

BACWA EXECUTIVE BOARD MEETING
Thursday, June 24, 2010, 9:00 a.m. – 12:00 p.m.

HANDOUTS

Handout Packet is available on the BACWA website (www.BACWA.org).

<u>Pages</u>	<u>Handout Title</u>	<u>Agenda Item #</u>
3 – 4	Agenda	
5 – 8	BAPPG Report	1
9 – 11	Collection Systems Committee Report	1
12	Permits Committee Report	1
13	Recycled Water Committee Report	1
14	Prop 50 Grant Disbursement Summary, June 2010	2
15 – 17	Executive Director Report	3
18 – 23	May 2010 Treasurer's Report	5
24 – 28	Meeting Minutes from BACWA Executive Board Meeting of May 27, 2010, File 14,005	6
29 – 30	Board Action Request – Approve Amendment of contract for Permits and Collection Systems Committee Support to increase contract total from \$40,000 to \$43,530 for FY 2009-10; File 11,782	8
31	Board Action Request – Approve San Francisco Bay Book Contribution of \$5,000 for FY 2009-10; File 12,194	9
32 – 33	Board Action Request – Approve Carollo Amendment 3, No Cost Extension to June 30, 2010; File 11,739	10
34 – 35	Board Action Request – Approve SFEI Contract 498 Amendment 9, No Cost Extension to December 31, 2010; File 11,500	11
36 – 43	Board Action Request – Approve CH2M Hill AIR Amendment 2 AND AIR Budget and Workplan for FY 2010-11; File 11,819	12
44 - 48	Board Action Request – Approve Contract with Alexandra Gunnell Assistant for Executive Director Services for FY 2010-11; File 12,192	13

<u>Pages</u>	<u>Handout Title</u>	<u>Agenda Item #</u>
49 - 52	Board Action Request – Approve Contract with Circle Point for Website and Communications Support for FY 2010-11; File 12,193	14
53 – 55	Board Action Request – Approve Contract with Kennedy/Jenks for Info Share Group Support for FY 2010-11; File 12,193	15
56 – 58	Board Action Request – Approve Contract with O’Rorke Media for Relations Support for FY 2010-11; File 12,195	16
59 – 65	NPDES Sanitary Sewer Overflow Regulations Federal Register Notice, June 1, 2010	18
66 – 67	Proposed BACWA Technical Guidance on Collection System Wet Weather Design Criteria	18
68 – 78	Larson Consulting CIWQS Data Review Letter Report, June 16, 2010	20



AGENDA

Executive Board Meeting

Thursday, June 24, 2010
9:00 a.m. – 12:00 p.m.

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

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

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

REPORTS (9:10 a.m. – 10:00 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 (10:00 a.m. – 10:10 a.m.)

5. Approval of May 2010 Treasurer's Report.
6. Approval of Minutes from May 27, 2010 BACWA Executive Board Meeting.
7. Chair & Executive Director Authorized Actions
 - Laboratory Committee, National Water Quality Monitoring Conference attendance, \$2,500.
 - Consultant Support cost-share for Supplemental Proposition 50 application process, \$2,500.

BOARD ACTION ITEMS (10:10 a.m. – 11:00 a.m.)

8. Amendment to contract with Oakley Water Strategies for Permits and Collection System Committee Support to increase contract total from \$40,000 to \$43,530 for Fiscal Year 2009-10; File 11,782.
9. Contribution to the UC Press Foundation to support publication of the San Francisco Bay Estuary book, in the amount of \$5,000 for Fiscal Year 2009-10; File 12,194.
10. Amendment to contract with Carollo Engineers for the development of a white paper on urban stormwater diversion to extend termination date to December 31, 2010; File 11,739.
11. Amendment to contract with the San Francisco Estuary Institute for laboratory services to extend termination date to December 31, 2010; File 11,500.
12. Approval of the AIR Committee budget, workplan, and amendment of contract with CH2M Hill to provide AIR Committee Support for Fiscal Year 2010-11; File 11,819.
13. Approval of contract with Alexandra Gunnell for Assistant Executive Director services for Fiscal Year 2010-11; File 12,192.

14. Approval of contract with CirclePoint for website and other communications support for Fiscal Year 2010-2011, File 12,197.
15. Approval of contract with Kennedy/Jenks Consultants for Info Share Group Support for Fiscal Year 2010-11; File 12,193.
16. Approval of contract with O'Rorke, Inc. for media relations support for Fiscal Year 2010-11; File 12,195.

BOARD DISCUSSION ITEMS (11:00 a.m. – 12:00 p.m.)

17. August Executive Board Meeting
18. Federal Sanitary Sewer Overflow & Peak Flow Regulation Changes
19. Shellfishing Beneficial Use
20. CIWQS Analysis

NEXT REGULAR MEETING

The next regular meeting is scheduled for July 29, 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 June 23, 2010 on the BACWA website (www.BACWA.org).

**BAPPG Committee Report to
BACWA Board**

Meeting Date: June 24, 2010
Prepared By: Sharon Newton, City of San Jose
BAPPG Committee Vice Chair

Project Updates

Project	Update	Completion Date
Cyanide	BAPPG project champions compiled existing cyanide information and gave a one-hour training/presentation for inspectors and program staff. Presentation content included sources and potential source control measures for cyanide, treatment methods, discharge requirements, Cyanide Action Plans and emergency response. The team developed and distributed at the training the <i>Cyanide Site Specific Objectives - Cyanide Action Plan Fact Sheet</i> . [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. [Project Lead: Karin North]	Fall 2010
Pharmaceuticals	BAPPG will begin working with the Teleosis Institute to develop two sets of brochures for hospice care workers to distribute to patients and their families - one set upon entering hospice and another for end of life. [Project Lead: Karin North]	Fall 2010

Next BAPPG Meeting

August 4, 2010, 10am – 12pm, 1515 Clay Street, Oakland, CA, Second Floor, Room 11

Attachments

Cyanide Site Specific Objectives – Cyanide Action Plan Fact Sheet



Cyanide Site Specific Objectives - Cyanide Action Plan Fact Sheet

Resolution R2-2006-0086 – To amend the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to adopt Site-Specific Objectives for Cyanide for San Francisco Bay and an Implementation Plan. The Basin Plan requires cyanide source control programs, or “Cyanide Action Plans”, as incorporated into municipal NPDES Permit provisions. Dischargers shall implement monitoring and surveillance, pretreatment, source control and pollution prevention for cyanide in accordance with the following tasks:

Cyanide Action Plan Task	Additional Resource / Reference
<p>Task (1) Review Potential Cyanide Contributors - The Discharger shall submit an inventory of potential contributors of cyanide to the wastewater treatment facility (e.g., metal plating operations, hazardous waste recycling, etc.). If no contributors of cyanide are identified, Tasks 2 and 3 are not required, unless the Discharger receives a request to discharge detectable levels of cyanide to the sanitary sewer. If so, the Discharger shall notify the Executive Officer and implement Tasks (2) and (3).</p> <p>Task (2) Implement Cyanide Control Program The Discharger shall submit a plan for, and begin implementation of, a program to minimize cyanide discharges to the sanitary sewer system consisting, at a minimum, of the following elements: Compliance Date annually with Annual Pollution Prevention Report February 28 or August 31</p> <p>i. Inspect each potential contributor to assess the need to include that contributing source in the control program.</p> <p>ii. Inspect contributing sources included in the control program annually. Inspection elements may be based on USEPA guidance, such as Industrial User Inspection and Sampling Manual for POTWs (EPA 831-B-94-01).</p>	<ul style="list-style-type: none"> • Review POTW Influent Data • Review Pretreatment Program Significant and Categorical Industrial User, and Commercial / Industrial User Inventories • Pretreatment Inspections and regulations cover Action Plan requirements for inspections. • Review sanitary sewer trunk line monitoring data for commercial, industrial, and residential service areas. • BAPPG P2 and the Cyanide SSO Presentation August 2008 by Betsy Elzufon • BAPPG Fact sheet on Approaches to Pollution Prevention for Cyanide – August 2008 • City of San Jose Cyanide Fact Sheet • BAPPG Presentation Cyanide; 6/2/2010 • www.p2rx.org
<p>iii. Develop and distribute educational materials to contributing sources and potential contributing sources regarding the need to prevent cyanide discharges.</p>	<ul style="list-style-type: none"> • Wastewater Discharge Permits • DTSC Fact Sheets January 2002, 1) Jewelry Manufacturing Pollution Prevention Recommendations; and 2) Cyanide Waste Produced in Jewelry Manufacturing
<p>iv. Prepare an emergency monitoring and response plan to be implemented if a significant cyanide discharge occurs.</p> <p>v. If ambient monitoring shows cyanide concentrations of 1.0 µg/L or higher in the main body of San Francisco Bay, undertake actions to identify and abate cyanide sources responsible for the elevated ambient concentrations.</p>	<ul style="list-style-type: none"> • BAPPG Cyanide SSO / Action Plan Fact Sheet with ERP Fact Sheet 6/2/2010. • Regional Monitoring Program (RMP) through BACWA
<p>Task (3) Report Status of Cyanide Control Program Submit a report to the Regional Water Board documenting implementation of the cyanide control program. Compliance Date Annually with P2 reports due February 28 or August 31.</p>	<ul style="list-style-type: none"> • POTW Annual Pollution Prevention Reports



Cyanide Site Specific Objectives - Cyanide Action Plan Fact Sheet

- The Basin Plan Cyanide Site Specific Objectives require POTWs to prepare an emergency monitoring and response plan that will be implemented if a significant cyanide discharge occurs.
- Purpose is to respond to illicit discharges
- Agencies should refer to their NPDES Permits for specific requirements; this fact sheet presents potential options based on common regional requirements.

Potential Monitoring and Emergency Response Plan Contents

POTW Monitoring:

- POTW influent monitoring, typically per NPDES Permit influent and effluent monitoring requirements.
- Agency should define what a "significant discharge" of cyanide means as it pertains to influent or effluent monitoring data. This could be done by creating performance based limit for cyanide using existing cyanide data.
- When significant discharge occurs take another effluent sample and an influent sample.

Source Monitoring:

- Sanitary sewer surveillance monitoring at a specified frequency for a number of trunkline, commercial, and residential area sites. Agencies determine a representative number of sites and frequency for sampling based on jurisdiction demographics and available resources.
- If any of the sampling results for cyanide are detectable, the POTW will re-sample the same location.
- In addition when cyanide is detected from trunkline, commercial or residential surveillance, the Pretreatment Inspectors will audit the area to determine if there are any potential sources of cyanide. If there are any potential industrial or commercial sources in the area they will be inspected.

Response:

- If POTW monitoring reveals a high value (e.g., exceeds performance based limit), contact all potential cyanide sources and discuss any recent activities that could have caused high value.
- Investigate suspected cyanide dischargers that may have contributed to high value include review of delivery, use, and shipment of cyanide.
- Develop procedures for follow-up sampling and enforcement response if an IU discharges above the applicable Federal categorical limits and/or local limits.
- Ensure procedures are in the Pretreatment Program Enforcement Response Plan and the Pretreatment Sampling Standard Operating Procedure (SOP).
- Report all findings in SMR, or in a letter to Regional Board. Follow up actions, and summarized program results will be reported in the Annual Pollution Prevention Report.



Ambient San Francisco Bay Monitoring

- Cyanide SSO resulted in NPDES Permit language stating:
 “If ambient monitoring shows cyanide concentrations of 1.0 ug/L or higher in the main body of San Francisco Bay, undertake actions to identify and abate cyanide sources responsible for the elevated ambient concentrations.”
- Most agencies are participating in the Regional Monitoring Program (RMP) through BACWA. The RMP has been tasked with sampling the San Francisco Bay for cyanide and compiling the data for BACWA.
- If the RMP ambient monitoring cyanide concentrations are equal to or greater than 1.0 ug/L, agencies will compile and review their effluent cyanide data to determine if the POTW could potentially be a source responsible for the elevated ambient concentrations.
- Agencies will also work through BACWA to undertake actions on a regional level to identify and abate cyanide sources responsible for the elevated ambient concentrations.

Collection System Committee
Report to BACWA Board

June 17, 2010

From: Rich Cunningham, Committee Chair

Prepared By: Monica Oakley

Committee Request for Board Action:

None.

Highlights of New Items Discussed and Action Items

Posting of SSOs

The BACWA Collection Systems Committee at its June meeting held a panel discussion of seven member agencies to describe and discuss their current approaches to posting sanitary sewer overflows (SSOs). The discussion was initiated as part of the development of a document to describe various issues related to posting SSOs. In particular, the documentation contains related regulatory requirements, a summary of common procedures used by 11 agencies in the Bay Area, and individual case studies. The final draft document was circulated to committee members for their use. Further distribution is not currently planned due to the sensitive nature of the information.

USEPA Activity on SSO Policy

On June 1, USEPA issued a Federal Register Notice that indicates USEPA will officially seek stakeholder input to help determine whether to modify the NPDES regulations as they apply to municipal sanitary sewer collection systems. A summary of the information provided to committee members at the June committee meeting is attached, along with information about the July 14 webcast, including how to register for the webcast.

Marking of Sewer Laterals

The Common Ground Alliance met to discuss the marking of sewer laterals on May 25th at PG&E in Walnut Creek. BACWA Collection Systems Committee members attended. It appears that the industry has backed off of requirements for marking private laterals for the time being. The next meeting is June 8 in Corona. Andy Morrison of Union Sanitary District will continue to follow these developments.

Flushable Wipes

Rich Cunningham attended the NACWA pretreatment specialty conference in Phoenix, in May, and participated in a panel discussion about flushable wipes. The trade association for flushable wipes, INDA, sent a lobbyist who indicated that the problem was not the flushable wipes themselves but rather that the public needs to be educated about how to use them. Central San has indicated that a flushable wipes manufacturer will be conducting a study at their facility. Rich Cunningham will continue to follow developments on this issue.

Next BACWA Collection Systems Committee Meeting: This meeting was originally scheduled for July 8th but is in the process of being rescheduled due to conflicts for committee leaders. The meeting will be held at the Boy Scouts Facility in San Leandro.

**Brief Summary of USEPA Pre-Publication Federal Register Notice on SSO Rulemaking
June 2, 2010**

- At the BACWA Collection Systems Committee meeting last month, we discussed the fact that USEPA was considering a new regulation pertaining to sanitary sewer overflows and blending at wastewater treatment plants.
- On May 26, USEPA issued a “pre-publication” Federal Register Notice which indicates that USEPA will officially seek stakeholder input to help determine whether to modify the NPDES regulations as they apply to municipal sanitary sewer collection systems.
- USEPA is asking for input on various questions, such as:
 - Is there need for NPDES framework for collection systems – regional/satellite?
 - If so, which systems should get NPDES permits?
 - If so, what reporting, record keeping?
 - Immediate notification to the public?
 - Need CMOM conditions in permit?
 - How to deal with small communities?
 - Should we integrate collection system issues with peak flow issues at treatment plant?
 - What about relief for “exceptional” circumstances? (“exceptional” is not defined)
- Current reporting requirements in 40 CFR for “violations” are different than SSO WDR:
 - Report orally within 24 hours if may endanger health or the environment
 - Written submission with 5 days
 - All other noncompliance in monthly DMR
 - Retain copies of records for at least 3 years
- The notice was published in the Federal Register on June 1.
- USEPA will take comments on the notice up until 60 days following publication in the FR.
- Commenters can submit their input via email, fax, or regular mail.
- Listening sessions (~ 4 hours each):
 - June 24 – Seattle
 - June 28 – Atlanta
 - June 30 – Kansas City
 - July 13 – Washington, DC
 - July 14 – Webcast

Summary Prepared by Oakley Water Strategies



US EPA Webcast

Listening Session on EPA's Sanitary Sewer Overflow (SSO) and Peak Flows Policy



Webcast: Thursday, July 14, 2010

Four-hour audio Web broadcast

Eastern: 12:00 pm - 4:00 pm

Central: 11:00 am - 3:00 pm

Mountain: 10:00 am - 2:00 pm

Pacific: 9:00 am - 1:00 pm

Session Description:

On June 1, 2010, EPA published a notice in the Federal Register seeking stakeholder input to help EPA determine whether to modify the National Pollutant Discharge Elimination System (NPDES) regulations as they apply to municipal sanitary sewer collection systems and sanitary sewer overflows (SSOs). As described in the Federal Register Notice, EPA is seeking input on the following questions:

1. Should EPA clarify its standard permit conditions for SSO reporting, recordkeeping, and public notification?
2. Should EPA develop a standard permit condition with requirements for capacity, management, and operations & maintenance programs based on asset management principles?
3. Should EPA require permit coverage for municipal satellite collection systems?
4. What is the appropriate role of NPDES permits in addressing unauthorized SSOs that are caused by exceptional circumstances?
5. How should EPA address Peak Flows at POTW treatment plants?
6. What are the costs and benefits of capacity, management, and operations & maintenance programs and asset management of sanitary sewers?
7. Are there other considerations?

In addition, EPA is seeking the public's perspective on the 2005 Draft Peak Flows Policy. Four public listening sessions will be held in Seattle (June 24), Atlanta (June 28), Kansas City (June 30), and Washington, DC (July 13). These public listening sessions afford an opportunity for the public to provide input on regulatory actions that EPA is considering. This webcast will be a "virtual" listening session for anyone who cannot participate in one of the four listening sessions. Additional information on the listening sessions, and a copy of the Federal Register notice, is available at www.epa.gov/npdes/sso.

Session format: After a presentation from EPA, brief oral comments (three minutes or less) will be accepted from members of the public who call into a designated conference call line. Audience members will be able to listen to the webcast and all public statements using their computer speakers.

