

**BACWA EXECUTIVE BOARD MEETING**  
**Thursday, July 29, 2010, 9:00 a.m. – 12:00 p.m.**

**HANDOUTS**

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

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## **AGENDA**

### **Executive Board Meeting**

Thursday, July 29, 2010  
9:00 a.m. – 12:00 p.m.

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

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

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

#### **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 June 2010 Treasurer's Report.
6. Approval of Minutes from June 24, 2010 BACWA Executive Board Meeting.
7. Chair & Executive Director Authorized Actions.
  - BAPPG, authorization for National Product Stewardship Conference attendance, \$1,030; File 12,233.

#### **BOARD ACTION ITEMS (10:10 a.m. – 10:30 a.m.)**

8. Approval of contract with Stephanie Hughes for BAPPG training and outreach support services for Fiscal Year 2010-11; File 12,224.
9. Approval of contract with Paul Causey for sewer service charge database maintenance support for Fiscal Year 2010-2011, File 12,232.
10. Approval of Amendment 1 to the Stephanie Hughes contract for Mercury TMDL Dental Amalgam support for an increase of \$5,000 for Fiscal Year 2010-2011, File 11,598.

#### **BOARD DISCUSSION ITEMS (10:30 a.m. – 12:00 p.m.)**

11. Presentation: *San Jose's Communications Plan and Opportunities for Collaborations* Sharon Newton, City of San Jose.
12. Presentation: *Bay Work: How Bay Area Utilities Are Attacking Workforce Development Challenges*, Cheryl Davis, San Francisco Public Utilities Commission.
13. Discussion: Energy Workgroup
14. Discussion: Support for Clean Water America Alliance September 2010 Dialogue, *Managing One Water*.

15. Tri-TAC Comments on Federal Sanitary Sewer Overflow & Peak Flow Regulation Changes
16. Pardee Technical Seminar

**NEXT REGULAR MEETING**

**The August Executive Board meeting has been cancelled.** The next regular meeting is scheduled for **September 23, 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 July 28, 2010 on the BACWA website ([www.BACWA.org](http://www.BACWA.org)).*

## **BAPPG Committee Report to BACWA Board**

Meeting Date: July 29, 2010  
Prepared By: Sharon Newton, City of San Jose  
BAPPG Committee Chair

### **Project Updates**

<b>Project</b>	<b>Update</b>	<b>Completion Date</b>
Green Chemistry Initiative	BAPPG sent a comment letter to the DTSC regarding the Green Chemistry Safer Consumer Product Alternatives Regulations. BAPPG comments focused on three main points: (1) Add sanitary sewer and POTWs pathways for chemicals of concern and priority products in alternatives assessment; (2) Adopt a more defensible de minimus level concentration; and (3) Expand public comment period. The full letter is attached. [Project Lead: Melody La Bella]	July 15, 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 2

### **Attachments**

Comment Letter – Green Chemistry Safer Consumer Product Alternatives and Regulations



# BAY AREA POLLUTION PREVENTION GROUP

A Committee of Bay Area Clean Water Agencies

July 15, 2010

California Department of Toxic Substances Control (DTSC)  
Office of Legislative and Regulatory Policy  
Attention: Heather Jones, MS 22A  
PO Box 806  
Sacramento, CA 95812

Submitted electronically to [gcregs@Dtsc.ca.gov](mailto:gcregs@Dtsc.ca.gov)

## **Comments to the Draft Safer Consumer Product Alternatives Regulations**

The Bay Area Pollution Prevention Group (BAPPG) is a coalition of 44 public wastewater agencies in the San Francisco Bay Area. The BAPPG appreciates the opportunity to comment on the DTSC's draft Safer Consumer Product Alternatives regulations that were made available for public comments on June 23, 2010. Being stewards of the San Francisco Bay system, BAPPG representatives have reviewed these draft regulations from the standpoint of water quality and offer the following comments.

### Add Sanitary Sewer Systems and Publicly-Owned Treatment Works (POTWs) as Pathways for Chemicals of Concern and Priority Products in Alternatives Assessment

The BAPPG is concerned that the alternatives assessment for a Priority Product does not specifically include discharge of a Chemical of Concern to the sanitary sewer system. Household chemicals, personal care products and industrial chemicals often contain Chemicals of Concern in Priority Products that end up in wastewater from regular use and/or improper disposal down drains or toilets. The BAPPG recommends that the DTSC consider discharge into the sewer system as a route of exposure of Chemicals of Concern into the environment, and evaluate the potential impacts to surface water, groundwater, air and land from wastewater treatment operations, water reclamation and biosolids reuse.

To assist in preparing the Alternative Assessments, the BAPPG would like to clarify the difference between removal during wastewater treatment and cross-media transfer. Adsorption to biosolids and volatilization/stripping are cross-media transfers of Chemicals of Concern from wastewater to solids or air, respectively, and are not removal mechanisms – they are simply transferring the pollutant(s) from one media to another. The potential environmental impacts of these cross-media transfers of Chemicals of Concern and their alternatives should be addressed in Alternative Assessments.



### Adopt a More-Defensible/Scientifically Valid *de minimis* Level Concentration

BAPPG is concerned that the DTSC's approach to *de minimis* concentration, as outlined in the draft regulations, could prove to be a backward step. If adopted, it could undermine efforts to protect public health.

Under DTSC's proposed regulations, only products (or product components) containing more than the "*de minimis*" quantity of a "chemical of concern" would undergo analysis for safer alternatives, with *de minimis* defined as a concentration of 0.1% of the product. Consumer products containing hazardous chemicals below the 1,000 parts per million threshold (ppm, equivalent to 0.1%) would be permitted for sale, unless the DTSC initiated a special exception. We expect that the DTSC's scarce resources would severely limit the careful case-by-case examination and creation of exceptions to the *de minimis* level.

As another point of reference, consider the discrepancy between DTSC's proposed *de minimis* level for chemicals of concern in consumer products and the US Environmental Protection Agency's (EPA) standards for hazardous waste leachate. Under the EPA's regulations, if a substance leaking from waste contains levels of any one of 40 contaminants that exceed the established regulatory level, the waste is considered hazardous and subject to stringent disposal requirements. For 36 of the 40 chemicals EPA regulates in hazardous waste leachate, DTSC's proposed *de minimis* level would permit hazardous substance concentrations in consumer products that are between 3 and 125,000 times higher than the concentration of a chemical leaching from waste that triggers an EPA requirement for designation as a hazardous waste. A product could contain, for example, 200 times more lead or arsenic, 1,000 times more cadmium, 2,000 times more benzene, and 5,000 times more mercury than federal law permits to leak from hazardous waste— yet not be subject to alternatives analysis under the proposed Regulations for Safer Consumer Product Alternatives.

There is a similarly striking comparison of the proposed *de minimis* standard to California's drinking water regulations. The *de minimis* standard of 1,000 ppm (equivalent to 0.1%) is between 22 and 2,000,000 times greater – and an average of 300,000 times greater – than the state's standards for chemicals in drinking water. While a small differential in the concentration of hazardous compounds in drinking water (with its clear correspondence to internal dose) and consumer products (with potentially less direct exposure) could be justified, the proposed *de minimis* level is not a scientifically valid reflection of potential risk posed by hazardous chemicals in consumer products.

In light of the potential for health effects from exposure to even low levels of many chemicals found in consumer products, the cumulative effects of aggregate exposures, and the wide variation in chemical potency, a one-size-fits-all approach cannot be scientifically justified, if it is to protect public health. We urge DTSC to revise its draft regulations and remove this provision. At an absolute minimum, the *de minimis* level should not be permitted for any ingredient intentionally added to a consumer product.

We urge DTSC to adopt a scientifically valid health-protective approach to chemicals in consumer products. A more defensible *de minimis* level would:

1. Not apply to—or would at least adequately address—persistent, bioaccumulative, and toxic chemicals, carcinogenic, mutagenic, or reproductive toxins, endocrine disruptors or other classes of compounds known to be harmful in amounts thousands of times lower than the current proposed *de minimis* level;
2. Not permit aggregate exposure at levels above federal hazardous waste regulations, Proposition 65 Maximum Allowable Dose Levels, the Consumer Product Safety Improvement Act of 2008 or any other applicable state or federal law or regulation;
3. Provide a margin of safety for exposure to chemicals that are active at low doses that is at least as protective as the margins provided by standard risk assessments based on uncertainty factors;
4. Require that a producer seeking exemption from the alternative assessment process based on the *de minimis* level first prove that the *de minimis* level for a particular chemical does not pose a threat to human health or the environment.

These provisions are essential for California's Regulations for Safer Consumer Product Alternatives to fulfill the intent of the law: to protect consumers, workers and the environment from hazardous chemicals in consumer products, and to spur the innovation of safer alternatives.

#### Expand Public Comment Opportunities

We appreciate that the DTSC has included a provision in the draft regulations under Article 4, section 69304, to allow a person to petition the DTSC to evaluate a chemical or a product that is, or that contains, a chemical using the prioritization processes for a Chemical of Concern or Priority Product as specified in sections 69302.4 and 69303.4. However, according to the regulations, the opportunity for public input effectively stops there.

The draft regulations make no provisions for public participation or comment on the alternatives assessment process. Manufacturers, or certified third parties that they hire, conduct the alternatives assessments, but there are no opportunities for the public to comment on the assessments or submit other information that might inform the DTSC's decision about available alternatives. Likewise, when the DTSC reaches a decision about a safer alternative or other regulatory response, there is no opportunity for public comment before the decision takes effect.

Without public participation at every stage of the process, the Green Chemistry Initiative will become a closed conversation between industry and the DTSC. This will unfairly stack the deck in favor of industry, which will have far greater opportunity to influence, delay or appeal the DTSC's decision. Inasmuch as the objective of the Green



Chemistry Initiative is to protect public health by promoting safer alternatives for chemicals in consumer products, it seems a fundamental error to limit the opportunities for consumers to participate in the decisions that are supposed to protect them and their families.

In limiting opportunities for public participation on a regulatory action or alternatives assessment, the draft regulations also shut out other companies. Potential competitors and industry in general should have an opportunity to participate in decision-making that could affect their business, and they may very well have valuable information about alternatives. Likewise, the regulations do not allow for review and input by other government entities such as public health departments, school districts, emergency response agencies. All segments of the public and private marketplace should be able to participate in these critical decisions. As AB 1879 provides for the protection of confidential business information, there is no reason not to release the alternatives assessments and response action documents for public comment.

Participation by the public and other interested parties also is desirable given DTSC's undeniable resource constraints. The DTSC would benefit from the support of the public, public agencies and public interest groups in the formidable task of challenging the status quo on thousands of chemicals and consumer products. Other groups can bring valuable assistance to the process, helping the Department reach better decisions.

We urge you to amend the draft regulations by allowing and proactively encouraging public participation at every stage of the process.

#### Include Pollutants that Can Impact Drinking Water in the Alternative Assessment (AA) Work Plan and Report Content for Water Quality

Section 69305.3 (c) (12) (D) Water quality impacts requires the Alternative Assessment Work Plan scope of work to include the collection and assessment of data to document a variety of water quality impacts of a product and its alternatives. BAPPG recommends that chemicals identified as contaminants that have primary Maximum Contaminant Levels (MCLs) under the federal Safe Drinking Water Act be included in this assessment.

#### Prepare Sample Alternative Assessments as Open Source Documents

The list of impacts to be evaluated in an Alternative Assessment is large, and the full extent of the effort needed is unknown until the first few Alternative Assessments are performed. BAPPG recommends that voluntary efforts be made by In-House and Third-Party Assessment Entities and the DTSC to conduct sample Alternative Assessments for two compounds each under the three lists of chemicals to be considered as the initial Chemicals of Concern under Section 69302.4, to be used as Open Source sample documents. BAPPG also suggests that data developed or accepted by regulatory

agencies for regulatory or compliance purposes should be utilized in preparing these assessments.

The BAPPG commends DTSC staff for their fantastic work in carefully drafting this important regulation and we appreciate the opportunity to provide our comments. If you have any questions on the information we are submitting, please contact Melody LaBella of the Central Contra Costa Sanitary District, a member agency of BAPPG, at 925-228-9500 or [mlabella@centralsan.org](mailto:mlabella@centralsan.org).

Sincerely,

A handwritten signature in black ink that reads "Melody LaBella for". The signature is written in a cursive, flowing style.

Sharon Newton, City of San Jose  
BAPPG Chair

# Biosolids Committee

## Report to BACWA Board

Committee Meeting Date: July 21, 2010  
Executive Board Meeting Date: July 29, 2010

Prepared By : Greg Baatrup, Committee Chair

### Committee Request for Board Action:

1. None

### Business Discussed and Action Items from Committee Meeting:

Business	Action Item	Due Date
<u>SFPUC Compost</u>  SFPUC sampled and is analyzing various commercial compost products data will be forthcoming		
<u>UC Davis Biosolids Compost VOC Study</u>  Work is underway. Project scoping complete. First of two sampling events completed week of July 19 <sup>th</sup> . Second sampling scheduled for August.		
<u>Bay Area Biosolids to Energy</u>  Work continues, Following the evaluation of Statements of Qualifications, major activities include identifying the next phase of governance and contracting.		
<u>Issues</u>  Working with CASA and Tri-TAC on proposed food waste and FOG regulations		

### Other Issues of Note:

- None

Next Committee Meeting: September 15, 2010

# Collection Systems Committee Report to BACWA Board

July 23, 2010

From: Rich Cunningham, Committee Chair

Prepared By: Monica Oakley

Committee Request for Board Action:

None.

## Highlights of New Items Discussed and Action Items

### **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. BACWA Collection Systems Committee members have been participating in the development of comments with Tri-TAC. The comments are due to USEPA on Monday, August 2<sup>nd</sup>.

### **New SSO Reporting Procedures and Requirements**

BACWA Collection Systems Committee leaders and the BACWA Executive Director have been discussing potential new requirements for regional SSO annual reports with Regional Water Board staff. A draft letter has been provided by Regional Water Board staff to BACWA for review and input. The draft letter requires electronic submittal of annual SSO information to a regional database, electronic submittal of annual SSMP audit reports, and other information and guidance. A meeting is currently being scheduled with Regional Water Board staff to discuss BACWA comments and next steps.

**Next BACWA Collection Systems Committee Meeting:** This meeting is scheduled for Thursday, August 12 at the Boy Scouts Facility in San Leandro.

**Lab Committee:**      Lab Committee meeting:      14 July 2010  
                                 Executive Board meeting:      29 July 2010  
**Report prepared by:** Guy Moy

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**Committee Request for Board Action: 2 items**

**Dioxin Toxicity:**

Bhupinder Dhaliwal informs committee that EPA has published a revised draft on the dioxin reassessment in response to comments from the National Academy of Science. The proposed human reference dose and the revised cancer slope factor will result in lowering the dioxin water quality criteria. Agencies may find themselves in non-compliance if the proposed rule is adopted. Bhupinder Dhaliwal advised that BACWA comment on this document and possibly consult with a toxicologist to review.

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**Preliminary Draft WET Policy:**

Dan Jackson highlighted the key aspects of the preliminary draft WET. The policy raised concerns on: 1) the financial impact as a result of the proposed monthly testing frequency. 2) the use of IWC values based on real dilution values of discharged effluent. 3) The use of statistical method based on unapproved EPA document of Test of Significant Toxicity (TST). 4) The alpha-error levels in Table 1 should be increased to 0.25 for all acute and chronic marine species. BACWA may need to request the services of a statistician to analyze data sets from our various members to show that test variability is higher than the proposed Table 1 levels. Nirmela suggested Dr. Dennis Helsel who has 30 years of experience applying statistics to environmental science. His company is called Practical Stats <http://www.practicalstats.com/index.html>.

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**Technical/Regulatory Discussions:**

EPA's minor amendment to the CWA on the use of "sufficiently sensitive" analytical methods was discussed. Committee's concerns were forwarded to Amy for review.

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**Miscellaneous:**

A new technical forum for laboratory related issues was shared.

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Next Lab Committee Meeting: August 11<sup>th</sup> 2010

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Permits Committee –  
Report to BACWA Board

Reporting Date: 07/13/2010  
Executive Board Meeting Date: 07/29/2010  
Prepared By: Jim Ervin

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

**Upcoming Permits –**

July - Union Sanitary District (uncontested)  
Aug - (1) Calistoga, City of (moved back) (2) Mirant Delta LLC, Pittsburg Power Plant  
Oct - (1) Helena, City of (moved back). (2) Mount View Sanitary District WWTP

**General Permitting Issues:** The Calistoga and Helena permits were delayed. Both involved approval of mixing zones based on modeling.

**Pretreatment Reporting Requirements – NPDES Permit Attachment H:**

A kick-off meeting was held on 13 July with Water Board staff. Tim Potter, Jim Ervin, & Heidi Geiger met with Lila Tang and Michael Chee of Water Board staff. Water Board staff expressed willingness to consider changes to proposed by BACWA members. Water Board provided a list of 27 agencies that have pretreatment programs.

Next Step: Tim Potter's Attachment H working group will develop a recommended red-line version of Attachment H for BACWA and Water Board staff review. The goal is to have a draft version for Water Board in September.

