons (Typical), 20-50 GPM (Typical)

### Design and Sizing

GRDs are typically made of corrosion resistant materials and are equipped with baffles, screens, and external waste containers to the removed FOG waste. Some are equipped with heaters, skimmers, pumps or hydrostatic pressure chambers to assist in removal of the FOG. They are sized according to the same Uniform Plumbing Code (UPC) sizing methods that are used for (Chapter 10, Table 10-2). Flow control devices must be installed internal or external of GRDs to control the wastewater flow to the certified flow rate of the GRD.



store  
the  
HGIs  
match

### Certification and Approval

GRDs are tested and certified to ASME A112.14.3 and ASME A112.14.4 standards at the GRD's specified maximum flow rate. Sewering agencies often require that GRDs be certified to these standards before they can be approved for use in their service area. Plan check approvals should make sure that one or more GRDs are connected to all the significant grease waste drains (e.g., pot sink, pre-rinse sink, wok station).

### Proper Maintenance

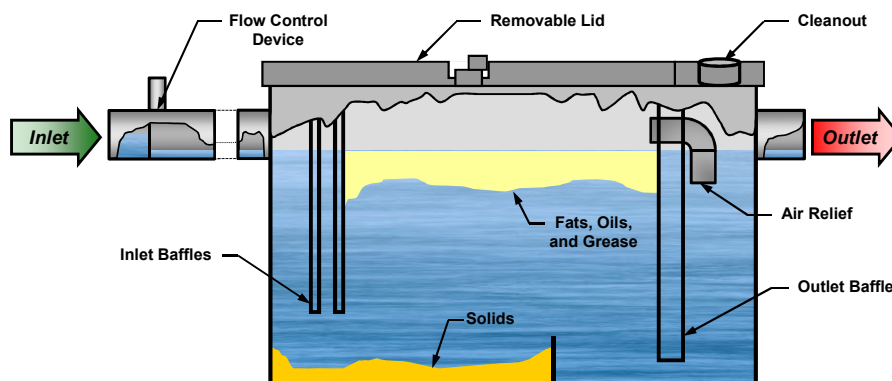
GRDs should be maintained through daily emptying of the solids basket into the trash and emptying the FOG waste container into a larger FOG waste container for proper disposal or recycling. Because many GRDs have heaters and skimmers and other critical mechanical equipment, these must be maintained by the FSE and cleaned or replaced, as needed.

### Inspections

Agency inspections should focus on making sure that the GRDs are in proper working order and are being maintained frequently enough to prevent an over-accumulation of FOG and solids. Inspectors will typically notify the FSE if the GRD needs more frequent cleaning or maintenance. FSEs are often required to maintain logs to show the inspector that the proper maintenance is being performed.

## Hydromechanical Grease Interceptor (HGI) Fact Sheet

Hydromechanical grease interceptors (HGIs) (formerly named grease traps) treat kitchen wastewater from food service establishments (FSEs) using gravity separation aided by vented flow control. They are typically installed indoors and connected to one to four sinks in the kitchen. They accumulate fats, oil and grease (FOG) and solids over time in a relatively small separator tank allowing the treated wastewater to discharge to the sanitary sewer (see the figure below).



**Hydromechanical Grease Interceptor**  
**Indoor, Above Ground (Typical)**  
**15-60 Gallons, 20-50 GPM (Typical)**  
**40-100 Pounds of FOG Storage (Typical)**

### Design and Sizing

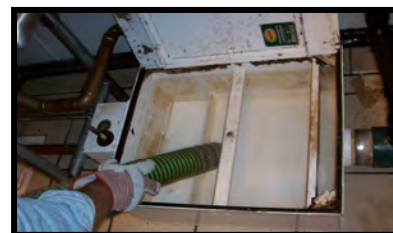
HGIs are made of steel, fiberglass or polyethylene, typically consisting of a single compartment with baffles, and sized according to the Uniform Plumbing Code (UPC). Chapter 10, Table 10-2 of the 2006 UPC and the 2009 UPC provide two different sizing methods for HGIs. Regardless of the sizing method, HGIs are sized based on flow rate and the pounds of FOG that they can store. Typically, they treat 20-50 gallons per minute (GPM), store 40-100 pounds of FOG, and are 15-60 gallons in volume. Vented flow control devices must be installed upstream of HGIs to control the wastewater flow to match the certified flow rate of the HGI. If this flow control device is not installed, the HGI may not perform properly when the flow exceeds the certified flow rate.

### Certification and Approval

HGIs are tested and certified to ASME A112.14.3 or PDI-G101 standards at the HGI's specified maximum flow rate. Sewering agencies often require that HGIs be certified to these standards before they can be approved for use in their service area. Plan check approvals should make sure that one or more HGIs are connected to all the significant grease waste drains (e.g., pot sink, pre-rinse sink, wok station).

### Proper Maintenance

HGIs should be cleaned before the floating FOG and settled solids accumulation exceeds 25% of the HGI's overall capacity. In order to prevent this, daily to weekly cleaning of the HGI by kitchen staff or pumping contractors may be required to ensure proper operation. If performed by kitchen staff, solids and FOG should be dewatered (e.g., mixed with kitty litter) and discarded in the trash.

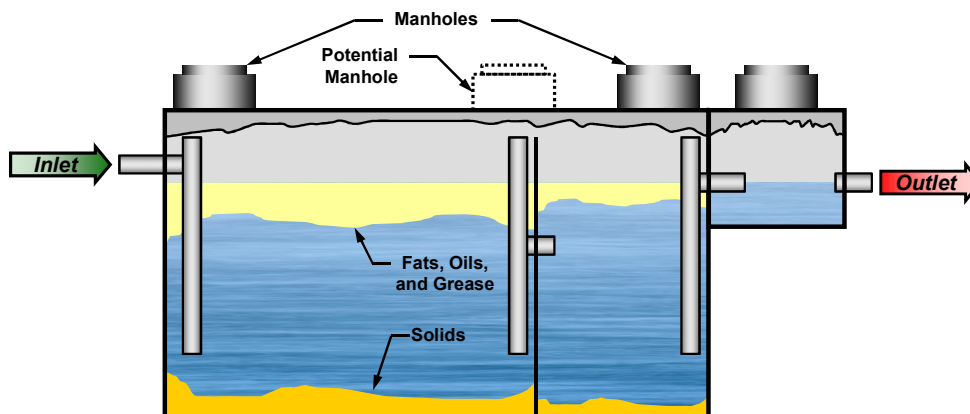


### Inspections

Agency inspections should focus on making sure that the HGIs are in proper working order and are being cleaned frequently enough to prevent an over-accumulation of FOG and solids. Inspectors will typically notify the FSE if the HGI needs more frequent cleaning or maintenance. FSEs are often required to save pumper receipts or maintain logs to show the inspector that the proper maintenance is being performed.

## Gravity Grease Interceptor (GGI) Fact Sheet

Gravity grease interceptors (GGIs) treat kitchen wastewater from food service establishments (FSEs) using gravity separation. They accumulate fats, oil and grease (FOG) and solids over time allowing the treated wastewater to discharge to the sanitary sewer (see the figure below).



Gravity Grease Interceptor  
Outdoor, In-ground  
500 – 1,500 Gallons (Typical)

### Design and Sizing

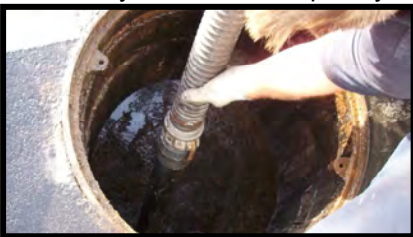
GGIs are made of precast concrete, steel, fiberglass or PVC and are sized according to the Uniform Plumbing Code (UPC). Chapter 10, Table 10-3 of the 2006 and 2009 UPC sizes GGIs based on the number of drainage fixture units (DFUs) connected to the interceptor. Typically, GGIs are 500 - 1,500 gallons in volume, depending upon the number of kitchen drains connected.

### Certification and Approval

The International Association of Plumbing and Mechanical Officials (IAPMO) provides certifications for a wide variety of GGI products and sizes. Agencies often require that GGIs be certified by IAPMO before they can be approved for use in their service area.

### Proper Maintenance and The 25% Rule

Many California sewerage agencies require that GGIs be cleaned (pumped) out completely at a mandatory minimum frequency of once every 90 days to prevent the over-accumulation of floating FOG and settled solids. A complete pump-out means that all of the contents of the interceptor must be pumped out and no liquids can be returned to the interceptor unless specific permission has been granted in writing by the sewerage agency for this practice. Some GGIs may need to be pumped out more frequently than once every 90 days if the floating FOG and settled solids accumulation exceeds 25% of the overall capacity of the interceptor prior to the 90 day period (i.e., the 25% Rule).



### Inspections

Agency inspections should focus on making sure that the GGI is working properly and that the internal plumbing and baffle walls are intact. If an inspector determines that the floating FOG and settled solids accumulation is excessive in the GGI, they will typically notify the FSE that the GGI must be pumped more often. FSEs are often required to save pumper receipts or maintain logs to show the inspector that the proper maintenance is being conducted.



# Collection System Committee Report to BACWA Board

May 21, 2010

From: Rich Cunningham, Committee Chair

Prepared By: Monica Oakley

Committee Request for Board Action:

None.

## Highlights of New Items Discussed and Action Items

### Comparing Actual Storm Events to Design Storms

The BACWA Collection Systems Committee at its May meeting discussed a method which can be, and has been, used to compare actual storm events with design storms. Regulatory activity in Region 2 prompted the discussion. There is still a question as to whether sanitary sewer overflows (SSOs) which have occurred for a storm event less frequent than the design storm would be subject to enforcement action. Discussion at the committee meeting included whether it would be appropriate for BACWA to fund the development of updated Intensity-Duration-Frequency curves for the Bay Area, which are used in this type of analysis. (The existing IDF curves, if they exist, are decades old.) The committee is looking into this.

### CIWQS Certifications

The committee discussed a case study in which the CIWQS database “lost” a certification for a sanitary sewer overflow, and an enforcement agency subsequently questioned whether a particular SSO had in fact been. Since the agency had printed out the original certification, it was able to prove that it was in compliance. Moral of the story: Always print out your CIWQS certifications.

### USEPA Activity on SSO Policy

USEPA has indicated it is considering combining the draft SSO “CMOM” regulation from 2000, and the draft blending policy from 2006, into one wet weather policy, and that some activity may occur this summer.

### Flushable Wipes

The BACWA Collection Systems Committee is following various developments for flushable wipes but there was no new information this month.

### USA Marking of Sewer Laterals

The Common Ground Alliance will meet and discuss the marking of sewer laterals on May 25<sup>th</sup> at PG&E in Walnut Creek. BACWA Collection Systems Committee members are planning to attend. Andy Morrison of Union Sanitary District has been active in following the CGA developments.

### Changes to SSO WDR

State Water Board indicated recently that they expect to issue a proposed, revised SSO WDR by the end of the summer.

**Next BACWA Collection Systems Committee Meeting:** Thursday, June 3, 2010, 1:30-3 PM, at the Boy Scouts Facility in San Leandro.



Permits Committee –  
Report to BACWA Board

Reporting Date: 05/18/2010  
Executive Board Meeting Date: 05/27/2010  
Prepared By: Jim Ervin

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

**Upcoming Permits –**

May - Town of Yountville, Novato Sanitary District  
June - Tesero Refining & Marketing Co.  
July - Union Sanitary District, Calistoga, City of

**General Permitting Issues:** The Novato permit was uncontested, and adopted on 12 May. The earlier issues about bacteria and ammonia limits were resolved. The draft Novato permit allows a 10:1 dilution for fecal coliform effluent limits, to protect Shellfish Harvesting (SHELL) beneficial use. A SIP analysis was used as justification. This is the first POTW permit in the Bay Area to receive dilution for bacteria limits.

**Basin Planning: Water Bodies & Beneficial Uses:** Comments were due on April 12th. Amy Chastain attended the Regional Water Board hearing on 12 May. Only one entity made verbal comments (Contra Costa Water District). POTW Permit holders were reminded to check the beneficial uses listed for their respective receiving water bodies in their NPDES permit. For information: Regional Water Board considers 4 beneficial uses to be presumptive in order to meet the goal of “fishable and swimmable”: WILD, REC1, REC2, and WARM or COLD as indicated.

**303(d) List Proposed for 2010:** Comments are due May 28<sup>th</sup>. The proposed list will delete three water body/pollutant designations for nickel in SF Bay and the Delta. The list will add 41 designations: trash for SF Bay and various other designations for Bay area creeks. None of these listings are expected to impact POTWs.