Speakers: Charles Glass, U.S. EPA
Connie Bosma, U.S. EPA
Kevin Weiss, U.S. EPA

Registration: You must register in advance to attend this webcast. Visit the NPDES Web site at www.epa.gov/npdes/training to register. *Note: Your computer must have the capability of playing sound in order to attend this webcast.*

Committee Request for Board Action: None.**Upcoming Permits –**

- June - Tesero Refining & Marketing Co.
- July - Union Sanitary District, Calistoga, City of
- Aug - Helena, City of
- Aug - Mirant Delta LLC, Pittsburg Power Plant

General Permitting Issues: The Tesero Refinery permit renewal involved some anti-degradation concerns.

Water Board Staff Updates:

- a. ERS to eSMR transition: Johnson Lam provided a presentation to Permits Committee comparing features of the existing SMR reporting data base with the eSMR system proposed by the State Board. The State Board system has been adopted in other California regions, but there have been problems. eSMR appears to require manual entry of monthly pollutant data unless the POTW user is able to configure its own LIMS system to automatically perform this function. eSMR will not be as easy to use as the current ERS system, but ERS will not be supported by the San Francisco Water Board much longer.

The local ERS system was assembled by Enfo Tech roughly 10 years ago. It might be possible to configure ERS to download data to eSMR or modify the State eSMR software to accept data from Oracle / SQL Server / MS Access data sources. However, this could cost on the order of \$1M for programming and implementation

Next Step: The BACWA Lab Committee will host a presentation of the State Board data system on 24 June. Some Permits Committee representatives will attend.
- b. Sediment Quality Objectives (SQO): Regional Board will implement State Board SQO policy that was adopted in August. At this point, Regional Board cannot conclude local impact from POTWs and will promulgate fact sheet comments. Regional Board may identify additional tasks or need for additional data collection to determine impact. It is not likely that the SQO policy will force reopening of the stormwater Municipal Regional Permit (MRP).
- c. Water Board Info Letter: Regional Board is encouraging its permit writers to send a reminder letter to permittees six months prior to permit expiration. The purpose of the letter is mainly to notify permittees of additional information that must be included with the permit application: Site-Specific Translators, Dilution Studies, etc.

EPA Public Listening Sessions (June-July 2010) – EPA-HQ-OW-2010-0464, NPDES requirements for Sewer Collection Systems: EPA posted this notice to Federal Register on 1 June. [Comments to EPA by 2 August 2010.](#)

Among other things, EPA is considering whether to issue NPDES permits to sewer collection systems, to include satellite agencies. There will be 4 listening sessions conducted from 24 June through 13 July around the country. One listening session will be conducted via webcast on July 14, 2010 from 9:00 to 1:00 Pacific Time.

EPA is also considering implementation of Sanitary Sewer Overflow (SSO) permit conditions which will affect all collection system agencies. This item will be brought up at BACWA Collection System committee as well.

Basin Planning: Water Bodies & Beneficial Uses: Comments were due on April 12th. The Water Board hearing scheduled for 9 June on this topic was postponed to July.

Pretreatment Reporting Requirements – NPDES Permit Attachment H:

The Region 2 Water Board requires a considerable amount of annual and semi-annual reporting for POTW pretreatment programs in NPDES permit Attachment H. It is believed that some of this reporting may have become redundant or unneeded by Water Board as years have passed. Lila Tang has indicated she would be receptive to discussion about this issue if BACWA Permits Committee could suggest specific changes that are acceptable.

Next Step: Tim Potter will refine his table of Federal reporting requirements vs. Water Board requirements in Attachment H.

Next BACWA Permits Committee Meeting

Tuesday, July 13, 2010, from 1:00 PM to 3:00 PM at EBMUD Wastewater Treatment Plant Library. .

Recycled Water Committee Report to BACWA Board

June 17, 2010

Prepared By: Cheryl Muñoz
Committee Vice-Chair

Committee Request for Board Action:

None.

Business Discussed and Action Items:

Business	Discussion
IRWMP Updates	Prop. 84 – The final guidelines are expected to be out until July or August sometime. The RW Committee will revisit recycled water projects that could qualify for Prop. 84 funding at that time.
Legislation Updates	<p>Title XVI – The Bay Area Recycled Water Coalition has secured \$37M in appropriations from a combination of fiscal year appropriations and stimulus funds, which will provide the Federal cost share to construct six new projects, and continue to fund the previous congressional commitment for the San Jose project. Project cooperative agreements are being signed.</p> <p>SB 918 (Pavley) – This draft bill would adopt uniform water recycling criteria for indirect potable water reuse for groundwater recharge, and develop and adopt uniform water recycling criteria for indirect potable reuse through reservoir surface water augmentation. RW Committee will watch.</p> <p>SB 518 (Lowenthal) - This draft bill would require the Buildings Standards Commission to adopt building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses in nonresidential occupancies, in accordance with prescribed requirements. RW Committee will watch.</p>
Regulatory Updates	State’s Science Advisory Panel Report on Chemicals of Emerging Concern – The Panel’s draft report titled “Monitoring Strategies fro Chemicals of Emerging Concern (CECs) in Recycled Water was released in April. The RW Committee prepared and submitted a comment letter regarding the need for greater detail and clarification in a number of areas. The final report will be submitted to the SWRCB in late June 2010, and considered for adoption in November 2010.
FY 10-11 Committee Projects	<p>Recycled Water Landscape Guide – The RW Committee prepared and submitted a proposal to the WateReuse Foundation to receive grant funding and partner with the Foundation on the development of a Recycled Water Landscape Guide for the Bay Area.</p> <p>Bay Area Recycled Water Use and Uses in the Bay Area – RW Committee will prepare a proposal to gather information and prepare a table depicting current recycled water use, and uses of the BACWA member agencies. The purpose of the table is to track recycled water implementation, and would be updated on an annual basis.</p>
Next RW Committee Meeting	Wednesday, July 7, 2010 from 10:00 a.m. to 12:00 p.m. EBMUD Headquarters – Small Training Room, 2 nd Floor

Grant Disbursement Summary to Date (June 25, 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 ² 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	201,552.59	0.00	0.00		0.00	0.00	0.00
		BACWA Admin	16	15,625.00	6,621.24	5,178.97	(575.44)	10,178.97			
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	1,664,049.85	1,889,049.85
		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	1,648,512.93	(183,168.10)				
		BACWA Admin	16	46,875.00	19,863.71	15,536.92	(1,726.32)	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	1,495.84	880,698.97
		BACWA Admin	16	15,625.00	6,621.24	5,178.97	(575.44)	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	1,495.84	967,353.97
		BACWA Admin	16	15,625.00	6,621.24	5,178.97	(575.44)	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	2,036.92	82,661.92
		South Bay Adv Recycl WTP	7	2,934,600.00	0.00	0.00	0.00				
		BACWA Admin ³	16	31,875.00	4,863.71	2,036.92	(226.32)	31,875.00			
SJ	City of San Jose	BACWA Admin for SCVWD ³	16	15,000.00	15,000.00	13,500.00	(1,500.00)	15,000.00	0.00	13,500.00	13,500.00
6	North Coast County WD (& SFPUC)	Pacifica Recycled Water Proj	9	744,400.00	0.00	0.00	0.00		0.00	678.97	678.97
		BACWA Admin ³	16	10,625.00	1,621.24	678.97	(75.44)	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	29,857.95	261,402.95
		BACWA Adm for Reg.Consrv	16	31,250.00	13,242.47	10,357.95	(1,150.88)	31,250.00			
		BACWA Admin for NCCWD ³	16	5,000.00	5,000.00	4,500.00	(500.00)	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	220,095.00	(24,455.00)		188,562.19	28,265.20	216,827.38
		BACWA Admin	16	9,375.00	3,972.74	3,107.38	(345.26)	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	5,178.97	725,178.97
		Mochos 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	5,178.97	(575.44)	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	200,826.90	374,451.90
		Direct Installation HET Prog	12	366,800.00	219,688.35	197,719.52	(21,968.84)				
		BACWA Admin	16	9,375.00	3,972.74	3,107.38	(345.26)	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	1,035.79	34,425.79
		BACWA Admin	16	3,125.00	1,324.25	1,035.79	(115.09)	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	175,867.07	276,925.20
		Alameda Creek Phase 2 Fish	14	600,000.00	600,000.00	228,371.23	(25,374.58)				
		BACWA Admin	16	15,625.00	6,621.24	5,178.97	(575.44)	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	3,107.38	3,107.38
		BACWA Admin	16	9,375.00	3,972.74	3,107.38	(345.26)	9,375.00			
Grand Total				12,500,000.00	6,968,661.73	5,863,567.26	(543,418.58)	244,553.97	3,643,866.58	2,127,396.71	5,771,263.28

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

105,939.76

92,070.65

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.

6/18/2010

DIRECTOR'S REPORT TO THE BOARD

Prepared for the June 24, 2010 Executive Board Meeting
May 21, 2010 – June 18, 2010

A. Executive Board & Administrative Matters

Financial & Administrative Matters

The Executive Director (ED) and Assistant Executive Director (AED) began preparations for the end of the Fiscal Year (FY) by working with consultants to develop and finalize new contracts for core BACWA services to continue into FY2010-2011 and by assisting EBMUD in preparing to transition to the new accounting system. Priorities for the ED and AED in the coming month will be to finalize the new Treasurer's Report format, ensure the new system is working as expected, and begin preparations for the annual audit.

The ED and AED also scheduled and began preparations for the annual BACWA retreat at Pardee (tentatively scheduled for **September 14 – 17**) and for a meeting with Water Board staff at Orinda (**June 18**).

B. Regulatory Affairs & Developments

Mercury Risk Reduction

Working closely with the Aquatic Science Center (ASC) and the California Department of Public Health (DPH), BACWA prepared a draft Memorandum of Agreement (MOA) and scope of work for the risk reduction project based on the proposal submitted to the Water Board on March 1, 2010. The Water Board did not receive public comment on this proposal and has not requested any changes. Next steps will be to submit the MOA to the other project partners – the Bay Area Stormwater Management Agencies Association, the Western States Petroleum Association, and the Water Board – for their review and approval.

BACWA is seeking Supplemental Proposition 50 funding from the Department of Water Resources for this project. Should this grant request be successful it will provide an additional \$300,000 for this project. An application has been submitted, and an interview with DWR is scheduled for **June 29, 2010**.

PCB TMDL Implementation

A BACWA/Water Board staff workgroup meeting has been scheduled for **June 30**.

Water Regulation

- The ED worked closely with Water Board staff to develop an agenda and background materials for the **June 18** meeting.
- Tim Potter is leading discussions with Water Board staff on their proposed changes to and opportunities for streamlining pretreatment reporting.
- The Water Board has postponed until July the adoption of an amendment adding beneficial uses and waterbodies to the Basin Plan.
- The State Water Board issued responses to comments on the 2008/2010 303(d) list and declined to make the changes to selenium listings requested by BACWA.

Emerging Contaminants

One June 15, the SFEI Emerging Contaminants Workgroup submitted a proposal to the Regional Monitoring Program Technical Review Committee for a project that would result in a report that (1) synthesizes the Contaminants of Emerging Concern (CEC) occurrence data available for the Bay, (2) relates these data to

recommendations provided by the State Board expert panel, and (3) recommends next steps for monitoring CECs in San Francisco Bay.

Misc. BACWA expects to have a final a scope of work for maintenance of the rate database for consideration by the Board at the July Executive Board meeting.

C. Committee Affairs

Committees

The Recycled Water Committee is moving forward with developing a guide on recycled water irrigation and landscaping as provided for in the BACWA budget and workplan. They have successfully arranged to collaborate with WaterReuse, who will be providing a 1:1 to match and have a commitment from the Santa Clara Valley Water District for a \$10,000 contribution. Additional potential sponsors include the Northern California Golf Association, Google, landscape companies and local universities.

The Permits Committee has completed a draft of the CIWQS report and expects to have the document finalized by the end of the year.

Workshops & Trainings

The Laboratory Committee has scheduled a presentation from the State Water Board on the new CIWQS database for **June 24** from 1:30 to 4:00 p.m. at EBMUD's Oakland headquarters.

The Permits Committee is tentatively planning on holding a training on conducting reasonable potential analyses in the fall.

The ED attended a CWEA seminar on nutrient management. Presenters included Kenneth Abraham (Black & Veatch), Glen Daigger (CH2M HILL), Tom Grovhoug (Larry Walker Associates), Matthew Kuzma (Ostara), and Denny Parker (Brown and Caldwell).

The ED also attended part of HDR's Water/Wastewater Sustainability Seminar. HDR is working with WERF on a white paper on nutrient removal and Greenhouse Gas Emissions and has offered to provide a presentation on this topic to the BACWA Board.

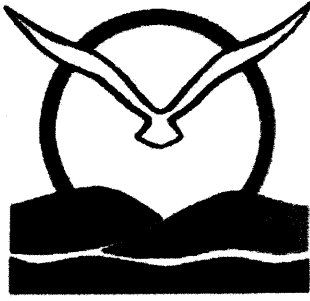
D. Membership

Member Communications

The ED prepared a second draft of the Annual Report for review by Chair and Vice-Chair. CirclePoint is preparing an estimate for finalizing the report, which we hope to complete no later than mid-July.

E. Upcoming Meetings

- July 7, 2010: Water Recycling Meeting
- July 8, 2010: Collection Systems Committee Meeting
- July 8, 2010: Tri-Tac (San Leandro)
- July 14, 2010: Laboratory Committee Meeting
- July 21, 2010: Air Committee Meeting
- July 21, 2010: Biosolids Committee Meeting
- July 20 – 23, 2010: National Association of Clean Water Agencies San Francisco Meeting
- July 28, 2010: BACWA EB Meeting



Bay Area Clean Water Agencies

P.O. Box 24055, MS 702

A Joint Powers Public Agency

Oakland, California 94623

June 4, 2010

MEMO TO: BACWA Executive Board

FROM : Gary Breau^{LB}, Director of Finance
East Bay Municipal Utility District

SUBJECT: Treasurer's Report for the Month of May 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 May 2010.

For BACWA, during the month, no income was received. Expense of \$78,725.14 was paid. \$5,000 was transferred to AIR. The month end total members' account balance decreased from \$480,831.33 to \$397,106.19.

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, income of \$929,520.00 was received. \$1,037,849.39 was paid out of income. Expense of \$1,681.29 was paid. The month end account balance decreased from \$322,395.18 to \$212,384.50.

For the AIR fund, income of \$6,000 received in August was reflected. \$5,000 was transferred from BACWA. Expense of \$29,782.71 was paid. The month end account balance decreased from \$16,374.89 to \$(2,407.82).

For BAPPG, during the month, no income was received. Expense of \$1,580.50 was paid. The month end account balance decreased from \$64,103.04 to \$62,522.54.

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, no income was received. Expense of \$12,986.83 was paid. The month end account balance decreased from \$286,673.07 to \$273,686.24.

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, no income was received and no expense was paid. The month end account balance remained at \$16,516.27.

For CWCCG, during the month, no income was received and no expense was paid. The month end account balance remained at \$2,562.29.

For WOT, during the month, no income was received. Expense of \$706.97 was paid. The month end account balance decreased from \$58,209.87 to \$57,502.90.

For WCC, during the month, no income was received and no expense was paid. The month end account balance remained at \$3,607.18.