**BACWA Lab Committee eSMR / CIWQS Database Training on 24 June:**

A presentation of the new State eSMR database system was provided on 24 June for BACWA members. This system will eventually replace the ERS database system currently in use. EPA is requiring that Region 2 have a plan for implementation of this new system by end of 2010. The Region 2 Water Board will no longer support ERS at some point in any case. The new eSMR system lacks key features that are useful in the current ERS. Implementation will also be challenging. However, the new eSMR system is web based which enhances its usefulness. State Board eSMR presentation & relevant tools are provided at

[http://www.waterboards.ca.gov/water\\_issues/programs/ciwqs/chc\\_npdes.shtml](http://www.waterboards.ca.gov/water_issues/programs/ciwqs/chc_npdes.shtml)

Some BACWA agencies see advantages to the new system, others do not. Mike Paulucci, lab manager for the City of Yuba City WWTP, also presented an Access data tool that may solve some of the eSMR problems.

Next Step: Permits Committee will solicit BACWA members for subject expert volunteers who can evaluate the impact of the new data system and develop a strategy for implementation. This issue will be further discussed at the August Permits committee meeting.

**EPA Rulemaking:** NPDES Electronic Reporting Rule. For info only: EPA is exploring the feasibility of developing electronic reporting to allow NPDES permittees to report directly to states and EPA. An initial meeting was held in Washington D.C. on 13 July.

**EPA Rulemaking:** Amendments to CWA to require "sufficiently sensitive analytical methods." Comments due to EPA on 9 August. This rule will apply to chemical analyses, not to Whole Effluent Toxicity testing. This rule will require use of the most sensitive EPA approved method. California Region 2 is supposed to be abiding by this policy already. TriTAC is preparing a comment. Permits committee members did not see a critical issue. Possible comments: BACWA supports use of approved methods. The main flaw – this new rule is hard to understand.

**State Water Board draft policy:** Whole Effluent Toxicity (WET) Assessment and Control Policy. Written comments are due to State Board on 7 August. This new policy presumes that dischargers over 1 MGD have Reasonable Potential for toxicity. When implemented, exceedances for Whole Effluent Toxicity tests will be treated as numeric limit violations, not trigger exceedances. This policy requires monthly WET testing for most dischargers. Numeric limits for WET tests are of questionable value given that POTWs usually cannot control unidentified toxicity.

Next Step: Phil Markel at TriTAC is preparing comments. Jim Ervin, Monica Oakley, Tom Hall and Gillian Silva will coordinate draft comments to organize a BACWA comment by August 7<sup>th</sup>.

Reminder: BACWA training on RPA / Dilution planned for September 24<sup>th</sup>.

**Next BACWA Permits Committee Meeting**

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



Grant Disbursement Summary to Date (July 22, 2010)												
Bay Area Integrated Regional Water Management (IRWM) Prop 50 Grant												
Agr. No.	Implementing Agency	Project Title	DWR Proj. No.	Max. State Grant Funds by Project	Grant Funds Invoiced to date	Paid by DWR to date	DWR Retention	Admin <sup>2</sup> Funds Rec'd by BACWA	Funds paid out to date	Payable as of this date	Total Paid and Payable	
1	Contra Costa Water District	Regional Intertie (VFDs)	1	500,000.00	201,552.59	181,397.33	(20,155.26)		0.00	176,731.44	176,731.44	
		BACWA Admin	16	15,625.00	6,621.24	5,959.11	(662.12)	15,625.00				
2	East Bay Municipal Utility District	Reg. Conservation Outreach	2	250,000.00	250,000.00	225,000.00	(25,000.00)		1,889,049.85	2,340.41	1,891,390.26	
		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	17,877.33	(1,986.37)	46,875.00				
3	City of Redwood City	Redwood City Recycled WP	5	972,800.00	972,800.00	<b>972,800.00</b>	<b>0.00</b>		879,203.13	99,555.98	978,759.11	
		BACWA Admin	16	15,625.00	6,621.24	5,959.11	(662.12)	15,625.00				
4	City of Palo Alto	Mt.View-Moffett Recycl WP	6	972,800.00	972,800.00	<b>972,800.00</b>	<b>0.00</b>		965,858.13	2,275.98	968,134.11	
		BACWA Admin	16	15,625.00	6,621.24	5,959.11	(662.12)	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	4,377.33	85,002.33	
		South Bay Adv Recycl WTP	7	2,934,600.00	0.00	0.00	0.00					
		BACWA Admin <sup>3</sup>	16	31,875.00	4,863.71	4,377.33	(486.37)	31,875.00				
SJ	City of San Jose	BACWA Admin for SCVWD <sup>3</sup>	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	1,459.11	1,459.11	
		BACWA Admin <sup>3</sup>	16	10,625.00	1,621.24	1,459.11	(162.12)	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	31,418.22	262,963.22	
		BACWA Adm for Reg.Consrv	16	31,250.00	13,242.47	11,918.22	(1,324.25)	31,250.00				
		BACWA Admin for NCCWD <sup>3</sup>	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	<b>244,550.00</b>	<b>0.00</b>		216,827.38	24,923.08	241,750.47	
		BACWA Admin	16	9,375.00	3,972.74	3,575.47	(397.27)	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	5,959.11	725,959.11	
		Mocho GW Demin Project	11	740,000.00	740,000.00	666,000.00	(74,000.00)					
		BACWA Admin	16	15,625.00	6,621.24	5,959.11	(662.12)	15,625.00				
9	Marin Municipal Water District	Reg. Conservation Outreach	2	200,000.00	200,000.00	180,000.00	(20,000.00)		374,451.90	468.08	374,919.98	
		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	3,575.47	(397.27)	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	1,191.82	34,581.82	
		BACWA Admin	16	3,125.00	1,324.25	1,191.82	(132.42)	3,125.00				
11	Alameda County Water District	Reg. Conservation Outreach	2	60,000.00	60,000.00	54,000.00	(6,000.00)		589,334.11	0.00	589,334.11	
		Alameda Creek Phase 2 Fish	14	600,000.00	600,000.00	540,000.00	(60,000.00)					
		BACWA Admin	16	15,625.00	6,621.24	5,959.11	(662.12)	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	3,575.47	3,575.47	
		BACWA Admin	16	9,375.00	3,972.74	3,575.47	(397.27)	9,375.00				
Grand Total					12,500,000.00	6,968,661.73	6,490,810.56	(477,851.17)	250,000.00	6,025,284.50	367,776.05	6,393,060.56

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 check deductions.

7/20/2010

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

Prepared for the July 29, 2010 Executive Board Meeting

June 18, 2010 – July 25, 2010

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

#### *Financial & Administrative Matters*

The Executive Director (ED) and Assistant Executive Director (AED) finished the transition to a new chart of accounts that will enable BACWA to better and more easily track its transactions. A meeting is scheduled for late July to review the new FY 2011 Treasurer's Report and finalize interim reporting requirements.

The AED prepared the end of year financial reports for the Executive Board (EB) and the Annual Report and began preparing for the annual audit, which will take place in August.

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

#### *Mercury Risk Reduction*

On June 29 the ED gave a presentation to the Department of Water Resources (DWR) as part of the Bay Area's Integrated Regional Watershed Management Plan (IRWMP) request for Supplemental Proposition 50 funds. BACWA requested \$300,000 in Proposition 50 State funding for implementation of the risk reduction project required by the Mercury Watershed Permit. Unfortunately, the Bay Area IRWMP proposal did not score highly in the draft award recommendations and funding appears unlikely.

The ED continued to work with the Western States Petroleum Association, the Aquatic Science Center and DPH to finalize the Memoranda of Agreement and a solicitation for project support to be sent to non-refinery industrial permittees. The ED is meeting with the Bay Area Stormwater Management Agencies Association in late June to seek their commitment to fund the project. The project budget is \$300,000, WSPA has contributed \$50,000 and BACWA has contributed \$100,000.

#### *PCB TMDL Implementation*

BACWA representatives and Water Board staff met on June 30 to discuss PCB TMDL implementation. An administrative draft of the permit is expected to be completed in late summer/early fall.

#### *Water Regulation*

- The BACWA Board met with Water Board staff on June 18 to discuss various issues, including implementation of the shellfish beneficial use, selenium TMDL progress, and risk reduction.
- Tim Potter and Jim Erwin met with Water Board staff to discuss adjustments to the region's pretreatment reporting requirements.
- The Water Board adopted an amendment adding beneficial uses and waterbodies to the Basin Plan on July 14. In response to BACWA's comments, the Water Board confirmed that "[t]he proposed amendment is not intended to effect changes in POTW permit conditions." EPA's comments and those offered by Water Board counsel at the hearing reiterated that the Clean Water Act does have "presumptive" uses related to fishable/swimmable that must be assigned to a water body unless a use attainability analysis is completed.

- The ED is working with Collection System Committee representatives to gather feedback on the proposed changes to the region's SSO reporting requirements, and to schedule a meeting with Water Board staff to discuss.
- The State Water Board noticed a draft [document](#) related to flow criteria for the Sacramento – San Joaquin Delta that mentions uncertainty related to ammonia dischargers from the Sacramento WWTP.
- BACWA shared with Tri-Tac the Laboratory Committee's questions/concerns on EPA's rulemaking regarding sufficiently sensitive methods. There seems to be consensus that the draft rule is confusing, but not as to the implications of the rule for Bay Area agencies.
- BACWA signed onto a CASA letter requesting an extension of the State Water Board's deadline for commenting on the preliminary draft WET policy.

*Emerging  
Contaminants*

The ED met with Water Board staff to discuss CECs generally and is in discussions with BACWA representatives about development of a fact sheet on CECs in the San Francisco Bay.

*Misc.*

BACWA revised scopes of work for maintenance of the sewer system rate database and for an energy workgroup based on feedback from the EB.

The Stormwater Diversion White Paper is expected to be completed in mid-August.

## **C. Committee Affairs**

*Committees*

The Recycled Water Committee did not receive funding from WaterReuse for their recycled water irrigation and landscaping guide (included in the BACWA workplan and budget). They are investigating other sources of funding.

*Workshops &  
Trainings*

On June 24 the Laboratory Committee hosted a presentation from the State Water Board on the new CIWQS database. The presentation is available on the [BACWA website](#).

The ED attended the National Association of Clean Water Agencies annual meeting.

## **D. Membership**

*Member  
Communications*

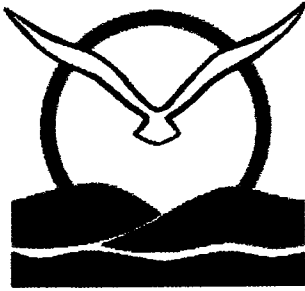
The Annual Report was completed and will be distributed to members electronically and via hard copy.

The website content is being updated and aesthetic changes to the main page will be made within the next few weeks to implement improvements identified through

member surveys and EB feedback (e.g., making the calendar more accessible).

### **E. Upcoming Meetings**

- August 2: Comments on EPA SSO proposed rulemaking due
- August 4: BAPPG & Recycled Water Committee Meetings
- August 4: SFEI Steering Committee Meeting
- August 9: Summit Partners' Meeting
- August 10: Permits Committee Meeting
- August 11: Laboratory Committee Meeting
- August 11: San Francisco Bay Water Board Meeting
- August 12: Collection Systems Committee Meeting
- August 18: Air Committee Meeting
- August 25: Maintenance and Operations Infosharing Group Meetings
- August 25: San Francisco Estuary Partnership Interagency Committee Meeting
- August 28: Clean Water America Alliance National Dialogue (Los Angeles)



# **Bay Area Clean Water Agencies**


**A Joint Powers Public Agency**

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

**Oakland, California 94623**

July 12, 2010

MEMO TO: BACWA Executive Board

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

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

For BACWA, during the month, income of \$1,500.00 was reflected for April. Expense of \$25,202.86 was paid. \$5,000 was transferred to AIR. The month end total members' account balance decreased from \$397,106.19 to \$368,403.33.

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

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

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

For Prop50, during the month, income of \$2,193,063.13 was received. Expense of \$1,664,049.85 was paid out of income. Expense of \$136.86 was paid. The month end account balance increased from \$212,384.50 to \$741,260.92.

For the AIR fund, no income was received. \$5,000.00 was transferred from BACWA. No expense was paid. The month end account balance increased from \$(2,407.82) to \$2,592.18.

For BAPPG, during the month, income of \$500.00 was reflected for April. Expense of \$12,646.25 was paid. The month end account balance decreased from \$62,522.54 to \$50,376.29.

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, income of \$597.00 was reflected for April, and \$500.00 was received. Expense of \$16,353.24 was paid. The month end account balance decreased from \$273,686.24 to \$258,430.00.

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 \$117.31 was paid. The month end account balance decreased from \$57,502.90 to \$57,385.59.

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 June 30, 2010**

BACWA	FY09-10 Budget	Encumbrance	Accrual/Carry forward	FY09 Rev. Received In FY10	Actual		FY10 Revenue YTD	Budg YTD %
					Revenue Current Month	Expenditures Current Month		
<b>REVENUES &amp; FUNDING</b>								
Principals' Contributions	450,000	450,000			-		450,000	100%
Associate & Affiliate Contributions	159,000	159,000			1,500		171,595	108%
Other Receipts	30,000			0	-		-	0%
Fund Transfer	124,150	91,461		-	-		78,450	
Interest Income	25,000	0		4,335	-		11,210	27%
<b>TOTAL REVENUE &amp; FUNDING</b>	<b>788,150</b>	<b>700,461</b>		<b>4,335</b>	<b>1,500</b>		<b>706,919</b>	<b>90%</b>
<b>PROJECT ELEMENTS</b>								
<b>FY09-10</b>	<b>Budget</b>	<b>Encumbrance</b>	<b>Accrual/Carry forward</b>	<b>FY09 Inv. Paid In FY10</b>	<b>Expenditures Current Month</b>	<b>Expenditures Cumul YTD</b>	<b>FY10 Expendtr YTD</b>	<b>Budg YTD %</b>
BACWA Committees	165,000	101,139	61,175	45,298	9,965	129,074	83,776	51%
Collections System	20,000	22,120	8,793	7,858	1,043	25,492	17,634	88%
Permit Committee	20,000	21,410	3,776	3,698	1,088	23,224	19,526	98%
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	-	27,240	10,000	100%
InfoShare Groups	20,000	20,000	3,050	3,200	2,835	17,428	14,228	71%
Laboratory Committee	5,000	5,195	-	-	-	2,995	2,995	60%
Miscellaneous Committee Support	20,000	6,414	-	-	5,000	6,414	6,414	32%
<b>Technical Support</b>	<b>138,000</b>	<b>89,000</b>	<b>33,861</b>	<b>14,584</b>	<b>4,136</b>	<b>50,381</b>	<b>35,797</b>	<b>26%</b>
Water Quality Support	40,000	40,000	20,025	4,023	-	4,023	-	0%
Expert Consultants	98,000	89,000	13,836	10,561	4,136	46,359	35,797	37%
<b>Legal Support</b>	<b>30,000</b>	<b>24,000</b>	<b>37,987</b>	<b>17,672</b>	<b>455</b>	<b>29,180</b>	<b>11,508</b>	<b>38%</b>
Regulatory Support	20,000	14,000	30,889	16,359	-	6,155	6,155	31%
Legal Support for Permit & Appeals		-	3,203	-	-	17,310	950	#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	10,150	5,564	564	-	5,814	5,250	35%
<b>Collaboratives and Sponsorships</b>	<b>10,000</b>	<b>5,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0%</b>
Miscellaneous Collaborative Support								
PSSEP	5,000	5,000	5,000	-	-	-	-	100%
CPSC	150	150	564	564	-	814	250	167%
PSI	125,000	25,500	7,938	150	-	13,679	13,529	11%
<b>Communications and Reporting</b>	<b>20,000</b>	<b>25,500</b>	<b>7,938</b>	<b>150</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0%</b>
BACWA Annual Report	45,000	25,500	7,938	150	-	13,679	13,529	30%
BACWA Website Development/Maintenance	25,000			-	-	-	-	0%
Needs & Capability Assessment	25,000			-	-	-	-	0%
Implement Information Management Strategy	10,000			-	-	-	-	0%
Electronic Newsletter	35,000	35,000	0	-	-	35,000	35,000	100%
<b>Special Programs</b>	<b>35,000</b>	<b>35,000</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>35,000</b>	<b>35,000</b>	<b>100%</b>
Contribution to BAPPG Enterprise				-	-	35,000	35,000	100%
CEP Administration	0			-	39	117	117	#DIV/0!
CEP Administration				-	39	117	117	#DIV/0!
<b>General BACWA Support</b>	<b>25,000</b>	<b>18,307</b>	<b>11,642</b>	<b>10,903</b>	<b>-</b>	<b>28,769</b>	<b>17,866</b>	<b>71%</b>
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%
<b>TOTAL PROGRAMS</b>	<b>533,150</b>	<b>303,096</b>	<b>158,167</b>	<b>89,171</b>	<b>14,595</b>	<b>292,015</b>	<b>202,844</b>	<b>38%</b>
<b>Administrative Expenses</b>	<b>255,000</b>	<b>250,739</b>	<b>70,000</b>	<b>41,812</b>	<b>15,608</b>	<b>235,374</b>	<b>193,562</b>	<b>76%</b>
Executive Director	150,000	147,000	10,984	10,984	10,833	112,993	102,009	68%
Assistant Executive Director	50,000	50,000	9,017	6,873	4,458	56,038	49,166	98%
EBMUD Administrative Service & Audit	40,000	40,000	50,000	23,318	-	57,270	33,952	85%
Administrative Expenses	10,000	10,000		637	317	5,333	4,696	47%
Insurance	5,000	3,739		-	-	3,739	3,739	75%
<b>PROJECT TOTALS</b>	<b>788,150</b>	<b>553,835</b>	<b>228,168</b>	<b>130,982</b>	<b>30,202.86</b>	<b>527,388</b>	<b>396,406</b>	<b>50%</b>
<b>BALANCE</b>	<b>0</b>			<b>(126,647)</b>	<b>(28,703)</b>	<b>183,866</b>	<b>310,513</b>	