**Basin Planning: Enterococcus WQO:** The Regional Water Board hearing was held on April 14<sup>th</sup>. The single sample maximum of 104 MPN for enterococcus was adopted for the Bay as a Basin Plan objective – essentially treating all waters in SF Bay as a beach designation, to the extent a maximum limit is placed in a permit.

**State Board Shellfish Beneficial Uses Project:** State Board held a meeting on 3 May. State is proposing to add a fecal limit of 14 MPN as part of the State Plan for a SHELL designation that applies to coastal waters. The State Board is not expected to complete this work until 2013 at earliest. So far, this work concerns the Ocean Plan, not enclosed bays and estuaries. The good: the plan defines SHELL as pertaining to bivalves such as clams, mussels, and scallops. It does not include shrimp, crabs, and urchins. The bad: The State Water Board is proposing to use the 14 MPN to protect public health in areas where shell fishing either does not exist or is prohibited. The SHELL beneficial use has been in the SF Bay Basin Plan since 1975, but has never been fully implemented. Deep water dischargers are not expected to be badly affected because either dilution may be granted if SHELL exists, or SHELL may be interpreted to not apply in water depths greater than 30 feet.

The Problem: Regional Water Board appears to be implementing the State Board plan even though they said they would not address the SHELL designation until the State Board finishes its work. All permits renewed after EBDA received bacteria limits to address both SHELL and REC1, and the approach is still evolving.

Next Step: Amy will discuss this with Naomi and Richard. BACWA agencies are not happy with the fecal limits. We may need to frame the bacteria limit issue for Water Board staff and develop a strategy. This might call for a BACWA special workshop to discuss.

**BACWA Permits Training – RPA and Dilution:**

BACWA Permits committee members were queried last month if they desired training on RPA and dilution studies to support permit renewal planning. Agencies responded that at least 35 people would like to attend. The last similar BACWA training focused on RPA studies in 2006. New RPA training could add discussion of SIP guidance regarding data quality and data review. There is also greater interest in training on dilution studies. The focus would be to inform BACWA members about the general nature of acceptable dilution studies: CORMIX and Visual Plume models, for example. This training will most likely be conducted in September, if approved.

Next Step: Jim will provide a proposal for this training to Amy to present to BACWA Exec Board.

**Next BACWA Permits Committee Meeting**

Tuesday, June 8, 2010, from 1:00 PM to 3:00 PM at EBMUD Wastewater Treatment Plant Library. .

Grant Disbursement Summary to Date (May, 2010)											
Bay Area Integrated Regional Water Management (IRWM) Prop 50 Grant											
Agr. No.	Implementing Agency	Project Title	DWR Proj. No.	Max. State Grant Funds by Project	Grant Funds Invoiced to date	Paid by DWR to date	DWR Retention	Admin <sup>2</sup> Funds Rec'd by BACWA	Funds paid out to date	Payable as of this date	Total Paid and Payable
1	Contra Costa Water District	Regional Intertie (VFDs)	1	500,000.00	207,852.59	0.00	0.00		0.00	0.00	0.00
		BACWA Admin	16	15,625.00	6,621.24	3,683.13	(409.24)	8,683.13			
2	East Bay Municipal Utility District	Reg. Conservation Outreach	2	250,000.00	250,000.00	225,000.00	(25,000.00)		225,000.00	11,049.39	236,049.39
		California WaterStar Initiative -	3	525,000.00	0.00	0.00	0.00				
		New Business Guidebook Pilot	4	75,000.00	0.00	0.00	0.00				
		Richmond Adv Recycling	8	2,127,600.00	1,831,681.03	0.00	0.00				
		BACWA Admin	16	46,875.00	19,863.71	11,049.39	(1,227.71)	46,875.00			
3	City of Redwood City	Redwood City Recycled WP	5	972,800.00	972,800.00	875,520.00	(97,280.00)		879,203.13	0.00	879,203.13
		BACWA Admin	16	15,625.00	6,621.24	3,683.13	(409.24)	15,625.00			
4	City of Palo Alto	Mt.View-Moffett Recycl WP	6	972,800.00	972,800.00	972,800.00	0.00		965,858.13	0.00	965,858.13
		BACWA Admin	16	15,625.00	6,621.24	3,683.13	(409.24)	15,625.00			
5	Santa Clara Valley Water District (& San Jose)	Reg. Conservation Outreach	2	125,000.00	125,000.00	112,500.00	(12,500.00)		80,625.00	0.00	80,625.00
		South Bay Adv Recycl WTP	7	2,934,600.00	0.00	0.00	0.00				
		BACWA Admin <sup>3</sup>	16	31,875.00	4,863.71	0.00	0.00	31,875.00			
SJ	City of San Jose	BACWA Admin for SCVWD <sup>3</sup>	16	15,000.00	15,000.00	11,049.39	(1,227.71)	15,000.00	0.00	11,049.39	11,049.39
6	North Coast County WD (& SFPUC)	Pacifica Recycled Water Proj	9	744,400.00	0.00	0.00	0.00		0.00	0.00	0.00
		BACWA Admin <sup>3</sup>	16	10,625.00	1,621.24	0.00	0.00	10,625.00			
SF	S.F. Public Utilities Comm	Reg. Conservation Outreach	2	297,550.00	297,550.00	267,795.00	(29,755.00)		231,545.00	26,049.39	257,594.39
		BACWA Adm for Reg.Consrv	16	31,250.00	13,242.47	7,366.26	(818.47)	31,250.00			
		BACWA Admin for NCCWD <sup>3</sup>	16	5,000.00	5,000.00	3,683.13	(409.24)	5,000.00			
SOL	Solano Co. Water Agency	Reg. Conservation Outreach	2	50,000.00	50,000.00	45,000.00	(5,000.00)		45,000.00	0.00	45,000.00
7	North Marin Water District	North Marin Recycled Water	10	244,550.00	244,550.00	193,304.05	(21,478.23)		188,562.19	576.74	189,138.93
		BACWA Admin	16	9,375.00	3,972.74	2,209.88	(245.54)	9,375.00			
8	Zone 7 Water Agency	Reg. Conservation Outreach	2	60,000.00	60,000.00	54,000.00	(6,000.00)		720,000.00	3,683.13	723,683.13
		Mocho GW Demin Project	11	740,000.00	740,000.00	666,000.00	(74,000.00)				
		BACWA Admin	16	15,625.00	6,621.24	3,683.13	(409.24)	15,625.00			
9	Marin Municipal Water District	Reg. Conservation Outreach	2	200,000.00	200,000.00	180,000.00	(20,000.00)		173,625.00	2,209.88	175,834.88
		Direct Installation HET Prog	12	366,800.00	219,688.35	0.00	0.00				
		BACWA Admin	16	9,375.00	3,972.74	2,209.88	(245.54)	9,375.00			
10	Montara Water & Sanitary District	Groundwater Exploration Project	13	37,100.00	37,100.00	33,390.00	(3,710.00)		33,390.00	736.63	34,126.63
		BACWA Admin	16	3,125.00	1,324.25	736.63	(81.85)	3,125.00			
11	Alameda County Water District	Reg. Conservation Outreach	2	60,000.00	60,000.00	54,000.00	(6,000.00)		101,058.13	0.00	101,058.13
		Alameda Creek Phase 2 Fish	14	600,000.00	600,000.00	54,000.00	(6,000.00)				
		BACWA Admin	16	15,625.00	6,621.24	3,683.13	(409.24)	15,625.00			
12	Sonoma Valley County Sanit. Dist.	Sonoma-Napa Marsh RWP	15	366,800.00	0.00	0.00	0.00		0.00	2,209.88	2,209.88
		BACWA Admin	16	9,375.00	3,972.74	2,209.88	(245.54)	9,375.00			
Grand Total				12,500,000.00	6,974,961.73	3,792,239.13	(313,271.01)	243,058.13	3,643,866.58	57,564.42	3,701,431.00

Notes: 1. BACWA Administration Costs invoiced and paid to date:

105,939.76

65,477.86

3. Reimburse SFPUC and San Jose for Admin Costs until reimbursement = \$80k then pay SCVWD & NCCWD

2. Admin funds include \$152,250 in upfront funding plus grant chk deductions.

5/13/2010

## **DIRECTOR'S REPORT TO THE BOARD**

Prepared for the May 27, 2010 Executive Board Meeting  
April 20, 2010 – May 21, 2010

### **A. Executive Board & Administrative Matters**

- Financial Matters*      The Executive Director (ED) and Assistant Executive Director (AED) finalized the Fiscal Year 2010 – 2011 workplan and budget, to be approved by the BACWA Executive Board (EB) at the May 27, 2010 meeting. The ED and AED also prepared, based on information and guidance from outside counsel, new contracts for the coming Fiscal Year.
- Administrative*          The AED created and began using forms to implement BACWA's new chart of accounts.

### **B. Regulatory Affairs & Developments**

- Mercury Risk Reduction*      Based on communications with the San Francisco Bay Regional Water Quality Control Board (Water Board) it appears that no public comments were received on the risk reduction proposal submitted by BACWA and the Western States Petroleum Association (WSPA). BACWA is proceeding with the agreements necessary to implement this proposal, and is leading efforts to solicit support from other permittees who have not participated in the development of a risk reduction program. We hope to have a draft agreement ready to submit to the program partners by July.
- The Central Valley Water Quality Control Board adopted a Total Maximum Daily Load (TMDL) for methylmercury that requires implementation of a "risk exposure reduction strategy." The ED will track and, as appropriate, coordinate these efforts with the Central Valley Clean Water Association.
- Per direction from the BACWA Executive Board, the ED worked with the Coordinating Committee of the Integrated Regional Management Plan to prepare a proposal to receive supplemental Proposition 50 funding for the risk reduction project proposed to the Water Board. A concept proposal was submitted and a preliminary meeting with the Department of Water Resources was held this past week.
- PCB TMDL Implementation*      A conceptual proposal for implementing the PCBs TMDL has been developed based on the mercury watershed permit and other efforts to control PCBs around the country.

*Water Regulation*

- The next meeting between the BACWA Board and Water Board staff will be held the morning of **June 18, 2010** at EBMUD's facility in Orinda.
- The ED and the BACWA Vice-Chair attended a State Water Resources Control Board (State Board) scoping meeting on incorporating water quality objectives (WQO) to incorporate the Shellfish beneficial use into the Ocean Plan. It is expected that the approach for implementation adopted for the Ocean Plan may be adopted by Regional Boards in their Basin Plans. The State Board preliminarily proposes to incorporate WQOs for total and fecal coliform, and to distinguish between commercial (AQUAMAR) and recreation shellfishing (SHELL), with the latter incorporating a "reference approach" wherein the background coliform levels of an "unimpacted" site would be considered in determining compliance with WQOs. The State Board has been working with the Southern California Coastal Water Research Project on this approach. Initial data suggests that there will be challenges with this approach as the difference in WQO exceedances between the reference and non-reference sites was not significant.
- BACWA submitted comments on the Water Board's proposal to add waterbodies and beneficial uses to the Basin Plan and encouraged member agencies to review their permits to ensure that this amendment will not negatively impact them.
- With assistance from the BACWA Chair and CCSD representatives, the ED prepared and submitted comments to the State Board requesting removal of San Francisco Bay from the 2010 303(d) list for selenium.
- The ED and other BACWA representatives attended a meeting of the Selenium TMDL Technical Advisory Group (TAG). At this meeting EPA announced that it is working with the State Board to develop site-specific criteria for California. The data presented by CH2MHill to the TAG indicates that, even if all point sources were eliminated, the Bay would still be impaired. BACWA's consultant on this matter has prepared a summary memorandum which is included in the May 27, 2010 Board packet.

*Emerging  
Contaminants*

BACWA is working with Karin North, the BAPPG and BACWA champion for CEC issues, and a consultant to develop a scope of work for fact sheets on CEC's for POTWs to use internally and for communicating with the public.

*Misc.*

BACWA representatives met and reviewed consultant proposals for the creation of an energy committee/workgroup. The group preliminarily selected CH2MHill and has requested additional information about their proposal. CH2MHill anticipates providing this additional information within the month, and the other consultants that submitted proposals were notified.

BACWA has received a proposal from a consultant to assume responsibility for maintaining and updating the sanitary sewer rate sheet currently maintained by Redwood City.