GB: gt
Attachments

**BAY AREA CLEAN WATER AGENCIES
TREASURER'S REPORT
FOR THE MONTH ENDED May 31, 2010**

	FY09-10 Budget	Encumbrance	Accrual/Carry forward	FY09 Rev. Received In FY10	Actual		FY10 Revenue YTD	Budget YTD %
					Revenue Current Month	Expenditures Current Month		
BACWA								
REVENUES & FUNDING								
Principals' Contributions	450,000	450,000		-	-	450,000	100%	100%
Associate & Affiliate Contributions	159,000	159,000		-	-	170,095	107%	107%
Other Receipts	30,000			0	-	0	0%	0%
Fund Transfer	124,150	91,461		-	(5,000)	78,450		
Interest Income	25,000	0		4,335	-	11,210	6,874	27%
TOTAL REVENUE & FUNDING	788,150	700,461		4,335	(5,000)	709,755	705,419	90%
PROJECT ELEMENTS								
FY09-10	Budget	Encumbrance	Accrual/Carry forward	FY09 Inv. Paid In FY10	Actual Expenditures Current Month	Expenditures Cumul YTD	FY10 Expendtr YTD	Budget YTD %
BACWA Committees	165,000	92,609	61,175	45,298	13,393	119,109	73,811	45%
Collections System	20,000	20,000	8,793	7,858	1,759	24,450	16,592	83%
Permit Committee	20,000	20,000	3,776	3,698	1,134	22,137	18,438	92%
Media Relations Joint Committee	60,000	16,000	30,557	13,302	-	26,282	12,979	22%
Water Recycling Committee	10,000	-	-	-	-	-	-	0%
Biosolids Committee	10,000	10,000	15,000	17,240	10,000	27,240	10,000	100%
InfoShare Groups	20,000	20,000	3,050	3,200	-	14,593	11,393	57%
Laboratory Committee	5,000	5,195	-	-	500	2,995	2,995	60%
Miscellaneous Committee Support	20,000	1,414	-	-	-	1,414	1,414	7%
Technical Support	138,000	89,000	33,861	14,584	7,512	46,245	31,661	23%
Water Quality Support	40,000	-	20,025	4,023	-	4,023	-	0%
Expert Consultants	98,000	89,000	13,836	10,561	7,512	42,222	31,661	32%
Legal Support	30,000	24,000	37,987	17,672	-	28,725	11,053	37%
Regulatory Support	20,000	14,000	30,889	16,359	-	16,855	6,155	31%
Legal Support for Permit & Appeals		-	3,203	-	-	-	495	#DIV/0!
Legal Support of Other WQ Issues	10,000	10,000	3,895	1,312	-	5,715	4,403	44%
Executive Board Support (JPA)	15,150	5,150	5,564	564	-	5,814	5,250	35%
Collaboratives and Sponsorships	10,000	-	5,000	-	-	-	-	0%
Miscellaneous Collaborative Support								
PSSEP	5,000	5,000	-	-	-	5,000	5,000	100%
CPSC	150	150	564	564	-	814	250	167%
Communications and Reporting	125,000	25,500	7,938	150	6,270	13,679	13,529	11%
BACWA Annual Report	20,000	20,000	7,938	150	6,270	13,679	13,529	30%
BACWA Website Development/Maintenance	45,000	25,500	7,938	150	6,270	13,679	13,529	30%
Needs & Capability Assessment	25,000	25,000	-	-	-	-	-	0%
Implement Information Management Strategy	25,000	25,000	-	-	-	-	-	0%
Electronic Newsletter	10,000	10,000	0	-	-	-	-	0%
Special Programs	35,000	35,000	0	-	-	35,000	35,000	100%
Contribution to BAPPG Enterprise	35,000	35,000	-	-	-	35,000	35,000	100%
CEP Administration	0	0	0	-	-	78	78	#DIV/0!
CEP Administration						78	78	#DIV/0!
General BACWA Support	25,000	18,307	11,642	10,903	-	28,769	17,866	71%
Contingency	20,000	14,760	11,642	10,903	-	25,222	14,319	72%
BACWA Members' Meeting	5,000	3,547	-	-	-	3,547	3,547	71%
TOTAL PROGRAMS	533,150	289,566	158,167	89,171	27,175	277,419	188,249	35%
Administrative Expenses	255,000	250,739	70,000	41,812	49,891	219,766	177,955	70%
Executive Director	150,000	147,000	10,984	10,984	10,833	102,160	91,176	61%
Assistant Executive Director	50,000	50,000	9,017	6,873	5,005	51,581	44,708	89%
EBMUD Administrative Service & Audit	40,000	40,000	50,000	23,318	33,952	57,270	33,952	85%
Administrative Expenses	10,000	10,000	-	637	101	5,017	4,380	44%
Insurance	5,000	3,739	-	-	-	3,739	3,739	75%
PROJECT TOTALS	788,150	540,305	228,168	130,982	77,066.49	497,185	366,203	46%
BALANCE	0	0	0	(126,647)	(82,066)	212,569	339,216	46%

	Budgeted FY 10	Encumbrance	Accrual/ Carryforward	Actual		FY10 Rev./Expend	Buog YTD %
				FY09 Revenue/Expenditu	Rev./Expend Current Month		
WQA Contributions	538,815	450,000			519,904	519,904	96%
WQA Interest/ Misc	15,000			3,794	9,274	5,480	37%
WQA Contract Expenses	470,300	164,263	227,795	134,013	285,453	151,440	32%
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			35,652	35,652	12%
CBC Reporting	25,000	22,880		513	22,458	22,458	90%
Expert Consultant Support	20,000			6,602			33%
Wet Weather Program	55,000	20,000		1,426	2,865	2,865	5%
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%
WQA Balance				(8,541)	154,665	289,830	
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	
CEP Balance					(349,692)	(248,111)	
Air Contributions	91,399	91,649			92,132	92,132	101%
Air Interest/Misc				240	496	256	#DIV/0!
Air Contract Expenses	86,899	86,899	59,450	59,447	146,685	87,238	100%
Air Administrative Expenses	4,345	4,345		1,486	6,285	4,799	110%
Air Balance				(18,783)	(60,342)	351	
BAPPG Contributions	65,005	65,505			65,750	65,750	101%
BAPPG Interest/ Misc				291	795	503	#DIV/0!
BAPPG Contract Expenses	72,965	66,684	9,500	10,240	66,357	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	6,634	6,634	-	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			3,500	3,500	70%
FOG Spanish Radio Ads	10,000	10,000			10,000	10,000	100%
FOG Training	1,500	1,500			0	-	0%
FOG Asian Outreach	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	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	8,606	7,500	75%
BAPPG Administrative Expenses	3,601	3,601		1,349	4,956	3,607	100%
BAPPG Balance					(4,769)	6,529	
Prop50 Contributions				(108,329)	140,873	140,873	
Prop50 Interest/Misc				373	4,993	4,620	
Prop50 Contract Expenses	99,000	99,000			20,473	20,473	21%
Prop50 Administrative Expenses				1,669	6,999	5,330	
Prop50 Balance				(110,011)	118,394	119,690	

	Budgeted FY 10	Encumbrance	Accrual/ Carryforward	Actual		Rev./Expendtr Cumul.YTD	FY10 Rev./Expend	Budg YTD %
				FY09 Revenue/Expenditu	Rev./Expend Current Month			
RWR Contributions				-	-	0	-	
RWR Interest/Misc				67	-	151	83	
RWR Contract Expenses				-	-	-	-	
WRF				-	-	0	-	
White Paper				-	-	0	-	
RWR Administrative Expenses				-	-	0	-	
RWR Balance						151	83	
CWCCG Contributions				-	-	0	-	
CWCCG Interest/Misc				66	-	86	21	
CWCCG Contract Expenses			12,233	11,613	-	11,613	-	
CWCCG Administrative Expenses				1,170	-	1,268	98	
CWCCG Balance						(12,795)	(77)	
WOT Contributions				-	-	126,860	126,860	
WOT Interest/Misc				174	-	429	255	
WOT Contract Expenses				-	-	81,000	81,000	
WOT Administrative Expenses				417	707	1,848	1,430	
WOT Balance					(707)	44,441	44,684	
WCC Contributions		56,500		-	-	25,000	25,000	
WCC Interest/Misc				14	-	45	31	
WCC Contract Expenses			25,000	23,563	-	23,563	-	
WCC Administrative Expenses				1,278	-	1,278	-	
WCC Balance						205	25,031	
IRWMP Contributions				-	-	0	-	
IRWMP Interest/Misc				-	-	0	-	
IRWMP Contract Expenses				-	-	0	-	
IRWMP Administrative Expenses				-	-	0	-	
IRWMP Balance						0	0	

All Project Revenue Total:	1,698,584	1,687,794
Adjustment: Fund Transfer In	(87,860)	(87,860)
Adjusted Revenue Total:	1,610,724	1,599,934
All Project Expense Total:	(1,595,757)	1,110,567
Adjustment: Fund Transfer Out	87,860	87,860
Adjusted Expense Total:	(1,507,897)	1,198,427

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 5-31-10

	BACWA	BCTWRNG	BCLWGLR	BCWOPR	Prop50	AIR	BAPPG	WQEMGR	WQTAFT	CBCOPR	WQA	CEP	RWR	CWCCG	WOT	WCC	RESERVE	Total
Beginning Cash Balance 7/1/09	889,735.77	-	-	-	93,990.01	57,933.99	67,292.37	-	-	-	916,020.92	349,692.49	16,365.64	15,367.11	13,061.89	3,402.63	120,000.00	2,542,852.82
CASH ACCOUNT BALANCE 4/30/10	480,831.33	250,000.00	300,000.00	153,500.00	322,395.18	16,374.89	64,103.04	400,000.00	250,000.00	162,000.00	286,673.07	-	16,516.27	2,562.29	58,209.87	3,607.18	120,000.00	2,886,773.12
Receipts-May	-	-	-	-	(108,329.39)	6,000.00	-	-	-	-	-	-	-	-	-	-	-	(102,329.39)
Members' Contributions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Associate & Affiliate Contributions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Receipts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest Income	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Receipts	-	-	-	-	(108,329.39)	6,000.00	-	-	-	-	-	-	-	-	-	-	-	(102,329.39)
Disbursements-May	28,833.80	-	-	-	1,681.29	29,782.71	1,560.50	-	12,986.83	-	-	-	-	-	706.97	-	-	73,183.84
Consultant Services	49,891.34	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	52,279.60
Administrative Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cash Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Disbursements	78,725.14	-	-	-	1,681.29	29,782.71	1,560.50	-	12,986.83	-	-	-	-	-	706.97	-	-	125,463.44
Other Activity-May	(5,000.00)	-	-	-	5,000.00	-	-	-	-	-	-	-	-	-	-	-	-	-
Cash Transfers	(5,000.00)	-	-	-	5,000.00	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Other Activity	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Receipts - Fiscal Year-To-Date:	450,000.00	-	-	-	140,872.55	86,132.00	30,750.00	-	388,906.00	-	-	-	-	-	126,860.00	25,000.00	-	1,248,520.55
Members' Contributions	168,595.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	168,595.00
Associate & Affiliate Contributions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Receipts	11,010.24	-	-	-	4,983.43	495.67	794.83	-	9,273.59	-	-	2,042.80	150.63	86.47	428.55	44.82	-	1,000.00
Interest Income	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	29,321.03
Total Receipts	629,605.24	-	-	-	145,855.98	87,627.67	31,544.83	-	398,179.59	-	-	2,042.80	150.63	86.47	127,288.55	25,044.82	-	1,447,436.58
Disbursements - Fiscal Year-To-Date:	243,821.41	-	-	-	20,472.83	146,684.71	66,358.59	-	285,452.54	-	228,296.92	-	11,613.16	11,613.16	81,000.00	23,562.59	-	1,107,263.75
Consultant Services	213,350.32	-	-	-	5,732.34	1,939.82	1,906.07	-	5,544.30	-	1,168.85	-	1,268.13	1,268.13	1,847.54	1,277.68	-	234,033.05
Administrative Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Disbursements	457,171.73	-	-	-	26,205.17	148,624.53	68,264.66	-	290,986.84	-	279,463.77	-	12,851.29	12,851.29	82,847.54	24,840.27	-	1,341,295.80
Total Disbursements	(657,049.78)	250,000.00	300,000.00	153,500.00	(1,266.32)	655.05	31,950.00	400,000.00	250,000.00	162,000.00	(749,517.43)	(122,271.52)	-	-	-	-	-	18,000.00
Transfers - Year To Date	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ENDING CASH BALANCE 5/31/10	397,105.19	250,000.00	300,000.00	153,500.00	212,384.50	(2,407.82)	62,522.54	400,000.00	250,000.00	162,000.00	273,686.24	-	16,516.27	2,562.29	57,502.90	3,607.18	120,000.00	2,658,980.29
OUTSTANDING ENCUMBRANCE	271,287.36	-	-	-	71,528.51	(2,275.88)	8,471.44	-	101,060.59	-	(648.75)	-	-	-	-	159.73	-	449,563.00
UNOBLIGATED CASH BALANCE 5/31/10	125,818.83	250,000.00	300,000.00	153,500.00	140,855.99	(131.94)	54,051.10	400,000.00	250,000.00	162,000.00	172,625.65	-	16,516.27	3,211.04	57,502.90	3,447.45	120,000.00	2,209,397.29

3 of 70

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, May 27, 2010
9:00 a.m. – 12:00 p.m.

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

ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Dave Tucker, Chair (City of San Jose); Arleen Navarret, Vice-Chair (San Francisco Public Utilities Commission); Jim Kelly (Central Contra Costa Sanitary District); Rich Currie (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); Jen Jackson (East Bay Municipal Utility District); Kirsten Struve (City of San Jose); Sharon Newton (City of San Jose); Natalie Sierra (San Francisco Public Utilities Commission); Rich Cunningham (City of Albany); Monica Oakley (Oakley Water Strategies); Tom Hall (Eisenberg Olivieri Associates); Denise Conners (Larry Walker Associates); Amy Chastain (BACWA); Alexandra Gunnell (BACWA).

PUBLIC COMMENT

There were no public comments.

CLOSED SESSION

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

REPORT OUT FROM CLOSED SESSION

The Board instructed ED to develop contract and scope for approval at June Executive Board meeting.

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 BAPPG report was included in the meeting handout packet and the following items were discussed:
 - Sharon Newton is the BAPPG Vice Chair and will be assuming the role of Chair in June 2010.
 - An example of EcoMetro Guide advertisement, approved by the BACWA Chair, was provided.
 - The FY10-11 BAPPG budget includes funding for a consultant to advise the committee on Green Chemistry issues. Concern was raised about whether BACWA may benefit from Green Chemistry representation since Kelly Moran would not be able to assume that role, due to her participation in the Green Chemistry Blue Ribbon Science Panel.

- The Collection System committee report was included in the meeting handout packet and the following items were discussed:
 - The Collections System Committee Chair will contact Gail Chesler to debrief on CCCSD's recent visit from the Association of the Nonwoven Fabrics Industry (INDA). BAPPG will be creating a poster based on the "Flush Green" flyer, presented at by the Collections System committee at the April 2010 Executive Board meeting.
 - Monica Oakley distributed to the Board a "May26, 2010, DRAFT Examples of Procedures and Graphics Used in Posting Sanitary Sewer Overflows for the Public". This will be reviewed and discussed at the next Collections System committee meeting.
 - The Board would like to continue to be updated on committee discussions surrounding the comparing actual storm events to design storms, and suggested inviting John Larson to an upcoming Executive Board meeting to obtain additional information on this issue.
 - USEPA is considering proposing modifications to SSO and blending regulations. An announcement was included in a pre-publication version of the Federal Register today.

For **agenda item 2**, it was noted that the **Proposition 50 Grant Disbursements Status Report** has been included in the packet.

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 solicit feedback from Biosolids and other applicable committees as work continues with BAPPG to develop a CEC Fact Sheet.
- Work on the Risk Reduction plan is proceeding.
- The Board requested that once a consultant is in place to maintain the Bay Area Sewer Service Charges database, Prop 218 notices and actual rate ordinances should be included.
- The Board suggested that a Reasonable Potential Analysis workshop should include information for attendees about preparing for permit renewals.
- The June Executive Board meeting agenda will include a discussion of SWRCB proposed regulations concerning Shellfish beneficial use, specifically SHELL.
- The RWQCB/BACWA meeting is scheduled for June 18, 2010 at the EBMUD Orinda facility.

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

- The Woods Institute Waste Water as a Resource workshop, held on May 21, 2010 was attended by Ben Horenstein, Bhavani Yerrapotu, Mike Connor, Dale Ihrke, Phil Bobel and several other BACWA member agencies. Craig Criddle of Stanford University assembled this forum to discuss opportunities for wastewater resource recovery. It was noted that WERF has ongoing efforts related to this topic, and it was suggested that

BACWA may want to investigate this as an opportunity to foster relationships with academia.

CONSENT CALENDAR

5. Approval of April 2010 Treasurer's Report.

It was noted that the cover letter of the Treasurer's Report incorrectly states that the CWCCG account balance has decreased, rather than increased.

6. Approval of Minutes from April 22, 2010 BACWA Executive Board Meeting.

7. Chair Authorized Actions

- a. BAPPG Eco Metro Guide Advertising

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

BOARD ACTION ITEMS

The Executive Board took action on the following agenda items:

Under agenda item 8, a motion to authorize funding the update of the Integrated Regional Water Management (IRWM) Plan projects, File 12,168, was moved by Ben Horenstein. Jim Kelly seconded.

It was confirmed that the CBC funds referenced in the Board Approval Request form (BAR) are unobligated.

The motion carried unanimously.

Agenda item 9, BACWA and Special Programs FY 2010-11 Budgets and Workplan, File 12,167, was approved in a motion made by Jim Kelly and seconded by Arleen Navarret.

It was noted that funding for Delta Ammonia issues was not included in the workplans, however funds are available in the budget which could be used to support this effort during the year, if the need arises.

The motion carried unanimously.

Under agenda item 10, a motion was made for Executive Board Chair and Vice Chair Nominations for FY 2010-11, File 12,169. Arleen Navarret was nominated to serve as Chair and Ben Horenstein was nominated as Vice Chair. Approval was moved by Jim Kelly, and seconded by Rich Currie.

The Board will consider whether to recommend a one or two year term next year or during discussions at the Pardee Technical Seminar.

The motion carried unanimously.

The ED will contact Board members to determine BACWA representation for the Aquatic Science Center. Arleen Navarret and Ben Horenstein will provide recommendations to the Board regarding BACWA representation on the RMP Steering Committee and the SFEI Board.

Approval of **Agenda item 11, the CH2M Hill AIR Amendment 1, authorizing a \$5,000 increase for FY 2009-10, File 11,819** was moved in a motion made by Arleen Navarret, and seconded by Ben Horenstein. *The motion carried unanimously.*

Agenda items 12 – 16, FY 2010-11 Consultant Contracts to Implement BACWA and Special Programs FY 2010-11 Budgets and Workplan were moved in one motion by Ben Horenstein, and

seconded by Arleen Navarret. As approved by this motion the following contracts will be executed:

Agenda item 12: Oakley Water Strategies Committee and As-Needed Support Contract for FY 2010-11; File 12,162

Agenda item 13: Larry Walker & Associates Technical and As-Needed Support Contract for FY2010-11; File 12,163

Agenda item 14: EOA, Inc. As-Needed Technical Support Contract for FY 2010-11; File 12,164

Agenda item 15: Day Carter Murphy General Legal Counsel Contract for FY 2010-11; File 12,165

Agenda item 16: Downey Brand Legal Counsel Contract for FY 2010-11; File 12,166

The motion carried unanimously.

BOARD DISCUSSION ITEMS

The Board discussed the following items:

For **agenda item 17** a “**Summary Review of SF Bay Selenium TMDL Technical Work Products, Memo from CH2M Hill, May 6, 2010**” was included in the packet and discussed.

It was suggested that despite cost, fish tissue samples should be taken every year. The ED will contact CH2M Hill to request further clarification on the “error-prone assumptions and conservative choices” referenced in the memo. Jim Kelly will notify the ED if a consultant support contract is needed to continue this work.