	Budgeted		Accrual/	Actual		FY10	Budg YTD %
	FY 10	Encumbrance		FY09 Revenue/Expenditure	Rev./Expendtr Cumul YTD		
WQA Contributions	538,815	450,000		-	521,001	521,001	97%
WQA Interest/ Misc	15,000			3,794	9,274	5,480	37%
WQA Contract Expenses	470,300	284,263		134,013	301,806	167,793	36%
Fact Sheet on BPA or TMDLs			227,795	13,152	35,284	22,132	#DIV/0!
Water Quality Studies and Analysis	295,000	175,000		-	35,652	35,652	12%
CBC Reporting	25,000	22,880		-	44	22,502	90%
Expert Consultant Support	20,000	20,000	217,522	120,861	131,471	10,610	53%
Wet Weather Program	55,000	50,000		-	12,308	15,173	28%
Climate Change Program	50,300	50,000		-	-	50,000	99%
Contingency	25,000	16,383		-	11,724	11,724	47%
WQA Administrative Expenses	83,515	83,515		4,946	89,059	84,113	101%
<b>WQA Balance</b>				<b>(15,256)</b>	<b>139,409</b>	<b>274,574</b>	
CEP Contributions	-			-	0	-	
CEP Interest/Misc	-			1,435	2,043	608	
CEP Contract Expenses	-	-	10,000	102,299	228,297	125,998	
CEP Administrative Expenses	-	4,000		717	123,438	122,721	
<b>CEP Balance</b>					<b>(349,692)</b>	<b>(248,111)</b>	
Air Contributions	91,399	91,649		-	97,132	97,132	106%
Air Interest/Misc				240	496	256	#DIV/0!
Air Contract Expenses	86,899	91,899	59,450	59,447	146,685	87,238	100%
Air Administrative Expenses	4,345	4,345		1,486	6,285	4,799	110%
<b>Air Balance</b>					<b>(55,342)</b>	<b>5,351</b>	
BAPPG Contributions	65,005	65,505		-	66,250	66,250	102%
BAPPG Interest/ Misc				291	795	503	#DIV/0!
BAPPG Contract Expenses	72,965	66,684	9,500	10,566	79,004	68,438	94%
Our Water Our World	10,000	10,000		-	10,000	10,000	100%
Copper Outreach to Bay Area Plumbing	5,000		7,000	6,960	6,960	-	0%
Mercury Training and Outreach	8,800	8,800		-	2,320	8,598	98%
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		-	5,000	5,000	100%
FOG Spanish Radio Ads	10,000	10,000		-	10,000	10,000	100%
FOG Training	1,500	1,500		-	1,500	1,500	100%
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		-	5,000	5,000	100%
Agency Coordination and Production of P2 Week	2,000	1,754		-	1,829	1,829	91%
Emerging Issues	10,000	9,500		1,106	10,606	9,500	95%
BAPPG Administrative Expenses	3,601	3,601		1,349	4,956	3,607	100%
<b>BAPPG Balance</b>				<b>(11,820)</b>	<b>(16,915)</b>	<b>(5,291)</b>	
Prop50 Contributions				-	669,886	669,886	
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	7,136	5,467	
<b>Prop50 Balance</b>				<b>528,876</b>	<b>647,271</b>	<b>648,566</b>	

	Budgeted FY 10	Encumbrance	Accrual/ Carryforward	Actual			FY10 Rev/Expend	Budg YTD %
				FY09 Revenue/Expenditure	Rev./Expend Current Month	Rev./Expendtr Cumul YTD		
RWR Contributions				-	-	0	-	
RWR Interest/Misc				67	-	151	83	
RWR Contract Expenses				-	-	0	-	
WRF				-	-	0	-	
White Paper				-	-	0	-	
RWR Administrative Expenses				-	-	0	-	
<b>RWR Balance</b>					-	<b>151</b>	<b>83</b>	
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	
<b>CWCCG Balance</b>					-	<b>(12,795)</b>	<b>(77)</b>	
WOT Contributions				-	-	126,860	126,860	
WOT Interest/Misc				174	-	429	255	
WOT Contract Expenses				-	-	81,000	81,000	
WOT Administrative Expenses				417	117	1,965	1,548	
<b>WOT Balance</b>					<b>(117)</b>	<b>44,324</b>	<b>44,567</b>	
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	-	
<b>WCC Balance</b>					-	<b>205</b>	<b>25,031</b>	
IRWMP Contributions				-	-	0	-	
IRWMP Interest/Misc	-			-	-	0	-	
IRWMP Contract Expenses	-			-	-	0	-	
IRWMP Administrative Expenses				-	-	0	-	
<b>IRWMP Balance</b>					-	<b>0</b>	<b>-</b>	

All Project Revenue Total:

Adjustment: Fund Transfer In

Adjusted Revenue Total:

All Project Expense Total:

Adjustment: Fund Transfer Out

Adjusted Expense Total:

2,235,694	2,224,905
(87,860)	(87,860)
<b>2,147,834</b>	<b>2,137,045</b>
(1,655,213)	1,169,697
87,860	87,860
<b>(1,567,353)</b>	<b>1,257,557</b>

Note: CWCCG \$106,000 received in FY07

Note:

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

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

# PROJECT ACCOUNT ACTIVITY

For the Month Ended 6-30-10

BACWA	BCTWRNG	BCLWGLR	BCWOPR	Prop50	AIR	BAPPG	WQEMGR	WQTACT	CBCOPR	WQA	CEP	RWR	CWCCG	WOT	WCC	RESERVE	Total
889,735.77	-	-	-	93,990.01	57,933.99	67,292.37	-	-	-	916,020.92	349,692.49	16,365.64	15,357.11	13,061.89	3,402.63	120,000.00	2,542,852.82
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	2,582.29	57,802.90	3,607.18	120,000.00	2,659,980.29
-	-	-	-	529,013.28	-	500.00	-	-	-	1,067.00	-	-	-	-	-	-	530,610.28
1,500.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,500.00
1,500.00	-	-	-	529,013.28	-	500.00	-	-	-	1,097.00	-	-	-	-	-	-	532,110.28
9,728.58	-	-	-	-	-	12,846.25	-	-	-	16,353.24	-	-	-	-	-	-	38,728.07
15,474.28	-	-	-	136.86	-	-	-	-	-	-	-	-	-	117.31	-	-	15,728.45
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
25,202.86	-	-	-	136.86	-	12,846.25	-	-	-	16,353.24	-	-	-	117.31	-	-	54,456.52
(5,000.00)	-	-	-	-	5,000.00	-	-	-	-	-	-	-	-	-	-	-	-
(5,000.00)	-	-	-	-	5,000.00	-	-	-	-	-	-	-	-	-	-	-	-
450,000.00	-	-	-	669,885.83	86,132.00	31,250.00	-	-	-	390,003.00	-	-	-	126,860.00	25,000.00	-	1,779,130.83
170,095.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	170,095.00
-	-	-	-	1,000.00	-	-	-	-	-	-	-	-	-	-	-	-	1,000.00
11,010.24	-	-	-	4,993.43	495.67	794.83	-	-	-	9,273.59	2,042.80	150.63	86.47	428.55	44.82	-	29,321.03
631,105.24	-	-	-	674,879.26	87,627.67	32,044.83	-	-	-	399,276.59	2,042.80	150.63	86.47	127,280.55	25,044.82	-	1,979,546.86
253,549.99	-	-	-	20,472.83	148,684.71	78,004.84	-	-	-	301,805.78	228,286.92	-	11,613.16	81,000.00	23,592.59	-	1,145,890.82
228,824.60	-	-	-	5,869.20	1,939.82	1,906.07	-	-	-	5,544.30	1,168.85	-	1,268.13	1,964.85	1,277.68	-	249,761.50
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
482,374.59	-	-	-	26,342.03	148,624.53	80,910.91	-	-	-	307,350.08	229,463.77	-	12,881.29	82,964.85	24,840.27	-	1,395,752.32
(662,049.78)	250,000.00	300,000.00	153,500.00	(1,266.32)	5,655.05	31,950.00	400,000.00	250,000.00	162,000.00	(749,517.43)	(122,271.52)	-	-	-	-	-	18,000.00

ENDING CASH BALANCE 6/30/10

OUTSTANDING ENCUMBRANCE

UNOBLIGATED CASH BALANCE 6/30/10

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

## MINUTES

### Executive Board Meeting

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

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

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#### ROLL CALL AND INTRODUCTIONS

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

Other Attendees: Stephanie Cheng (East Bay Municipal Utility District); Rich Cunningham (City of Albany); Monica Oakley (Oakley Water Strategies); Tom Hall (Eisenberg Olivieri Associates); Karen Ball (Kennedy/Jenks); Amy Chastain (BACWA); Alexandra Gunnell (BACWA).

#### PUBLIC COMMENT

There were no public comments.

#### REPORTS

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

- The BAPPG report was included in the meeting handout packet and the following items were discussed:
  - The Cyanide Site Specific Objectives Fact Sheet that was included in the handout packet will be uploaded to the BACWA website and an e-mail will be sent to the BACWA membership to let them know that it is available.
- The Collection Systems committee report was included in the meeting handout packet and the following items were discussed:
  - The committee is tracking the legislation on flushable wipes that is being sponsored by state Assembly member Jared Huffman.
  - Discussions continue at the committee meetings to determine the best use of information from the draft Sanitary Sewer Overflow Posting document. It was suggested that an issue paper could be created and further discussion may continue at Pardee.
- The Recycled Water committee report was included in the meeting handout packet and the following items were discussed:
  - Prop 84 guidelines are expected to be released in August 2010.
  - The Executive Director (ED) will meet with the Department of Water Resources (DWR) next week to discuss the supplemental prop 50 grant funding application

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

Approximately \$2,000,000 was received from DWR in June and these funds are currently being dispersed to the Local Project Sponsors. Administrative costs are being recouped, and DPW will be notified of the new BACWA Executive Board Chair, if necessary.

The ED referred to the **Executive Director Report** included in the meeting handout packet for **agenda item 3**, and answered questions on the following items:

- Draft minutes and action items from the joint RWQCB/BACWA meeting on June 18, 2010 are being circulated to the Regional Water Quality Control Board (RWQCB) for review and will be distributed to the BACWA board.
- It was suggested that risk reduction efforts should move forward before the end of the fiscal year, even if alternate sources of funding, in place of BASMAA's contribution, must be investigated. If necessary, a teleconference special BACWA Executive Board meeting will be scheduled to approve a transfer of funds.
- It was clarified that the CIWQS report was developed by the Collections System Committee not the Permits Committee.
- The ED will continue to develop a scope and contract for Sewer Charge Database consultant support. It was noted that the following resources may be useful as future needs are evaluated: Ben Horenstein can provide a contact to obtain NACWA's scope; a UNC professor is currently doing similar work for several states.

Under **agenda item 4, Executive Board Reports**, Executive Board members were invited to share any items of interest. There were no reports from the Executive Board members.

#### **CONSENT CALENDAR**

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

*Ben Horenstein moved to approve all items on the consent calendar. Arleen Navarret 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 amend the 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**, was moved by Mike Connor. Ben Horenstein seconded.



*Concern was raised that advance notice of the budget overage had not been communicated to BACWA. The Collections System Committee Chair explained that unplanned issues requiring immediate action and consultant support had arisen throughout the year. It was noted that special projects should be funded from other budget line items. The ED will work with BACWA committees to address this issue in the upcoming year.*

*The motion carried with vote of four yeses and one no.*

**Agenda item 9, a 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, was approved in a motion made by Mike Connor and seconded by Ben Horenstein.**

*A request was made that each Board member should receive a copy of the book once it is published.*

*The motion carried unanimously.*

**Under agenda item 10 a motion was made for an amendment to contract 11,739 with Carollo Engineers for the development of a white paper on urban stormwater diversion to extend termination date to December 31, 2010. Approval was moved by Mike Connor, and seconded by Arleen Navarret. The motion carried unanimously.**

**Approval of Agenda item 11, an amendment to contract 498 with the San Francisco Estuary Institute for laboratory services to extend the termination date to December 31, 2010, File 11,500 was moved in a motion made by Mike Connor, and seconded by Dave Tucker. The motion carried unanimously.**

**Agenda item 12, approval of the AIR Committee budget, workplan, and an amendment of contract 11,819 with CH2M Hill to provide AIR Committee Support for Fiscal Year 2010-11 was moved in a motion made by Mike Connor, and seconded by Arleen Navarret.**

*Concern was raised about the negative balance of the AIR account as indicated by the Treasurer's Report, and it was explained that a transfer from BACWA to the AIR account will be made to cover the cost of the GHG reporting workshop, as previously approved by the Board. A discussion about including the AIR program in the BACWA budget rather than as a separate account may be added to the agenda for Pardee.*

*The motion carried unanimously.*

**Approval of Agenda item 13, contract 12,192 with Alexandra Gunnell for Assistant Executive Director services for Fiscal Year 2010-11 was moved in a motion made by, Arleen Navarret and seconded by Ann Farrell. The motion carried unanimously.**

**Approval of Agenda item 14, contract 12,197 with CirclePoint for website and other communications support for Fiscal Year 2010-2011 was moved in a motion made by Mike Connor, and seconded by Arleen Navarret.**

*It was noted that Circle Point was chosen because they have experience and qualifications to address items outlined in the communications portion of the approved BACWA 2010-11 workplan. The Board will send contact information for individuals who can provide treatment facility images to the ED. A suggestion was made to solicit feedback about the BACWA website from smaller agencies*

*or to develop a workgroup. Ann Farrell may be able to provide input based on her experience with CASA's efforts to develop a communication plan using CirclePoint. It was noted that the development of BACWA's communication strategy and plan is a priority.*

*The motion carried unanimously.*

**Agenda item 15, approval of contract 12,193 with Kennedy/Jenks Consultants for Info Share Group Support for Fiscal Year 2010-11** was moved in a *motion made by Mike Connor and seconded by Arleen Navarret. The motion carried unanimously.*

Under **agenda item 16**, the board **approved contract 12,195 with O'Rorke, Inc. for media relations support for Fiscal Year 2010-11.** *The motion was made by Arleen Navarret, and seconded by Dave Tucker.*

*Discussion of developing a communication strategy and plan may be added to the agenda for Pardee.*

*The motion carried unanimously.*

## **BOARD DISCUSSION ITEMS**

The Board discussed the following items:

Under **agenda item 17** the board agreed to cancel the **August BACWA Executive Board Meeting.**

The ED introduced a discussion on **Federal Sanitary Sewer Overflow & Peak Flow Regulation Changes, agenda item 18.** EBMUD and CCCSD have representatives attending the listening session in Seattle today. Future online listening sessions are scheduled. Comments are due on August 2<sup>nd</sup>, 2010. It was mentioned that a comment letter drafted by Tri-TAC could be brought before the Summit Partners for approval. The Collections System committee will continue to discuss this matter at upcoming meetings, although the committee will not meet in July. The ED will gather BACWA materials that have already been generated pertaining to this issue and will include this item for further discussion at future BACWA meetings.

The Executive Board Chair approved funding for the Collections System Committee Chair to attend the upcoming NACWA conference.

The Collection Systems Committee will research and possibly distribute guidance on what is being reviewed and requested by EPA during the audits that they are currently conducting.

**Shellfishing Beneficial Use** was discussed under **agenda item 19.** BACWA will continue discussions with the RWQCB to outline concerns, and the ED will provide an update on this item in next month's report to the BACWA Board. Tom Hall noted that the Habitat Goals Project report, published last month, included information on shellfish harvesting. The Permits committee will investigate whether this is an issue of concern for any upcoming permit renewals.

For **agenda item 20, CIWQS Analysis**, a letter report written by John Larson was included in packet. This will be edited and distributed from BACWA to the State Water Resources Control Board, and possibly the RWQCB and EPA. A no cost time extension to the contract with Oakley Water may be

necessary. It was noted that BACWA may want to obtain a copy of the historical RWQCB ERS database.