## **C. Committee Affairs**

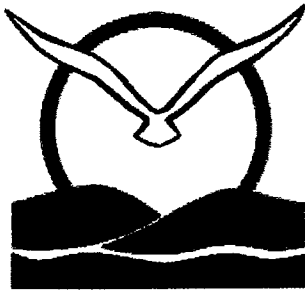
<i>Committees</i>	The third meeting of the BACWA committee chairs was held on April 20. Topics discussed were the website, email distribution lists, BACWA policies and procedures and the budget for the coming fiscal year. The committee chairs agreed to continue quarterly meetings.
<i>Workshops &amp; Trainings</i>	<p>The Permits Committee has been discussing a workshop for member agencies to provide them information on preparing Reasonable Potential Analyses and calculating dilution. The Committee Chair will be providing the Board with a proposal shortly.</p> <p>The Laboratory Committee has tentatively agreed to have State Board representatives give a presentation to member agencies on the new CIWQS database on June 24.</p>

## **D. Membership**

<i>Member Communications</i>	<p>BACWA has been working closely with CirclePoint to make minor improvements to the website's aesthetics and functionality, which are expected to be implemented before the end of the fiscal year.</p> <p>A preliminary draft of the Annual Report has been prepared and is being reviewed by the ED and AED.</p>
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## **E. Upcoming Meetings & Deadlines**

- June 2, 2010: BAPPG Meeting
- June 3, 2010: Collection Systems Committee Meeting
- June 8, 2010: Permits Committee Meeting
- June 9, 2010: Lab Committee Meeting
- June 9, 2010: Hearing on BPA to Add Beneficial Uses and Water Bodies
- June 10, 2010: Tri-Tac Meeting (Sacramento)
- June 18, 2010: Joint BACWA Board/Water Board staff Meeting in Orinda
- June 20 – 23, 2010: National Association of Clean Water Agencies San Francisco Meeting
- June 24, 2010: BACWA EB Meeting
- June 24, 2010: Tentative date for State Board presentation on the new CIWQS database



# **Bay Area Clean Water Agencies**

**A Joint Powers Public Agency**

**P.O. Box 24055, MS 702**

**Oakland, California 94623**

May 14, 2010

MEMO TO: BACWA Executive Board

FROM : Gary Breaux, Director of Finance  
East Bay Municipal Utility District

SUBJECT: Treasurer's Report for the Month of April 2010

Attached is the Treasurer's report for the Bay Area Clean Water Agencies (BACWA), including the following enterprises: The Bay Area Integrated Regional Water Management Plan (Prop50), Air Issues and Regulation Group (AIR), the Bay Area Pollution Prevention Group (BAPPG), the Water Quality Attainment Strategies (WQA), the Clean Estuary Partnership (CEP), and Regional Water Recycling (RWR), California Wastewater Climate Change Group (CWCCG). Water/Wastewater Operator Training (WOT), Water Conservation Campaign (WCC). The report covers cash transfer, cash receipts and expenditures during the month of April 2010.

For BACWA, during the month, \$13,631.43 was disbursed out of income and interest income of \$1,872.89 was received. Expense of \$30,928.70 was paid. The month end total members' account balance decreased from \$523,518.57 to \$480,831.33.

For BACWA Training, the balance remained at \$250,000.00.

For BACWA Legal Reserve, the balance remained at \$300,000.00.

For BACWA Operating Reserve, the balance remained at \$153,500.00.

For Prop50, during the month, members' contribution income of \$97,280.00 and interest income of \$310.63 was received. Expense of \$58.65 was paid. The month end account balance increased from \$224,863.20 to \$322,395.18.

For the AIR fund, during the month, interest income of \$44.12 was received. No Expense was paid. The month end account balance increased from \$16,330.77 to \$16,374.89.

For BAPPG, during the month, interest income of \$111.61 was received. Expense of \$6,000.00 was paid. The month end account balance decreased from \$69,991.43 to \$64,103.04.

For WQAS/CBC Emergency Reserve, the balance remained at \$400,000.00.

For WQAS Technical Action, the balance remained at \$250,000.00.

For CBC Operating Reserve, the balance remained at \$162,000.00.

For WQA, interest income of \$1,502.14 was received. Expense of \$21,382.60 was paid. The month end account balance decreased from \$291,553.53 to \$286,673.07.

For CEP, during the month, no income was received and no expense was paid. The month end account balance remained at \$0.

For RWR, during the month, interest income of \$22.16 was received and no expense was paid. The month end account balance increased from \$16,494.11 to \$16,516.27.

For CWCCG, during the month, interest income of \$3.44 was received and no expense was paid. The month end account balance decreased from \$2,558.85 to \$2,562.29.

For WOT, during the month, members' contribution income of \$1,500.00 and interest income of \$67.53 was received. No expense was paid. The month end account balance increased from \$56,642.34 to \$58,209.87.

For WCC, during the month, interest income of \$4.84 was received and no expense was paid. The month end account balance increased from \$3,602.34 to \$3,607.18.

GB: gt  
Attachments

**BAY AREA CLEAN WATER AGENCIES  
TREASURER'S REPORT  
FOR THE MONTH ENDED April 30, 2010**

BACWA  <u>REVENUES &amp; FUNDING</u>	FY09-10 Budget	Encumbrance	Accrual/Carry forward	FY09 Rev. Received In FY10	Actual Revenue Current Month	Revenue Cumul YTD	FY10 Revenue YTD	Budg YTD %
Principals' Contributions	450,000	450,000			-	450,000	450,000	100%
Associate & Affiliate Contributions	159,000	159,000			-	170,095	170,095	107%
Other Receipts	30,000			0	(13,631)	0	-	0%
Fund Transfer	124,150	91,461		-	-	83,450	83,450	27%
Interest Income	25,000	0		4,335	1,873	11,210	6,874	
<b>TOTAL REVENUE &amp; FUNDING</b>	<b>788,150</b>	<b>700,461</b>		<b>4,335</b>	<b>(11,759)</b>	<b>714,755</b>	<b>710,419</b>	<b>90%</b>
<u>PROJECT ELEMENTS</u>	FY09-10 Budget	Encumbrance	Accrual/Carry forward	FY09 Inv. Paid In FY10	Actual Expenditures Current Month	Expenditures Cumul YTD	FY10 Expendit YTD	Budg YTD %
<b>BACWA Committees</b>	<b>165,000</b>	<b>82,609</b>	<b>61,175</b>	<b>45,298</b>	<b>7,239</b>	<b>105,716</b>	<b>60,418</b>	<b>37%</b>
Collections System	20,000	8,793		7,858		22,691	14,833	74%
Permit Committee	20,000	20,000	3,776	3,698	1,481	21,003	17,305	87%
Media Relations Joint Committee	60,000	16,000	30,557	13,302	4,750	26,282	12,979	22%
Water Recycling Committee	10,000	-	-	-	-	-	-	0%
Biosolids Committee	10,000	-	15,000	17,240	-	17,240	-	0%
InfoShare Groups	20,000	20,000	3,050	3,200	-	14,593	11,393	57%
Laboratory Committee	5,000	5,195	-	-	-	2,495	2,495	50%
Miscellaneous Committee Support	20,000	1,414	-	-	89	1,414	1,414	7%
<b>Technical Support</b>	<b>138,000</b>	<b>89,000</b>	<b>33,861</b>	<b>14,584</b>	<b>2,601</b>	<b>38,733</b>	<b>24,149</b>	<b>17%</b>
Water Quality Support	40,000		20,025	4,023	-	4,023	-	0%
Expert Consultants	98,000	89,000	13,836	10,561	2,601	34,710	24,149	25%
<b>Legal Support</b>	<b>30,000</b>	<b>24,000</b>	<b>37,987</b>	<b>16,013</b>	<b>3,978</b>	<b>27,066</b>	<b>11,053</b>	<b>37%</b>
Regulatory Support	20,000	14,000			-	6,155	6,155	31%
Legal Support for Permit & Appeals			30,889	14,701	-	15,196	495	#DIV/0!
Legal Support of Other WQ Issues			3,203	-	-	-	-	#DIV/0!
Executive Board Support (JPA)	10,000	10,000	3,895	1,312	3,978	5,715	4,403	44%
<b>Collaboratives and Sponsorships</b>	<b>15,150</b>	<b>5,150</b>	<b>5,564</b>	<b>564</b>	<b>-</b>	<b>5,814</b>	<b>5,250</b>	<b>35%</b>
Miscellaneous Collaborative Support	10,000	-	-	-	-	-	-	0%
PSSEP			5,000	-	-	-	-	
CPSC	5,000	5,000		-	-	5,000	5,000	100%
PSI	150	150	564	564	-	814	250	167%
<b>Communications and Reporting</b>	<b>125,000</b>	<b>25,500</b>	<b>7,938</b>	<b>150</b>	<b>950</b>	<b>7,409</b>	<b>7,259</b>	<b>6%</b>
BACWA Annual Report	20,000			-	-	-	-	0%
BACWA Website Development/Maintenance	45,000	25,500	7,938	150	950	7,409	7,259	16%
Needs & Capability Assessment	25,000			-	-	-	-	0%
Implement Information Management Strategy	25,000			-	-	-	-	0%
Electronic Newsletter	10,000			-	-	-	-	0%
<b>Special Programs</b>	<b>35,000</b>	<b>35,000</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>35,000</b>	<b>35,000</b>	<b>100%</b>
Contribution to BAPPG Enterprise	35,000	35,000		-	-	35,000	35,000	100%
CEP Administration				-	-	-	-	#DIV/0!
CEP Administration				-	-	78	78	#DIV/0!
<b>General BACWA Support</b>	<b>25,000</b>	<b>18,307</b>	<b>11,642</b>	<b>10,903</b>	<b>100</b>	<b>28,769</b>	<b>17,866</b>	<b>71%</b>
Contingency	20,000	14,760	11,642	10,903	100	25,222	14,319	72%
BACWA Members' Meeting	5,000	3,547		-	-	3,547	3,547	71%
<b>TOTAL PROGRAMS</b>	<b>533,150</b>	<b>279,566</b>	<b>158,167</b>	<b>87,512</b>	<b>14,868</b>	<b>248,586</b>	<b>161,073</b>	<b>30%</b>
<b>Administrative Expenses</b>	<b>255,000</b>	<b>250,739</b>	<b>70,000</b>	<b>41,812</b>	<b>15,961</b>	<b>169,875</b>	<b>128,063</b>	<b>50%</b>
Executive Director	150,000	147,000	10,984	10,984	10,833	91,326	80,342	54%
Assistant Executive Director	50,000	50,000	9,017	6,873	4,790	46,576	39,703	79%
EBMUD Administrative Service & Audit	40,000	40,000	50,000	23,318	338	23,318	-	0%
Administrative Expenses	10,000	10,000		637		4,916	4,279	43%
Insurance	5,000	3,739		-	-	3,739	3,739	75%
<b>PROJECT TOTALS</b>	<b>788,150</b>	<b>530,305</b>	<b>228,168</b>	<b>129,324</b>	<b>30,829.30</b>	<b>418,460</b>	<b>289,137</b>	<b>37%</b>
<b>BALANCE</b>	<b>0</b>			<b>(124,988)</b>	<b>(42,588)</b>	<b>296,294</b>	<b>421,283</b>	