The ED provided a **BACWA Energy Workgroup Update** for **agenda item 18**. CH2M Hill has been preliminarily selected to support this work. The ED has requested additional information from CH2M Hill and will distribute that to the Board once it is available. It was suggested that this topic should be included on the Pardee meeting agenda.

Business and strategic planning were also proposed as topics that could be discussed at the Pardee Technical Seminar, confirmed for September 14 – 17, 2010. The ED will consider whether the joint RWQCB meeting should take place on September 16 or September 17, and will investigate the possibility of cancelling one of the upcoming Executive Board meetings scheduled for 2010.

Natalie Sierra initiated a discussion of the **CalRecycle Proposed Rule, agenda item 19**. A handout including “Draft FAQ’s about Anaerobic Digestions Activities at Publicly Owned Treatment Works” and “CalRecycle – Proposed Draft Guidance on POTWs” was distributed and reviewed. This topic will be added to the agenda for the next Summit Partners meeting.

A book about the San Francisco Bay is being published by University of California Press (a nonprofit group). The ED will provide additional information about this project and funding request.

It was suggested that future Executive Board meeting agendas should be revised to include more time for discussion of Committee reports. A discussion of federal SSO regulations will be included on the June 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 June 24, 2010, 9:00 to 12:00 at the EBMUD Plant Lab Library in Oakland.

ADJOURNMENT

The meeting adjourned at 12:00 p.m.



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 8

FILE NO.: File 11,782

MEETING DATE: June 24, 2010

TITLE: Amendment of contract for Permits and Collection Systems Committee Support to increase contract total from \$40,000 to \$43,530.

MOTION _____ RESOLUTION _____

RECOMMENDED ACTION

Authorize an amendment to contract 11,782 with Oakley Water Strategies for Permits and Collection Systems Committee support to increase the contract total from \$40,000 to \$43,530.

SUMMARY

The estimated cost for Oakley Water to complete activities for FY10 is as follows:

BACWA Permits Committee	
The activities for this task include preparation and attendance at the Permits Committee meeting on June 8, one-half the cost to prepare for and attend the committee chair's meeting on May 20, and preparation for the July committee meeting (activities that would occur in June 2010).	\$1,410
BACWA Collection Systems Committee	
The activities for this task include preparation and attendance at the Collection Systems Committee meeting on June 3, one-half the cost to prepare for and attend the committee chair's meeting on May 20, assistance with education of members and/or response to USEPA Federal Register notice regarding SSO rulemaking (includes attendance at BACWA Board meeting June 24), and discussion of BACWA business with executive director.	\$2,120

FISCAL IMPACT

This amendment will cause the Permits and Collection Systems Committee budgets to be exceeded by a total of \$3,530. Total expenses for BACWA's Committee Support, however, will not exceed the FY10 budget because expenditures in other Committee Support budget lines – including Miscellaneous Committee Support - have been under budget.

ALTERNATIVES

This action does not require consideration of alternatives and is consistent with BACWA's contracting policies which allow a contract's value to be increased by no more than 25% of the contract's original value.

Submitted: Rich Cunningham, CS Chair
James Ervin, Permits Chair

Executive Director Approval: /s/ Amy Chastain

**AMENDMENT NO. 1
TO
AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES
AND
Oakley Water Strategies
FOR
Permits and Collections System Committee Support**

This Amendment No. 1 is made this 24th day of June, 2010, in the City of Oakland, County of Alameda, State of California, to the agreement dated May 28, 2009, File 11,782, by and between Oakley Water Strategies ("Oakley Water") 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 Oakley Water agree to increase the original contract amount of \$40,000.00 by **\$3,530.00** in FY 2009-10 for a new not to exceed agreement total of **\$43,530.00**.
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 _____

OAKLEY WATER STRATEGIES

By _____
(Name) (Title)

Dated _____

BACWA EIN: 94-3389334

{00916918.2}



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 9

FILE NO.: File 12,194

MEETING DATE: June 24, 2010

TITLE: Support for the San Francisco Bay Book

MOTION _____ RESOLUTION _____

RECOMMENDED ACTION

Authorize a \$5,000 contribution to assist with the development of a book about the San Francisco Bay Estuary.

SUMMARY

The University of California Press is publishing a book about the San Francisco Bay Estuary authored by Ariel Rubissow Okamoto and Kathleen Wong. They are requesting contributions to defray the costs of developing the book and have already received commitments from the State Coastal Conservancy, the United States Fish & Wildlife Service, and Friends of the Estuary. BACWA's contribution will be recognized in the acknowledgements of support in the front of the book as well as on a related web page.

This contribution will further BACWA's core value of promoting stewardship of the San Francisco Bay environment and the agency's strategic goals of making stakeholders aware of BACWA members' stewardship of the Bay, and engaging in collaborations for regional environmental benefit.

FISCAL IMPACT

Funding is available in the FY 2009-2010 BACWA Miscellaneous Collaborative Support line.

ALTERNATIVES

This action does not require consideration of alternatives.

Submitted: Amy Chastain

Executive Director Approval: /s/ Amy Chastain



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 10

FILE NO.: File 11,739

MEETING DATE: June 24, 2010

TITLE: Amendment 3 Carollo Engineers Stormwater Diversion White Paper

MOTION _____ RESOLUTION _____

RECOMMENDED ACTION

Authorize Amendment No. 3 to the original agreement with Carollo Engineers to extend the contract termination date to December 31, 2010 to support the development of a Stormwater Diversion White Paper. Amendment No.1 to the original agreement, executed on December 31, 2009 extended the original contract termination date of December 31, 2009 to a new contract termination date of June 30, 2010. Amendment No.2, executed on April 22, 2010 increased the original contract value to a new not to exceed total of \$100,000.

SUMMARY

Since March of 2009 Carollo Engineers (“Carollo”) has worked with BACWA to develop a White Paper on the opportunities and challenges associated with diversions to Publicly Owned Treatment Works (POTWs) of flows that are traditionally conveyed via storm drains to receiving waters. BACWA and Carollo have worked with a group of stakeholders - including the San Francisco Bay Regional Water Quality Control Board (Water Board) and the Bay Area Stormwater Management Agencies Association (BASMAA) – to develop the White Paper. A stakeholder workshop was held on June 4, 2009; a Steering Committee meeting was held on September 14, 2009; and the draft White Paper was discussed at a February 24, 2010 meeting between BACWA, the Water Board and BASMAA representatives. As a result of the comments provided during these meetings, BACWA elected to expand the original scope of work to include: (1) revising the White Paper to address specific comments, (2) generating a list of jurisdictional overlap between stormwater agencies and wastewater agencies, and (3) developing a checklist for wastewater agencies to make informed decisions about implementing stormwater diversions. These services were outlined and approved under Amendment 2. This Amendment 3 will extend the contract termination date and allow these remaining tasks to be completed.

FISCAL IMPACT

This Amendment has no direct fiscal impact.

ALTERNATIVES

This action does not require consideration of alternatives.

Attachments:

1. Amendment 3 Carollo Stormwater 11,739

Submitted: Ben Horenstein, Project Manager

Executive Director Approval: /s/ Amy Chastain

**AMENDMENT NO. 3
TO
AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES
AND
Carollo Engineers
FOR
Stormwater White Paper Development**

This Amendment No. 3 is made this 24th day of June, 2010, in the City of Oakland, County of Alameda, State of California, to that certain agreement File 11,739 of March 19th, 2009, Amendment 1 of December 31, 2009, and that Amendment 2 of April 22, 2010, by and between Carollo Engineers and Bay Area Clean Water Agencies, (BACWA) (the "Agreement") in consideration of the covenants hereinafter set forth.

1. BACWA and Carollo Engineers agree to extend the contract termination of June 30, 2010 contained in Amendment 1 to a new termination date of December 31, 2010.
2. Except as herein expressly modified, the Agreement, Amendment 1, and Amendment 2 remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By _____
David W. Tucker, Chair Executive Board

Dated _____

CAROLLO ENGINEERS

By _____

Dated _____

BACWA EIN: 94-3389334



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 11

FILE NO.: File 11,500

MEETING DATE: June 24, 2010

TITLE: Amendment 9 for SFEI Contract No. 498

MOTION _____ RESOLUTION _____

RECOMMENDED ACTION

Authorize Amendment No. 9 to Contract No. 498 with San Francisco Estuary Institute (SFEI) to extend the contract termination date to December 31, 2010.

SUMMARY

This is the ninth amendment to the original contract, executed on August 18, 2004. The contract allows SFEI to utilize laboratory services provided by the Union Sanitary District, the City and County of San Francisco, and EBMUD. Under the terms of this contract, SFEI reimburses BACWA in full for the invoiced amounts. SFEI currently contracts directly with individual labs when services are needed. This contract was executed before SFEI had the capability to contract directly with these agencies.

FISCAL IMPACT

This Amendment has no direct fiscal impact.

ALTERNATIVES

This action does not require consideration of alternatives.

Attachments:

1. SFEI 498 Amend 9, 11,500

Submitted: _____

Executive Director Approval: /s/ Amy Chastain

**AMENDMENT NO. 9
TO
AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES
AND
San Francisco Estuary Institute
FOR
Contract 498**

This Amendment No. 9 is made this 24th day of June, 2010, in the City of Oakland, County of Alameda, State of California, to that certain agreement File 10,508 of August 18th, 2004 and Amendments 1 – 8, by and between San Francisco Estuary Institute (SFEI) and Bay Area Clean Water Agencies, (BACWA) (the “Agreement”) in consideration of the covenants hereinafter set forth.

1. BACWA and SFEI agree to extend the contract termination of June 30, 2010 contained in Amendment 8 to a new termination date of December 31, 2010.
2. Except as herein expressly modified, the Agreement, Amendments 1 – 8 remain in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By _____
David W. Tucker, Chair Executive Board

Dated _____

SAN FRANCISCO ESTUARY INSTITUTE

By _____

Dated _____

BACWA EIN: 94-3389334



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 12

FILE NO.: File 11,819

MEETING DATE: June 24, 2010

TITLE: Amendment 2 CH2M Hill AIR Committee Support FY 2010-11 AND AIR Committee FY 2010-11 Budget and Workplan

MOTION _____ RESOLUTION _____

RECOMMENDED ACTION

Authorize the following:

- 1) Amendment No. 2 to the original agreement with CH2M Hill to renew the original contract for a second year of the three-year agreement to support the AIR Committee in FY 2010-11.
- 2) A FY 2010-11 total contract value equivalent to the total amount of contributions received by AIR Committee members for the 2010-11 fiscal year, minus a BACWA Administration Fee equal to 5% of the Committee Project Budget. A total of \$84,828 in contributions is anticipated from AIR members.
- 3) The FY 2010-11 AIR Committee Budget and Workplan. The 2010-11 AIR Committee Budget is included below under the Summary section and the Workplan is contained as Exhibit A to Amendment 2.

SUMMARY

As approved at the June 25, 2009 BACWA Executive Board meeting, CH2M Hill and BACWA entered into a three year agreement to manage BACWA AIR Committee activities and address air regulatory issues affecting POTWs. CH2M HILL shall continue to serve in a coordination role for the Committee and shall report to the AIR Committee Chair and Co-Chair. This amendment serves to renew the multi-year agreement for a second year at a value contingent upon AIR Committee member contributions. The total cost for FY 2010-11 Phase 24 AIR support services provided by CH2M Hill cannot exceed the funds contributed by the participating agencies that remain after BACWA administrative fees have been deducted as indicated in the AIR Phase 24 Budget, without the prior approval of the BACWA Executive Board.

Submitted: Stephanie Cheng, AIR Committee Chair

Executive Director Approval: /s/ Amy Chastain

AIR Committee Budget FY 2010-11

REVENUE	
Member Contributions	\$84,828.00
Total Revenue	\$84,828.00
EXPENSES	
Projects – CH2M Hill Support Contract	\$80,790.00
Administrative Support – Fund Transfer to BACWA	\$4,038.00
Total Expenses	\$84,828.00

FISCAL IMPACT

Funding will be available in the AIR account after AIR Committee member contributions are received after July 1, 2010.

ALTERNATIVES

This action does not require consideration of alternatives.

Attachments:

1. Amendment 2 CH2M Hill AIR 11,819

**AMENDMENT NO. 2
TO
AGREEMENT BETWEEN
BAY AREA CLEAN WATER AGENCIES
AND
CH2M Hill, Inc.
FOR
Air Issues and Regulations Committee Support**

This Amendment No. 2 is made this 24th day of June, 2010, in the City of Oakland, County of Alameda, State of California, to the agreement dated June 25, 2009, and Amendment 1 dated May 27, 2010, 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 renew the original contract for a second year of the three-year contract for a not to exceed amount of \$80,790.00 to be funded by the AIR account, FY 2010-11, contingent upon receipt of contributions for AIR participation fees.
2. The AIR Phase 24 Budget, to be approved by the BACWA Executive Board on June 24th, 2010, is contingent upon the collection of participation dues from the AIR committee members.
3. The total cost for FY 2010-11 Phase 24 AIR support services provided by CH2M Hill cannot exceed the funds contributed by the participating agencies that remain after BACWA administrative fees have been deducted as indicated in the AIR Phase 24 Budget, without the prior approval of the BACWA Executive Board.
4. Exhibit A, Phase 24 Scope of Services outlines the professional services to be provided by CH2M HILL for fiscal year 2010-11; Exhibit B outlines CH2M Hill Compensation and Fees including Cost Estimate; and Exhibit C states CH2M Hill Billing Rates for 2010-11.
5. 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 _____

CH2M HILL

By _____

Dated _____

EXHIBIT A

PHASE 24 SCOPE OF SERVICES

The Air Issues and Regulations Committee is a separate enterprise Committee within BACWA.

The AIR Committee (Committee) will address air regulatory issues affecting POTWs. CH2M HILL shall continue to serve in a coordination role for the Committee and will also undertake special technical tasks as requested by the Committee. CH2M HILL shall report to the Committee.

Task 1 - Meetings with the AIR Committee

CH2M HILL will meet up to quarterly with the Committee and annually with the general BACWA membership, and as needed with individual members to present information on current air issues, facilitate discussions between members, and to identify follow-on action items. CH2M HILL will be responsible for up to four meetings with the Committee per year, including making arrangements for meetings and preparing agenda, meeting materials, and meeting summaries.

Under this task, CH2M HILL may coordinate one meeting between BAAQMD staff and Committee members. The agenda will focus on issues of concern to AIR Committee members.

Under this task, CH2M HILL may coordinate one workshop for the general BACWA membership regarding the ARB Greenhouse Gas Mandatory Reporting. Facilities are to be provided by BACWA.

Task 2 - AIR Committee Communications

CH2M HILL will monitor regulatory agencies involved in developing air quality regulations that may affect POTWs, including the Bay Area Quality Management District (BAAQMD), the California State Air Resources Board, and the U.S. Environmental Protection Agency. Any agency interactions including meeting with agency staff, participating in key workshops and hearings, and drafting Group and AIR Committee correspondence will be conducted at the direction and approval of the AIR Committee Chairperson or Vice-Chairperson and will be coordinated by CH2M HILL.

Issues that the Committee is likely to track and participate in this year include:

- ✓ Emerging BAAQMD climate change and air quality policies
- ✓ Evolving air quality regulations that pertain to emissions from wastewater treatment plants (e.g., reciprocating internal combustion engines)
- ✓ Local, state, and federal changes to diesel engine and other fleet-related regulations
- ✓ Information sharing on Title V draft permit conditions
- ✓ On-going combustion source regulatory programs and their impacts
- ✓ Development of compost and biosolids regulations
- ✓ Funding opportunities for wastewater treatment plants

The Committee will also track issues related to Climate Change, mainly through participation in the California Wastewater Climate Change Group (CWCCG). Climate change issues that the Committee is likely to track and participate in this year include:

(PHASE 24: FY 2010-2011 AIR Agreement, BACWA/CH2M HILL, 7 pages)

- Cap & Trade
- Mandatory reporting, including the follow-up comments to ARB from BACWA workshop participants
- CEQA Thresholds of Significance developments
- Renewable Electricity Standards / Renewable Energy Credits
- Federal climate change policies and rule development, including the Tailoring Rule
- GHG reduction strategies for wastewater treatment plants

CH2M HILL will prepare and distribute informational material to member agencies after the Committee Chairperson's review to keep them informed of the AIR Committee activities and future regulatory activities. This material will include the following:

- ✓ Emails to Committee members, including bulletins summarizing important regulatory activities, copies of proposed regulations, recommendations for POTWs, meeting memoranda, etc.
- ✓ Newsletters (approximately one to two per year) - This will be written to a general audience, including POTW staff, Board members, city council members, etc. Newsletter articles will be written by BACWA Air committee members and CH2M HILL.
- ✓ Responding to requests for information by individual group members.

Task 3 - Coordination with other POTW Organizations

CH2M HILL will coordinate with other POTW organizations on issues of mutual interest. The purpose of this coordination will be to share useful information, identify areas of joint cooperation, and prepare common responses on key issues, where appropriate. POTW organizations whose objectives coincide with the AIR Committee include BACWA, SCAP, CVCWA, Tri-TAC, CWCCG, WERF, CASA, and NACWA. Activities may include periodic telephone conversations, meetings and exchange of published materials.

Optional Task 4 - Response on Special Issues

CH2M HILL will perform special technical assignments under the direction of the AIR Steering Committee. Special technical assignments may include participating AIR Committee strategy meetings, meeting with BAAQMD or other agency staff, participating in agency workshops and hearings, drafting correspondence, and performing other related activities as directed by the AIR Steering Committee.

No budget is established for work to be performed under Task 4. Activity level will be determined under the direction of the AIR Steering Committee.