#### **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 July 29, 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 12,224

MEETING DATE: July 29, 2010

**TITLE: Contract with Stephanie Hughes for BAPPG Training and Outreach Support**

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

### RECOMMENDED ACTION

Authorize an agreement with Stephanie Hughes, in an amount not to exceed \$11,000, to support BAPPG efforts to reduce sources of dental mercury and copper from plumbing through training and outreach during the period of August 1, 2010 – June 30, 2011.

### SUMMARY

This contract will provide support for the Bay Area Pollution Prevention Group to continue training and outreach efforts to reduce dental mercury and copper plumbing discharges to Bay Area POTWs. Last year, Stephanie Hughes provided similar support to BAPPG. This focus of this year's mercury efforts will be providing presentations to Bay Area community college dental assistant/hygienist schools during the 2010/11 school year on mercury pollution prevention at dental facilities. Copper outreach work will include coordination of presentations to the Bay Area plumbing unions, community colleges, and/or local building inspector associations on practices to reduce copper discharges.

Dental mercury outreach efforts will be carried out under the supervision of Melody LaBella of CCCSD. Copper plumbing outreach will be under the supervision of Meg Gale of SF Public Utilities Commission, and Mike Auer of Union Sanitary District.

### FISCAL IMPACT

This project is included in the approved Fiscal Year 2010-2011 BAPPG budget and workplan, and sufficient funds are available for this work.

### ALTERNATIVES

This action does not require consideration of alternatives.

#### *Attachments:*

1. SHughes BAPPG Hg Cu 2010-11, 12,224

Submitted: Sharon Newton, BAPPG Chair

Executive Director Approval: /s/ Amy Chastain

## **BAY AREA CLEAN WATER AGENCIES PROFESSIONAL SERVICES CONTRACT**

This PROFESSIONAL SERVICES CONTRACT, effective **August 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 **Stephanie Hughes** (“Consultant”), a **sole proprietorship** doing business at **1445 Emory Street, San Jose, CA 95126**, 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:

### **Description and Standard of Services to be Performed**

1. Consultant will perform the Services as described by and in accordance with Exhibit A in a manner acceptable to BACWA.
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. Consultant will exercise that degree of care in performing the Services in accordance with that prevailing among firms of comparable standing in the State of California (“Professional Standard”). Consultant will promptly correct or re-perform those Services not meeting the Professional Standard without additional compensation.
4. Consultant warrants that it is fully licensed, registered and otherwise fully authorized to perform the Services in the State of California to the extent applicable law requires such licensure, registration or authorization.
5. BACWA’s review, approval, acceptance, use, or payment for all or any part of the Services hereunder will not alter the Consultant’s obligations or BACWA’s rights hereunder, and will not excuse or diminish Consultant’s responsibility for performing all Services consistent with this Contract.

### **Payment for Services**

6. BACWA will pay Consultant based on the rates in Exhibit B, up to a maximum amount payable of **\$11,000**. Consultant will not exceed the maximum amount payable without obtaining prior written approval from BACWA.
7. Consultant shall submit invoices monthly. Invoices shall include the hours charged by each employee, a brief description of the work performed, and a description of costs for which Consultant seeks reimbursement and which are specified in Exhibit B.
8. 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.

### **Document Ownership and Retention**

9. Consultant will maintain all financial 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.

10. 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. It is understood and agreed, however, that one of the roles of the Consultant is to interact with BACWA member agency representatives, which may include providing BACWA documents to member agencies, among other communications. BACWA hereby gives express consent to such disclosure of information.

### **Indemnification**

11. To the fullest extent allowed by law, Consultant will indemnify, hold harmless, reimburse and defend BACWA, its Member Agencies, and each of their officers, directors, employees and agents from, for and against any and all claims, demands, damages, losses, expenses, liabilities and penalties, including but not limited to reasonable attorneys' and expert witnesses' fees, arising out of or relating to the Services but only to the extent caused by the negligent or other wrongful acts or omissions of Consultant.

### **Assignment**

12. Consultant will not assign or transfer any of its interest in this Contract, in whole or in part, without the prior written consent of BACWA. BACWA may assign this Contract and any rights relating to this Contract (including but not limited to its right to assert claims and defenses against Consultant) at BACWA's discretion.

### **Independent Contractor**

13. Consultant will perform the Services as an independent contractor. Although Consultant will perform its Services for the benefit of BACWA, and although BACWA reserves the right to determine the schedule for the Services and to evaluate the quality of the completed performance, BACWA does not control the means or methods of Consultant's performance. Consultant is solely responsible for determining the appropriate means and methods of performing the Services, and Consultant's liability will not be diminished by any review, approval, acceptance, use or payment for the same by BACWA or any other party.

### **Termination of Contract; Suspension of Services**

14. 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. BACWA may terminate this Contract in whole or in part for cause, in which event the termination will be effective ten (10) days after Consultant's receipt of BACWA's written notice and Consultant's failure during that period to cure the default.

### **Dispute Resolution**

15. Consultant will give prompt written notice to BACWA of any claim, dispute or other matter in question, but in no event will Consultant give such notice later than ten (10) days after Consultant's becoming aware of the event or circumstance giving rise to the claim, dispute or matter in question.



16. All claims, disputes and other matters in question between BACWA and Consultant arising out of or relating to this Contract will be subject to alternative dispute resolution. If a dispute is not settled informally, it is the intent of both parties to engage in mediation. If mediation is unsuccessful, and if both parties agree to arbitration, it will be conducted in accordance with the Commercial Arbitration Rules of the American Arbitration Association then in effect. Notice of the demand for arbitration will be filed in writing with the other party to this Contract and with the American Arbitration Association. Any arbitration arising out of or relating to this Contract will include, by consolidation, joinder or joint filing, any other person or entity not a party to this Contract that is substantially involved in a common issue of law or fact and whose involvement in the consolidated arbitration is necessary to achieve a final resolution of a matter in controversy therein. This agreement to arbitrate will be specifically enforceable by any court with jurisdiction thereof.
17. A demand for dispute resolution by either party will be made within a reasonable time after the claim, dispute, or other matter in question has arisen, and in no event will it be made after the date when institution of court litigation based on such claim, dispute or other matter in question would be barred by the applicable period of limitations. For all claims by one party against the other, the applicable period of limitations will not commence to run, and any alleged cause of action will not be deemed to have accrued (whether such action is based on negligence, strict liability, indemnity, intentional tort or other tort, breach of contract, breach of implied or express warranty, or any other legal or equitable theory), unless and until the party demanding the dispute resolution is fully aware of all three of the following: (1) the identity of the party(ies) responsible, (2) the magnitude of the damage or injury and (3) the cause(s) of the damage or injury. The contractual limitations period and discovery rule provided herein applies in lieu of any otherwise applicable statute or related case law.
18. The failure of either party to enforce any provision of this Contract will not constitute a waiver by that party of that or any other provision of this Contract.

### **Severability**

19. BACWA and Consultant agree that if any term or provision of this Contract is determined to be illegal, in conflict with any law, void or otherwise unenforceable, and if the essential terms and provisions of this Contract remain unaffected, then the validity of the remaining terms and provisions will not be affected and the offending provision will be given the fullest meaning and effect allowed by law.

### **Survival**

20. All rights and obligations set out in this Contract and arising hereunder will survive the termination of this Contract (i) as to the parties' rights and obligations that arose prior to such termination and (ii) as is necessary to give effect to rights and obligations that arise after such termination but derive from a breach or performance failure that occurred prior to the termination.

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

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

Exhibit A – Scope of Work

Exhibit B – Hourly Rates/Reimbursable Expenses

**CONSULTANT:** Stephanie Hughes  
1445 Emory Street  
*Street Address*  
San Jose, CA 95126  
*City, State, Zip Code*  
   
*Tax Identification No.*

<u> </u> <i>Consultant Signature</i>	<u> </u> <i>Date</i>
<u>Stephanie Hughes,</u> <i>Name, Title</i>	

<u> </u> <i>BACWA Signature</i>	<u> </u> <i>Date</i>
<u>Arleen Navarret, BACWA Executive Board Chair</u> <i>Name, Title</i>	

# EXHIBIT A SCOPE OF WORK



BAPPG: Public Outreach  
(Mercury and Copper, Year II)  
Scope of Work and Cost Estimate

**DATE:** 21-Jul-2010  
**PROJECT #** BACWA-05  
**FOR:** Public Outreach

SCOPE OF WORK DESCRIPTION	BUDGET		TOTAL
General Scope: conduct public outreach to professionals - focus on dental mercury and copper	<b>Rate:</b>	\$150.00	
	<b>ODC</b>	<b>Hour Est</b>	
<b>TASK 1. Dental Staff Training Programs</b>			
<b>Task 1.1. Preparation of Materials and Database.</b> Reach out to local training programs to schedule presentations in the 2010-11 school year, plus follow-up calls and emails to finalize schedule (6 hrs). Will provide quarterly updates to the BAPPG Project Manager in a simple tabular format to share with BAPPG member agencies regarding date of presentation, and number of attendees (4 hrs).	N/A	10.0	\$1,500.00
<b>Task 1.2. Outreach to Community College and Other Training Programs.</b> In the previous dental outreach contract, 14 presentations were provided from Santa Rosa in the north, to Diablo Valley to the east, to San Jose City College to the south. This scope assumes up to a total of 14 presentations.	\$40	36.0	\$5,440.00
<b>TASK 2. Copper Outreach Programs</b>			
<b>Task 2.1. Update Outreach Strategy.</b> Discuss program needs with BAPPG project champions and other interested representatives. Consider the following types of program updates: * updating existing PPT to incorporate issues such as wastewater- and stormwater-related green building and demolition issues * technical updates to the existing materials * seek out community colleges and other sites beyond unions * seek out additional opportunities to reach out to building inspectors and plumbing owner/contractors Scope assumes sufficient hours to develop a new plan and time to implement outreach to colleges or building inspectors. Scope/budget would include powerpoint updates (e.g., other green building topics) ONLY if the necessary slides or written BMPs/info already exists and are available from BAPPG representatives. Scope does not include significant changes to existing materials.		12.0	\$1,800.00
<b>Task 2.2. Outreach to Bay Area Plumber Unions and Community College Plumbing / Green Building Programs.</b> Coordinate trainings at up to 6 Bay Area plumbing unions or community colleges (seeking green building and plumbing) and/or with building inspector associations.	\$10	15.0	\$2,260.00
<b>Totals</b>	<b>\$50</b>	<b>73.0</b>	<b>\$11,000.00</b>

## NOTES:

This scope assumes that all handouts will be printed by a BAPPG member.

ODC for parking and bridge tolls; mileage to be covered in hourly rate.

This work is expected to begin in August 2010 and completed by June 30, 2011.



EXHIBIT B  
HOURLY RATES/REIMBURSABLE EXPENSES



## MEMORANDUM

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**To:** Bay Area Clean Water Agencies (BACWA)  
**Date:** July 21, 2010  
**Subject:** Hourly Rates for BACWA/BAPPG programs

For the 2010-2011 fiscal year, the rate schedule for BACWA and BAPPG projects is as follows:

- |  |                        |
|--|------------------------|
| • Hourly rate for Stephanie Hughes, PE | \$150.00/hour          |
| • Hourly rate for Thomas Barron, PE    | \$150.00/hour          |
| • Parking and bridge tolls             | As paid (no mark-up)   |
| • Mileage, other driving costs         | Included in hourly fee |





## BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 9

FILE NO.: File 12,232

MEETING DATE: July 29, 2010

**TITLE: Contract with Paul Causey for Bay Area Sewer Service Charge Database Management**

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

### RECOMMENDED ACTION

Authorize an agreement with Paul Causey in an amount not to exceed \$10,500 to support the maintenance and administration of a Bay Area sewer service charge database during the period of August 1, 2010 – June 30, 2011.

### SUMMARY

This contract will provide support for the maintenance and administration of a Bay Area sewer service charge database. Support for this project is currently provided by Marilyn Harang of Redwood City, who wishes to transfer this project to another manager by Fall 2010. Paul Causey, an independent consultant with more than twenty-five years of experience working for Bay Area clean water agencies, has offered his professional services and expertise to transfer the current records, continue the maintenance and administration of this database, and compile a database of supporting documentation from participating agencies.

This project will be conducted under the supervision of the BACWA Executive Director.

### FISCAL IMPACT

This project was not included in the Fiscal Year 2010-2011 workplan adopted by the BACWA Board in May 2010. Funds are available in the Fiscal Year 2010-2011 Clean Bay Collaborative, "Other" budget line.

### ALTERNATIVES

This action does not require consideration of alternatives.

#### *Attachments:*

1. P Causey Sewer Charge Data 2010-11, 12,232
2. P. Causey CV

## **BAY AREA CLEAN WATER AGENCIES PROFESSIONAL SERVICES CONTRACT**

This PROFESSIONAL SERVICES CONTRACT, effective **August 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 **Paul Causey, of Causey Consulting** (“Consultant”), an **individual** doing business at **733 Cree Court Walnut Creek, CA 94598**, 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:

### **Description and Standard of Services to be Performed**

1. Consultant will perform the Services as described by and in accordance with Exhibit A in a manner acceptable to BACWA.
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. Consultant will exercise that degree of care in performing the Services in accordance with that prevailing among firms of comparable standing in the State of California (“Professional Standard”). Consultant will promptly correct or re-perform those Services not meeting the Professional Standard without additional compensation.
4. Consultant warrants that it is fully licensed, registered and otherwise fully authorized to perform the Services in the State of California to the extent applicable law requires such licensure, registration or authorization.
5. BACWA’s review, approval, acceptance, use, or payment for all or any part of the Services hereunder will not alter the Consultant’s obligations or BACWA’s rights hereunder, and will not excuse or diminish Consultant’s responsibility for performing all Services consistent with this Contract.

### **Payment for Services**

6. BACWA will pay Consultant based on the rates in Exhibit B, up to a maximum amount payable of **\$10,500.00**. Consultant will not exceed the maximum amount payable without obtaining prior written approval from BACWA.
7. Consultant shall submit invoices **monthly**. Invoices shall include the hours charged by each employee, a brief description of the work performed, and a description of costs for which Consultant seeks reimbursement and the type of which are specified in Exhibit B.
8. 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.

### **Document Ownership and Retention**

9. Consultant will maintain all financial 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.

10. 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.

### **Indemnification**

11. To the fullest extent allowed by law, Consultant will indemnify, hold harmless, reimburse and defend BACWA, its Member Agencies, and each of their officers, directors, employees and agents from, for and against any and all claims, demands, damages, losses, expenses, liabilities and penalties, including but not limited to reasonable attorneys' and expert witnesses' fees, arising out of or relating to the Services but only to the extent caused by the negligent or other wrongful acts or omissions of Consultant or any person or entity for whose acts or omissions any of them are responsible, or by the failure of any such party to perform as required by this Contract.

### **Insurance**

12. Consultant will purchase and maintain, at Consultant's expense, Comprehensive General Liability Insurance covering personal injury and property damage with a combined single limit, or the equivalent, of not less than \$1,000,000.

### **Assignment**

13. Consultant will not assign or transfer any of its interest in this Contract, in whole or in part, without the prior written consent of BACWA. BACWA may assign this Contract and any rights relating to this Contract (including but not limited to its right to assert claims and defenses against Consultant) at BACWA's discretion.

### **Independent Contractor**

14. Consultant will perform the Services as an independent contractor. Although Consultant will perform its Services for the benefit of BACWA, and although BACWA reserves the right to determine the schedule for the Services and to evaluate the quality of the completed performance, BACWA does not control the means or methods of Consultant's performance. Consultant is solely responsible for determining the appropriate means and methods of performing the Services, and Consultant's liability will not be diminished by any review, approval, acceptance, use or payment for the same by BACWA or any other party.

### **Termination of Contract; Suspension of Services**

15. 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. BACWA may terminate this Contract in whole or in part for cause, in which event the termination will be effective ten (10) days after Consultant's receipt of BACWA's written notice and Consultant's failure during that period to cure the default.

## **Dispute Resolution**

16. Consultant will give prompt written notice to BACWA of any claim, dispute or other matter in question, but in no event will Consultant give such notice later than ten (10) days after Consultant's becoming aware of the event or circumstance giving rise to the claim, dispute or matter in question.
17. All claims, disputes and other matters in question between BACWA and Consultant arising out of or relating to this Contract will be subject to alternative dispute resolution. If both parties agree to arbitration it will be conducted in accordance with the Commercial Arbitration Rules of the American Arbitration Association then in effect. Notice of the demand for arbitration will be filed in writing with the other party to this Contract and with the American Arbitration Association. Any arbitration arising out of or relating to this Contract will include, by consolidation, joinder or joint filing, any other person or entity not a party to this Contract that is substantially involved in a common issue of law or fact and whose involvement in the consolidated arbitration is necessary to achieve a final resolution of a matter in controversy therein. This agreement to arbitrate will be specifically enforceable by any court with jurisdiction thereof.
18. A demand for dispute resolution by either party will be made within a reasonable time after the claim, dispute, or other matter in question has arisen, and in no event will it be made after the date when institution of court litigation based on such claim, dispute or other matter in question would be barred by the applicable period of limitations. For all claims by BACWA against Consultant, the applicable period of limitations will not commence to run, and any alleged cause of action will not be deemed to have accrued (whether such action is based on negligence, strict liability, indemnity, intentional tort or other tort, breach of contract, breach of implied or express warranty, or any other legal or equitable theory), unless and until BACWA is fully aware of all three of the following: (1) the identity of the party(ies) responsible, (2) the magnitude of the damage or injury and (3) the cause(s) of the damage or injury. The contractual limitations period and discovery rule provided herein applies in lieu of any otherwise applicable statute or related case law.
19. The failure of either party to enforce any provision of this Contract will not constitute a waiver by that party of that or any other provision of this Contract.