	Budgeted FY 10	Encumbrance	Accrual/ Carryforward	Actual		Rev./Expendir Cumul.YTD	FY10 Rev./Expend	Budg YTD %
				FY09 Revenue/Expendit	Rev./Expend Current Month			
WQA Contributions	538,815	450,000		-	-	519,904	519,904	96%
WQA Interest/ Misc	15,000			3,794	1,502	9,274	5,480	37%
WQA Contract Expenses	470,300	164,263	227,795	129,567	19,441	272,466	142,899	30%
Fact Sheet on BPA or TMDLs			10,273	13,152	-	35,284	22,132	#DIV/0!
Water Quality Studies and Analysis	295,000	55,000		-	7,202	35,139	35,139	12%
CBC Reporting	25,000	22,880		-	11,264	15,856	15,856	63%
Expert Consultant Support	20,000		217,522	116,415	-	123,024	6,609	33%
Wet Weather Program	55,000	20,000		-	975	1,439	1,439	3%
Climate Change Program	50,300	50,000		-	-	50,000	50,000	99%
Contingency	25,000	16,383		-	-	11,724	11,724	47%
WQA Administrative Expenses	83,515	83,515		4,946	-	89,059	84,113	101%
<b>WQA Balance</b>					(17,938)	<b>167,652</b>	<b>298,371</b>	
CEP Contributions	-			-	-	0	-	
CEP Interest/Misc	-			1,435	-	2,043	608	
CEP Contract Expenses	-	-	10,000	102,299	-	228,297	125,998	
CEP Administrative Expenses	-	4,000		717	-	123,438	122,721	
<b>CEP Balance</b>					-	<b>(349,692)</b>	<b>(248,111)</b>	
Air Contributions	91,399	91,649		-	-	81,132	81,132	89%
Air Interest/Misc				240	44	496	256	#DIV/0!
Air Contract Expenses	86,899	86,899	59,450	59,447	-	116,902	57,455	66%
Air Administrative Expenses	4,345	4,345		1,486	-	6,285	4,799	110%
<b>Air Balance</b>					44	<b>(41,559)</b>	<b>19,134</b>	
BAPPG Contributions	65,005	65,505		-	-	65,750	65,750	101%
BAPPG Interest/ Misc				291	112	795	503	#DIV/0!
BAPPG Contract Expenses	72,965	60,184	9,500	8,659	6,000	64,777	56,118	77%
Our Water Our World	10,000	10,000		-	-	10,000	10,000	100%
Copper Outreach to Bay Area Plumbing	5,000		7,000	5,053	-	5,053	-	0%
Mercury Training and Outreach	8,800	8,800		-	-	6,278	6,278	71%
Amalgam Separator List	2,500	2,465	2,500	2,500	-	4,965	2,465	99%
Cyanide Training for Inspectors	500			-	-	0	-	0%
Statewide Pharmaceutical Collection Event	8,165	8,165		-	-	10,166	10,166	125%
Pharmaceutical Partnership w/Teleosis	5,000	5,000		-	1,000	3,500	3,500	70%
FOG Spanish Radio Ads	10,000	10,000		-	-	10,000	10,000	100%
FOG Training	1,500			-	-	0	-	0%
FOG Asian Outreach	2,500	2,500		-	2,500	2,500	2,500	100%
FOG Turkey Fryer Outreach	2,000	2,000		-	-	1,880	1,880	94%
FOG BMP Handout for Restaurants	5,000			-	-	0	-	0%
Agency Coordination and Production of P2 Week	2,000	1,754		-	-	1,829	1,829	91%
Emerging Issues	10,000	9,500		1,106	2,500	8,606	7,500	75%
BAPPG Administrative Expenses	3,601	3,601		1,349	-	4,956	3,607	100%
<b>BAPPG Balance</b>					(5,888)	<b>(3,188)</b>	<b>6,529</b>	
Prop50 Contributions				-	97,280	249,202	249,202	
Prop50 Interest/Misc				373	311	4,993	4,620	
Prop50 Contract Expenses				-	-	20,473	20,473	21%
Prop50 Administrative Expenses	99,000	99,000		1,669	59	5,317	3,649	
<b>Prop50 Balance</b>					97,532	<b>228,405</b>	<b>229,701</b>	

	Budgeted FY 10	Encumbrance	Accrual/ Carryforward	Actual		Rev./Expendit- Cumul YTD	FY10 Rev./Expend	Budg YTD %
				FY09 Revenue/Expenditu	Rev./Expend Current Month			
RWR Contributions				-	-	0	-	
RWR Interest/Misc				67	22	151	83	
RWR Contract Expenses				-	-	-	-	
WRF				-	-	0	-	
White Paper				-	-	0	-	
RWR Administrative Expenses				-	-	0	-	
RWR Balance					22	151	83	
CWCCG Contributions	-			-	-	0	-	
CWCCG Interest/Misc				66	3	86	21	
CWCCG Contract Expenses			12,233	11,613	-	11,613	-	
CWCCG Administrative Expenses				1,170	-	1,268	98	
CWCCG Balance					3	(12,795)	(77)	
WOT Contributions				-	1,500	126,860	126,860	
WOT Interest/Misc				174	68	429	255	
WOT Contract Expenses				-	-	81,000	81,000	
WOT Administrative Expenses				417	-	1,141	723	
WOT Balance					1,568	45,148	45,391	
WCC Contributions		56,500		-	-	25,000	25,000	
WCC Interest/Misc				14	5	45	31	
WCC Contract Expenses			25,000	23,563	-	23,563	-	
WCC Administrative Expenses				1,278	-	1,278	-	
WCC Balance					5	205	25,031	
IRWMP Contributions				-	-	0	-	
IRWMP Interest/Misc	-			-	-	0	-	
IRWMP Contract Expenses	-			-	-	0	-	
IRWMP Administrative Expenses				-	-	0	-	
IRWMP Balance					-	0	-	

All Project Revenue Total:

Adjustment: Fund Transfer In

Adjusted Revenue Total:

All Project Expense Total:

Adjustment: Fund Transfer Out

Adjusted Expense Total:

1,800,913	1,790,124
(87,860)	(87,860)
<b>1,713,053</b>	<b>1,702,264</b>
(1,470,293)	992,788
87,860	87,860
<b>(1,382,433)</b>	<b>1,080,648</b>

Note: CWCCG \$106,000 received in FY07

Note:

1 BAPPG has revised their budget in December 08. The new budget will be in TR in the 2nd half of the fiscal year 2009.

2 WCC encumbrance is higher than the contract budget, this is due to the additional Underground Advertising contracts in the amount of \$485K.

# PROJECT ACCOUNT ACTIVITY

For the Month Ended 4-30-10

BACWA	BCTWRNG	BCLWGLR	BCHOPR	Prop50	AIR	BAPPG	WCEMGR	WQFACT	CBCOPR	WQA	CEP	RWR	CWCCG	WOT	WCC	RESERVE	Total
885,735.77	-	-	-	93,990.01	57,933.99	67,292.37	-	-	-	916,020.92	349,692.49	16,365.64	15,357.11	13,061.89	3,402.63	120,000.00	2,642,852.82
523,518.57	250,000.00	300,000.00	153,500.00	224,863.20	16,330.77	69,991.43	400,000.00	250,000.00	162,000.00	291,553.53	-	16,494.11	2,558.85	56,642.34	3,602.34	120,000.00	2,841,055.14
-	-	-	-	97,280.00	-	-	-	-	-	-	-	-	-	1,500.00	-	-	98,780.00
(13,631.43)	-	-	-	310.63	44.12	111.61	-	-	-	1,502.14	-	22.16	3.44	67.53	4.84	-	(13,631.43)
(11,758.54)	-	-	-	97,590.63	44.12	111.61	-	-	-	1,502.14	-	22.16	3.44	1,567.53	4.84	-	89,087.93
14,878.83	-	-	-	-	-	6,000.00	-	-	-	21,382.60	-	-	-	-	-	-	42,261.43
16,049.87	-	-	-	58.65	-	-	-	-	-	-	-	-	-	-	-	-	16,108.52
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
30,928.70	-	-	-	58.65	-	6,000.00	-	-	-	21,382.60	-	-	-	-	-	-	58,359.95
-	-	-	-	-	-	-	-	-	-	15,000.00	-	-	-	-	-	-	15,000.00
-	-	-	-	-	-	-	-	-	-	15,000.00	-	-	-	-	-	-	15,000.00
<b>Receipts - Fiscal Year-To-Date:</b>																	
450,000.00	-	-	-	249,201.94	80,132.00	30,750.00	-	-	-	388,906.00	-	-	-	126,860.00	25,000.00	-	1,350,849.94
165,595.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	165,595.00
-	-	-	-	1,000.00	-	-	-	-	-	-	-	-	-	-	-	-	1,000.00
11,010.24	-	-	-	4,993.43	495.67	794.83	-	-	-	9,273.59	2,042.80	150.63	86.47	428.55	44.82	-	29,321.03
629,605.24	-	-	-	254,195.37	81,627.67	31,544.83	-	-	-	398,179.59	2,042.80	150.63	86.47	127,288.55	25,044.82	-	1,549,765.97
<b>Disbursements - Fiscal Year-To-Date:</b>																	
214,987.61	-	-	-	20,472.83	116,902.00	64,778.09	-	-	-	272,465.71	228,296.92	-	11,613.16	81,000.00	23,562.59	-	1,034,078.91
163,458.98	-	-	-	4,051.05	1,939.82	1,906.07	-	-	-	5,544.30	1,166.85	-	1,268.13	1,140.57	1,277.68	-	181,753.45
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
378,446.59	-	-	-	24,623.88	118,841.82	66,684.16	-	-	-	278,010.01	229,463.77	-	12,881.29	82,140.57	24,840.27	-	1,215,832.36
(652,049.78)	250,000.00	300,000.00	153,500.00	(1,266.32)	(4,344.95)	31,950.00	400,000.00	250,000.00	162,000.00	(749,517.43)	(122,271.52)	-	-	-	-	-	18,000.00

ENDING CASH BALANCE 4/30/10

OUTSTANDING ENCUMBRANCE

UNOBLIGATED CASH BALANCE 4/30/10

BACWA: Bay Area Clean Water Agencies  
 IRWMP: Bay Area Integrated Regional Water Management Plan I  
 Prop50: Bay Area Integrated Regional Water Management Plan I  
 AIR: Air Issue and Regulation Group  
 BAPPG: Bay Area Pollution Prevention Group  
 WQA: Water Quality Attainment Strategies  
 CEP: The Clean Estuary Partnership  
 RWR: Regional Water Recycling  
 CWCCG: California Wastewater Climate Change Group  
 WOT: Water/Wastewater Operator Training  
 WCC: Water Conservation Campaign

# 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

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### 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.

## April 22, 2010 BACWA Board Meeting Action Items

<b>Subject (Lead)</b>	<b>Task</b>	<b>Deadline</b>	<b>Update</b>
Flush Green flyer (AED)	Post flyer on the BACWA website.	5/27/2010	
Pardee (AED)	Check on availability of Sept 14, 2010.	5/27/2010	
Meeting with RWQCB (ED)	Schedule meeting in May or June to include discussion of PCB's; Se; Risk Reduction; Dilution; and CIWQS	5/27/2010	Sent scheduling survey.
Se (ED, BDhaliwal, MConor, CH2M Hill)	Investigate if comments were submitted to RWQCB and SWRCB and determine if they need to be submitted again.	5/27/2010	Contacted B. Dhaliwal and E. Byron to obtain comments.
Closed Session (ED)	Schedule with BACWA board members.	5/27/2010	
Speier SF Bay Improvement Act (BH)	Board to send feedback on talking points to Ben Horenstein.	4/26/2010	Teleconfered with Kate Rauch, Gioia's coordinator.
Storwmwater Diversion White Paper (BH)	Confirm completion of Phase I tasks under original contract budget.	5/27/2010	
BACWA FY 10-11 DRAFT Budget and Workplan (ED)	Board to send comments/concerns to ED.  ED to schedule individual meetings with Board members as needed.  ED to send comparison to FY 09-10 to Board members.	5/27/2010	Sent comparison to J. Kelly.
Energy Worgroup (ED, AED)	Schedule meeting with all principal agency representatives to review consultant proposals.	5/27/2010	Will distribute scheduling survey.
Succession Plan (ED)	The ED will confirm ASC JPA requirements and recommend appointments.  The Board will send designee letters to AED.  The ED will work with current Chair and Vice Chair to add nominations for FY 10-11 Chair and Vice Chair to May BACWA board meeting agenda.	5/15/2010  5/27/2010	



RPA Training (ED)	Investigate a training for members on conducting RPA.	5/27/2010	
303(d) List (ED)	Prepare summary of 303(d) list changes.	5/1/2010	



## BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 8

FILE NO.: 12,168

MEETING DATE: May 27, 2010

**TITLE** Approve Continued BACWA Participation in the Bay Area Integrated Regional Water Management (IRWM) Plan and Cost Sharing for Consultant Services.

☒ **MOTION** \_\_\_\_\_ ☐ **RESOLUTION** \_\_\_\_\_

### RECOMMENDED ACTION

Approve continued BACWA participation in the Bay Area IRWM Plan and authorize the expenditure of \$60,000 in the 2009-2010 fiscal year, as BACWA's contribution to a cost-share agreement to help fund the technical support necessary to update and support implementation of the Bay Area IRWM Plan through 2012.

### SUMMARY

Since 2003, BACWA has represented the functional area of wastewater and recycled water has been one of the four entities developing and overseeing implementation of the Bay Area IRWM Plan. BACWA developed a wastewater and recycled water functional area document with its own resources and previously contributed \$25,000 towards a similar cost share agreement to support implementation of the Plan. BACWA is being asked to contribute \$60,000 to update and support continued implementation of the Plan, which will ensure that member agencies continue to be eligible for Proposition 84 and 1E funding.

### DISCUSSION

The Bay Area IRWM Plan is a multi-agency, nine-county effort to coordinate and improve water supply reliability, protect water quality, manage flood protection, maintain public health standards, protect habitat and watershed resources, and enhance the overall health of San Francisco Bay. The objectives of the IRWM Plan are to foster regional collaboration, improve coordination and communication among Bay Area entities responsible for water and habitat related issues, build public support for vital projects, and improve the region's ability to compete for funding.

In late 2003, BACWA was one of approximately twenty agencies that signed a Letter of Mutual Understanding (LOMU), agreeing to participate in and assist with development of the Bay Area IRWM Plan. The LOMU identified BACWA as one of four entities on the IRWMP governing body (called the Coordinating Committee) and as the lead in developing the Functional Area Document for wastewater and recycled water projects, which was approved by BACWA in 2006.