EXHIBIT B

PHASE 24 COMPENSATION AND FEES

BACWA will compensate CH2M HILL for services performed in accordance with available funds from participating agencies and Exhibit A: Scope of Services for work which can be verified by BACWA in accordance with the methods and amounts described herein.

- A cost ceiling of **\$80,790** shall constitute the maximum CH2M HILL payment for the services performed under this Agreement unless modified and agreed to by both BACWA and CH2M HILL prior to incurring any additional costs. Costs over and above the cost ceiling incurred by CH2M HILL without prior written approval from BACWA shall be borne by CH2M HILL.
- **COST OF REWORK**
CH2M HILL shall, at no cost to BACWA, prepare any necessary rework occasioned by CH2M HILL's failure to provide the services specified herein in a satisfactory manner due to any act or omission attributable to CH2M HILL, its agents, or subcontractors.
- **BILLING AND PAYMENT**
CH2M HILL shall invoice quarterly for actual costs incurred during the previous quarter. CH2M HILL will send original quarterly invoices directly to the Executive Director.

Original Invoice: BACWA AED
Alexandra Gunnell
P.O. Box 24055, MS702
Oakland, CA 994623

- BACWA agrees to pay CH2M HILL within thirty (30) days after receipt and approval of a proper CH2M HILL invoice submittal in accordance with the costs, rates and expenses included in Appendix A--AIR Phase 24 Cost Estimate of **\$80,790**, and in Appendix B—Phase 24 Billing Rates, which follows hereinafter.

Appendix A

Air Phase 24 Cost Estimate

Labor Resource	Functional Category	Rate	Hours	Amount
Task 1 - AIR Meetings				
Sandoval, Jim	Engineer Specialist	\$ 206	68	\$ 14,008
Clymo, Amy	Project Engineer	\$ 178	17	\$ 3,026
Merrill, Sarah	Staff Engineer 1	\$ 116	70	\$ 8,120
Davis, Ellen P	Office/Clerical	\$ 90	6	\$ 540
Total Expenses				\$ 2,700
Subtotal for Task 1 - AIR Meetings			161	\$ 28,394
Task 2 - AIR Communications				
Kepke, Jacqueline	Principal Technologist	\$ 217	8	\$ 1,736
Sandoval, Jim	Engineer Specialist	\$ 206	120	\$ 24,720
Merrill, Sarah	Staff Engineer 1	\$ 116	120	\$ 13,920
Fugate, Rebecca L	Office/Clerical	\$ 90	24	\$ 2,160
Total Expenses				\$ 454
Subtotal for Task 2 - AIR Communications			264	\$ 42,990
Task 3 - AIR Coordination				
Kepke, Jacqueline	Principal Technologist	\$ 217	6	\$ 1,302
Sandoval, Jim	Engineer Specialist	\$ 206	24	\$ 4,944
Merrill, Sarah	Staff Engineer 1	\$ 116	10	\$ 1,160
Total Expenses				\$ 2,000
Subtotal for Task 3 - AIR Coordination			40	\$ 9,406
Grand Total			465	\$ 80,790

(PHASE 24: FY 2010-2011 AIR Agreement, BACWA/CH2M HILL, 7 pages)

Appendix B

CH2M HILL

Professionals and Technicians* 2010 Hourly Billing Rates**

Classification	Rate
Principal -In-Charge/Principal Program Manager	\$279
Principal Technologist/Sr. Project Manager	\$256
Sr. Technologist*/Sr. Project Manager	\$217
Engineer Specialist*/Project Manager	\$206
Project Engineer*/Associate Project Manager	\$178
Associate Engineer*	\$145
Staff Engineer 2*	\$129
Staff Engineer 1*	\$116
Engineering/Environmental Tech 5	\$151
Engineering/Environmental Tech 4	\$134
Engineering/Environmental Tech 3	\$111
Engineering/Environmental Tech 2	\$90
Engineering/Environmental Tech 1	\$83
Office/Clerical/Accounting	\$90

Notes:

* includes engineering, consulting, planner and scientist disciplines

**These rates are effective through December 31, 2010 and will be increased 4% for 2011.

A markup of 10% shall be applied to all Other Direct Costs and Expenses

An additional premium of 25% will be added to the above rates for Expert Witness and Testimony Services



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 13

FILE NO.: File 12,192

MEETING DATE: June 24, 2010

TITLE: Contract with Alexandra Gunnell for BACWA Assistant Executive Director Services in FY 2010-11.

MOTION _____ RESOLUTION _____

RECOMMENDED ACTION

Authorize an agreement with Alexandra Gunnell for BACWA Assistant Executive Director services performed during Fiscal Year 2010-11 in an amount not to exceed \$70,200.

SUMMARY

Since August 2006, Alexandra Gunnell has provided administrative support services to BACWA under the direction of the BACWA Executive Director. This contract will provide BACWA with continued administrative support as well as additional services outlined in the 2010-11 Scope of Services, included as Exhibit A. The terms of this contract are consistent with the recommendations made by the BACWA Executive Board during their meeting on May 27, 2010.

FISCAL IMPACT

Funds are available for this contract in the BACWA Administrative Expenses, Assistant Executive Director budget line item and the Prop 50 Admin Budget, BACWA Direct Costs line item, both approved for Fiscal Year 2010-11.

ALTERNATIVES

This action does not require consideration of alternatives.

Attachments:

1. AGunnell AED 2010-11, 12,192

Submitted: _____

Executive Director Approval: /s/ Amy Chastain

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

This PROFESSIONAL SERVICES CONTRACT, effective July 1, 2010, is between Bay Area Clean Water Agencies ("BACWA"), a joint powers agency which exists as a public entity separate and apart from its Member Agencies, created January 4, 1984 by a Joint Powers Agreement between Central Contra Costa Sanitary District, East Bay Dischargers Association, East Bay Municipal Utility District, the City and County of San Francisco and the City of San Jose, with a mailing address of P.O. Box 24055, MS 702, Oakland, CA 94623, and Alexandra Gunnell ("Consultant"), an individual doing business at 1812 Wood Street, Alameda, CA 94501, for professional services as described in any Exhibit A attached hereto.

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

1. Consultant will perform the Services as described by and in accordance with Exhibit A in a manner acceptable to BACWA. This work will be performed at the direction and under the supervision of the Executive Director.
2. Consultant shall not contract with or otherwise use any subconsultants, subcontractors or other non-employee persons or entities ("Subconsultants") to perform the Services without the prior written approval of BACWA. If Consultant and BACWA agree that Subconsultants shall be used, Consultant shall ensure Subconsultants' compliance with all the terms and conditions of this agreement.
3. BACWA will pay Consultant for services at an hourly rate of \$45.00, up to a maximum annual amount of \$70,200 for the 2010-2011 fiscal year. Consultant will not exceed the maximum amount payable without obtaining prior written approval from BACWA.
4. BACWA agrees to reimburse Consultant for actual and reasonable job-related expenses necessary to carry out the work described in Exhibit A. This includes, but is not limited to, travel expenses for BACWA-related meetings and events, and the cost of attending trainings necessary for the Consultant to act as the Assistant Executive Director. Travel to meetings, events and trainings outside of the San Francisco Bay and Sacramento Area must be approved by the Executive Director in advance.
5. Consultant shall submit invoices on a monthly basis. Payments under this Contract will be due thirty (30) days after BACWA's receipt of invoices. BACWA may withhold from any progress or final payment any damages, backcharges or claims incurred or anticipated by BACWA to the extent caused by Consultant.
6. Consultant will maintain all records relating to this Contract in accordance with generally accepted accounting principles and for at least three years following termination of this Contract. Consultant will grant BACWA and its representatives access upon request to all such records and all other books, documents, papers, drawings, and writings of Consultant that refer or relate to this Contract.
7. All drawings, specifications, reports, programs, manuals, and other work product of Consultant that result from this Contract ("Work Product") will be considered the exclusive property of BACWA. Consultant agrees that it will not use, disclose, communicate, publish or otherwise make available to third parties any products, analyses, data, compilations, studies, proposals, technical or business information, and any other information related to the Services provided to BACWA without BACWA's prior written approval.

8. The Consultant expressly agrees to indemnify, defend and hold BACWA, its officers, and directors, free and harmless from and against any and all loss, liability, expense, claims, costs, suits and damages, including attorney's fees, arising out of negligence of the Consultant's work and or performance under this Contract, excepting only such injury or damage as may be caused by the negligence of BACWA.
9. This contract shall automatically terminate on June 30, 2011. Either party may also terminate this Contract in whole or in part at any time for its convenience. For a termination for convenience, the termination will be effective thirty (30) days following receipt of a written notice of termination by one party from the other.

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

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

Exhibit A – Scope of Work

CONSULTANT: Alexandra C. Gunell

Street Address

Alameda, CA 94501

City, State, Zip Code

Tax Identification No.

_____ *Consultant Signature* _____ *Date*

Alexandra C. Gunnell

Name, Title

_____ *BACWA Signature* _____ *Date*

Name, Title

Exhibit A
BACWA ASSISTANT EXECUTIVE DIRECTOR
SCOPE OF SERVICES

CONSULTANT will act as the Assistant Executive Director and provide professional services at the direction of the BACWA Executive Director to support BACWA and its Special Programs consistent with the following key activities:

1. Financial Management

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

2. Meeting Support

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

3. Document Management

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

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

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

4. Communication and Website Management

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

5. Miscellaneous

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



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 14

FILE NO.: File 12,197

MEETING DATE: June 24, 2010

TITLE: Contract with Circle Point for Website and Communications Support in FY 2010-11.

MOTION _____ RESOLUTION _____

RECOMMENDED ACTION

Authorize an agreement with CirclePoint in an amount not to exceed \$42,500 for website and communications support during the period of July 1, 2010 – June 30, 2011.

SUMMARY

This contract authorizes CirclePoint to continue to provide BACWA with general website support, and communications support services. Services to be provided by Circle Point to BACWA are outlined in the Scope of Work that is included as Exhibit A in the attached contract. Work will be performed under the direction of the BACWA Executive Director.

FISCAL IMPACT

Funds are available for this contract in the BACWA Communications and Reporting, Website Development & Maintenance and Newsletter budget line items, approved for Fiscal Year 2010-11.

ALTERNATIVES

This action does not require consideration of alternatives.

Attachments:

1. Circle Point 2010-11, 12,197

Submitted: _____

Executive Director Approval: /s/ Amy Chastain

EXHIBIT A

SCOPE OF WORK

Professional Services by **CirclePoint** Fiscal Year 2010-2011

CirclePoint agrees to provide professional services to the Bay Area Clean Water Agencies (BACWA) for the following activities, the costs of which are **not to exceed \$42,500**:

Task 1: Website Reorganization & Maintenance (\$10,000)

CirclePoint will provide services to BACWA to make agency's website more user-friendly and compelling by using photos and graphic elements; make the calendar more easily apparent and accessible from the Home Page; make the Home Page more visually appealing and organized to highlight the current month's meetings and activities, significant upcoming milestones and other significant announcements; and make recommendations for organizing documents available on the website to improve accessibility.

CirclePoint and BACWA agree to the following:

- CirclePoint will provide a mock up of the redesigned Home Page and navigation menus to BACWA for review
- There will be a maximum of two revision cycles on these elements
- BACWA will provide consolidated edits (from members, Board members, others) to CirclePoint.
- CirclePoint will coordinate with BACWA's web designer to make agreed-upon changes to the Home Page and navigation menus.
- CirclePoint will provide monthly support services for maintaining website content.

Task 2: Electronic Newsletter (\$18,000)

An e-newsletter, published at regular intervals, will work in concert with other communications tools to engage member agencies, keeping them informed of upcoming activities and milestones, highlighting committee initiatives, and featuring board and executive director messages. The e-newsletter will also serve as a mechanism for driving more people to the website, and can be forwarded to others to expand BACWA's audiences and influence.

CirclePoint and BACWA agree to the following:

- CirclePoint will work with key BACWA representatives to draft and finalize a Creative Brief that defines key communications elements of the e-newsletter, including its name, target audiences, frequency of publication, desired look and feel, key user features, such as platform options, internal navigation features, and links to external sites, as well as a clearly-defined process for developing and approving the content.
- CirclePoint will design an e-newsletter template, including a masthead/banner, layout and format, and develop content for the first issue of the newsletter.

- CirclePoint will work with BACWA staff and committee leads to develop content and graphics for four e-newsletters through 2010. As part of this process, CirclePoint and BACWA will agree to an established production timeline and an editorial calendar.

Task 3: Identity Treatment (\$8,500)

Working closely with BACWA staff, CirclePoint will enhance the BACWA logo through brand refreshment that focuses on refining the existing identity. Implementation of the revised identity will be applied to business communications materials, including letterhead in color and black and white, business cards, and digital images for the website and other uses.

CirclePoint and BACWA agree to the following:

- CirclePoint will develop a refreshed branding option based upon BACWA's existing logo – showing it in a variety of applications (black & white; horizontal & vertical; etc.)
- CirclePoint will develop templates for communications materials, including letterhead, business cards, and digital website images (masthead).



1312.9 Bay Area Clean Water Agency

Date: 06/21/10

BILLING INFORMATION

Name	Hourly Billing Rates
Charles Gardiner	218.63
Ivy Morrison	113.80
Tracy Cook	69.09
Andrea Nocito	93.37
Ray Pajek	133.22
Tom Freyer	182.19
Linda Gausman	78.82



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 15

FILE NO.: File 12,193

MEETING DATE: June 24, 2010

TITLE: Contract with Kennedy/Jenks for BACWA InfoShare Groups Support in FY 2010-11.

MOTION _____ RESOLUTION _____

RECOMMENDED ACTION

Authorize an agreement with Kennedy/Jenks in an amount not to exceed \$25,000 for InfoShare Groups consultant support during the period of July 1, 2010 – June 30, 2011.

SUMMARY

Kennedy/Jenks will continue to provide consultant support to the following three BACWA InfoShare Groups: 1) Operations InfoShare Group; 2) Maintenance InfoShare Group; 3) and Engineering InfoShare Group. The support services are outlined in the Scope of Work, included as Exhibit A to the attached contract. Services provided shall include, but not be limited to, scheduling and announcing meetings, and preparing and distributing meeting agendas and minutes. Under the terms of this agreement Kennedy Jenks will also provide as needed assistance upon written authorization by the BACWA Executive Director.

FISCAL IMPACT

Funds are available for this contract in the BACWA Committees, InfoShare Groups budget line item, approved for Fiscal Year 2010-11.

ALTERNATIVES

This action does not require consideration of alternatives.

Attachments:

1. Kennedy Jenks 2010-11, 12,193

Submitted: _____

Executive Director Approval: /s/ Amy Chastain

EXHIBIT A

SCOPE OF WORK

Professional Services by **Kennedy/Jenks Consultants, Inc.**
Fiscal Year 2010-2011

Kennedy/Jenks Consultants, Inc. (KJ) will provide professional services to BACWA, the costs of which are **not to exceed \$25,000**:

Task 1: Operations, Bay Area Maintenance, and Engineering InfoShare Group Support (\$21,000)

KJ shall organize and conduct quarterly meetings for each of the three BACWA InfoShare Groups:

1. Operations InfoShare Group, the purpose of which is to facilitate the exchange of information among member agency operations managers;
2. Maintenance InfoShare Group, the purpose of which is to facilitate the exchange of information among member agency maintenance managers; and
3. Engineering InfoShare Group, the purpose of which is to facilitate the exchange of information among member agency engineering staff on issues related to infrastructure planning, design, and construction.

Services provided shall include, but is not limited to, scheduling and announcing meetings, and preparing and distributing meeting agendas and minutes.

Task 2: As-Needed Assistance (\$4,000)

Provide additional services upon written request by the BACWA Executive Director.

Client/Address: BACWA
P.O. Box 24055
MS 702
Oakland, CA 94623

Contract/Proposal Date: June 2010

Schedule of Charges

January 1, 2010

Personnel Compensation

Classification	Hourly Rate
CAD-Technician	\$100
Designer-Senior Technician	\$130
Engineer-Scientist-Specialist 2	\$125
Engineer-Scientist-Specialist 3	\$140
Engineer-Scientist-Specialist 4	\$155
Engineer-Scientist-Specialist 5	\$170
Engineer-Scientist-Specialist 6	\$190
Engineer-Scientist-Specialist 7	\$215
Engineer-Scientist-Specialist 8	\$225
Engineer-Scientist-Specialist 9	\$230
Project Administrator	\$90
Administrative Assistant	\$75
Aide.....	\$60

In addition to the above Hourly Rates, a three percent Communications Surcharge will be added to Personnel Compensation for normal and incidental copies, communications and postage.

Direct Expenses

Reimbursement for direct expenses, as listed below, incurred in connection with the work, will be at cost plus ten percent for items such as:

- Maps, photographs, reproductions, printing, equipment rental, and special supplies related to the work.
- Consultants, soils engineers, surveyors, contractors, and other outside services.
- Rented vehicles, local public transportation and taxis, travel and subsistence.
- Specific telecommunications and delivery charges.
- Special fees, insurance, permits, and licenses applicable to the work.
- Outside computer processing, computation, and proprietary programs purchased for the work.

Reimbursement for vehicles used in connection with the work will be at the federally approved mileage rates or at a negotiated monthly rate.

Reimbursement for use of computerized drafting systems (CAD), geographical information systems (GIS), and other specialized software and hardware will be at the rate of \$12 per hour.

Rates for professional staff for legal proceedings or as expert witnesses will be at rates one and one-half times the Hourly Rates specified above.

Other in-house charges for prints and reproductions, equipment usage, laboratory analyses, etc. will be at standard company rates.

Excise and gross receipts taxes, if any, will be added as a direct expense.

The foregoing Schedule of Charges is incorporated into the agreement for the services provided, effective January 1, 2010 through December 31, 2010. After December 31, 2010, invoices will reflect the Schedule of Charges currently in effect.