## **Severability**

20. BACWA and Consultant agree that if any term or provision of this Contract is determined to be illegal, in conflict with any law, void or otherwise unenforceable, and if the essential terms and provisions of this Contract remain unaffected, then the validity of the remaining terms and provisions will not be affected and the offending provision will be given the fullest meaning and effect allowed by law.

## **Survival**

21. All rights and obligations set out in this Contract and arising hereunder will survive the termination of this Contract (i) as to the parties' rights and obligations that arose prior to such termination and (ii) as is necessary to give effect to rights and obligations that arise after such termination but derive from a breach or performance failure that occurred prior to the termination.

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

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

Exhibit A – Scope of Work, Schedule & Hourly Rates/Reimbursable Expenses



**CONSULTANT:** Paul H. Causey, Causey Consulting

733 Cree Court

*Street Address*

Walnut Creek, CA 94598

*City, State, Zip Code*

526-76-8548

*Tax Identification No.*

Consultant Signature

Date

Name, Title

BACWA Signature

Date

Name, Title

**EXHIBIT A**

**SCOPE OF WORK**

All services identified in Exhibit A, Scope of Work shall be compensated on a time and materials basis at \$75.00 per hour, **not to exceed \$10,500.**

**A. Task 1 – Transfer of Database Management and Records** (est. \$500)

Consultant shall work with the current database manager to review procedures and processes used in managing and administering the Bay Area Sewer Service Charge Database (Database) and administering the agency Survey used to populate the Database. This task include acquiring and revising, as appropriate, all electronic files related to management of the Database. The current manager and Consultant shall jointly determine an appropriate date for the transition of the Database to BACWA management and identify the date for the circulating the first Survey following the transition. This shall include one meeting at the City of Redwood City with the current manager; acquisition of all files related to the Database and Survey; all verbal communications with the current manager necessary to assure a complete and seamless transition to Consultant; notification of all agencies of the changes necessary for the new management of the Survey; revisions to all documents and electronic mail to identify BACWA as the responsibility for future Surveys; and any necessary coordination with BACWA.

**B. Task 2 – Bay Area Sewer Service Charge Database Management & Administration** (not to exceed \$5,000)

Consultant shall be responsible for updating and managing the Database and for distributing the Survey. On a monthly basis, the Consultant shall (a) electronically contact participating agencies to request updated information about their sewer service fees; (b) update the database using the information provided; and (c) electronically circulate the database to participating agencies. Consultant shall also update and manage the mailing lists and contact information for participating agencies. Consultant shall annually review the “last verified date” column and confirm that the information in the Database is still accurate for agencies that have not submitted information within the past year.

Consultant shall not be required to complete, update or expand information or confirm appropriateness of the data in the Database other than as requested and/or provided by the individual agency. Consultant shall not provide or release Database information to anyone other than participating agencies except as authorized and/or approved in advance by the BACWA Executive Director. Any changes to the existing Survey other than the updating of the information therein shall only be undertaken upon advance written agreement between the Parties.

**C. Task 3 – Sewer Fee Documentation Database** (not to exceed \$5,000)

Consultant shall create and maintain a database of documentation related to agencies’ sewer fees. On an at least an annual basis, Consultant shall request that participating agencies also submit the following documents: Proposition 218 notices, rate setting resolutions, and underlying service charge and capacity fee ordinances. Consultant may request these documents electronically and concurrent with requesting information about agencies’ sanitary sewer fees.

Consultant will create and maintain an index of available documents and will provide BACWA with electronic copies of all documents submitted by the agencies, organized according to the index. Consultant will coordinate with BACWA to develop a database of the electronic versions of these documents, but BACWA will be responsible for electronic storage of these documents and for distribution to participating agencies as requested.

## **PAUL HERBERT CAUSEY**

**733 CREE COURT  
WALNUT CREEK, CA 94598**

**(925) 932-5032 (home)  
(925) 323-6520 (office)  
causeywc@astound.net**

**EDUCATION**      University of California, Berkeley  
                         M.S. - Civil Engineering - 1973  
  
                         University of Santa Clara  
                         B.S. - Mechanical Engineering - 1970

**REGISTRATION**   Civil Engineer – California #27750  
                         Certified RAM-W Training Instructor – Small and Medium Water Systems  
                         QualServe Peer Reviewer

### **Causey Consulting, Management Consultant – January 2005 to Present**

Currently operating my own consulting firm providing management consulting services to public and private organizations on issues such as organizational development, regulatory compliance, financing and rates, management issues such as staffing, asset management, organizational evaluation including both consolidation and withdrawal of organizational operations, capital planning and programming and interagency cooperation and performance measurement standards. Projects have included feasibility analysis for maintenance of street lighting systems and collection system operations and maintenance and withdrawal of 800 miles of collection system sanitary sewers from the Los Angeles County Consolidated Sewer Maintenance District; assistance with the development of a recycled water program for an energy generation project between two public agencies; development and presentation of a capital and strategic planning training program for NAFTA agencies; training for federally mandated security evaluations and programs for water agencies; presentations and training on the concepts and implementation steps for utility wide asset management programs leading to sustainable infrastructure. Clients have included the Cities of Glendale, Arizona, Lancaster and Palmdale, California, the Selma Kingsburg Fowler County Sanitation District, the Ross Valley Sanitary District (Interim District Manager for 150 mile collection system special district) in Marin County California, the Water Environment Federation, the American Water Works Association, the North American Development Bank and the National Asset Management Steering Council.

### **Sanitary District #5 of Marin County – July 2003 to January 2005 (Part Time)**

Served as the part time District Manager for a small sanitary district (9 employees) providing wastewater collection, treatment and disposal services to a portion of the Tiburon peninsula (3,300 connections) and wastewater treatment to the City of Belvedere. The District had an annual operating budget of \$1,700,000 and annual capital expenditures of \$447,000, seven employees, two treatment plants and 19 miles of collection system infrastructure and 9 pump stations. Actively participated in a County wide evaluation of sewerage services by LAFCO to determine if alternative methods of service delivery or agency consolidation could provide enhanced customer service deliver for the Southern

Marin County area. Initiated and completed the political approval process for the annexation of the City of Belvedere wastewater collection system to the Sanitary District that occurred on July 1, 2005.

### **Delta Diablo Sanitation District - April, 1993 to January 2004**

As General Manager/District Engineer I was responsible for the administration and technical direction to a California Special Sanitation District governed by a three (3) appointed member Board of Directors providing regional wastewater treatment and disposal for a service area of 160,000 persons in the cities of Pittsburg and Antioch and the unincorporated Bay Point area. I was also directly responsible for all coordination and regulatory compliance for all recycled water and wastewater operations with two California regional Water Quality Control Boards regulating District operations. Finally I served as the District Engineer for the Discovery Bay utility operations overseen by the Discovery Bay Municipal Advisory Council.

The District also handle service responsibilities for street sweeping for two Cities and the unincorporated area of Bay Point; the Bay Point collection system (49 miles) operation and maintenance and the production, distribution and disposal of recycled water for two new major power-generating facilities in Pittsburg. The District also was responsible for all household hazardous waste disposal operations in the east county from Bay Point to the eastern Contra Costa County limits. These services are provided to a service area that was growing at a rate of from 1000 to 2500 new residential connections per year. A staff of 60 full time employees provides these area services. The current staffing level represents a 25% reduction in staffing since 1993 at an overall cost savings to District customers of over \$1,000,000 in annual operating costs. These changes have resulted directly from programs to restructure and streamline operations by evaluating past operating practices and implementing performance responsibility and tracking systems to make the District very competitive with public or private industry providers in the municipal services field.

The budget for DDSD includes a \$22.4 million annual operations and maintenance and capital budget. It further includes a five-year cash funded capital improvement program ranging from \$30 million to \$50 million. The District operates a very strong three (3) year budget and rate program and provides annual updates of the five and fifteen year capital planning programs for full Board and public consideration and discussion. This program has resulted in not having to issue additional debt since 1991 and has seen existing debt able to be consolidated and annual payment obligations reduced by refunding of all issues over the past five years to a level so that current debt obligations have been reduced for the development community and existing ratepayers. The General Manager is directly responsible for Board administration, implementation of Board philosophy, organizational management, coordinating all personnel and labor relations for the District in his capacity as the Employee Relations Officer, very strong interagency coordination, representation before regulatory agencies related to compliance and operation of District services, public and community outreach and oversight of a strong financial and fiscal management system. The General Manager has taken direct responsibility for service charge preparation and coordination and for the development of connection and development charges for the District.

The General Manager/District Engineer has been very active in the County and in the local community on activities related to long term regional water supply planning and development, regional wastewater disposal regulation development, administration of the Discovery Bay Community Services District

water and wastewater system operating contracts and capital development programs with Contra Costa County, District interaction with two separate Municipal Advisory Councils in the east county area, Local Agency Formation Commission responsibilities with special districts and he was very actively involved in all phases of the development and siting of two new power plant projects in Pittsburg.

This last activity resulted in the development of an entire new core service at the District for the production, distribution and disposal of recycled water for cooling operations at two new power plants. The program will utilize up to 85% of the District secondary wastewater. The program required the negotiations, design and implementation of long-term agreements, treatment facilities and pipelines and arrangements with private power developers, the City of Pittsburg and the Contra Costa Water District, regional regulatory wastewater and health department organizations, environmental groups and the California Energy Commission. All of the issues surrounding this program resulted in new and non-traditional solutions that have emerged after long hours of discussion, evaluation and negotiations over the past 2 and ½ years by and with many public and private parties and several sets of owners and developers. This program and project has won national and statewide acclaim for both its innovation and extremely short timeline for its implementation, construction and completion.

### **Oro Loma Sanitary District - December 1985 to March, 1993**

As General Manager, I was responsible for the operation of a California Special District handling sewage collection, treatment and disposal and solid waste franchising for collection, transfer and disposal for a service area of 100,000 people encompassing two cities and the unincorporated County area between the cities. The General Manager reported to a five member locally elected Board of Directors and coordinated a staff of 60 persons, an annual budget of \$8.9 million and a five year capital improvement program of approximately \$44 million. Wastewater services included the operation and maintenance of approximately 275 miles of sanitary sewer collection system and a 20 mgd secondary treatment facility. The District also provided sewage treatment to the Castro Valley Sanitary District and to several small contractual areas in both incorporated and unincorporated areas surrounding the District as well as participating in the East Bay Dischargers Association.

Direct responsibilities include Board administration and implementation of Board policies, human resource department coordination, solid waste program coordination, preparation of all rate and connection fee reviews and evaluations, interagency coordination including substantial involvement with the California Regional Water Quality Control Board, San Francisco Bay, the Alameda County Waste Management Authority and its various committees, State legislative process involvement, served as chairman of the Alameda County Joint Refuse Rate Review Committee, Treasurer of both the Oro Loma Sanitary District and the California Sanitation Risk Management Authority, preparation and administration of the annual District budget including the five year Capital Improvement Program and Renewal and Replacement Program, serving as the District's Public Information Officer, negotiation and administration of major District contracts for sewage treatment and solid waste programs including land acquisition and wetland mitigation, and review and approval of all engineering plans, specifications and contracts for District projects.

### **Barrett, Harris and Associates - October 1984 to December 1985**

As the Northern California Regional Manager, was responsible for the operation of a 12 to 15 person office with annual revenues of \$750,000. Directly responsible to the President of the Company for personnel administration, project and office budgeting, client and sub-consultant contract negotiations, new business development and project management including manpower estimates, product reviews and billing, maintaining close coordination with the corporate office on procedures and policies, and managing all functions of a full service civil engineering office specializing in water, wastewater and general civil engineering projects. Also served as the District Engineer for the Los Trancos County Water District.

### **City of Milpitas - May 1977 - November 1984**

#### Assistant City Engineer - July 1979 to November 1984

Responsibilities included the administration and coordination of the utility, capital improvement program design, traffic and public works inspection sections of the Engineering Division composed of 13 to 17 persons during a time of rapid public and private development. Directly responsible to the City Manager for administration of the City's agreement with the Cities of San Jose and Santa Clara for sewage treatment and for the operation and budgeting of the Milpitas Sanitary District and City of Milpitas sewer enterprise fund.

Specific duties included all water and wastewater master planning, annual preparation of water and wastewater studies, rates and charges, coordination of the annual utility enterprise funds, preparation of difficult water and wastewater studies, negotiation of long-term water supply and wastewater treatment agreements, preparation of the annual division budget and the annual five year capital improvement budget, coordination of water quality requirements, backflow, industrial waste and cathodic protection programs, assisted maintenance personnel with water and collection system problems, administration of all utility related fees, project administration and negotiation of consultant studies and design engineering projects, presentation of utility related issues to other public agencies (i.e., San Jose/Santa Clara Technical Advisory Committee, Bay Area Water Users, Santa Clara Valley Retail Water Users) and the City Council, and development of a computer based Citywide utility billing and information system. Directly responsible for the Engineering Division in the absence of the City Engineer. Coordinated the development of an employee orientation program. Spent one year on a special project designing, implementing and bring on line a Citywide Utility Billing and Information System (UBIS) including design of software, development of operating parameters and operating manuals for the entire system.

#### Associate Civil Engineer - May 1977 to June 1979

Directly responsible for the administration and supervision of the Planning and Administration Section of the Public Works Department. Duties included all utility master planning, traffic engineering and surveying for a rapidly expanding infrastructure and service area. Provided assistance to the Director of Public Works on the preparation of the annual department budget and the Milpitas Sanitary District budget as well as preparing annual water and wastewater rate analysis and engineering support to the collection system operations and maintenance functions at the City. Prepared water and wastewater studies for City Council, improvement projects in the utility and traffic areas, prepared all information related to the City water rationing program during the 1977/78 drought.

### **City of Pittsburg - September 1974 to May 1977**

As an Assistant Civil Engineer, my responsibilities included the preparation of plans and specifications for many small capital improvement projects at the City's two sewage treatment plants and other recreational facilities. Major duties involved project engineer, contract coordinator and field inspector for a 300 boat marina expansion, an eight million gallon per day expansion to the City's two sewage treatment plants and outfalls. This work required consultant and construction contract administration; coordination of maintenance schedules and priorities with the construction; coordination and reporting on all permits and grants dealing with such agencies as the Department of Navigation and Ocean Development, Corps of Engineers and the California Department of Fish and Game; preparation of reports to the City Council; and interagency coordination and regulatory compliance relating to the projects. Periodically supervised the work of two engineering employees. The City Engineer and the Director of Community Development minimally supervised all work. Provided staff assistance and technical support during the formation of Sanitation District 7A (now Delta Diablo Sanitation District).

### **City of Millbrae - March 1971 to August 1974**

While serving as a Junior Civil Engineer and an Engineering Aide under the direction of the City Engineer prepared plans, specifications and cost estimates for various capital improvement projects. These projects included the annual street resurfacing, annual water main replacement program, storm drainage projects and the extension of two city streets. Checked parcel and subdivision maps for conformance with the Subdivision Map Act. Responsible for the preparation of citywide water and wastewater maps. Performed research into property ownership and boundaries necessary in securing easements and rights-of-way for the various projects.