Submitted By:  _____ Brian Campbell, EBMUD _____	Executive Director Approval:  _____ /s/ Amy Chastain _____
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Contact the BACWA AED with questions about completing or submitting this form.

Previously, BACWA and the other three functional areas leaders provided in-kind or financial support to develop the IRWM Plan and then entered into a \$100,000 cost sharing agreement for consultant services to support implementation of the IRWM Plan. Key implementation activities funded were development and maintenance of a website, assistance with required reports, addition of new projects to the Plan, and meeting support. The Coastal Conservancy has administered the cost share agreement and Consultant work.

The \$100,000 is nearly exhausted and additional funding is needed to continue current implementation activities. Funding is also needed to update the IRWM Plan to reflect new DWR requirements and to ensure that Bay Area projects are eligible for the \$138 million of IRWM grant funding provided by Proposition 84 for the Bay Area, and the \$300 million available for stormwater management projects provided by Proposition 1E.

The estimated cost of support services is in excess of \$270,000 as outlined in the Attachment and the proposed share to BACWA is \$60,000 over the next two years. On May 10, the water supply – water quality functional area approved contributing \$60,000 toward this effort. The flood control and stormwater management functional area will consider this item at its next meeting. DWR also has funding to assist with IRWM Plan updates provided that local cost matching is provided.

#### **FISCAL IMPACT**

This project is not provided for in the BACWA workplan or budget for the 2009-2010 fiscal year. Funds are available, however, from the Clean Bay Collaborative (CBC) Water Quality Studies and Analysis FY09-10 budget line item. To date \$240,000 remains in unobligated funds the in CBC Water Quality Studies and Analysis FY09-10 budget line item, prior to the approval of this financial obligation.

#### **ALTERNATIVES**

BACWA contracting policies do not apply to this proposal.



## BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 9

FILE NO.: 12,167

MEETING DATE: May 27, 2010

**TITLE: Fiscal Year 2010-2011 Budget & Workplan**

☒ MOTION \_\_\_\_\_ ☐ RESOLUTION \_\_\_\_\_

### RECOMMENDED ACTION

Approve a budget and workplan for BACWA for the Fiscal Year 2010 – 2011.

### SUMMARY

The Joint Powers Agreement establishing BACWA requires annual approval of a budget and workplan. The budget and workplan for the 2010 – 2011 fiscal year was developed with input from the Executive Board and was reviewed at the March and April Executive Board meetings. The attached document contains the workplan and budget for all of BACWA's programs of special and general benefit except for AIR, which will be considered by the Board at the June 24, 2010 meeting once AIR has received more information about their anticipated fiscal year 2010 – 2011 revenues.

### FISCAL IMPACT

Not applicable.

### ALTERNATIVES

This action does not require consideration of alternatives.

### *Attachments:*

1. Fiscal Year 2010 – 2011 budget and workplan.

Submitted: \_\_\_\_\_

Executive Director Approval: /s/ Amy Chastain

## Annual Workplan & Budget Fiscal Year 2010 - 2011

The Bay Area Clean Water Agencies (BACWA) is a joint public powers agency created by a 1984 Joint Powers Agreement (JPA) between the Central Contra Costa Sanitary District (CCCSD), the East Bay Dischargers Association (EBDA), the East Bay Municipal Utility District (EBMUD), the City of San Francisco, and the City of San Jose (collectively, “the Principals”). The JPA establishes the principles by which BACWA operates and imposes requirements related to the governance and operation of BACWA. One of the requirements of the JPA is that BACWA must prepare an annual budget and work plan that distinguishes between overhead (**Part A**), programs of general benefit to all members (**Part B.1**), and programs of special benefit (**Part B.2**).

The purpose of this workplan and budget is to fulfill the requirements of the JPA for the 2010 – 2011 fiscal year (2011 FY). The workplan (**Parts A, B.1, and B.2**) specifies the purpose of each of BACWA’s programs during the 2011 FY, the methods by which they will be carried out, the products that will be developed, and the persons responsible for implementation. The schedule for implementation of these programs is July 1, 2010 through June 30, 2011. The budget (**Part C**) relates to the workplan and shows the anticipated revenues and expenses for these programs.

In 2009, the BACWA Executive Board completed a strategic planning process that resulted in the articulation of BACWA’s mission, core values and goals. These are summarized below and are touchstones for the development of BACWA programs and projects which are described in the workplan.

Mission	Core Values
Provide an effective regional voice for the clean water industry’s role in the stewardship of the San Francisco Bay environment.	<ul style="list-style-type: none"> <li>• Best available scientific knowledge</li> <li>• Stewardship of the environment</li> <li>• Transparency</li> <li>• Regional solutions and collaborations</li> <li>• Value to members</li> <li>• Prudent use of financial resources</li> </ul>

Goals
<p style="text-align: center;">(1) Members are knowledgeable.</p> <p style="text-align: center;">(2) Members are in compliance.</p> <p style="text-align: center;">(3) Collaborative efforts to achieve regional environmental benefit are established.</p> <p style="text-align: center;">(4) An integrated approach to a healthy Bay is promoted.</p> <p style="text-align: center;">(5) Public and stakeholders are aware of BACWA and its members achievements as stewards.</p> <p style="text-align: center;">(6) Members value and participate in BACWA.</p>

**PART A: OVERHEAD**

Overhead consists of BACWA’s administrative expenses that are necessary for the agency to carry out its core functions. Overhead includes, but is not limited to, expenses related to financial management, insurance, and organizational support. Administration of BACWA is carried out by an Executive Director and Assistant Executive Director who are selected by the Executive Board and who contract directly with BACWA. Treasurer services are provided by EBMUD who manages BACWA’s finances and performs an annual audit.

ADMINISTRATION				
Goal(s)	Objective(s)	Deliverables/Outcomes	Implementation	FY 11 Budget
All	1. Provide service to members by ensuring that BACWA is effectively and efficiently managed. (Admin)	1(a) Organized and efficient meetings.	• ED	• \$90,000 (BACWA, Exec. Dir.)
		1(b) Accurate and informational financial management, including generation of Treasurers’ reports and audit.	• ED, AED, Treasurer	• \$70,000 (BACWA, AED)
		1(c) Effective document management.	• ED, AED	• \$40,000 (BACWA Finan. Services)
		1(d) Effective organizational risk management.	• ED	• \$8,000 (BACWA, Admin.)
				• \$5,000 (BACWA, Insurance)
				• \$10,000 (BACWA, Legal)
				• \$10,000 (BACWA, Mtg Support)

**PART B(1): GENERAL BENEFIT PROGRAMS**

There are two general benefit programs: the core Bay Area Clean Water Agencies program and the technically driven Clean Bay Collaborative (CBC) program, which replaced the Clean Estuary Partnership in 2008. Contributions from individual agencies provide the revenues for these two programs, with the Principals contributing almost three-quarters of the revenues for the BACWA program and more than two-thirds of the revenues for the CBC.

The BACWA program provides communication and regulatory support to member agencies. Program expenses include support for committee facilitation and projects, assistance on regulatory and technical issues, funding for mutually beneficial collaborations and sponsorships, and communications expenses such as the website, newsletters, the annual report, and the annual meeting.

The purpose of the CBC is to promote regional coordination to meet regulatory requirements and to develop science and policy to assist with future regulation and ensure protection of San Francisco Bay. Program expenses for the CBC consist of indirect and direct costs to BACWA and the costs of special studies and reports on scientific, technical and regulatory issues affecting Bay Area POTWs and the San Francisco Bay environment.

BACWA WORKPLAN & BUDGET SUPPORT FOR GOALS AND OBJECTIVES				
Goal(s)	Objective(s)	Deliverables/Outcomes	Implementation	FY 11 Budget
<p>(1) Members are knowledgeable.</p> <p>(2) Members are in compliance.</p> <p>(5) Stakeholders are aware of BACWA and its' members achievements in stewardship of the Bay.</p> <p>(6) Members understand the value of participation in BACWA.</p>	<p>1. Provide forums for members to share information, learn, participate in policy and regulatory discussions, and collaborate on mutually beneficial projects. <b>(Committee Support)</b></p>	<p><b>1(a)</b> Collection Systems Committee Support</p> <ul style="list-style-type: none"> <li>- Meeting support and facilitation (\$12k)</li> <li>- Regulatory tracking, analysis and reporting (\$13k)</li> </ul>	<ul style="list-style-type: none"> <li>• Consultant &amp; Comm. Chair</li> </ul>	<ul style="list-style-type: none"> <li>• \$25,000 (CS Comm)</li> </ul>
		<p><b>1(b)</b> Permits Committee Support</p> <ul style="list-style-type: none"> <li>- Meeting support and facilitation (\$12k)</li> <li>- Regulatory tracking, analysis and reporting (\$13k)</li> </ul>	<ul style="list-style-type: none"> <li>• Consultant &amp; Comm. Chair</li> </ul>	<ul style="list-style-type: none"> <li>• \$25,000 (Permits Comm)</li> </ul>
		<p><b>1(c)</b> Water Recycling Committee Support</p> <ul style="list-style-type: none"> <li>- Meeting support and facilitation (\$6k)</li> <li>- Bay Area water use table (\$5k)</li> </ul>	<ul style="list-style-type: none"> <li>• Consultant &amp; Comm. Chair</li> </ul>	<ul style="list-style-type: none"> <li>• \$11,000 (Recycling Comm)</li> </ul>
		<p><b>1(d)</b> Biosolids Committee Support</p> <ul style="list-style-type: none"> <li>- Fact sheets on biosolids (\$8k)</li> <li>- Attendance at WEF Biosolids Conference (\$2k)</li> </ul>	<ul style="list-style-type: none"> <li>• Comm. Chair</li> </ul>	<ul style="list-style-type: none"> <li>• \$10,000 (Biosolids Comm)</li> </ul>
		<p><b>1(e)</b> Laboratory Committee Support</p> <ul style="list-style-type: none"> <li>- Conference Attendance (\$5k)</li> <li>- Training (\$2k)</li> </ul>	<ul style="list-style-type: none"> <li>• Comm. Chair</li> </ul>	<ul style="list-style-type: none"> <li>• \$7,000 (Lab Comm)</li> </ul>
		<p><b>1(f)</b> Infoshare Groups</p> <ul style="list-style-type: none"> <li>- Meeting support and facilitation (\$21k)</li> <li>- Project support (\$4k)</li> </ul>	<ul style="list-style-type: none"> <li>• Consultant</li> </ul>	<ul style="list-style-type: none"> <li>• \$25,000 (InfoShare Comm)</li> </ul>
		<p><b>1(h)</b> Support for BAPPG projects to assist member compliance.</p>	<ul style="list-style-type: none"> <li>• Comm. Chair</li> </ul>	<ul style="list-style-type: none"> <li>• \$50,000 (Special Prog.)</li> <li>• \$20,000 (Media Rel.)</li> </ul>
		<p><b>1(g)</b> Misc. Committee Support</p>	<ul style="list-style-type: none"> <li>• ED, AED</li> </ul>	<ul style="list-style-type: none"> <li>• \$10,000 (Misc. Comm)</li> </ul>
	<p>2. Increase direct communication with members regarding regulatory developments and BACWA accomplishments. <b>(Commun)</b></p>	<p><b>2(a)</b> Regular e-mail newsletter</p>	<ul style="list-style-type: none"> <li>• ED, AED, Consultant</li> </ul>	<ul style="list-style-type: none"> <li>• \$15,000 (Commun.)</li> </ul>
		<p><b>2(b)</b> Annual meeting</p>	<ul style="list-style-type: none"> <li>• ED, AED</li> </ul>	<ul style="list-style-type: none"> <li>• \$5,000 (Commun)</li> </ul>
		<p><b>2(c)</b> Annual report</p>	<ul style="list-style-type: none"> <li>• ED, AED, Consultant</li> </ul>	<ul style="list-style-type: none"> <li>• \$20,000 (Commun)</li> </ul>
	<p>3. Make the website an effective tool for informing members and the public of BACWA activities and accomplishments <b>(Commun)</b></p>	<p><b>3(a)</b> Make improvements to website functionality &amp; aesthetics</p>	<ul style="list-style-type: none"> <li>• ED, AED, Consultant</li> </ul>	<ul style="list-style-type: none"> <li>• \$70,000 (Commun)</li> </ul>
<p>(3) Effective partnerships for environmental benefit established.</p> <p>(5) Stakeholders are aware of BACWA and members' stewardship of the Bay.</p>	<p>4. Encourage partnerships and relationships that further BACWA's strategic goals. <b>(Collaborations)</b></p>	<p><b>4(a)</b> Collaborations and sponsorships: CPSC, PSI, State of the Estuary, Clean Water American Alliance</p>	<ul style="list-style-type: none"> <li>• ED, AED</li> </ul>	<ul style="list-style-type: none"> <li>• \$35,500 (Coll. &amp; Sponsor.)</li> </ul>
		<p><b>4(b)</b> Increase the visibility of BACWA and its members' activities through communications with the public via the media, including media piece on or around Earth Day.</p>	<ul style="list-style-type: none"> <li>• ED, AED, Consultant</li> </ul>	<ul style="list-style-type: none"> <li>• \$5,000 (Media Rel.)</li> </ul>
<p>(1) Members are knowledgeable.</p> <p>(2) Members are in compliance.</p>	<p>5. Provide BACWA members with the resources to evaluate and respond to new</p>	<p><b>5(a)</b> Comment letters on regulatory developments as they arise; issue summaries and fact sheets on developing issues.</p>	<ul style="list-style-type: none"> <li>• ED, AED, Consultant, Comm. Chairs</li> </ul>	<ul style="list-style-type: none"> <li>• \$20,000 (Legal)</li> <li>• \$100,000 (Tech. Support)</li> </ul>