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 16

FILE NO.: File 12,195

MEETING DATE: June 24, 2010

TITLE: Contract with O’Rorke, Inc. for BAPPG and BACWA Media Relations Support in FY 2010-11.

MOTION _____ RESOLUTION _____

RECOMMENDED ACTION

Authorize an agreement with O’Rorke, Inc. (O’Rorke) in an amount not to exceed \$25,000 for BAPPG and BACWA media relations support during the period of July 1, 2010 – June 30, 2011.

SUMMARY

This contract authorizes O’Rorke to continue to provide BACWA with general media relations support, and the Bay Area Pollution Prevention Group with support for their public outreach campaigns. Services provided to BACWA will be approved and directed by the Executive Director or Executive Board; services provided to BAPPG will be approved and directed by the BAPPG Chair or designated representative. In past years these services have been coordinated through the BACWA Media Relations Committee.

FISCAL IMPACT

Funds are available for this contract in the BACWA Executive Board Technical Support, Media Relations Support budget line item, approved for Fiscal Year 2010-11.

ALTERNATIVES

This action does not require consideration of alternatives.

Attachments:

1. O’Rorke 2010-11, 12,195

Submitted: _____

Executive Director Approval: /s/ Amy Chastain

EXHIBIT A

SCOPE OF WORK

Professional Services by **O'Rorke, Inc.**
Fiscal Year 2010-2011

O'Rorke, Inc. agrees to provide professional services to the Bay Area Clean Water Agencies (BACWA) for the following activities, the costs of which are **not to exceed \$25,000**:

Task 1: Bay Area Pollution Prevention Group Media Relations Support (\$20,000)

Provide media relations support to the Bay Area Pollution Prevention Group (BAPPG) for BAPPG's public outreach programs including, but not limited to trash, medication, spring cleaning and proper disposal of fats, oils and grease, as requested and directed by the BAPPG Committee Chair.

Task 2: BACWA Media Relations Support (\$5,000)

Provide BACWA with media relations support as requested in writing by the Executive Director or the Executive Board. Such support may include, but is not limited to, assistance preparing for and coordinating press interviews, drafting and placing letters to the editors and op-eds, and generating talking points on issues affecting wastewater agencies.

EXHIBIT B

HOURLY RATES/REIMBURSABLE EXPENSES

Staff Member	Rate
Tracy Keough, Managing Director	\$180
Julia Fishman, Acct. Supervisor/Media Buyer	\$162
Angela Anderson, Designer	\$150
Meagan Miller, Account Manager	\$135

www.regulations.gov or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: Documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other materials, such as copyrighted material, are publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

Dated: May 25, 2010.

Rebecca Clark,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 2010-13072 Filed 5-28-10; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2010-0464; FRL-9156-7]

Stakeholder Input; National Pollutant Discharge Elimination System (NPDES) Permit Requirements for Municipal Sanitary Sewer Collection Systems, Municipal Satellite Collection Systems, Sanitary Sewer Overflows, and Peak Wet Weather Discharges From Publicly Owned Treatment Works Treatment Plants Serving Separate Sanitary Sewer Collection Systems

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is announcing plans to hold several "listening sessions" beginning in June 2010 to obtain information from the public on certain issues EPA is considering. EPA is considering whether to propose to modify the National Pollutant Discharge Elimination System (NPDES) regulations as they apply to municipal sanitary sewer collection systems and sanitary sewer overflows (SSOs) in order to better protect the environment and public health from the harmful effects of sanitary sewer overflows and basement back ups. The Agency is considering whether to propose possible modifications to the NPDES regulations, including establishing standard permit conditions for publicly owned treatment works (POTW) permits that specifically address sanitary sewer collection systems and SSOs, and clarifying the regulatory framework for applying NPDES permit conditions to municipal satellite collection systems. The Agency is also considering whether and how it should resolve several longstanding issues that are the subject of the December 22, 2005 draft Peak Flows Policy. This draft Policy attempted to clarify EPA's interpretation that the existing "bypass" provision of the NPDES regulations applies to peak wet weather diversions at POTW treatment plants that are recombined with the flows from the secondary treatment units prior to discharge. The Agency is considering whether to adopt this or a revised Policy and/or address questions about peak flow as part of an SSO rulemaking to allow for a holistic and integrated approach to reducing SSOs while at the same time addressing peak flows at the POTW treatment plant.

In addition to submitting information at the listening sessions, the public may also provide input to the Agency directly through e-mail, fax or mail in order to help the Agency shape any possible future regulatory proposals. The Agency is undertaking this outreach to help advance the Clean Water Act objective to restore and maintain the chemical, physical and biological integrity of the nation's waters (CWA, Section 101(a)).

DATES: EPA is asking for statements and input from the interested public on or before August 2, 2010.

ADDRESSES: Submit your statements or input, identified by Docket ID No. EPA-HQ-OW-2010-0464, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting input.

- *E-mail:* OW-Docket@epa.gov, Attention Docket ID No. EPA-HQ-OW-2010-0464.

- *Fax:* 202-566-9744.

- *Mail:* Water Docket, U.S.

Environmental Protection Agency, Mail code: 4203M, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Attention Docket ID No. EPA-HQ-OW-2010-0464.

- *Hand Delivery:* Water Docket, EPA Docket Center, EPA West Building Room 3334, 1301 Constitution Ave., NW., Washington, DC, Attention Docket ID No. EPA-HQ-OW-2010-0464. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your input to Docket ID No. EPA-HQ-OW-2010-0464. EPA's policy is that all input received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the input includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The

<http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your input. If you send an e-mail with input directly to EPA without going through <http://www.regulations.gov> your e-mail address will be automatically captured and included as part of the input that is placed in the public docket and made available on the Internet. If you submit an electronic input, EPA recommends that you include your name and other contact information in the body of your input and with any disk or CD-ROM you submit. If EPA cannot read your input due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your input. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

FOR FURTHER INFORMATION CONTACT: For further information about this notice, contact Charles Glass, EPA Headquarters, Office of Water, Office of Wastewater Management at tel.: 202-564-0418 or e-mail: glass.charles@epa.gov.

Public Listening Sessions: EPA will hold several informal public listening sessions to gather input on actions that EPA is considering. The public listening sessions will include a brief background on SSOs and peak flows that will be followed by an opportunity for the public to provide input on possible paths forward. Written and oral statements will be accepted at the public listening sessions. Input generated from what was learned at a public listening session will be compiled and archived. The information gathered at these sessions, will be available on the Internet at <http://www.epa.gov/npdes/sanitaryseweroverflows>. Brief oral statements (three minutes or less) will be accepted at the sessions, and written statements will be accepted.

The dates and locations of the listening sessions are as follows:

■ June 24, 2010, 10 a.m. to 3 p.m. at EPA Region 10 Office, 1200 Sixth Avenue, Seattle, WA 98101.

■ June 28, 2010, 10 a.m. to 3 p.m. at EPA Region 4 Office, 61 Forsyth Street, SW., Atlanta, GA 30303.

■ June 30, 2010, 10 a.m. to 3 p.m. at EPA Region 7 Office, 901 N. 5th Street, Kansas City, KS 66101.

■ July 13, 2010, 10 a.m. to 3 p.m. at EPA HQ Office, Ariel Rios Building, 1200 Pennsylvania Ave., NW., Washington, DC 20004.

In addition to the listening sessions held throughout the country, EPA will hold a "virtual" listening session via a webcast on July 14, 2010, from Noon–4 p.m. EST. The same format will be followed as the in-person listening sessions. After a presentation from EPA, members of the public may call in and give brief (three-minute) statements. Audience members will be able to listen to the webcast and all public statements through their computer speakers.

SUPPLEMENTARY INFORMATION:

I. General Information

A. How can I get copies of this document and other related information?

1. **Docket.** EPA has established an official public docket for this matter under Docket ID No. EPA–HQ–OW–2010–0464. The official public docket is the collection of materials that is available for public viewing at the Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave., Washington, DC. Although all documents in the docket are listed in an index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Publicly available

docket materials are available in hard copy at the EPA Docket Center Public Reading Room, open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426.

2. **Electronic Access.** You may access this **Federal Register** document electronically through the EPA Internet under the "Federal Register" listings at <http://www.epa.gov/fedrgstr/>.

Electronic versions of this notice and other SSO documents are available at EPA's SSO Web site <http://www.epa.gov/npdes/sanitaryseweroverflows>.

An electronic version of the public docket is available through EPA's electronic public docket and input system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public input, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search", then key in the appropriate docket identification number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Section I.A.1.

Submitting CBI. Do not submit this information to EPA through [regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark all of the information that you claim to be CBI. For CBI information on computer discs mailed to EPA, mark the surface of the disc as CBI. Also identify electronically the specific information contained in the disc or that you claim is CBI. In addition to one complete version of the specific information claimed as CBI, you must submit a copy that does not contain the information claimed as CBI for inclusion in the public document. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2.

It is important to note that EPA's policy is that public input, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the input contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies any input containing copyrighted material, EPA will provide a reference to that material in the version of the document that is placed in EPA's electronic public docket. The entire printed submittal, including the copyrighted material, will be available in the public docket.

Documents submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Input that is mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

B. How and to whom do I submit input?

You may submit input electronically, by mail, through hand delivery/courier, or in person by attending one of the 5 listening sessions. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your input. Please ensure that your input is submitted within the specified input period.

1. **Electronically.** If you submit electronic input as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your input. Also include this contact information on the outside of any disk or CD–ROM you submit, and in any cover letter accompanying the disk or CD–ROM. This ensures that you can be identified as the submitter of the input and allows EPA to contact you in case EPA cannot read your submittal due to technical difficulties or needs further information on the substance of your input. EPA's policy is that EPA will not edit your input, and any identifying or contact information provided in the body of the text will be included as part of the input that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your submittal due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your input.

i. *EPA Dockets.* Your use of EPA's electronic public docket to provide input to EPA electronically is EPA's preferred method for receiving input. Go directly to EPA Dockets at <http://www.epa.gov/edocket>, and follow the online instructions for submitting input. Once in the system, select "search", and then key in Docket ID No. EPA-HQ-OW-2010-0464. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it.

ii. *E-mail.* Input may be sent by electronic mail (e-mail) to ow-docket@epa.gov, Attention Docket ID No. EPA-HQ-OW-2010-0464. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail directly to the Docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the submittal that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD-ROM.* You may submit input on a disk or CD-ROM that you mail to the mailing address identified in this section. These electronic submissions will be accepted in Microsoft Word or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Send the original and three copies of your input to: Water Docket, Environmental Protection Agency, Mailcode: 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-OW-2010-0464.

3. *By Hand Delivery or Courier.* Deliver your input to: Public Reading Room, Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20004, Attention Docket ID No. EPA-HQ-OW-2010-0464. Such deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays).

II. Background

In order to help the public prepare for the listening sessions, the following background information is provided.

Wastewater collection systems collect domestic sewage and other wastewater from homes and other buildings and convey it to wastewater sewage treatment plants for proper treatment and disposal. The collection and treatment of municipal sewage and

wastewater is vital to the public health in our cities and towns.

The efficiency of treatment at a wastewater treatment plant depends strongly on the performance of the collection system. When the structural integrity of a sanitary sewer collection system deteriorates, high volumes of infiltration (including rainfall-induced infiltration) and inflow can enter the sewer system. High levels of inflow and infiltration (I/I) increase the hydraulic load on treatment plants, which can reduce treatment efficiency, lead to bypassing a portion of the treatment process, or in extreme situations make biological treatment facilities inoperable (e.g., wash out the biological organisms that treat the waste).

In the United States, municipalities historically have used two major types of sewer systems. One type, combined sewers, is designed to collect both sanitary sewage and storm water runoff in a single-pipe system. Sewer builders designed this type of sewer system to provide the primary means of surface drainage and drain precipitation flows away from streets, roofs, and other impervious surfaces. State and local authorities generally have not allowed the construction of new combined sewers since the first half of the 20th century. The other major type of domestic sewer design is sanitary sewers (also known as separate sanitary sewers). Sanitary sewers are not installed to collect large amounts of runoff from precipitation events or provide widespread drainage, although they typically are built with some allowance for higher flows that occur during storm events for handling minor and non-excessive amounts of I/I that enter the system.

SSOs, which are releases of raw sewage, can result when there is a failure in a sanitary sewer collection system. EPA generally uses the term SSO to describe releases of sewage that result in a discharge to waters of the United States, as well as releases that do not result in a discharge to U.S. waters, including sewage backups into buildings. A number of factors can cause or contribute to an SSO, including high levels of I/I; blockages caused by roots, grease, sediment or other materials; structural, mechanical or electrical failure; and third party actions or activities.

Municipal sanitary sewer collection systems are an extensive, valuable, and complex part of the nation's infrastructure. The collection system of a single large municipality can include thousands of miles of pipe and represent an investment worth billions of dollars. The underlying challenges

affecting the performance of collection systems are influenced by a number of factors including the following:

- Much of the nation's sanitary sewer infrastructure is old; some parts of this infrastructure date back over 100 years. Over the time period associated with building these systems, a wide variety of materials, design and installation practices, and maintenance/repair procedures have been used, many of which are inferior to those available today;
- Infrastructure has deteriorated with time and continues to age;
- Investment in infrastructure maintenance and repair has often been inadequate;
- The location of problems (e.g., roots, debris) and other variables may continually change throughout a system;
- Systems may fail to provide capacity to accommodate increased sewage delivery and treatment demand from increasing populations; and
- Institutional arrangements relating to the operation of sewers may present a barrier to effective operation and maintenance of sewer systems. Almost all building laterals in a municipal system are privately owned. In many municipal systems, a high percentage of collector sewers are owned by private entities or municipal entities other than the entity operating the major interceptor sewers.

The proper operation and maintenance of collection system assets is critical to minimizing the frequency and volume of SSOs. Municipalities need to manage their assets effectively and ensure adequate and sustainable funding to support appropriate investments.

The main concern regarding raw sewage releases associated with SSOs is typically pathogens, including bacteria, viruses, and protozoa. SSOs can contain other pollutants, including nutrients, toxics from industrial, commercial and residential sources, and wastewater solids and debris. SSOs are of special concern to public health because they may expose citizens to bacteria, viruses, intestinal parasites, and other microorganisms that can cause serious illness such as gastroenteritis, hepatitis, cryptosporidiosis, and giardiasis. Sensitive populations, children, the elderly and those with weakened immune systems, can be at a higher risk of illness from exposure to sewage from SSOs.

The discharge of untreated sewage in SSOs can contaminate waters, in some cases causing water quality problems and threats to public health. SSOs may also cause raw sewage to flow into basements, parks, recreational streams,

beaches, on city streets and backyards, and other areas where people are in close contact with the overflow. The public can be exposed to raw sewage from SSOs through street flooding, recreational contact such as swimming and fishing, drinking contaminated water and collection system back-ups into homes. The threat to public health and the environment posed by SSOs is not necessarily limited to large volume or extended-duration overflows. Some of the greatest threats from SSOs stem from viruses and pathogens which can present a public health threat even in small volume, intermittent overflows.

Statutory and Regulatory Overview

SSOs that reach waters of the United States are point source discharges and, like other point source discharges, are generally prohibited unless authorized by an NPDES permit. Sanitary sewers are part of the treatment works under the Clean Water Act and discharges from sanitary sewers have historically been viewed as required to achieve secondary treatment in order to be eligible to receive an NPDES permit. Moreover, SSOs, including those that do not reach waters of the United States, may be indicative of improper operation and maintenance of the sewer system, and thus may violate other NPDES permit conditions. The NPDES regulations establish standard permit conditions which must be included in all NPDES permits, as well as additional standard permit conditions to be included in all NPDES permits for publicly owned treatment works (POTWs) (*see* 40 CFR 122.41 and 122.42). Standard permit conditions in a permit for a POTW apply to all portions of the collection system for which the permittee has ownership or has operational control. Standard permit conditions that have particular application to SSOs and municipal sanitary sewer collection systems include provisions that address a duty to mitigate (§ 122.41(d)); proper operation and maintenance (§ 122.41(e)); noncompliance reporting (§ 122.41(l)(6) and (7)); recordkeeping (§ 122.41(j)(2))

Previous Activities To Address SSO Requirements

In 1994, a number of municipalities asked EPA to establish a Federal Advisory Committee (FAC) of key stakeholders to make recommendations on how the NPDES program should address SSOs. This request came soon after EPA had published the Combined Sewer Overflow Control Policy in 1994, which was designed to provide greater national clarity and consistency in the

way NPDES requirements apply to combined sewer overflows (CSOs). In part, the municipalities indicated a desire for greater national clarity and consistency in the way NPDES requirements apply to SSOs. The municipalities indicated that they believed that eliminating all SSO discharges was technically infeasible and, as a result, municipalities tasked with the responsibility of operating these systems could not comply with an absolute prohibition on SSOs. The municipalities suggested a need for a workable regulatory framework which allowed EPA and NPDES authorities to define compliance endpoints in a manner that was consistent with engineering realities and the health and environmental risks of SSOs.

EPA then convened a national "SSO policy dialogue" among a balanced group of representatives from key stakeholder organizations. EPA asked the individual stakeholders to provide input on how best to meet the SSO policy challenge. In 1995, EPA chartered an Urban Wet Weather Flows Federal Advisory Committee (FAC) with the goal of developing specific recommendations addressing cross-cutting wet weather issues and to improve the effectiveness of the Agency's efforts to address wet weather pollutant sources under the NPDES program. The Urban Wet Weather Flows Federal Advisory Committee reconvened the SSO policy dialogue group as its SSO Subcommittee.