#### **HONORS**

City of Milpitas  
Outstanding Management Employee 1980-81  
  
Association of Metropolitan Sewerage Agencies  
2001 Presidents Award  
  
1961, Youngest Eagle Scout in Phoenix, Arizona

#### **ACTIVITIES**

National Asset Management Steering Council, Secretary, 2006  
  
Association of Metropolitan Sewerage Agencies  
Chair Reinventing Government Committee  
Chair Asset Management Workgroup  
Review Editor of Managing Public Infrastructure Assets Manual  
  
QualServe Peer Reviewer – participated in three agency reviews  
  
Certified Vulnerability Assessment Trainer for Small and Medium Sized Water Utilities (RAM-W), American Water Works Association

Curriculum Author, Lecturer – Capital Improvement Planning  
North American Development Bank, Leadership Institute 2003

California Association of Sanitation Agencies  
Secretary-Treasurer, Chair, Manager's Committee  
Legislation and Membership Committees

East County Water Management Association  
Chair, Contra Costa County 11 Agency Joint Water Supply Planning Group

California Sanitation Risk Management Association  
President, Vice President, Treasurer

Joint Refuse Rate Review Committee  
Chairman, 1987 - 1993 (11 Agencies Solid Waste Rate Evaluation Group)

IEDA (Management and Organizational Representation)  
Executive Committee

Water Environment Federation (WEF)  
WEFTEC Program Committee, Current vice Chair, past Chair Mgmt Symposium  
Chair, Utility Management Committee  
Financing and Charges Technical Practice Committee, Chapter Author  
AWWA/WEF Joint Management Conference, Chairman

American Water Works Association  
Curriculum Author, Capital Improvement Planning Seminar, NAFTA Agencies  
Backflow Problems Committee

Castle Rock Field Restoration Project (City of Walnut Creek)  
Project Coordinator for Non-Profit Group - \$1.5M reconstruction

Walnut Creek Little League and Foster City Little League  
Treasurer, Umpire, Team Coach and Manager – 20 years

Milpitas Employees Association Chief Negotiator,  
New Employee Orientation Committee Chairman

President, St. Luke's Parish Council  
Project Coordinator Expansion Parish Hall - \$750,000 construction

St John Vianney Catholic Church 1993 - Present  
Chair, Church Facilities Maintenance Committee 2006 to present  
Lector, Eucharistic Minister





## BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 10

FILE NO.: File 11,598

MEETING DATE: July 29, 2010

**TITLE: Amendment 1 to the contract with Stephanie Hughes for Mercury Watershed Permit Dental Amalgam Program Support**

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

### RECOMMENDED ACTION

Authorize Amendment 1 to agreement 11,598 with Stephanie Hughes to increase the contract value by \$5,000, for a new not to exceed total value of \$40,879.00, to support work assisting members meet the Mercury Watershed Permit's Dental Amalgam Program requirements during the period of August 1, 2010 – June 30, 2011.

### SUMMARY

This amendment will increase by \$5,000 the funding available to consultant Stephanie Hughes to assist BACWA members fulfill the dental amalgam program requirements of the Mercury Watershed Permit. The permit mandates that member agencies development, implement, and document the success of dental amalgam programs. A report summarizing the programs and their results must be submitted to the Water Board by June 2012.

BACWA retained Stephanie Hughes to provide technical support to meet these requirements and to prepare the final report. In February 2010 Stephanie Hughes submitted to BACWA reviewers a technical memorandum describing the methodology and data used to quantify the decreases in mercury emissions from the amalgam programs. The BACWA reviewers recommended several improvements to the methodology and to the memorandum. The additional funding requested is necessary to incorporate BACWA's recommendations.

This project is being conducted under the supervision of the BACWA Executive Director and Melody LaBella, CCCSD.

### FISCAL IMPACT

This project was initiated in the 2008-2009 FY and has been funded through the WQAS/CBC. The increase was not anticipated at the time the 2010–2011 FY budget and is therefore not included in this year's budget and workplan, however, funds are available in the 2010-2011 FY Clean Bay Collaborative, "Other" budget line.

### ALTERNATIVES

This action does not require consideration of alternatives.

#### *Attachments:*

1. Amendment 1 SHughes, 12,598
2. Scope of Work

**AMENDMENT NO. 1  
TO  
AGREEMENT BETWEEN  
BAY AREA CLEAN WATER AGENCIES  
AND  
Stephanie Hughes  
FOR  
Mercury TMDL Dental Amalgam Support**

This Amendment No. 1 is made this 29<sup>th</sup> day of July, 2010, in the City of Oakland, County of Alameda, State of California, to the agreement dated December 18, 2008, File 11,598, by and between Stephanie Hughes 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 Stephanie Hughes agree to increase the original contract amount of \$35,879.00 by **\$5,000.00** in FY 2009-10 for a new not to exceed agreement total of **\$40,879.00**.
2. Except as herein expressly modified, the Agreement remains in full force and effect.

BAY AREA CLEAN WATER AGENCIES

By \_\_\_\_\_  
Arleen Navarret, Chair Executive Board

Dated \_\_\_\_\_

STEPAHNIE HUGHES

By \_\_\_\_\_  
Stephanie Hughes

Dated \_\_\_\_\_

BACWA EIN: 94-3389334

{00916918.2}



June 15, 2010

Melody LaBella  
BACWA Project Leader  
Central Contra Costa Sanitation District  
5019 Imhoff Place  
Martinez, CA 94553  
mlabella@centralsan.dst.ca.us

**Subject:** Scope/Budget Revision for Program to Support Bay Area Mercury Watershed Dental Requirements

Dear Melody,

Tom Barron and I have been providing technical support to Bay Area Clean Water Agencies (BACWA) regarding the Bay Area Mercury Watershed Dental Requirements. We have completed the deliverables per the contract, yet there remain a few last tasks to complete this phase of the project.

Numerous tasks have been completed:

- Created a regional factsheet for local agency outreach to dental offices
- Met with Regional Board and BACWA representatives to discuss general methodology for a single regional calculation of the two program metrics (the “85% participation” target and the quantification of diverted mercury)
- Assisted numerous BACWA members with outreach to their local dental societies and dental professionals
- Created a survey of BACWA members regarding dental programs
- Initiated a single regional calculation of the two program metrics (the “85% participation” target and the quantification of diverted mercury)

We have provided all the deliverables per the contract:

**Task 1:**

- ✓ Brief memo describing the approach to (a) 85% compliance and (b) diverted amalgam
- ✓ One-page factsheet regarding the regulatory requirement posed by the watershed permit
- ✓ One draft survey and one final survey (for agencies to complete electronically)

**Task 2:**

- ✓ Letter from BACWA to members - One draft letter and one final letter

### Task 3:

- ✓ Databases in excel format for quantifying amalgam diversions.

In addition for Task 3, we submitted an in-depth technical memo describing the database and calculation methodology.

The Task 3 deliverables were submitted to BACWA in February 2010 and have now been technically reviewed by BACWA representatives. Several recommendations were provided to improve both the metric-estimation methodology and the companion written discussion. These edits need to be incorporated prior to final BACWA review and submittal to the Regional Board.

Therefore, next tasks are:

- Update Excel spreadsheet model and technical memorandum to reflect recommendations from BACWA (new subtask under Task 3)
- Follow-up to remaining questions from BACWA representatives and final edits
- Up to 2 meetings with BACWA and/or Regional Board regarding the methodology and initial results

In our estimation, to completely respond to BACWA's evaluation and complete remaining tasks will stretch our project beyond the available budget. Attached is a cost estimate, showing initial budget, remaining budget, and the estimated additional funds needed to complete this work. We estimate that an additional **\$4,960** is necessary to support the new and remaining tasks.

This scope/budget analysis does not include the following future steps (for which we recommend reviewing budget/scope following review of the technical methodology by the Regional Board):

- Continued support for member agencies (responding to questions regarding dental office visits)
- Responding to any RWQCB-requested modifications (scope / budget unknown at this time)
- Conducting a follow-up survey to members (returning previously-completed survey back to each member agency and requesting notification of any updates / modifications)
- Revising the estimates relative to program metrics per survey updates
- Preparing report for BACWA to submit to Regional Board to present results, per watershed permit

We request that you submit this cost/scope update to BACWA for budgetary approval. Please call me if you have any questions. Thanks so much.

Sincerely,



Stephanie Hughes, ChE P.E.

## Stephanie E. Hughes, ChE P.E.

1445 Emory Street  
San Jose, CA 95126  
Phone: 408-499-9271  
Email: steifehughes@yahoo.com

## BUDGET REVISION

**DATE:** 14-Jun-2010  
**PROJECT #** BCW-01  
**FOR:** Dental Tech Support

ORIGINAL BUDGET				AMOUNT
	ODC	Hughes \$145/hr	Barron \$145/hr	
<b>Task 1. Initiation of Bay-Area Compliance with Hg Watershed Permit</b>				
Task 1.1 Approach to Compliance		12	8	\$2,900
Task 1.2 Outline Req'ments & Survey		32	8	\$5,800
Task 1.3 Factsheet to Dental Offices	\$1,200	20	6	\$4,970
Task 1.4 Dental Society Outreach	\$315	48	10	\$8,725
<b>Task 1 Subtotal</b>	<b>\$1,515</b>	<b>112</b>	<b>32</b>	<b>\$22,395</b>
<b>Task 2. Compliance Evaluation</b>				
Task 2.1 Participation Database		16	4	\$2,900
Task 2.2 Amalgam Diversion Method		8	40	\$6,960
<b>Task 2 Subtotal</b>	<b>\$0</b>	<b>24</b>	<b>44</b>	<b>\$9,860</b>
<b>Task 3 Regional Board and POTW Communication</b>	<b>\$144</b>	<b>16</b>	<b>8</b>	<b>\$3,624</b>
<b>Task 4 Annual Maintenance of Databases (optional)</b>		<b>TBD</b>	<b>TBD</b>	<b>Not Incl.</b>
<b>ORIGINAL COST ESTIMATE</b>				<b>\$35,879</b>

COSTS TO DATE				
Billing through Feb 2010	\$ 1,000	\$ 18,944.25	\$ 9,026.25	\$ 28,970.50
March - May, 2010 (not yet billed)		\$ 507.50	\$ 398.75	\$ 906.25
<b>TOTAL COSTS TO DATE</b>				<b>\$ 29,876.75</b>
<b>Remaining Budget</b>				<b>\$ 6,002.25</b>

Estimate of Level of Effort to Complete Project				
June 2010		FY 2010/2011		TOTAL
Hughes \$145/hr	Barron \$145/hr	Hughes \$150/hr	Barron \$150/hr	
<b>TASK 1 COMPLETE</b>				
		-	-	
		-	-	
2	2	1	1	
8	16	16	16	
<b>10</b>	<b>18</b>	<b>17</b>	<b>17</b>	<b>\$ 9,160.00</b>
		6	6	<b>\$ 1,800.00</b>
TBD	TBD	TBD	TBD	
<b>10</b>	<b>18</b>	<b>23</b>	<b>23</b>	<b>\$ 10,960.00</b>

**Estimated Additional  
Budget Needed**

**\$ 4,957.75**

# BAYWORK BULLETIN

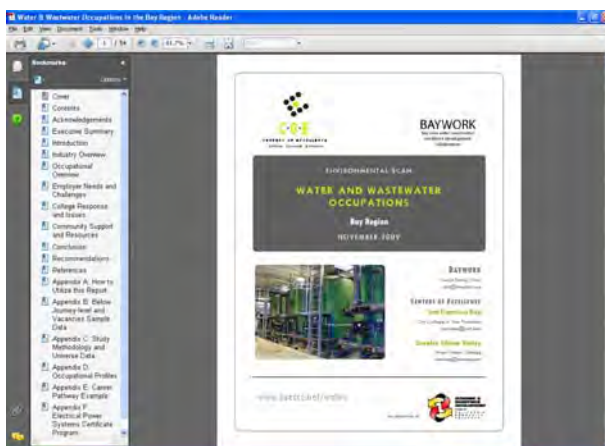
## Key Milestones from Year 1

### Kickoff Meeting June 26, 2009



BAYWORK, a collaborative of water and wastewater utilities in six Bay Area counties, held its first meeting at EBMUD.

### Strategy 1—Get enough of the right people in mission-critical classifications



BAYWORK agencies collaborated with the Center of Excellence to perform a thorough assessment of future labor needs in relation to classifications that are key to operational reliability in the water industry: water and wastewater treatment operators, electricians, electronic maintenance technicians, and machinists. Findings based on responses from 45 Bay Area water and wastewater agencies confirmed that in some



classifications, as many as 45% of current incumbents would be eligible for retirement within 5 years. This report provided a sound basis for shared planning with local community colleges and training programs.

BAYWORK utilities held a summit meeting on December 9, 2009 with community colleges and workforce development boards to develop shared programs for addressing needs identified in the survey.



Staff from BAYWORK agencies assisted San Mateo College in developing curriculum for a pre-apprenticeship program for electricians and instrument technicians.

BAYWORK published outreach brochures on water treatment operator positions, electrical positions, and machinist positions in the

water industry. These have been not only distributed locally, but also published nationally on the [www.h2oportunity.net](http://www.h2oportunity.net) website.

**Do You like...**

- Working with electronics?
- Testing and repair?
- Working with computers?
- Reading diagrams and blueprints?
- Working with tools and technology?

**If so, Electrical System Careers are for YOU!!**

**Jobs Needed for the Future**

Electrical Systems workers are needed today & into the future. This includes:

- Electrician/ Electrical Technician
- Electronic Maintenance Technician/Instrument Technicians

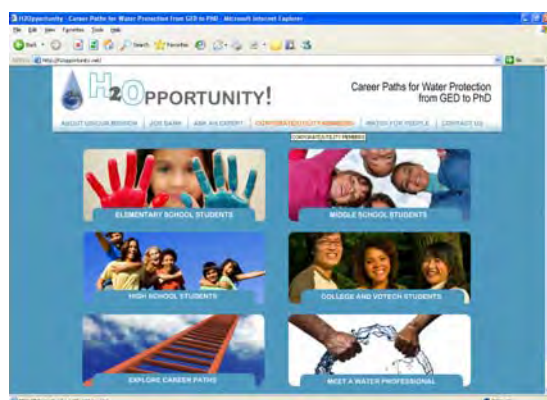
**Instrument Control & Electrical Systems Careers**

**Water & Wastewater GREEN Industries**

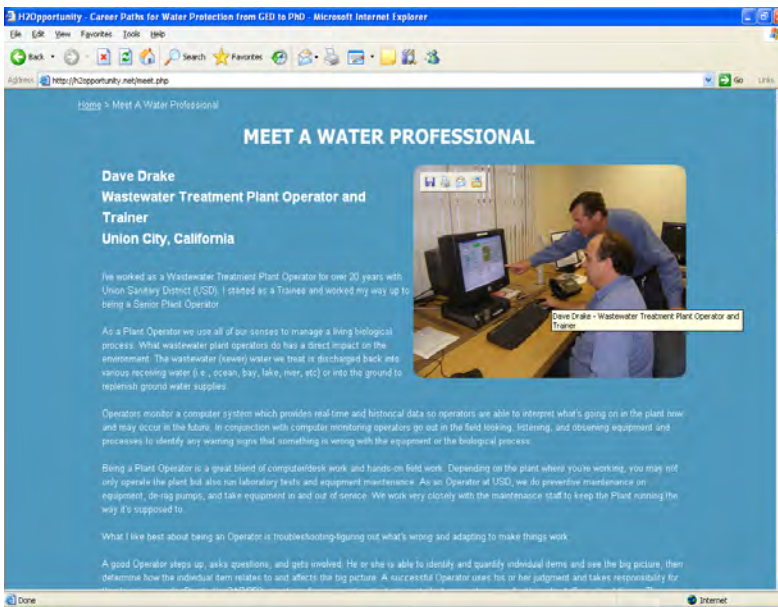
Monthly Pay	Apprentice - Trainee Level		Journey Level	
	Minimum	Maximum	Minimum	Maximum
Electrician/ Electrical Technician	\$1,497	\$4,435	\$3,932	\$7,033
Electronic Maintenance Technician/ Instrument Technicians	\$3,050	\$4,885	\$5,006	\$7,437

Salary information source: Environmental Scan: Water and Wastewater Occupations Report, by Centers of Excellence and BAYWORK, November 2009.

The brochure was developed by BAYWORK, a Bay Area Water and Wastewater Workforce Development Collaborative.



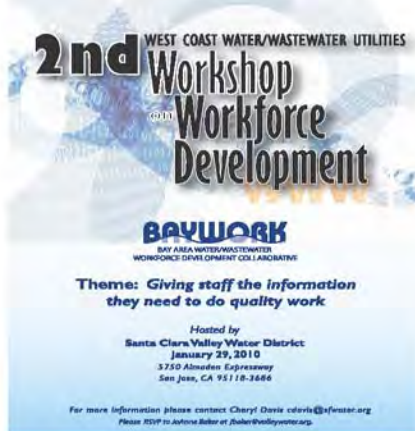
BAYWORK is preparing a Job Opportunity Map which will provide contact and location information for all Bay Area water and wastewater agencies which will be posted on [www.h2oportunity.net](http://www.h2oportunity.net). The information which will be posted on the map will also be provided to local community colleges and workforce development boards.



Write-ups on Bay Area water and wastewater employees have been posted to [www.h2oportunity.net](http://www.h2oportunity.net) to provide information to students and potential candidates on the specifics and benefits of jobs in the water industry.

### Strategy 2—Giving people the information they need to do quality work

Water and wastewater utilities from Vancouver to San Diego participated in a West Coast Water Utilities Workshop on Workforce Development, held at Santa Clara Valley Water District on January 29, 2009, which provided information on successful programs in mentoring, staff training, documentation, knowledge management, and development of learning communities.







BAYWORK completed a pilot test to determine whether utilities could collaborate in development of a video standard operating procedure which would be useful in more than one utility setting. The video of a machinist installing a motor was successfully produced by a collaboration of two BAYWORK agencies.

### Strategy 3—Modifying work to optimize the use of staffing available.

BAYWORK has developed and pilot-tested a survey which will document ways Bay Area water and wastewater utilities have successfully used information technology, inter-agency agreements, and modifications of job scopes to make more effective use of staffing available.



### Strategy 4—Maximizing the effectiveness of workforce development efforts through collaboration



BAYWORK members facilitated and participated in the AWWA ACE 09 session on Increased Use of Information Technology to Support Workforce Development

BAYWORK members co-authored a series of four articles in the American Water Works Association Journal on use of information technology to support workforce development efforts.