	issues.			
CLEAN BAY COLLABORATIVE WORKPLAN & BUDGET SUPPORT FOR GOALS AND OBJECTIVES				
Goal(s)	Objective(s)	Deliverables/Outcomes	Implementation	FY 11 Budget
<p>(3) Effective collaborative partnerships for environmental benefit are established.</p> <p>(4) An integrated approach to a healthy Bay is promoted, emerging issues are identified and effective solutions developed.</p> <p>(5) Stakeholders are aware of BACWA and members' stewardship of the Bay.</p>	1. Ensure wastewater agencies interests, perspectives, and experiences are considered in the development of climate-related policies and regulations. <b>(Climate)</b>	1(a) Support the California Wastewater Climate Change Group	• CASA	• \$50,000
	2. Ensure wastewater agencies interests, perspectives, and experiences are considered in the development of energy-related policies and regulations. <b>(Energy)</b>	2(a) Create an energy workgroup/committee to help BACWA members coordinate on energy issues including regulation, funding sources, and negotiations with utilities	• ED, AED, Consultant, EB Workgroup	• \$15,000
	3. Facilitate the use of recycled water to meet State's 20 by 2020 mandate and encourage re-use of wastewater. <b>(Recycled Water)</b>	3(a) Recycled water irrigation guide	• Comm. Chair	• \$40,000
(2) Members are in compliance with applicable rules and regulations.	4. Ensure that members are in compliance with regional permit requirements. <b>(Hg, PCBs Cu, HCN)</b>	4(a) Annual reports on mercury special studies, and POTW mass emissions	• ED, Consultants	• \$20,000
		4(b) Implementation of a risk reduction program	• ED, Consultants	• \$0
		4(c) PCB TMDL implementation	• ED, Consultants, EB Workgroup	• \$40,000
		4(d) Track and report on HCN and Cu communal compliance tasks (special studies)	• ED	• \$0
	5. Assist members in improving the quality of CIWQS data. <b>(CIWQS)</b>	5(a) Develop and implement data reporting recommendations.	• ED, Consultants	• \$5,000
	6. Other support as needed.	6(a) As-needed regulatory support (e.g., risk reduction)	• ED, Consultants	• \$100,000
<p>(1) Members are knowledgeable about critical issues and activities.</p> <p>(4) An integrated approach to a healthy Bay is promoted, emerging issues are identified and effective solutions developed.</p>	7. Develop an understanding of potential regulatory developments and possible impacts on Bay Area POTWs. <b>(Se, SQOs, nutrients, SW diversion, SHELL)</b>	7(a) Issue paper on selenium and technical support for TMDL WLA development	• ED, Consultants	• \$30,000
		7(b) Issue paper on sediment quality objectives development status and implementation approaches	• ED, Consultants	• \$25,000
		7(c) Issue paper on ammonia.	• ED, Consultants	• \$25,000
		7(d) Final stormwater diversion white paper & checklist	• ED, Consultants, EB Workgroup	• \$20,000
		7(e) Issue paper on SHELL use and impacts to Bay Area POTWs	• ED, Consultants, EB Workgroup	• \$10,000
	8. Increase the understanding of managers,	8(a) Fact sheet(s) for managers.	• ED, Comm. Chair	• \$5,000



	regulators and the public of the impacts of CECs on POTWs and the ecosystem, and options for controlling. <b>(CECs)</b>	<b>8(b)</b> Regulatory tracking and response	• ED, Consultants	• \$10,000
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**PART B(2): SPECIAL BENEFIT PROGRAMS**

BACWA has four active special benefit programs: the Bay Area Pollution Prevention Group (BAPPG), the Air Committee, Proposition 50 Administration, and Water Operator Training (WOT). Contributions towards BAPPG, the Air Committee, and WOT are optional and are established by entities that manage those programs: the BAPPG and Air Committee chairs, and the Central Contra Costa Sanitary District in conjunction with Solano Community College. Proposition 50 costs are paid for by the agencies that receive Proposition 50 grants from the Department of Water Resources.

<b>BAY AREA POLLUTION PREVENTION GROUP WORKPLAN &amp; BUDGET SUPPORT FOR GOALS AND OBJECTIVES</b>				
<b>Goal(s)</b>	<b>Objective(s)</b>	<b>Deliverables/Outcomes</b>	<b>Implementation</b>	<b>FY 11 Budget</b>
(1) Members are knowledgeable about critical issues and activities.  (2) Members are in compliance with applicable rules and regulations.	1. Reduce mercury in POTW effluent.	1(a) Update mercury amalgam separator list	• Comm. Champion, Consultant	• \$2,500
		1(b) Training and outreach for dental hygienists and dental assistant schools	• Comm. Champion, Consultant	• \$7,000
	2. Reduce fats, oils and grease discharged to sewer systems and assist members in complying with SSO WDR requirements.	2(a) Holiday FOG outreach campaign	• Comm. Champion, Consultant	• \$4,000
		2(b) Video on FOG disposal	• Comm. Champion, Consultant	• \$3,000
		2(c) Holiday Spanish and Asian-language radio ads	• Comm. Champion, Consultant	• \$14,800
	3. Reduce improper disposal of pharmaceuticals in the sanitary sewer system.	3(a) Teleosis partnership to distribute pharmaceutical disposal information to hospice organizations	• Comm. Champion, Consultant	• \$4,999
	4. Reduce copper in POTW discharges.	4(a) Outreach campaign to Bay Area Plumbing Apprenticeship program	• Comm. Champion, Consultant	• \$4,000
	5. Reduce cyanide in POTW discharges.	5(a) Fact sheet for jewelers	• Comm. Champion, Consultant	• \$2,000
	6. Reduce pesticides and other constituents of concern in sanitary sewer systems.	6(a) Support for “Our Water our World” campaign	• Comm. Champion	• \$10,000
		6(b) Consultant support for POTW representation in DPR pyrethroid re-evaluation and other regulatory processes	• Comm. Champion	• \$6,000
		6(c) Consultant support for tracking and providing input on DTSC’s Green Chemistry Initiative	• Comm. Champion, Consultant	• \$4,000

	7. Reduce trash discharges to San Francisco Bay.	7(a) “Toilet is not a Trash Can” campaign.	• Comm. Champion	• \$2,396
	8. Facilitate general pollution prevention efforts to reduce pollution to San Francisco Bay	8(a) School outreach materials.	• Comm. Champion	• \$5,000
		8(b) Agency coordination and P2 week poster	• Comm. Champion	• \$1,500
		8(c) Multi-media P2 Campaign, highlighting Baywise.org website as a resource for learning about proper disposal of mercury, pesticides, FOG, pharmaceuticals, etc.	• Comm. Champion, Consultant.	• \$40,000
	9. Address key issues as they arise	9(a) Emerging issues	• Comm. Champion	• \$5,000

PROPOSITION 50 ADMINISTRATION WORKPLAN & BUDGET SUPPORT FOR GOALS AND OBJECTIVES				
Goal(s)	Objective(s)	Deliverables/Outcomes	Implementation	FY 11 Budget
(3) Effective collaborative partnerships for regional environmental benefit are established.	1. Facilitate implementation of projects to benefit the San Francisco Bay environment through Prop 50.	1(a) Invoices generated and submitted to DWR, payments received and distributed to participating agencies.	• EBMUD, ED, AED	NA (depends on DWR schedule)
		1(b) Quarterly progress reports to DWR	• EBMUD, Consultant	

WATER OPERATOR TRAINING WORKPLAN & BUDGET SUPPORT FOR GOALS AND OBJECTIVES				
Goal(s)	Objective(s)	Deliverables/Outcomes	Implementation	FY 11 Budget
(3) Effective collaborative partnerships for regional environmental benefit are established.	1. Encourage development of a skilled workforce.	1(a) Classes scheduled and held.	• CCSD, AED, Solano Community College	To be determined by Solano Community College.

BAY AREA CLEAN WATER AGENCIES BUDGET		
REVENUES	FY10-11	Notes
Principals' Contributions	450,000	Assumes the same as previous years.
Assoc. Contributions	97,500	
Affl. Contributions	61,500	
Interest Income	15,000	Est. from EBMUD Accounting
Special Prog. Costs	75,226	Indir. & dir., excl. prop 50, incl. 39K from CBC for ED
Operating Reserve Transfer	37,274	
REVENUE TOTAL	736,500	
EXPENSES	FY10-11	Notes
<b>Committees</b>		
Collections System	25,000	12k mtg support, 13k regulatory tracking
Permit Committee	25,000	12k mtg support, 13k regulatory tracking
Water Recycling	11,000	6k mtg support, 5k water use table
Biosolids	10,000	8k fact sheets, 2k conference
InfoShare Groups	25,000	21k mtg support, 4k as-needed support
Laboratory	7,000	5k conf., 2k training
Misc. Support	10,000	
Committee TOTAL	113,000	
<b>Executive Board Tech. Support</b>		
Expert Support	100,000	Respond to unanticipated regulatory dev. and info needs
Media Relations Support	25,000	20k BAPPG support; 5k misc. (LTEs, Op-Ed, etc.)
Tech. Support TOTAL	125,000	
<b>Executive Board Legal Support</b>		
Regulatory Support	20,000	Respond to unanticipated regulatory developments
Executive Board Support	10,000	Organization legal support
Legal Support TOTAL	30,000	
<b>Collaborations</b>		
CWAA	10,000	Clean Water American Alliance support, expected annually
CPSC	5,000	California Product Stewardship Council, expected annually
PSI	500	Product Stewardship institute, expected annually
State of the Estuary	20,000	To support conference in Sept. 2011, expected biennially
Collaborations TOTAL	35,500	
<b>Commun. and Reporting</b>		
Annual Report	20,000	Same as previous year
Website Dev. & Maint.	70,000	Includes file hosting, web hosting, some reorganization
Newsletter	15,000	Includes consultant support for developing template
Communications TOTAL	105,000	
<b>Special Programs</b>		
BAPPG Contribution	50,000	Increased \$15k over FY09-10
Special Programs TOTAL	50,000	
<b>General Support</b>		
Meeting Support	10,000	Annual meeting, Pardee
Contingency	15,000	Misc. expenses
General Support TOTAL	25,000	
<b>Administrative Expenses</b>		
Executive Director	130,000	20k less than previous years
Ass't Executive Director	70,000	10k increase
EBMUD Financial Services	40,000	Same as previous year
Administrative Expenses	8,000	Copies, trainings, etc.
Insurance	5,000	
Admin TOTAL	253,000	
EXPENSE TOTAL	736,500	

CLEAN BAY COLLABORATIVE BUDGET		
<i>Revenue</i>	<b>FY10-11</b>	<b>FY10-11 Notes</b>
Contributions	450,000	Same as last year
Fund Transfer	0	
WQA Interest/ Misc	8,000	Estimate from EBMUD accounting
<b>TOTAL</b>	<b>458,000</b>	
<i>Expenses</i>	<b>FY10-11</b>	<b>FY10-11 Notes</b>
Technical Support	175,000	See workplan for detail
Collab. & Sponsorships	50,000	CWCCG
Trainings	7,190	CIWQS QA/QC training
Commun. & Reporting	65,000	40k recycled water guide, 20k Hg mass reporting, 5k CEC
Other	100,000	risk reduction efforts
BACWA Direct Cost (ED)	39,000	Assumes 30% ED time as coordinator
BACWA Indirect Cost	21,810	5% of costs, assumes costs = revenues
<b>TOTAL</b>	<b>458,000</b>	