The SSO Subcommittee met twelve times to develop a draft paper and on October 20, 1999, with unanimous support from the members, completed a framework to address SSOs. In the draft paper the Subcommittee supported basic principles with the following suggested NPDES permit requirements:

- (1) Capacity, management, operation and maintenance (CMOM) programs for municipal sanitary sewer collection systems;
- (2) A prohibition on SSOs, which includes a framework for raising a defense for unavoidable discharges;
- (3) Reporting, public notification, and recordkeeping requirements for municipal sanitary sewer collection systems and SSOs; and
- (4) The interim use of remote treatment facilities (or peak excess flow treatment facilities).

In addition, the Subcommittee unanimously supported a set of principles for municipal satellite collection systems and watershed management, although members did not develop detailed language addressing these topics.

EPA prepared a Notice of Proposed Rulemaking (NPRM) to reflect the work achieved by the FAC. The NPRM was never formally released to the public or sent to the **Federal Register** for publication, but instead was withdrawn in January 2001 for further review. The draft NPRM would have proposed NPDES standard permit conditions for municipal sanitary sewer collection systems that were aimed at providing a more efficient approach to controlling SSOs through better management, increased public notice, and a focus on system planning.

In August 2004 the Agency presented to Congress the "Report to Congress: Impacts and Control of CSOs and SSOs". The report found that CSOs and SSOs can have impacts on human health and the environment at the local watershed level. The report identified a broad range of technologies available to municipalities to control the impacts of CSOs and SSOs, documented the extent of the problem, and provided a baseline for future policy actions. In the Report to Congress, EPA estimated that between 23,000 and 75,000 SSOs occur each year in the United States, resulting in releases of between 3 billion and 10 billion gallons of untreated wastewater.

Previous Activities To Address Peak Flow Requirements

One standard permit condition in the NPDES regulations is the bypass provision at 40 CFR 122.41(m). The provision defines bypass to mean the "intentional diversion of waste streams from any portion of a treatment facility." The regulation prohibits bypasses except where necessary for essential maintenance to assure efficient operation and where effluent limitations are not exceeded. For all other bypasses, the Director of the NPDES program may take enforcement action against a permittee for a bypass, unless:

- (A) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and
- (C) The permittee submitted the notices required by the regulation.

The bypass regulation provides that the Director of the NPDES authority may approve an anticipated bypass, after considering its adverse effects, if the Director determines that the bypass will meet the criteria identified in the regulation and listed above. Approval of an anticipated bypass does not "authorize" the bypass, rather an

approval of an anticipated bypass describes the circumstances in which the NPDES authority will not take an enforcement action against the permittee for a prohibited bypass. The bypass provision was promulgated in 1979, and has remained in effect since that time.

On November 7, 2003, in response to requests from many stakeholders, EPA requested public comment on a draft policy to address the issue of NPDES requirements for discharges from POTWs serving separate sanitary sewers where peak wet weather flow is routed around biological treatment units and then blended with the effluent from the biological units prior to discharge. Under the November 7, 2003, approach, a wet weather diversion around biological treatment units that was blended with the wastewater from the biological units prior to discharge would not have been considered to constitute a prohibited bypass if certain criteria were met.

EPA received significant public comment on the 2003 document, including over 98,000 comments opposing adoption of such a policy due to concerns about potential human health risks of diverting a portion of the flow around secondary treatment units during wet weather events. EPA also received a letter signed by 73 members of Congress asking that EPA not move forward with finalizing the policy. On May 19, 2005, EPA indicated that, after consideration of the comments, the Agency did not intend to finalize the 2003 proposal. On July 26, 2005, Congress enacted the FY 2006 Department of the Interior, Environment, and Related Agencies Appropriations Act (Pub. L. 109–54). Section 203 of this Act provides that none of the funds made available in the Act could be used to finalize, implement or enforce the November 7, 2003, proposed blending policy.

In October 2005, the Natural Resources Defense Council (NRDC) and the National Association of Clean Water Agencies (NACWA) provided EPA with their joint proposal recommending further action that the Agency should take regarding peak flows. The NRDC/NACWA recommended approach includes an interpretation of the bypass regulation that is significantly different from the November 7, 2003, document in that it would clarify that the bypass provision applies to wet weather diversions at POTW treatment plants serving separate sanitary sewers including those in which the diverted stream is blended with the secondary effluent before discharge.

On December 22, 2005, EPA requested public comment on a draft Peak Flows Policy that reflects the approach of the NRDC/NACWA recommendation. The 2005 draft Policy explains how the NPDES authority should determine whether requests for approval of anticipated peak wet weather flow diversions at POTW treatment plants serving separate sanitary sewer collection systems, which are recombined with flow from the secondary treatment units prior to discharge, should be approved or denied under 40 CFR 122.41(m)(4)(ii). The approach in the draft Policy is based on language in the bypass regulation that provides that if the NPDES authority determines that the criteria of § 122.41(m)(4)(i) will be met, the NPDES authority may approve an anticipated bypass of peak wet weather flow diversions around secondary treatment units. EPA has not, to date, finalized the draft Policy.

III. Input on Issues That EPA Is Considering

EPA is considering whether to develop a more specific broad-based regulatory framework for sanitary sewer collection systems under the NPDES program. The Agency is considering proposing standard permit conditions for inclusion in permits for publicly owned treatment works (POTWs) and municipal sanitary sewer collection systems. The permit conditions EPA is considering would address the following areas: reporting, overflow right-to-know, notice of public health officials and recordkeeping requirements for SSOs, capacity assurance, management, operation and maintenance requirements for municipal sanitary sewer collection systems; and possible regulatory requirements or provisions for SSOs that are caused by exceptional circumstances.

EPA is also seeking the views of the interested public on the implications for peak excess flow treatment facilities in the municipal sanitary collection system and the treatment of peak flows that reach POTWs. The Agency is considering clarifying and modifying the regulatory framework for applying NPDES permit conditions, including applicable standard permit conditions, to municipal satellite collection systems. Municipal satellite collection systems are sewer systems owned or operated by a municipality that conveys wastewater to a POTW operated by a different municipality.

In addition, the Agency is considering clarifying when municipal satellite collection systems must obtain a permit.

With today's notice of the scheduled public meetings, EPA is asking for public input on the following preliminary considerations that will inform EPA's thinking on the issues that will be the subject of these meetings.

1. Should EPA propose to clarify its standard permit conditions for SSO reporting, recordkeeping and public notification?

Current requirements require all NPDES permits to contain the standard permit conditions at 40 CFR 122.41(l)(6) and (7) for noncompliance reporting. When incorporated into a permit, these standard conditions require permittees to report any instance of noncompliance to the NPDES authority. SSOs that result in discharges to waters of the United States or result from improper operation and maintenance of the collection system constitute noncompliance, which the permittee must report under these provisions. The existing requirements in 40 CFR 122.41(l)(6) and (7) require the permittee to report orally to the NPDES authority within 24 hours of becoming aware of the event if the noncompliance may endanger health or the environment. A written submission must follow within 5 days of the time the permittee becomes aware of the noncompliance, unless the Director waives the written report. The standard permit condition at 40 CFR 122.41(l)(7) requires the permittee to report all other instances of noncompliance in writing at the time discharge monitoring reports are submitted.

At a minimum, all NPDES permits must contain the standard permit condition at 40 CFR 122.41(j)(2) for recordkeeping. When incorporated into a permit, this provision, among other things, requires permittees to retain copies of all reports required by the permit for a period of at least 3 years from the date of the report. This requirement includes retaining records of the required noncompliance reports of SSO events that result in discharges to waters of the U.S. Additional reporting and recordkeeping requirements may have been included in a permit on a case-by-case basis.

The existing NPDES standard permit conditions do not establish monitoring or public notification requirements for SSOs.

The Agency is considering proposing to clarify and expand standard permit requirements to establish a comprehensive framework for monitoring, reporting, public notification, and recordkeeping for SSOs from municipal sanitary sewer collection systems. EPA requests input on the following types of questions:

- Is there a need for establishing this framework and, if so, which SSO events should be subject to reporting, recordkeeping and public notice requirements?

- Should EPA clarify that such requirements apply to SSOs that do not result in a discharge to waters of the United States, including sewage backups into buildings?

- Which SSO events should be reported immediately?

- What criteria should be used to determine if notice of public health officials is appropriate for an SSO event?

- Should EPA establish minimum requirements for monitoring SSOs to alert the municipal operator in a timely manner? If so, what are appropriate methods, technologies or management programs for monitoring SSOs?

- Should EPA require immediate notification to the public of SSOs? If so, for which SSOs and how and when should the public be notified?

The potential changes are authorized by, and would implement, CWA sections 304(i), 308 and 402(a).

2. Should EPA propose to develop a standard permit condition with requirements for capacity, management, operations and maintenance programs based on asset management principles?

Under existing regulations at 40 CFR 122.41, all NPDES permits must contain two standard conditions addressing operation and maintenance: proper operation and maintenance requirements at 40 CFR 122.41(e) and duty to mitigate at 40 CFR 122.41(d). These provisions require the permittee to properly operate and maintain its collection system as well as take all reasonable steps to minimize or prevent SSO discharges to waters of the United States that have a reasonable likelihood of adversely affecting human health or the environment. In addition, these provisions, along with a prohibition on SSOs to waters of the U.S., are the basis for requiring permittees to provide adequate sanitary sewer collection system capacity.

EPA is considering proposing to add a new standard condition that would clarify EPA's expectations for appropriate capacity, management, operation and maintenance (CMOM) program requirements. The major components of such a CMOM standard permit condition could include general conditions; a general requirement to develop and implement a CMOM program; and documentation requirements, including a written summary of the program, an overflow emergency response plan, a system

evaluation and capacity assurance plan, and the results of a program audit. The concept of CMOM also has a significant nexus with Asset Management approaches, which are becoming an industry standard for infrastructure management. The CMOM may present an appropriate framework or context for a possible permit condition.

EPA requests information on successful programs that have been implemented to manage, operate, and maintain their systems. In addition, EPA requests input on:

- What is the need for a CMOM standard permit condition?

- What are the appropriate components and core attributes of a CMOM standard permit condition and what is their nexus with Asset Management practices?

- If adopted, how should a CMOM provision be tailored for small municipalities?

- Would integrating system evaluation and capacity assurance planning efforts for the collection system with planning efforts to address peak flow issues at the treatment plant encourage more holistic approaches?

3. Should EPA propose to require permit coverage for municipal satellite collection systems?

Many municipal sanitary sewer collection systems are not entirely owned or operated by a single municipal entity. A municipal entity that operates a treatment plant may be responsible for conveying and/or treating wastewater from sewers of other municipalities. The term "municipal satellite collection system" refers to a collection system that is owned or operated by a municipality other than the municipality that provides treatment for wastewater added throughout the system. The term "regional collection system operator" refers to a collection system operator who is responsible for the treatment plant(s) that receives wastewater from municipal satellite collection systems. Regional municipal collection system operators who provide wastewater treatment may only operate a relatively small portion of the collection system, such as major interceptors or collector sewers in certain areas. In extreme cases, the regional authority or district (and traditional NPDES permit holder) does not own or operate any part of the collection system, only the treatment plant.

Poorly performing municipal satellite collection systems can be major contributors to peak flow problems in regional collection systems. In addition, investment in maintenance, repair and

enhanced capacity of municipal satellite collection systems has often lagged behind that for regional municipal collection systems. This lag in investment is generally due to institutional issues such as lack of responsibility by municipal satellite collection system operators for problems downstream in the collection system or at a treatment plant, even where the municipal satellite collection system may have been a significant source of capacity problems downstream. In addition, direct oversight by EPA and NPDES States has been limited.

Municipal satellite collection systems can also experience overflows. The Agency believes it may be important to clarify who is required to report these events to the NPDES authority and how they should be reported, in order to protect human health and the environment.

EPA is considering clarification of the framework for regulating municipal satellite collection systems under the NPDES permit program. EPA welcomes input on the questions whether (and which) municipal satellite collection system should be required to obtain an NPDES permit, and whether EPA should require these systems to meet standard permit conditions related to reporting, public notification, and recordkeeping; CMOM requirements; and prohibition along with other standard permit conditions throughout municipal collection systems including satellite portions.

4. What is the appropriate role of NPDES permits in addressing unauthorized SSOS that are caused by exceptional circumstances?

Even municipal collection systems that are operated in an exemplary fashion may experience unauthorized discharges under exceptional circumstances. EPA requests input on the appropriate role of NPDES permits in addressing such exceptional events. The current NPDES standard permit conditions provide two provisions, the bypass provision at 40 CFR 122.41(m) and the upset provision at 40 CFR 122.41(n), that were designed to address violations that occur under exceptional circumstances. The bypass provision generally prohibits bypasses, but also provides criteria for when the NPDES authority may excuse a bypass by exercising enforcement discretion and not bring an enforcement action for a violation. The upset provision allows a permittee to raise an affirmative defense to a violation of a technology-based effluent limitation. The Agency is considering developing a standard permit condition that would provide a

framework for evaluating the specific circumstances of overflows from a municipal sanitary sewer collection system that result in a discharge to waters of the U.S. and consideration of those circumstances to excuse those discharges, either through the exercise of enforcement discretion or through establishment of an affirmative defense. The Agency requests input on the appropriate criteria that should be used in such a provision.

5. How should EPA address peak flows at POTW treatment plants?

The Agency is considering the direction to take to resolve several long standing issues that are the subject of the December 22, 2005 draft Peak Flows Policy. This draft Policy attempted to clarify EPA's interpretation that the existing "bypass" provision of the NPDES regulations applies to peak wet weather diversions at POTW treatment plants that are recombined with the flows from the secondary treatment units prior to discharge. The Agency is considering whether to embrace the approach explained in the draft Policy and/or to propose to address these issues in any SSO rulemaking. Addressing the issues in the context of possible SSO rulemaking would allow for a holistic and integrated approach to reducing SSOs while at the same time addressing peak flows at the POTW treatment plant. In addition, EPA would like to receive public input on the limited number of cases where infrequent discharges from wet weather treatment facilities located in sanitary sewer collection systems have been authorized or approved and issued a permit by an NPDES authority. The Agency would like to receive feedback from the public on the need for requirements for these facilities and any technologies that are utilized in the sanitary sewer system to treat discharges.

6. What are the costs and benefits of CMOM programs and asset management of sanitary sewers?

EPA is soliciting input from the general public concerning the impact of the proposed rule in terms of costs on covered entities and benefits of proposed rule requirements. Specifically, EPA is seeking information on asset management approaches, integrated utility planning, or other mechanisms that are used to ensure the sustainability and cost effectiveness of investments and enhance public health and environmental benefits. The Agency is seeking input on the potential incorporation of these techniques or

others that are similar in any proposed modifications to the NPDES regulations.

In addition, examples of other information that is needed from the public include: the number of municipalities currently implementing CMOM and the components of their CMOM programs; information on costs incurred by basement backups as well as the frequency that they occur; and the number and location of municipal satellite systems and the cost effectiveness of extending permitting requirements to them.

7. Are there other considerations?

EPA requests input on other considerations, such as environmental justice issues associated with this Notice. In particular, EPA requests input on environmental justice considerations associated with establishing requirements for municipal satellite collection systems.

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

Dated: May 26, 2010.

Peter S. Silva,

Assistant Administrator, Office of Water.

[FR Doc. 2010-13098 Filed 5-28-10; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2008-0747; FRL-9156-6]

RIN 2040-AE90

National Primary Drinking Water Regulations; Announcement of the Results of EPA's Review of Existing Drinking Water Standards and Request for Public Comment and/or Information on Related Issues; Extension of the Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is extending by 30 days the public comment period for the National Primary Drinking Water Regulations; Announcement of the Results of EPA's Review of Existing Drinking Water Standards and Request for Public Comment and/or Information on Related Issues, which was published in the **Federal Register** on March 29, 2010. The purpose of that notice was to invite commenters to submit any new, relevant peer-reviewed data or information pertaining to the four NPDWRs identified in that action as candidates for revision (*i.e.* acrylamide, epichlorohydrin, tetrachloroethylene

and trichloroethylene). This information will inform EPA's evaluation as the Agency moves forward with the regulatory revisions for these four NPDWRs. This extended comment period will afford greater opportunity to all interested parties to review and submit comments on the notice.

DATES: Comments must be received on or before July 1, 2010.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OW-2008-0747, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- **Mail:** Water Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

- **Hand Delivery:** Water Docket, EPA Docket Center (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

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Proposed BACWA Technical Guidance on Collection System Wet Weather Design Criteria

Possible elements of guidance manual:

Objectives of guidance manual:

- Define wet weather design criteria and how they are used
- Describe alternative approaches for developing and using criteria
- Discuss applicability of different approaches

Purpose of Wet Weather Design Criteria:

- Size new collection system facilities or relief/replacement facilities
- Assess existing facilities and identify those with unacceptable risk of overflows
- Establish appropriate level of service
- Recognizes there is a cost vs. risk tradeoff
- Generally a local agency decision
- Regulatory guidance is typically not provided

Components of Wet Weather Design Criteria:

- Design flow criteria - used to compute design base wastewater flow (BWF), groundwater infiltration (GWI), and rainfall-dependent infiltration/inflow (RDI/I)
- Hydraulic capacity criteria (specified allowable depth of flow/surcharging at design flow)

Elements of Design Flow Criteria:

- Return period (define), probability of exceeding
- Rainfall events (intensity over time and space) discuss significance of duration and spatial distribution
- Other conditions: coincidental BWF and I/I, antecedent rainfall; discuss significance of antecedent conditions and coincidental peaks
- Combinations of rainfall and other conditions determine return period of flow event; assuming worst-case combination can lead to overly conservative flows and unintended shifting of balance between cost and risk

Methods for Developing Design Rainfall Events

- Create synthetic rainfall event of desired return period
 - Use local hydrology manuals and intensity-duration-frequency (IDF) curves to determine rainfall intensities and variation over time and space
 - Example of design storm methods
- Use historical storms
 - Assess return period of storms by comparison to IDF curves for range of durations

Methods for Computing Design Flows:

- Simple methods
- Single-event modeling (assumptions for BWF, GWI, RDI/I and how calibration to observed flows is needed)
- Continuous simulation to find combinations that generate desired flow return period; discuss benefits, limitations, applications, especially for storage solutions

Elements of Hydraulic Capacity Criteria:

- Maximum depth-to-diameter ratio
- Maximum surcharge
- Allowable depth to ground

Methods for Assessing Hydraulic Capacity

- Capabilities and limitations of different types of hydraulic models, from steady-state computations to fully dynamic models

June 16, 2010

Monica Oakley, P.E.
Oakley Water Strategies
2100 Lakeshore Avenue, Suite C
Oakland, CA 94606

Re: Results of CIWQS SSO Data Analysis

Dear Ms. Oakley,

Purpose

The purpose of this report is to summarize the results of analysis of the California Integrated Water Quality System (CIWQS) sanitary sewer overflow (SSO) data and to identify issues with the data that interfere with both analysis and use of the data.