The South Bay Collaborative, a group of South Bay water/wastewater utilities, community colleges and training programs, and workforce development boards have also

been meeting to work together on both candidate development and staff training. One of the work products of this group has been a concrete list of ways water and wastewater utilities can assist community colleges and training programs in candidate development (e.g., on-site learning experiences for students).

A Charter article has been developed to document the origin of BAYWORK and the principles of its regional collaboration, for signature by the executives of Bay Area water and wastewater agencies.

A website address has been purchased for BAYWORK, and work has begun on development of a website, so that BAYWORK information and products can be more easily shared.

## **PLANNING FOR YEAR 2**

More information on BAYWORK's activities, and the opportunity to help set the course for Year 2, will be provided at a BAYWORK general membership meeting at the following time and place:

**Thursday, July 8<sup>th</sup>, 2010**  
**9:30 AM**  
**1155 Market, 4<sup>th</sup> floor**  
**San Francisco, CA 94102**

Please join us!

BAYWORK Executive Committee

Cheryl Davis, SFPUC  
Ray Yep, SCVWD  
Elaine Lew-Smith, EBMUD  
Jim Smith, EBMUD  
Jim McPherson, USD  
Catherine Curtis, SFPUC  
Victoria Baxter, San Jose  
Shirley Mata, San Jose  
Joanna DeSa, Sunnyvale



Bay Area Water/Wastewater Workforce Development Collaborative

## **CHARTER ARTICLE REGARDING FORMATION OF THE BAY AREA WATER/WASTEWATER WORKFORCE DEVELOPMENT COLLABORATIVE**

WHEREAS, the operational reliability of water and wastewater utilities depends on having both sufficient staffing in mission-critical classifications and staff who are sufficiently prepared to do their work; and

WHEREAS, retirements create a need for new qualified candidates and changing facilities, technologies and regulations create new training needs; and

WHEREAS, work with partners and stakeholders, such as community colleges and county workforce investment boards, can be accomplished most effectively on a regional basis; and

WHEREAS, collaboration among utilities in critical areas such as candidate development, outreach, documentation, staff development and training, and knowledge management can be more cost-effective than individual efforts; and

WHEREAS, both the American Water Works Association and the Water Environment Federation have identified developing and maintaining a trained workforce as one of the critical challenges in the next decade; and

WHEREAS, the general managers and chief executives of the Signatory agencies recognize the need for a unified effort in the area of workforce development;

NOW, THEREFORE, the undersigned agencies collectively have agreed to establish the Bay Area Water/Wastewater Workforce Development Collaborative (BAYWORK) and will work collaboratively to achieve the following:

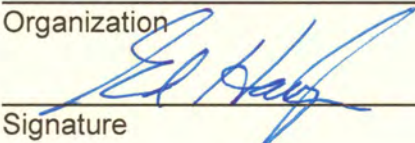
- Create a unified voice for Bay Area water/wastewater agencies in workforce development plans that affect the region;
- Develop and implement programs and strategies that support development of high-performance workforces;
- Develop and implement cost-effective programs that ensure sufficient numbers of qualified prepared staff to meet our responsibilities to our customers, our communities, and the environment;
- Build relationships with partners and stakeholders (e.g., educational institutions, the Department of Labor, and workforce development boards) to effectively implement workforce development programs;
- Provide a forum and framework to discuss workforce development issues and hold workshops on pertinent topics; and
- Document, coordinate, and communicate existing and planned programs and activities being implemented in the Bay Area on workforce development.

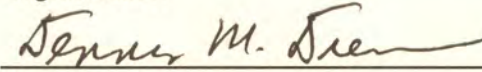
The signatories welcome other water/wastewater agencies in the Bay Area to participate in the Bay Area Water/Wastewater Workforce Development Collaborative.

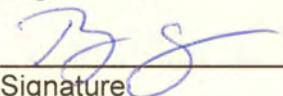


**CHARTER ARTICLE REGARDING FORMATION OF THE  
BAY AREA WATER/WASTEWATER  
WORKFORCE DEVELOPMENT COLLABORATIVE**

SIGNATORIES OF THE  
BAY AREA WATER/WASTEWATER WORKFORCE DEVELOPMENT COLLABORATIVE

<u>San Francisco Public Utilities Commission</u>	<u>General Manager</u>
Organization <u></u>	Name and Title <u>6/9/10</u>
Signature	Date

<u>East Bay Municipal Utility District</u>	<u>Dennis M. Diemer, General Manager</u>
Organization <u></u>	Name and Title <u>6/15/10</u>
Signature	Date

<u>Santa Clara Valley Water District</u>	<u>Beau Goldie, CEO</u>
Organization <u></u>	Name and Title <u>6-30-10</u>
Signature	Date

<u>Organization</u>	<u>Name and Title</u>
<u>Signature</u>	<u>Date</u>

<u>Organization</u>	<u>Name and Title</u>
<u>Signature</u>	<u>Date</u>

# ROADMAP FOR REGIONAL WORKFORCE DEVELOPMENT COLLABORATION

**GOAL:** OPERATIONAL RELIABILITY OF BAY AREA WATER/WASTEWATER UTILITIES WILL BE SUPPORTED BY A HIGH-PERFORMANCE WORKFORCE

Programs	Challenges	Potential partners	Phase i 1-3 yrs.	Phase ii 3-10 yrs.
<b>Strategy 1: Get enough of the right people in mission-critical categories</b>				
<ul style="list-style-type: none"> <li>• Expansion of the candidate pool where needed</li> <li>• Collaborative outreach</li> <li>• Internships</li> <li>• Cross-training</li> </ul>	<ul style="list-style-type: none"> <li>• Insufficient vocational training</li> <li>• Math and communication skills of high school graduates</li> <li>• Inadequate public understanding of water industry opportunities</li> <li>• Inadequate financial resources for utilities alone to fill the skilled labor gap</li> <li>• Accurate quantification of labor needs</li> </ul>	<ul style="list-style-type: none"> <li>• Educational system (K-12, community colleges, higher education)</li> <li>• Professional associations</li> <li>• Department of Labor, Workforce Development Boards</li> <li>• Regulatory agencies</li> <li>• Neighborhood associations</li> <li>• Unions</li> <li>• Other water/wastewater/ power utilities</li> </ul>	<ul style="list-style-type: none"> <li>• Refine needs analysis and expand training opportunities for mission-critical skilled trades and engineering classifications</li> <li>• Seek external funding to leverage utility resources</li> <li>• Develop and implement collaborative outreach program</li> </ul>	<ul style="list-style-type: none"> <li>• Use needs assessment processes to identify additional mission-critical classifications at risk and develop programs based on those needs</li> <li>• Expand flexibility of current staff through cross-training</li> </ul>
<b>Strategy 2: Give staff the information they need to do quality work</b>				
<ul style="list-style-type: none"> <li>• Technical training based on competencies needed</li> <li>• Documentation</li> <li>• Knowledge management and access</li> </ul>	<ul style="list-style-type: none"> <li>• Inertia associated with past practices</li> <li>• Energetic creativity required for change</li> <li>• Organizational will and financial constraints</li> <li>• Expertise in information technology</li> </ul>	<ul style="list-style-type: none"> <li>• Professional associations</li> <li>• Other water/wastewater/ power utilities</li> <li>• Educational institutions (e.g., community colleges)</li> </ul>	<ul style="list-style-type: none"> <li>• Increased use of technologies such as videoconferencing, video technology, interactive e-learning, blended learning, and knowledge management systems</li> </ul>	<ul style="list-style-type: none"> <li>• Assessment of information and IT equipment needed (e.g., remote technology) to improve information collection and access by water treatment operators</li> </ul>
<b>Strategy 3: Modify work processes to optimize use of available staffing</b>				
<ul style="list-style-type: none"> <li>• Upgraded use of technology</li> <li>• Better match of processes to staff skill-sets</li> </ul>	<ul style="list-style-type: none"> <li>• Time, effort, creativity, and flexibility required to investigate and implement new approaches</li> <li>• Financial constraints</li> </ul>	<ul style="list-style-type: none"> <li>• Other water/wastewater/ power utilities</li> </ul>	<ul style="list-style-type: none"> <li>• Preliminary review of work process improvement opportunities</li> <li>• Preliminary analysis of disconnects between work processes and staff skill-sets.</li> </ul>	<ul style="list-style-type: none"> <li>• Information-sharing and potential joint funding of studies in areas of mutual interest</li> </ul>
<b>Strategy 4: Maximize cost effectiveness of workforce development investments through collaboration</b>				
<ul style="list-style-type: none"> <li>• Collaboration with water - wastewater power utilities and interested stakeholders at Bay Area, State, regional, and national level</li> <li>• Talent-trading among Bay Area water- wastewater- power utilities</li> </ul>	<ul style="list-style-type: none"> <li>• Creating new institutional structures and funding arrangements</li> </ul>	<ul style="list-style-type: none"> <li>• Water/wastewater/ power utilities</li> <li>• Workforce Development Boards, Dept. of Labor</li> <li>• Educational institutions</li> <li>• Professional associations</li> <li>• Regulatory agencies</li> <li>• Unions</li> </ul>	<ul style="list-style-type: none"> <li>• Establishment of Bay Area Water/Wastewater Workforce Development Collaborative</li> <li>• 2<sup>nd</sup> West Coast Water/Wastewater Utility Workshop on Workforce Development</li> <li>• Support State and national level efforts</li> <li>• Information-sharing through meetings, workshops, web-sites, &amp; publications</li> </ul>	<ul style="list-style-type: none"> <li>• Regional collaboration in technical training</li> <li>• Regional collaboration in knowledge management</li> </ul>

**CH2M HILL**  
155 Grand Ave., Suite 800  
Oakland, CA 94612  
**Tel 510.587.7709**  
**Fax 510.922.9053**



April 2, 2010

Alexandra Gunnell  
Assistant Executive Director  
Bay Area Clean Water Agencies  
[agunnell@bacwa.org](mailto:agunnell@bacwa.org)

RE: Energy Workgroup Consultant Support

Dear Alexandra:

CH2M HILL is pleased to provide this proposal in response to your email dated March 26, 2010 requesting proposals for consultant support in development of the BACWA Energy Workgroup.

## **Background**

Energy management presents significant challenges and opportunities for wastewater agencies. BACWA members spend up to 30% of their operating budgets on energy use, a significant cost in these challenging economic times. Therefore, energy efficiency and energy self-sufficiency represent significant opportunities for cost savings. In addition, energy use contributes significantly to climate change, and particularly in California, this presents a regulatory as well as sustainability driver to lower energy use and explore renewable energy resources.

While many Bay Area wastewater agencies have long used digester gas to generate renewable energy and heat, the opportunities to expand on these efforts by boosting gas production, converting biosolids to energy, and incorporating solar, wind, and in-conduit hydro are becoming more attractive, especially where grant funding or subsidies can be obtained. According to a recent paper by the National Association of Clean Water Agencies (NACWA), "the energy potential contained in wastewater and biosolids exceeds by ten times the energy used to treat it, and can potentially meet up to 12% of the national electricity demand" (see Attachment 3 for complete paper). Wastewater agencies are now looking at themselves as resource managers, rather than waste managers.

As with all BACWA ventures, the opportunity to work together to share ideas, negotiate as a collective voice, and pool resources has the potential to provide significant collective value to BACWA members facing energy challenges. Several efforts are underway that address

pieces of the energy question, but to date, there has been no focused energy work on a Bay Area basis.

The California Wastewater Climate Change Group (CWCCG), which CH2M HILL has led since its inception in 2006, has taken a statewide role in information sharing and advocacy on climate change issues on behalf of the wastewater industry. As part of that effort, we have addressed renewable energy issues, including providing comments on the California Public Utilities Commission (CPUC)'s proposed decision on tradable renewable energy credits (RECs), as well as the California Air Resources Board (CARB)'s proposed Renewable Electricity Standard. Our efforts are focused on generating the maximum opportunities and value for renewable energy developed by wastewater agencies. However, energy is only a subset of CWCCG's work, and therefore additional effort to address broader questions related to energy efficiency and grant funding is still warranted.

Similarly the BACWA AIR Committee, which CH2M HILL has also led for over 20 years, addresses the relationships between energy use, greenhouse gas emissions, and air permitting. The Committee has recently begun to focus on providing members with information on grant funding opportunities. At the request of the Committee, a new grant opportunities page has recently been launched on BACWA's website to provide members with updated information on funding programs they may be able to take advantage of. However, again, energy is a sub-focus of the AIR Committee's efforts.

Finally, through the regional biosolids program originally launched through BACWA's Biosolids Committee, a number of BACWA members are exploring development of a regional biosolids-to-energy (B2E) facility. This innovative venture is paving the way for biosolids energy conversion technologies that may see broader application in the future.

A BACWA Energy Workgroup would have the opportunity to build on the efforts of these existing groups, coordinate their energy-related activities, allow for information sharing regarding energy efficiency best practices, and provide a platform for exploration of common energy challenges as well as funding opportunities. The initial effort associated with formation of the group involves bringing together the various perspectives on why the group should be formed and what it will be charged with accomplishing.

## **Scope of Work**

### **Task 1 - Information Gathering**

As a first step in considering the formation and focus of the Energy Workgroup, we believe it is important to gather information and perspectives from various potential participants, stakeholders, and organizations undertaking similar efforts. We propose to conduct phone interviews with the following people:

- BACWA Board Members
- Energy managers from BACWA agencies (covering the spectrum of Principal, Associate, and Affiliate members to ascertain differences in perspective of small, medium, and large agencies)
- AIR Committee (conduct as brainstorming session at AIR meeting)

- Regional B2E Project leaders
- SCAP Energy Committee leaders
- ACWA Energy Committee leaders

Interviews with leaders of other organizations will focus on what the vision and mission of their group is with respect to wastewater energy management, and if applicable, how they see their group cooperating with a BACWA Energy Workgroup. Interviews with BACWA members will focus on what they would like to see an Energy Workgroup focus on and accomplish.

Up to 12 interviews will be conducted, and the outcomes will feed into subsequent tasks. As part of the interviews of BACWA members, we will identify representatives of BACWA agencies who are interested in participating in the Workgroup.

## **Task 2 – Chartering Meeting**

Following the information gathering, we will assemble a meeting of interested participants. The half-day meeting will be conducted at a member agency facility, and notice will be distributed via email. In the meeting, we will present an overview of the findings from the information gathering task in order to set the stage for discussion.

The objective of the meeting will be two-fold. First, we will work to establish consensus around the purpose of the group and a 5-10 year vision for BACWA's role in energy management. The second part of the meeting will focus on brainstorming of workplan elements that complement this vision and meet immediate member needs. Potential workplan items that may be raised in this brainstorming are discussed in the following task.

## **Task 3 – Develop Workplan**

Based on the feedback from the chartering meeting, we will develop a workplan for the Workgroup's activities in FY 10-11. The workplan may involve the following elements:

- Workgroup communications and administration
- Organization and facilitation of Workgroup meetings
- Development and implementation of a BACWA member energy survey to gather data (as suggested in the BACWA Energy Workgroup Outline)
- Development of frameworks or White Papers on regional coordination projects such as the following:
  - Grant funding
    - build on website set up by AIR Committee to provide grant info to members; also include information on PG&E rebate programs and audit services
    - explore statewide collaborations for CEC funding to pilot innovative energy efficiency strategies and technologies, e.g. solids reduction



processes, energy efficient aeration systems, innovative mixing systems, etc.

- Collective rate negotiation with PG&E
- Regional effort for POTWs to purchase renewable energy (similar to what Santa Clara County is pursuing through their Regional Renewable Power Purchase Initiative)
- Regional “Energy Efficiency Expert Team” – member agencies with strong energy efficiency capabilities providing audit services for fellow members
- Web bulletin board for members to ask questions of each other and share ideas
- Manager’s guide to renewable energy – how to evaluate renewable energy investments and wade through the various policies, grant and rebate programs, feed-in-tariff, ownership arrangements, etc.
- Framework for REC market – grouping of RECs associated with small projects executed by POTWs so that they have more value in the new tradable REC marketplace
- Energy Efficiency Guide for POTWs
- Energy and GHG implications of nutrient limits – evaluation of stringent nutrient limits on a lifecycle sustainability basis. Not only does nutrient treatment increase energy use and thereby GHGs, but it also potentially releases nitrous oxide, an extremely potent GHG. Nitrous oxide capture from biological nutrient removal for power generation is also currently in the research and development stage.
- Exploration of opportunities to generate waste-derived alternative vehicle fuels from digester gas, biosolids, fog, algae and municipal solid waste.

It is assumed that one draft and one final version of the workplan will be delivered electronically.

## **CH2M HILL Team**

CH2M HILL has a strong team of staff uniquely qualified to support this effort. Our project manager, Jackie Kepke, has significant experience managing BACWA committees as well as other multi-headed wastewater agency organizations. She is therefore capable of bringing together a broad range of viewpoints to develop consensus around a vision and work plan for this group. Alongside Jackie, a cadre of expert resources in all aspects of energy management and policy is available to provide guidance and to assist in implementation of the work plan, should BACWA decide to move forward.