BAPPG BUDGET		
<i>Revenue</i>	<b>FY10-11</b>	<b>FY10-11 Notes</b>
Contributions	80,505	Assumes \$50k BACWA contribution
Interest/Misc.	53,079	Misc. includes operating reserve (\$10k to be left in reserve)
<b>TOTAL</b>	<b>133,584</b>	
<i>Expenses</i>	<b>FY10-11</b>	
Contract Expenses	116,195	
BACWA Indirect Costs	5,810	
<b>TOTAL</b>	<b>122,005</b>	

WOT BUDGET		
<i>Revenue</i>	<b>FY10-11</b>	<b>FY10-11 Notes</b>
Contributions	118,360	Assumes same as previous year
Interest/ Misc	350	
<b>TOTAL</b>	<b>118,710</b>	
<i>Expenses</i>	<b>FY10-11</b>	<b>FY10-11 Notes</b>
Contract Expenses	81,000	
BACWA Indirect Costs	2,500	3% (closer to actual costs than 5%)
<b>TOTAL</b>	<b>83,500</b>	

PROP 50 ADMIN BUDGET		
<i>Revenue</i>	<b>FY 08-14</b>	<b>FY10-11 Notes</b>
Agency Contributions	250,000	Difficult to estimate
IRWMP Transfer (07-08)	1,873	
Interest (07-08)	1,484	
Interest (08-09)	1,504	
Interest (09-10)	5,809	
Interest (10-11)	2,000	2k
Interest (11-12)	1,500	
Interest (11-12)	1,000	
<b>TOTAL</b>	<b>265,170</b>	
<i>Expenses</i>	<b>FY 08-14</b>	<b>FY10-11 Estimates</b>
Consultant	120,000	
Legal	50,000	0 (49k disbursed)
Accounting/Audit	15,000	3k (2.8k disbursed)
BACWA Direct Costs	50,000	5k (26.5k disbursed for ED, AED, web)
BACWA Indirect Costs	8,475	1.5k (5% of dir costs after 11.30.08)
Contingency	21,695	
<b>TOTAL</b>	<b>265,170</b>	



## BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 10

FILE NO.: 12,169

MEETING DATE: May 27, 2010

### TITLE: Election of FY 2010-11 BACWA Chair and Vice-Chair

☒ MOTION \_\_\_\_\_ ☐ RESOLUTION \_\_\_\_\_

### RECOMMENDED ACTION

Election of a Vice Chairman for BACWA to succeed Doug Craig for the remainder of FY 2009-10.

### SUMMARY

Section 7 of the JPA states that the Association shall have a Chairman and Vice Chairman chosen by the Executive Board, from the members of the Executive Board, for a term of one year coinciding with the fiscal year. The Vice Chairman shall serve as Chairman in the absence of the regularly elected Chairman.

As described in BACWA policies and procedures, the Chair signs contracts, approves invoice payments, convenes and manages meetings of the Executive Board, and serves as a member of the Finance Committee. The Vice Chair also serves as a member of the Finance Committee and has historically succeeded the Chair at the end of his term.

### Past Chairs and Vice Chairs:

Timeframe	Chair	Vice-Chair
2000 – 2002	Chuck Weir	Jim Kelly
2002 – 2004	Jim Kelly	Michael Carlin
2004 – (Feb.) 2005	Michael Carlin	Dave Williams
(Mar.) 2005 – (July) 2005	Dave Williams	Bill Keaney
(July) 2005 – (June) 2006	Bill Keaney	Chuck Weir
(July) 2006 – (May) 2007	Bill Keaney	Dave Williams
(June) 2007 – (June) 2008	Dave Williams	Dave Tucker
(July) 2008 – (March) 2010	Dave Tucker	Doug Craig
(April) 2010 – (June) 2010	Dave Tucker	Arleen Navarret

### FISCAL IMPACT

This resolution has no fiscal impact.

### ALTERNATIVES

This action does not require consideration of alternatives.

*Attachments:* BACWA Succession Planning, rev 5-27-10

Submitted: Amy Chastain

Executive Director Approval: /s/ Amy Chastain

**BAY AREA CLEAN WATER AGENCIES  
SUCCESSION PLANNING  
May 27, 2010**

**A. BACWA Principal Representation**

<b>Agency</b>	<b>Representative</b>	<b>Title &amp; Roles</b>
EBMUD	Ben Horenstein	Tri-TAC Chair
	Dave Williams (Alternate)	Aquatic Science Center, Board Member Summit Partners, Representative
	Ed McCormick (Alternate)	
SFPUC	Tommy Moala	
	Arleen Navarret (Alternate)	BACWA, Vice-Chair BACWA, Finance Committee
	Natalie Sierra (Alternate)	Tri-TAC, Vice Chair
City of San Jose	Bhavani Yerrapotu	
	Dave Tucker (Alternate)	BACWA, Chair BACWA, Finance Committee SFEI, Board Member Aquatic Science Center, Board Member WERF, Mercury Collaborative Research
	Dale Ihrke (Alternate)	
	John Stufflebean (Alternate)	
	Kirsten Struve (Alternate)	
EBDA	Mike Conner	Aquatic Science Center, Board Member
	Karl Royer (Alternate)	
	Rich Currie (Alternate)	
CCSD	Jim Kelly	

## B. Other BACWA Representation

Agency	Representative	Successor/ Alternate	Notes
SFEI	Dave Tucker	Tri-TAC Chair	Chuck Weir also on Board
RMP Technical Committee	Rod Miller & Francoise Rodigari		Both generally attend the meetings.
RMP Steering Committee		Ben Horenstein	Ken Kaufman from SBSA and Dan Tafolla from VSFCDD are also POTW members of the Committee
Summit Partners	Dave Williams		
	Amy Chastain		
Aquatic Science Center	Dave Tucker	Mike Connor	
	Dave Williams	Amy Chastain	

## C. BACWA Committees

Committee	Chair	Vice Chair	Potential Succession Date	Comments
AIR	Stephanie Cheng, EBMUD	Randy Schmidt, CCCSD	7/2010	Represents BACWA on CWCCG.
Biosolids	Greg Baatrup, FSSD	Matt Krupp, San Jose	7/2010	Co-chair of the Tri-TAC Land Committee
BAPPG	Jen Jackson, EBMUD	Karin North, Palo Alto	7/2010	
Collection Systems	Rich Cunningham			
Laboratory	Aloe Kauravalla, San Jose		8/2010	Lab Committee changes chair each year and rotates among the five principals
Permits	James Ervin, San Jose		7/2010	
Water Recycling	Linda Hu, EBMUD	Cheryl Munoz, SFPUC	7/2010	Coordinates with IRWMP



## BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 11

FILE NO.: File 11,819

MEETING DATE: May 27, 2010

### TITLE: Amendment 1 CH2M Hill AIR Committee Support

☒ MOTION \_\_\_\_\_ ☐ RESOLUTION \_\_\_\_\_

### RECOMMENDED ACTION

Authorize the following actions:

1. Amendment No. 1 to the original agreement with CH2M Hill to increase the original contract amount of \$86,899 by \$5,000 for a new total contract value not to exceed \$91,899 to support the AIR Committee.
2. A fund transfer in the amount of \$5,000 from the BACWA Committees, Miscellaneous Committee Support FY09-10 budget line item to the AIR account.

### SUMMARY

As approved at the December 17, 2010 Executive Board meeting, the AIR Committee conducted its second Greenhouse Gas Emissions Reporting Workshop on February 17, 2010. Planning and coordination of this workshop were not included in the original contract's scope of work or the AIR Committee's budget, on which the AIR dues were based. Additional funds, therefore, are required for CH2M Hill to support the AIR Committee through the end of fiscal year 2009-2010. The Executive Board discussed the necessity of this amendment and fund transfer during the December 17 meeting and expressed support for it at that time.

### FISCAL IMPACT

The BACWA FY09-10 budget currently has funds available under the Committees, Miscellaneous Committee Support line item to fund this \$5,000 contract increase. This budget line item currently has an available balance of \$18,586.

### ALTERNATIVES

This action does not require consideration of alternatives.

### Attachments:

1. Amendment 1 CH2M Hill AIR 11,819

Submitted: Stephanie Cheng, AIR Committee Chair

Executive Director Approval: /s/ Amy Chastain

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**AMENDMENT NO. 1  
TO  
AGREEMENT BETWEEN  
BAY AREA CLEAN WATER AGENCIES  
AND  
CH2M Hill, Inc.  
FOR  
Air Issues and Regulations Committee Support**

This Amendment No. 1 is made this 27<sup>th</sup> day of May, 2010, in the City of Oakland, County of Alameda, State of California, to the agreement dated June 25, 2009, File 11,819, by and between CH2M Hill, Inc. ("CH2M Hill") and Bay Area Clean Water Agencies, (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

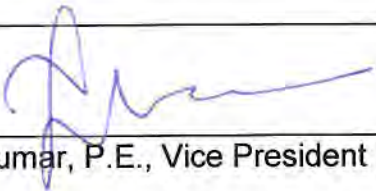
The Agreement is amended as follows:

1. BACWA and CH2M Hill agree to increase the original contract amount of \$86,899.00 by **\$5,000.00**, to be funded by the AIR account, FY 2009-10 for a new not to exceed agreement total of **\$91,899.00**.
2. Except as herein expressly modified, the Agreement remains in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By \_\_\_\_\_  
David W. Tucker, Chair Executive Board

Dated \_\_\_\_\_

\_\_\_\_\_  
  
By \_\_\_\_\_  
Vijay Kumar, P.E., Vice President

Dated 5/14/2010

BACWA EIN: 94-3389334

{00916918.2}



## BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 12 – 16

FILE NO.: File 12,162-12,166

MEETING DATE: May 27, 2010

**TITLE: Approval of Contracts to Implement FY2010-11 BACWA and Special Programs Budgets and Workplans**

☒ MOTION \_\_\_\_\_ ☐ RESOLUTION \_\_\_\_\_

### RECOMMENDED ACTION

Authorize the approval of the following contracts to implement the Fiscal Year 2010 – 2011 BACWA and Special Programs Budgets and Workplans:

1. Agreement with Oakley Water Strategies (OWS) for Permits and Collections System Committee Support and As-Needed Technical Assistance with a total contract value not to exceed \$70,000 for FY2010-11; File 12,162.
2. Agreement with Larry Walker Associates, (LWA) for PCB TMDL Implementation and As-Needed Technical Assistance with a total contract value not to exceed \$60,000 for FY2010-11; File 12,163.
3. Agreement with EOA, Inc. (EOA) for As-Needed Technical Assistance with a total contract value not to exceed \$20,000 for FY2010-11; File 12,164.
4. Agreement with Day Carter & Murphy, LLP (DCM) for Legal Advice and Counsel with a total contract value not to exceed \$5,000 for FY2010-11; File 12,165.
5. Agreement with Downey Brand, LLP (DBrand) for Legal Advice and Counsel with a total contract value not to exceed \$10,000 for FY2010-11; File 12,166.

### SUMMARY

These contracts provide committee support, technical assistance and legal counsel to implement the FY2010-11 BACWA and Special Programs Budgets and Workplans.

#### Oakley Water Strategies (OWS)

<i>Workplan Deliverable and Outcome</i>	<i>FY10-11 Budget Line Item</i>	<i>Contract Amount</i>
BACWA FY10-11 Workplan 1(b) Permits Committee Support - Meeting support and facilitation (\$12k) - Regulatory tracking, analysis and reporting (\$13k)	BACWA Committees, Permit Committee	\$25,000
BACWA FY10-11 Workplan 1(a) Collection Systems Committee Support - Meeting support and facilitation (\$12k) - Regulatory tracking, analysis and reporting (\$13k)	BACWA Committees, Collections System	\$25,000

Submitted: \_\_\_\_\_

Executive Director Approval: /s/ Amy Chastain

BACWA FY10-11 Workplan 5(a) Comment letters on regulatory developments as they arise; issue summaries and fact sheets on developing issues.	BACWA Executive Board Tech Support, Expert Support	\$20,000
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**Larry Walker Associates (LWA)**

<i>Workplan Deliverable and Outcome</i>	<i>FY10-11 Budget Line Item</i>	<i>Contract Amount</i>
CBC FY10-11 Workplan 4(c) PCB TMDL implementation	CBC Technical Support	\$30,000
BACWA FY10-11 Workplan 5(a) Comment letters on regulatory developments as they arise; issue summaries and fact sheets on developing issues.	BACWA Executive Board Tech Support, Expert Support	\$30,000

**EOA, Inc (EOA)**

<i>Workplan Deliverable and Outcome</i>	<i>FY10-11 Budget Line Item</i>	<i>Contract Amount</i>
BACWA FY10-11 Workplan 5(a) Comment letters on regulatory developments as they arise; issue summaries and fact sheets on developing issues.	BACWA Executive Board Tech Support, Expert Support	\$20,000

**Day Carter & Murphy, LLP (DCM)**

<i>Workplan Deliverable and Outcome</i>	<i>FY10-11 Budget Line Item</i>	<i>Contract Amount</i>
Administration FY10-11 Workplan 1(d) Effective organizational risk management.	BACWA Executive Board Legal Support, Executive Board Support	\$5,000

**Downey Brand, LLP (DBrand)**

<i>Workplan Deliverable and Outcome</i>	<i>FY10-11 Budget Line Item</i>	<i>Contract Amount</i>
BACWA FY10-11 Workplan 5(a) Comment letters on regulatory developments as they arise; issue summaries and fact sheets on developing issues.	BACWA Executive Board Legal Support, Regulatory Support	\$10,000

## FISCAL IMPACT

The BACWA and CBC FY10-11 budgets currently have funds available to support these contracts.