Background

The State Water Resources Control Board (SWRCB) required public agencies with sanitary sewer systems larger than one mile in length to begin electronic reporting of SSOs using CIWQS between January 2, 2007 and September 2, 2007, with the starting dates staggered by Region.

A previous analysis of CIWQS SSO data conducted by Larson Consulting during early 2008 indicated that there were regional differences in SSO performance metrics. Improvements in SSO reporting and two years of additional data were anticipated to provide a clearer picture of any regional differences and their underlying causes. The focus of this analysis was to determine whether there were differences in the SSO metrics between the San Francisco Bay Region and other regions of the State; however, even after significant work to correct obvious errors in the CIWQS SSO dataset, the data did not support a reliable analysis due to nature and extent of errors in the dataset.

The term “agency” in this report refers to a unique combination of Agency and Collection System that is associated with a Waste Discharge Identification Number (WDID). This definition is used, for the purposes of this report, to differentiate agencies that own/operate

more than one sanitary sewer system and also sanitary sewer systems that are located in more than one region.

CIWQS Data Issues

There are two basic types of issues with the current CIWQS data:

- Errors resulting from data input and lack of error checking and/or data quality assurance.
- Errors in the CIWQS user interface and data queries.

Both of these issues are discussed in detail, along with examples, in the following section of this report.

A. Data Input Errors, Limited Error Checking, and Limited Data Quality Assurance

An estimated 1,100 individuals with varying levels of computer/typing/language skills provide data input into CIWQS. Analysis of agency questionnaire and SSO data indicated that current data entry often produces illogical data. The state of the dataset indicates that current error messages and after-the-fact data review is either nonexistent or ineffective. This section of the report presents some of the more common data issues.

1. Sewer System Size and Budget

Description of Problem

Agency size is an essential component used in calculating the metrics used to compare performance over time and/or among agencies. The data fields in the CIWQS Questionnaire related to system size are: Size by Population, Miles of Force Main, Miles of Gravity Sewer, Miles of Laterals, Miles of Lateral Responsible, Number of Service Laterals, and Population Served.

Annual O&M Budget, Annual Capital Budget, Sewer Cleaning Production, Gravity Sewer Inspection Production, and Staffing need to be viewed relative to sewer system size for meaningful analysis.

There are 1,097 unique agencies in CIWQS. O&M and Capital Budget data were either missing or illogical for nearly 30% of agencies. Sewer system size data was not available or illogical for 4% of agencies.

Example of Illogical Data	Related Metric
16 Miles of Sewer (Gravity & Pressure) Population under 1,790 Annual O&M Budget over \$20,000,000	O&M Cost ~ \$1,300,000 per mile
512 Miles of Sewer (Gravity & Pressure) 4,320,000 Miles of Lateral Population 207,500	20.8 miles of lateral per capita

Recommendation

An information field on the input screen showing a calculation of \$/connection and \$/mile may help Users identify invalid data for both budget and size field types. For numbers outside of a reasonable range, a warning message should be displayed.

2. *Reporting Compliance*

Description of Problem

Accurate and representative SSO reporting is a prerequisite to having meaningful and believable performance benchmarks.

As of September 2007, all agencies were required to be enrolled in CIWQS and to report SSOs online or submit a monthly “No Spill” report if there were no Public Spills during that time period.

Compliance with Monthly Reporting: In comparing the Interactive Regulated Facilities Report and the Summary Spill Report (SSO_overview.xls), it appears that 41% of agencies did not report any Category 1 or Category 2 SSOs using CIWQS during calendar year (CY) 2009. At least two of those agencies have populations greater than 10,000.

Recommendation

- Add WDID to all data entry screens/reports instead of Agency/Collection System name, so the report is always associated with the correct agency (i.e. multiple agencies are not created because a slightly different name or spelling is entered).
- Publish “No Spill” reports online in order to provide a complete picture of each agency’s performance/compliance with reporting requirements for parties using the Interactive SSO Report.

3. *General Errors and Date Checking*

Description of Problem

Start Date, End Date, and Agency Notify Date are all central to metrics tracking changes in performance over time and comparing performance among agencies and Regions. Certified Date is important in determining the status of a spill report and compliance with regulations.

Spill reports appear to include any spill with a Start Date that is between the Start and End Date criteria specified for the query. Multiple queries are typically required due to CIWQS limitations in the amount of detailed data that can be exported from a report (300 rows). There is no error checking for dates. Without further analysis, these factors can result in inflated Annual SSO Rates and misleading information.

Error checking on other tables is advisable as well.

Date Type	Example Date/Time Discrepancies	Comments
Start Date Agency Notified Date Operator Arrival Date End Date Certification Date	10/23/2009 5:30 10/23/2008 6:15 10/23/2008 7:45 10/23/2008 7:45 11/17/2008 0:00	Start date is one year after all other dates. SSO event does not show up on any monthly queries.
Start Date Agency Notified Date Operator Arrival Date End Date Certification Date	10/29/2008 12:08 10/29/2009 12:08 10/29/2009 12:30 10/29/2009 12:45 11/10/2009 0:00	Start date is exactly one year prior to agency notify date. SSO event shows up on 12 monthly queries.
Start Date Agency Notified Date Operator Arrival Date End Date Certification Date	6/1/1993 0:00 6/8/2007 12:00 6/8/2007 12:00 6/8/2007 12:00 6/12/2007 0:00	This appears to be valid data (“ Lateral was missed during rehab”). However, SSO event shows up on any query between 1993 and 2007.
Start Date Agency Notified Date Operator Arrival Date End Date Certification Date	1/5/2209 1:00 1/5/2009 2:00 1/5/2009 2:00 1/5/2009 2:30 7/16/2009 0:00	Start date is in future. SSO event does not show up on any monthly queries.
SSMP Audit Date	7/7/2011	Completion dates on SSMP table are in the future.
Region	5R (should be 2)	Though there are agencies with responsibility for sewers in more than one region, there are instances where SSO and Questionnaire data has the wrong region entered.

Recommendation

Date fields on the Spills table should be validated for use in calculating response time with “warning” messages generated when:

- End Date, Agency Notify Date, or Operator Arrival Date are before the Start Date.
- Difference between any of the dates is more than 365 days.
- Any date is in the future.

4. *Inconsistencies and Lack of Public Access to No Spill Reporting*

Description of Problem

CIWQS allows both Public Spill Reports and a No Spill Report for the same time period. Some agencies have reported a Private Lateral Spill but not a Public Spill or submitted a No Spill Report.

Report	Data	Error Type
“Public Spill” (count)	1	Should not have submitted a No Spill report because the agency reported one Public SSO that month.
“Private Spill” (count)	0	
“No Spill” Report Submitted Month/Year	True 02/2008	

Recommendation

- Monthly spill reporting should be limited to one (or more) Public Spill report(s) or one No Spill report per agency.
- Filing Private Spill reports should not affect Public Spill/No Spill reporting. Add warning level error checking for data input.

5. *Data Essential to Analysis should be Required*

Description of Problem

Use of the Failure Occurred field is inconsistent and unusable for analysis in its current state. There are only four categories shown in the database: Main, Lower Lateral, Upper Lateral, and Other (specify below). The Failure Occurred field is left blank approximately 70% of the time.

The purpose of this field should be to identify lateral versus sewer main spills, thereby allowing a comparison between agencies that have responsibility for laterals and those without that responsibility.

It appears that Users aren’t sure how to categorize the “failure”.

Where Failure Occurred Explanation for “Other (specify below)”
City owned cleanout
Crack in force main
Force main air release valve
In a manhole
Manhole lid preceding lift station holding tank.
Sewer lift station
Siphon

Recommendation

Require that field be populated with one of the categories prior to allowing certification of report. This would eliminate the large number of “null” values.

Change the field name from “Where Failure Occurred” to “Where Problem Occurred” since a number of explanations state that a pipe *failure* did not occur.

Add other common categories including gravity main/manhole, force main/apurtenances, upper lateral (public), or lower lateral (public).

Remove “Other (specify below)” option.

6. *Provide Guidance for Cause*

Description of Problem

The identification of the primary cause is essential to determining the appropriate steps to prevent the problem from recurring. In a majority of cases where the cause was entered as “Other”, the text description typically indicates that there was more than one cause.

Multiple categories of “Debris” and combination of Debris/Grease/Roots appear to be largest point of confusion.

Spill Cause	Number of SSOs	Percent of SSOs
Debris-General	672	12%
Debris-Rags	271	5%
Debris	28	1%
Flow exceeded capacity	33	1%
Grease deposition (FOG)	1,055	19%
Operator error	34	< 1%
Other	545	10%
Pipe structural problem/failure	315	6%
Pump station failure	73	< 1%
Rainfall exceeded design	30	< 1%
Root intrusion	2,478	44%
Vandalism	58	< 1%
Grand Total	5,592	

Examples of “Other” Causes
Broken lateral
Broken force main
Collapse
Food waste, plastic gloves, paper towels
Grease and roots
Grease and debris

Recommendation

A field should be identified as "Primary Cause" and should be required prior to final certification of a spill report.

"Unknown" and "Other" should not be allowed on certified report if the point of failure (where problem occurred) was in the sewer system or public lower lateral.

Definitions should be available to clarify the difference between categories (e.g. "Flow exceeded capacity" and "Rainfall exceeded design").

Provide a set of "interview" questions if the User selects "Other" to help with identification of Primary Cause, especially in determining which is primary if there are multiple causes (roots/grease/debris/broken pipe). For example: Was there broken pipe? Were there roots? Was there grease?

Allow for a secondary cause if that is useful information to the Water Board.

Reduce the number of categories where the result/action is not significantly different (e.g. consolidate Debris, Debris-General and Debris-Rags)

7. *Estimated Spill Volume vs. Portion of Spill Recovered*

Description of Problem

More than 20 spills in CY 2009 had a Volume Recovered that was greater than the Total Spill Volume. There were similar errors related to Spill Volume Reaching Surface Waters.

Example of Illogical Data from CY 2009	Example 1	Example 2	Example 3
Total Volume of SSO (gal)	1	525	1,500
Total Volume Recovered (gal)	5	2,500	82,500
Volume Reaching Surface Water	5	0	500

Recommendation

Add error checking so that Users cannot enter values in the Volume Recovered or Volume that Reached Waters fields with a sum that is greater than the Total Spill Volume.

Add an informational warning that the volume recovered should not include wash-down water.

B. *Error in CIWQS SSO User Interface and Data Queries*

1. *Results of Summary and Detail Reports are Different*

Description of Issue

The number of spills on the Spill Public Report - Summary Report and Spill Details Report do not agree. The Summary Report (SSO_overview.xls) includes spills that

occur on dates including the Start and End Dates specified. However, the Detail Report (exported to Excel as SSO_details.xls) does not include spills that occur on the End Date. Therefore, the Summary Report will often not match the Detail Report for important information such as total number of spills.

ID	Number of SSOs on Overview Report ¹	Number of SSOs on Detail Report ²	Date of Data Missing from Detail Report ³
10095	1	0	2010.01.31 02.00.00
10122	4	3	2010.01.31 15.42.00
11204	4	3	2010.01.31 11.50.00
Query criteria: Region 2, Start Date 01/01/2010; End Date 01/31/2010. 1. Spill Public Report - Summary Report: Export this Report to Excel 2. Spill Public Report - Summary Report: Export All Spill Details to Excel 3. Missing data was identified by re-running report for period 1/1/2010 through 2/1/2010 and comparing results.			

Recommendations

Query for Detail Report should be fixed and tested to make sure the results of the Detail Report match those of the Overview Report.

General Recommendations related to Reports:

Make WDID a required field and add as search criteria for CIWQS reports. Agency and collection system names can be entered differently in CIWQS (e.g. San Mateo Cnty CS, San Mateo County CS) and some agencies report in more than one Region (e.g. DDS). Having a unique identifier on all of the CIWQS tables could avoid some errors in interpreting the data.

Change date format on reports to a standard datetime field (e.g. 05/07/2007 10:15:00 instead of 2007.05.07 10.15.00).

2. ***SSO Rate Metric is provided in SSOs/100 Miles while the commonly used Metric is SSOs/100 Miles/Year.***

Description of Error

The most common metric used to compare performance between agencies is SSOs per 100 Miles per Year. The Spill Public Report - Summary Report uses the metric "SSOs per 100 Miles". In the example that follows, the Annual SSO Rate for the two agencies is similar, but the SSOs per 100 Miles is very different.

ID	Number of SSOs for Specified Time Period ¹	Number of SSOs per Year ²	Total Sewer Miles ³	SSOs per 100 Miles ⁴	SSOs per 100 Miles per Year
10912	143	1,489	4,352	3.3	34.2
11068	3	3	9	33.3	33.3
1. Query criteria: Start Date 01/01/2010; End Date 01/31/2010. 2. Query criteria: Start Date 02/01/2009; End Date 01/31/2010. 3. Sewer Miles = Miles Pressure Sewer + Miles Gravity Sewer + Miles Lateral Responsible 4. As shown in CIWQS					

Recommendations

Query for Summary Page and Overview Report should be changed to calculate SSOs per 100 Miles per Year.

Current/Planned SWRCB Staff Actions

A. CIWQS Changes

SWRCB Staff operates on the basis that the data in CIWQS belongs to the participating agencies. SWRCB Staff notifies the responsible agency when they are aware of erroneous or illogical data and requests that the agency initiate the changes.

The CIWQS Data Review Committee meets two times per month with an attendance of 20-40 agency staff to discuss CIWQS “bugs” and “enhancements.” The committee’s current focus is on developing performance metrics that they hope will go beyond SSOs/100 miles/year in an effort not to disadvantage smaller agencies in performance comparisons. This committee is aware of the data reporting shortfalls and they have developed a list of needed changes (e.g. making “SSO Occurrence Location” a mandatory field). This will support the future analysis of mainline vs. public lateral SSOs. They will offer tools to update the historical data but they believe that many agencies do not have the data needed or the interest to update all of the historical data.

The SWRCB Staff has completed approximately 200 corrections/enhancements to CIWQS since its inception, and they have a list of over 80 current issues that they are meeting weekly with information technology staff to implement/resolve. The current problem list suggests that there are many problems with CIWQS for the SWRCB and RWQCB staffs who are trying to use CIWQS to support regulatory decisions (e.g. ability to search for agencies with no reported SSOs nor submitting a No Spill report by region, ability to flag SSO events that are subject to enforcement action, monthly enforcement reporting).

B. GWDR Compliance

Notices of Violation (NOVs) for approximately 130 enrolled agencies that are not reporting or do not have current agency questionnaire data were expected to be mailed during May 2010.

NOVs for approximately 50 additional agencies that have not enrolled under the General Waste Discharge Requirements (GWDR) are expected to be mailed during June 2010.

Additional Activities for Improving CIWQS

A. Training

It is clear from analyzing CIWQS data that there are common errors in reporting data. The data errors make analysis and comparison with other agencies difficult and misleading. BACWA could improve the data from its member agencies by providing periodic training in the use of CIWQS including approaches to assure the quality of the CIWQS data.

B. Annual Reporting

The RWQCB requires agencies in the San Francisco Bay Region to submit written Annual SSO Reports. In addition, RWQCB Staff recently notified agencies that they will be required to submit their Annual SSO Reports electronically in the future. This requirement creates the potential for conflicting SSO data. BACWA could explore alternative ways of meeting the RWQCB's information needs.

C. CIWQS Enhancement: Automated Error Checking

The SWRCB, using the information and experience it has gained to date, could achieve a significant improvement in data quality by implementing automated error checking similar to the one it uses to ensure the longitude and latitude are correct for the agency's county. This would eliminate errors such as small agencies that appear to have 90,000 miles of gravity sewers.

D. CIWQS Enhancement: Email Reminders to Improve Compliance

There are instances where the agency overlooks certifying an SSO report, completing the "No Spill" report, or updating its Agency Questionnaire. CIWQS has the capability to send emails. The SWRCB could add the ability to send an automated email reminding the LRO that they have uncertified reports, are missing "No Spill" Reports, or have an Agency Questionnaire update due in the near future.

E. CIWQS Enhancement: Online Program Guidance

Written guidance on the use of CIWQS is limited to the manuals provided to participants in the CWEA training held in 2007. The information in those manuals is dated. The SWRCB could improve the quality of the CIWQS data entry activities by supplementing its help desk with online program guidance including: frequently asked questions, detection and correction of frequent data entry issues, and notice of program changes.

Closing

Larson Consulting would be pleased to respond to any questions regarding this report and its contents.

Sincerely,



John Larson