### **Jackie Kepke - Project Manager**

Jackie Kepke will serve as the Project Manager. Jackie is CH2M HILL’s Global Technology Leader for Water Portfolio Management. In that role, she stewards services and

technologists that understand and evaluate linkages among components of the built and natural water cycle, as well as the water-energy nexus, to help clients plan and build sustainable infrastructure. Jackie is an environmental engineer and project manager with a wide range of experience in the wastewater industry. She currently serves as the Program Manager for the California Wastewater Climate Change Group. Jackie has also previously served as Project Manager for the BACWA AIR Committee as well as the Media Relations Committee, so she has a solid understanding of how BACWA Committees function.

**Jim Sandoval – Technical Resource, Energy Management**

Jim is a sustainable solutions technologist supporting a number of public agencies with energy, greenhouse gas, and solid waste reduction planning and management. He recently served as the principal engineer for assessing the technical viability of developing solar arrays on ten city and county facilities in Sonoma County, CA. These assessments supported applications for interest-free Clean Renewable Energy Bonds from the Internal Revenue Service. Jim currently manages the BACWA AIR Committee and has provided a variety of regulatory and technical support to POTWs in the U.S. and abroad.

**Todd Bartholf – Technical Resource, Renewable Energy**

Todd is CH2M HILL's Global Market Segment Leader for Renewable Energy and is responsible for the development and deployment of company services to renewable energy projects worldwide. In this capacity he has served as renewable energy advisor to various projects implemented by CH2M HILL for clients in the U.S. and abroad since 2002. Todd has close to 30 years of international energy and environment experience, with particular expertise in renewable energy strategic planning, market assessment, project design, product development, and project management. Immediately prior to joining CH2M HILL, Todd operated an independent consulting practice that specialized in strategic planning, business development and program management for a range of domestic and international clients interested in expanding their activities in renewable energy. During that time he also served as international markets specialist on a technical advisory committee to the director of the National Renewable Energy Laboratory's National Wind Technology Center from 1998 through 2000. Todd is currently based in the Bay Area.

**Matthew Wilson – Technical Resource, Energy Markets**

Matthew Wilson is an internationally recognized expert and thought leader on the economics of environmental market mechanisms including both carbon and renewable energy markets, and has provided advisory services to a number of private and public sector clients over the years. Matthew's responsibilities at CH2M HILL in the Industrial Services division include supporting the growth of Climate Change Services in new markets, including sustainable business strategy and climate change management.

With 27 peer reviewed publications, Matthew has initiated and led competitive national and international projects in academia and the private sector that effectively quantify environmental assets and identify effective management strategies for use in the rapidly evolving global sustainability market space. He is widely recognized as an international expert in the field of environmental economic valuation, and sustainable business strategy. Matthew has recently been supporting the California Wastewater Climate Change Group on analysis of renewable energy policies.

**Sarah Merrill – Technical Resource, Grant Funding**

Sarah Merrill has experience in all sides of the developing climate change market for wastewater treatment plants. Sarah supported the BACWA AIR Committee for the past two years. In addition to air quality related rules and regulations, Sarah currently researches and tracks climate change legislation related to greenhouse gas reporting and the developing cap-and-trade market. This year the AIR Committee has added a grants tracking component which Sarah manages. She has developed a new website for the AIR Committee that features a searchable newsfeed of upcoming grants and a long-term grants tracking webpage. This new grants feature is tailored to wastewater treatment plant processes and covers many grant opportunities, from water infrastructure to alternative energy. Also, Sarah has assisted with the City of Santa Rosa, Lockheed Martin Space Systems Sunnyvale site and Dublin San Ramon Sanitation District's California Air Resource Board Greenhouse Gas Reporting. Sarah also serves as an environmental compliance consultant for the Lockheed Martin Space Systems Company Air and Water Programs.

**Dru Whitlock – Technical Resource, Energy Efficiency**

Dru Whitlock is a Senior Technologist and the US West Wastewater Residuals Regional Technology Lead in CH2M HILL's Water Business Group. Dru is an active member of the WEF Residuals and Biosolids Committee and the RBC Bioenergy Subcommittee; he also serves as Secretary/Treasurer for the Water Environment Association of Utah. Dru's work focuses on energy efficiency and resource recovery at wastewater treatment plants. Dru recently completed a greenhouse gas regulatory assessment for the City of Phoenix and led the technical analysis of the Biosolids Study for the Salt Lake City Water Reclamation Facility which factored greenhouse gases into multi-criteria-analysis based decision making. Dru has degrees in Environmental Engineering and an MBA, combining engineering and ecosystems with business-cased decision analyses. Last September, Dru presented the luncheon keynote topic on "Sustainable Energy Management: Achieving Energy Independence at Wastewater Utilities" at the Pacific Northwest Clean Water Association Annual Conference.

## **Relevant Experience**

**California Wastewater Climate Change Group (CWCCG) Program Manager**

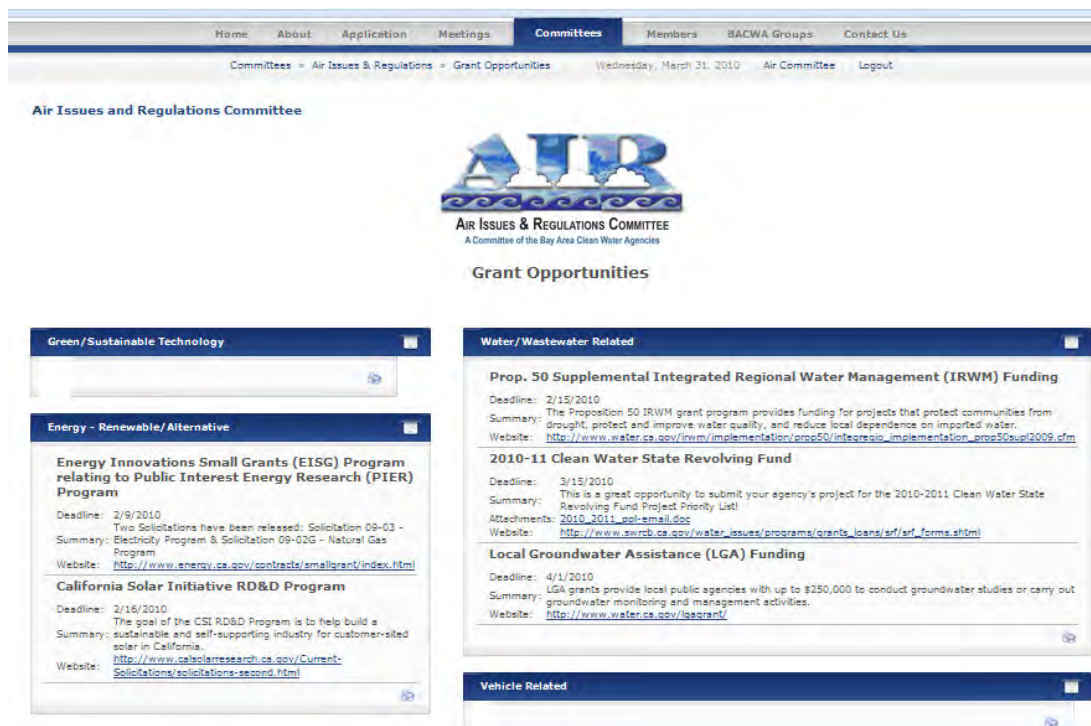
CH2M HILL serves as Program Manager for CWCCG, a collaboration of BACWA, the Central Valley Clean Water Agencies (CVCWA), Southern California Alliance of POTWs (SCAP), and the California Association of Sanitation Agencies (CASA). CWCCG's mission is to address climate change policies, initiatives, and challenges through a unified voice representing California wastewater community perspectives. As many of the climate change policies rolling out of the state as a result of the Global Warming Solutions Act of 2006 (AB 32) relate to energy, CWCCG has had a critical role to play over the last year in representing the wastewater community on energy policy issues. On behalf of CWCCG, CH2M HILL has drafted comments on the California Air Resources Board (CARB)'s Renewable Electricity Standard, currently under development, and we are continuing to actively participate in workshops, including one scheduled for Monday, April 5. We have also become a party to the California Public Utilities Commission (CPUC)'s decision on creation of a tradable renewable energy credit market. Current engagement in these policy

discussions at a state level puts us in a great position to help BACWA understand the challenges and opportunities associated with energy management in California. In addition, our work on these issues has helped us forge collaborations with the ACWA and SCAP Energy Committees, which could serve as models and/or partners for the BACWA Energy Workgroup.

Our work on CWCCG also gives us a unique understanding of GHG estimation and regulation, and the interrelationships between GHGs and energy. In the previous phase of CWCCG, CH2M HILL developed a white paper on process greenhouse gas emissions from wastewater treatment facilities and then developed Chapter 10--Wastewater Treatment Facilities of the *Local Government Operations Protocol (LGOP) for the Quantification & Reporting of GHG Inventories*, which in 2008 was adopted by the California Climate Action Registry, Local Governments for Sustainability, and CARB.

## BACWA AIR Committee Coordinator

For over 20 years, CH2M HILL has provided regulatory and professional engineering services to BACWA's Air Issues and Regulations (AIR) Committee. Services include keeping member agencies updated on local, state and federal air quality, climate change and energy regulations and issues through meetings, workshops, newsletters and listserv updates. Recently, CH2M HILL set up a committee website that includes a page that summarizes the grant opportunities for POTWs. A screenshot of this website is presented below.



## BACWA/BASMAA Media Relations Committee Project Manager

For five years, CH2M HILL served as the Project Manager for the Regional Media Relations Campaign for the Bay Area Clean Water Agencies (BACWA) and the Bay Area Stormwater Management Agencies Association (BASMAA). The two goals of the media relations

campaign were to firmly establish the agencies as media contacts on water quality and pollution prevention issues, and generate media coverage that encourages individuals to adopt behavior changes to prevent water pollution. As Project Manager, CH2M HILL was responsible for running committee meetings, developing story ideas, reviewing and providing technical revisions of draft media pitches and coordinating committee review of those pitches, and keeping the committee apprised of any media coverage.

### **U.S. Dept. of Energy; Integrator Services to Support the DOE Solar America Initiatives Contract, Sonoma County, CA**

CH2M HILL provided technical assessments for the proposed development of solar arrays on ten city and county facilities in Sonoma County, CA. The assessments supported applications for Internal Revenue Service Clean Renewable Energy Bonds (CREBs) for each of the ten proposed developments. The work also included a workshop to assist the six participating agencies with the CREBs applications. Nine of the 10 applications were awarded CREBs.

### **U.S. Dept. of Energy; Integrator Services to Support the DOE Solar America Initiatives Contract, City of San Jose, CA**

CH2M HILL conducted photovoltaic solar site evaluations to assess the solar potential at eight facilities owned by the City of San Jose, including the San Jose/Santa Clara Water Pollution Control Plant (WPCP). Follow-on work at the WPCP included an assessment of development options to install ground-mounted solar photovoltaic or concentrating solar power arrays that would enable a workable co-existence between the solar arrays and special-status species.

### **Energy Management at Wastewater Facilities**

As a premier wastewater engineering consulting firm, CH2M HILL has helped numerous clients with energy management, from optimizing aeration system efficiency, to full plant audits, to investigation of renewable energy alternatives. A sampling of a few of these projects is presented below. In addition, CH2M HILL's operations and maintenance group, OMI, has done hundreds of energy studies for water and wastewater facilities. Attachment 1 provides a representative sample of those efforts. Attachment 2 includes a paper on sustainable energy management at wastewater treatment plants recently presented by CH2M HILL technologists at WEFTEC.

### **Aeration Energy Consumption Investigation, Sydney Water Corporation**

Out of the 28 sewage treatment plants (STPs) that service Sydney Water Corporation (SWC)'s customers, 16 are secondary or tertiary treatment plants that incorporate mechanical aeration to provide oxygen for microbial treatment processes. Aeration processes consume a large proportion of the overall energy consumption of an STP.

In addition to energy consumption, aeration processes also account for a significant proportion of GHG emissions and operational costs. The type of aeration equipment and the way it is operated, maintained, and controlled has an impact on the efficiency of treatment.

The objective of this project was to develop a Scope of Work for the improvement of SWC's eight largest STPs: St Mary's, Glenfield, Cronulla, Wollongong, Penrith, Rouse Hill, Liverpool and West Hornsby; and to assist SWC in achieving energy consumption reduction in line with the requirements of their energy efficiency program.

The project involved analysis of the energy consumption versus treatment efficiency in relation to process control and instrumentation, equipment/infrastructure, operations and maintenance procedures. CH2M HILL then prepared a "best practices" report compared each plant to identify deviations from "best practice." A workshop was then held to determine changes that can be implemented to bring the plants into line with "best practice" and to improve energy consumption versus treatment efficiency.

### **Co-generation System, City of Rialto Wastewater Reclamation Plant**

We demonstrated that the City of Rialto Wastewater Reclamation Plant could meet emission limits while saving \$400,000 in construction costs, and \$250,000 per year in operating costs. CH2M HILL designed a cogeneration system and other improvement projects for the Rialto plant. We also reviewed environmental impacts and provided permitting services.

### **Long-term Energy Planning, Clackamas County, Oregon**

As part of Clackamas County, OR Water Environment Services Strategic Planning, CH2M HILL is assisting with long-term energy planning for the organization. We will be gathering information regarding their current energy practices and developing metrics to create ways of performance measurement for future adaptation (i.e. conservation, efficiency, and renewable energy development).

### **Energy Master Plan, Ina Road Wastewater Reclamation Facility, Pima County, Arizona**

The Pima County Regional Wastewater Reclamation Department (PCRWRD) commissioned CH2M HILL to develop an Energy Master Plan for the Ina Road Wastewater Reclamation Facility (WRF) in October 2009. The Master Plan is necessary because the electrical and thermal energy requirements for the Ina Road WRF are changing significantly as a result of the Capacity and Effluent Quality Upgrade project being completed at the Ina Road WRF. The purposes and goals of the Ina Road WRF Energy Master Plan were the following:

- Document the future electrical and thermal energy requirements
- Document the electrical energy backup power requirements and the thermal energy reliability requirements
- Document the digester gas production
- Document the capacity of the existing electrical and thermal energy facilities to meet the future needs and evaluate the condition of these existing facilities
- Provide a master plan for the electrical and thermal energy facilities
- Provide recommended plan

Following the documentation phase, qualitative and quantitative analyses were conducted to provide recommendations on two alternatives for meeting the electrical and thermal energy demands for the Ina Road WRF.

## Summary

In summary, CH2M HILL is uniquely qualified to coordinate the formation of BACWA's Energy Workgroup for the following reasons:

- Proven track-record of pulling together and managing multi-agency workgroups, including CWCCG, the BACWA AIR Committee, and the BACWA Media Relations Committee.
- Thorough understanding and involvement in development of current energy policy in California and its implications for POTWs.
- Significant experience working with wastewater facilities in the Bay Area and around the world on energy management, from energy efficiency to renewable energy development.

Thank you again for the opportunity to provide you with our qualifications to lead this important effort. If you have any questions on this scope, please contact me at (510) 206-3820 or [jkepke@ch2m.com](mailto:jkepke@ch2m.com).

Sincerely,



Jackie Kepke, P.E.  
Client Service Manager



Vijay Kumar  
Vice President

# **BACWA Energy Project Assessment**

## **Scope of Work**

### **Task 1 – Needs & Opportunities Assessment (est. \$3,652)**

The purpose of this assessment is to gather information about the energy-related needs of San Francisco Bay Area wastewater agencies and the projects and initiatives that BACWA may consider undertaking to assist its member agencies. The Consultant will conduct up to twelve interviews with representatives from member agencies to determine what energy projects they have or shortly will be completing; the challenges they have encountered; their priorities in terms of efficiency, renewables, grant-funding, and market opportunities; and the ways that they think BACWA can help. The Consultant will prepare a brief written summary of the interview results and any additional information about other related efforts (e.g., AIR Committee, CWCCG, SCAP Energy Committee, etc.). The Consultant will use this information to identify a suite of projects and initiatives that could help BACWA member agencies, which will be presented in Task 2.

### **Task 2 – Assessment Results & Alternatives Discussion (est. \$8,730)**

The Consultant will identify a suite of projects and initiatives that BACWA may consider moving forward with to provide value for its member agencies. The Consultant will present an overview of the results of Task 1 as well as a summary of the identified initiatives and associated budget estimates to the Board in powerpoint format. The Consultant will then facilitate a discussion of the suite of projects and initiatives. The goal of this task is to prioritize the projects and initiatives that BACWA may undertake to assist member agencies in the short and longer-term. The Consultant shall generate a written summary of the discussion.

### **Task 3 –Follow-up and Implementation Planning (est. \$2,604)**

As appropriate and, if funds are available, the Consultant shall conduct follow-up activities based on the results of Tasks 1 and 2. This may include initial planning for implementation of projects or initiatives identified in Task 2.

### **Total (\$14,986)**

Note that task budgets are estimates only. The project will be managed and invoiced to meet the overall project budget.



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