<i>Budget Line Item</i>	<i>Budget Amount</i>	<i>Contract Amount</i>	<i>Resulting Unencumbered Balance</i>
BACWA Committees, Permit Committee	\$25,000	OWS: \$25,000	\$0
BACWA Committees, Collections System	\$25,000	OWS: \$25,000	\$0
BACWA Executive Board Tech Support, Expert Support	\$100,000	OWS: \$20,000 LWA: \$30,000 EOA: \$20,000	\$30,000
CBC Technical Support	\$175,000	LWA: \$30,000	\$145,000
BACWA Executive Board Legal Support, Executive Board Support	\$10,000	DCM: \$5,000	\$5,000
BACWA Executive Board Legal Support, Regulatory Support	\$10,000	DBrand: \$10,000	\$10,000

## ALTERNATIVES

This action does not require consideration of alternatives.

### *Attachments:*

1. OWS Exhibit A, Scope of Work, File 12,162
2. LWA Exhibit A, Scope of Work, File 12,163
3. EOA Exhibit A, Scope of Work, File 12,164
4. DCM Exhibit A, Scope of Work, File 12,165
5. DBrand Exhibit A, Scope of Work, File 12,166

**EXHIBIT A**  
**SCOPE OF WORK**

Professional Services by **Oakley Water Strategies**  
Fiscal Year 2010-2011

Oakley Water Strategies will provide the following professional services to BACWA, the costs of which are **not to exceed \$70,000**:

**Task 1: Permits Committee Support (\$25,000)**

Task 1(a): Administrative Meeting Support (\$12,000)

Assist Permits Committee Chair with scheduling and organizing meetings, meeting agenda development, general meeting planning, preparation of Committee reports, and other administrative tasks; includes travel to and attendance at meetings.

Task 1(b): Regulatory Tracking, Analysis & Reporting (\$13,000)

Track and report on regulatory developments relevant to the Permits Committee. Upon request of the Committee Chair or Executive Director, schedule and participate in meetings with San Francisco Bay Regional Water Quality Control Board, State Water Resources Control Board, United States Environmental Protection Agency and other regulatory agency staff to discuss permitting issues; prepare POTW technical data analyses and compliance tools; assist with the drafting of comments on BACWA's behalf; and coordinate with Tri-TAC/CASA on water quality issues.

**Task 2: Collection System Committee Support (\$25,000)**

Task 2(a): Administrative Meeting Support (\$12,000)

Assist Collection Systems Committee Chair with scheduling and organizing meetings, meeting agenda development, general meeting planning, preparation of Committee reports, and other administrative tasks; includes travel to and attendance at meetings.

Task 2(b): Regulatory Tracking, Analysis & Reporting (\$13,000)

Track and report on regulatory developments relevant to the Collection Systems Committee. Upon request of the Committee Chair or Executive Director, schedule and participate in meetings with San Francisco Bay Regional Water Quality Control Board, State Water Resources Control Board, United States Environmental Protection Agency and other regulatory agency staff; prepare and assist in the preparation of technical data analyses and compliance tools; assist with the drafting of comments on BACWA's behalf; and coordinate with Tri-TAC/CASA on relevant issues.

**Task 3: As-Needed Technical Services (\$20,000)**

Provide additional services upon written request by the BACWA Executive Director or Executive Board. Such support may include, but is not limited to the following:

- Review and analysis of effluent, Regional Monitoring Program, water quality, spill report, or other data;
- Review and analysis of permits, basin plan amendments, TMDLs, enforcement initiatives or other regulatory plans and policies;
- Represent BACWA in workgroups, committees, meetings, and hearings;
- Prepare or assist with the preparation of comments, issue summaries, position papers, program strategies, white papers, frequently asked questions, and fact sheets;
- Coordinate or assist with the coordination of trainings and special meetings for BACWA members;
- Consult with and advise the Executive Director and/or Executive Board members regarding regulatory developments and technical issues.

**EXHIBIT A**  
**SCOPE OF WORK**

Professional Services by **Larry Walker & Associates**  
Fiscal Year 2010-2011

Larry Walker & Associates will provide professional services to the Bay Area Clean Water Agencies (BACWA) for the following activities, the costs of which **are not to exceed \$60,000**:

**Task 1: PCB TMDL Implementation (\$30,000)**

Assist BACWA in developing and implementing a plan for San Francisco Bay Area publicly owned treatment plants to achieve and demonstrate compliance with the Total Maximum Daily Load for polychlorinated biphenyls.

**Task 2: As-Needed Technical Services (\$30,000)**

Provide additional services upon written request by the BACWA Executive Director and Executive Board. Such support may include, but is not limited to the following:

- Review and analysis of effluent, RMP, water quality, spill report, or other data.
- Review and analysis of permits, basin plan amendments, TMDLs, enforcement initiatives or other regulatory plans and policies.
- Representation of BACWA in workgroups, committees, meetings, and hearings.
- Prepare or assist with the preparation of comments, issue summaries, position papers, program strategies, white papers, frequently asked questions, and fact sheets.
- Coordinate or assist with the coordination of trainings and special meetings for BACWA members.
- Consult with and advise the Executive Director and/or Executive Board members regarding regulatory developments and any other issues, as requested.

**EXHIBIT A**  
**SCOPE OF WORK**

Professional Services by **EOA, Inc.**  
Fiscal Year 2010-2011

EOA, Inc. will provide professional services to Bay Area Clean Water Agencies (BACWA) for the following activities, the costs of which are **not to exceed \$20,000**:

**Task 1: As-Needed Technical Services (\$20,000)**

Provide services upon written request by the BACWA Executive Director and Executive Board. Such support may include, but is not limited to the following:

- Review and analysis of effluent, RMP, water quality, spill report, or other data.
- Review and analysis of permits, basin plan amendments, TMDLs, enforcement initiatives or other regulatory plans and policies.
- Representation of BACWA in workgroups, committees, meetings, and hearings.
- Prepare or assist with the preparation of comments, issue summaries, position papers, program strategies, white papers, frequently asked questions, and fact sheets.
- Coordinate or assist with the coordination of trainings and special meetings for BACWA members.
- Consult with and advise the Executive Director and/or Executive Board members regarding regulatory developments and any other issues, as requested.



## **EXHIBIT A**

### **SCOPE OF WORK**

Professional Services by **Day, Carter & Murphy, LLP**  
Fiscal Year 2010-2011

Day, Carter, & Murphy, LLP agrees to provide legal advice and counsel to BACWA upon written request from the Executive Director or the Assistant Executive Director, the total annual costs of which are **not to exceed \$5,000**:

## **EXHIBIT A**

### **SCOPE OF WORK**

Professional Services by **Downey, Brand Attorneys LLP**  
Fiscal Year 2010-2011

Downey, Brand Attorneys LLP agrees to provide legal advice and counsel to BACWA upon written request from the Executive Director or the Assistant Executive Director, the total annual costs of which are **not to exceed \$10,000**.

## Summary Review of SF Bay Selenium TMDL Technical Work Products

PREPARED FOR: Amy Chastain/BACWA  
PREPARED BY: Earl Byron/CH2M HILL  
COPIES: Susan Dennis/CH2M HILL  
DATE: May 6, 2010

The purpose of this memorandum is to provide a summary of previously-prepared reviews of Tetras Tech's (TT) San Francisco Bay selenium TMDL technical work products and to discuss those findings with regard to new tissue-based criteria for selenium. In addition, the memorandum discusses the evidence for the possible delisting of selenium as a cause for water quality impairment in the north bay (303[d] list).

The TT memoranda provided a logical and thorough sequence of development of the technical information needed to establish the tissue-based TMDL for selenium. However, that compilation and associated modeling do not provide an ability to clearly predict the selenium content of the North Bay water nor in the tissues of affected organisms (primarily as affecting white sturgeon through their clam-based diet). Error-prone assumptions and conservative choices can be found throughout their work, all of which contribute to high uncertainty in predicting tissue or waterborne concentrations of selenium as would be required for TMDL waste load allocations (WLAs).

Key points, as summarized from comments submitted in 2008 and 2009, include:

- Influent loads to the bay were characterized conservatively, without loss terms and without an attempt to provide a mass balance of selenium.
- Reproductive effects to birds do not take into account recent data on the low selenium concentrations in the eggs of North Bay birds tracked to their nesting grounds and the bird toxicity summary should emphasize direct exposure to birds and hunters rather than reproductive effects.
- The sturgeon reproductive toxicity information is inconsistent and provides various screening levels; however, the screening levels need to focus on muscle tissue results (not whole body or eggs) as they are the only practical monitoring tool for sturgeon in the bay.
- The sediment sequestration and processing of particulate selenium are poorly understood and incompletely characterized, and yet this portion of the selenium cycle includes most of the mass of selenium in the bay at any given time.
- The benthic food web and model are incompletely characterized and oversimplified. Sturgeon eat a variety of foods over their life time and are not limited to consuming

only *Corbula* clams, the highest selenium bioaccumulator. Also, there is evidence that sturgeon do not digest all clams consumed. In addition, recent evidence points to a recent sharp decrease in abundance of this species of clam in the bay. The sturgeon food web model needs to take feeding diversity, food availability, and a blended diet into account (as would be more typical of an ecological risk assessment approach).

- In general, the modeling should (but does not) emphasize the most recent bay data and de-emphasize data and functional relationships related to the time prior to refinery cleanup (pre-1999).
- The current choice of 6 µg / g dw selenium in whole body sturgeon tissue as the TMDL target for the bay is based on highly variable measures of risk. The target must be recognized as only a central point of an inexact range of possible values (from less than 2 to over 20 µg/ g). Further imprecision is inherent in converting whole body numbers to either muscle tissue (monitoring data) or egg values (new EPA screening values).
- Modeled, back-calculated water column concentrations estimated from TMDL tissue targets will be additionally imprecise and variable and should be recognized as being representative of broad ranges rather than precise regulatory values. The final models linking sturgeon, their diet of clams, and the surrounding water are composed of links with variability at every step, as should be expected. However, such a model cannot be used to accurately predict waterborne concentrations protective of a sturgeon tissue TMDL target.

It is important that TT acknowledged the very conservative assumptions that went into their final set of models linking water and tissue selenium concentrations. In addition, they unequivocally demonstrated the insignificance of POTW loads in affecting selenium in concentrations in sturgeon. No attempt was made in the TT memoranda to estimate WLAs but the dominance of river-borne selenium loading and the lack of POTW impact strongly indicates that no POTW load reductions are warranted as part of the TMDL process.

The highest muscle tissue concentrations of selenium recently observed in SF Bay, as reported in Barbara Baginska's presentation to the advisory board, are approximately 10 to 12 µg/ g. Obviously, these higher values exceed the current draft selection of a TMDL tissue target of 6 µg/ g. However, as per EPA's presentation of the new selenium tissue target guidelines, it is likely the national standard for fish egg selenium will be 17 µg/ g (I have heard from other knowledgeable sources that the value will be listed as 15 to 18 µg/ g). Using Linville's thesis relationship between SF Bay sturgeon muscle and eggs one can predict that this would be approximately 16.9 µg/ g in muscle. None of the recent muscle values presented by Baginska exceed that value.

Assuming a delisting determination was investigated, it would depend on how far back in time the Regional Board selects sturgeon muscle tissue samples as to how many samples might exceed a newly-selected target value. Tissue values of over 20 µg/ g were measured as recently as 2001. However, with the new EPA tissue target guidelines and continued declining sturgeon selenium concentrations in the bay it is possible that a delisting could occur. Nevertheless, I think at this point it is more likely that the Board will use this

uncertainty of impairment as justification for no further regulations for bay dischargers. The emphasis on selenium controls should come from the upstream TMDLs, particularly for the San Joaquin drainage.