



# Executive Board Meeting Minutes

February 20, 2015

## ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Mike Connor, Chair (East Bay Dischargers Authority); Laura Pagano (San Francisco Public Utilities Commission); Jim Ervin (San Jose); Vince De Lange (East Bay Municipal Utility District); Jean-Marc Petit (Central Contra Costa Sanitary District).

### Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Tim Potter	Central Contra Costa Sanitary District
Karin North	Palo Alto
Amanda Roa	Delta Diablo
Denise Connors	Larry Walker Associates
Tricia McGovern	PME
Vince Falzon	Burlingame
Meg Herston	Fairfield-Suisun Sewer District
Amy Chastain	SFPUC
Heidi Sanborn	CPSC
David Senn	SFEI
Tom Hall	EOA
Melody La Bella	Central Contra Costa Sanitary District
Holly Kennedy	HDR
Mike Falk	HDR
David Williams	BACWA
Sherry Hull	BACWA
Lorien Fono	BACWA

## PUBLIC COMMENT

None.

## CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

None.

## CONSENT CALENDAR

1. December 19, 2014 BACWA Executive Board Meeting Minutes
2. November & December 2014 Treasurer's Report

*Consent Calendar items 1 and 2 were approved in a motion made by Vince De Lange and seconded by Jean-Marc Petit. The motion carried unanimously.*

## REPORTS

**Committee Reports** were included in the handout packet for agenda **item 3. Pages 21-32**

AIR Committee: Report in Handout. The ED noted that in FY16 the AIR Committee will begin the transition to a full BACWA Committee. In the first year the individual agencies will pay 2/3 of the AIR fees and BACWA will pay 1/3. In FY17 the agencies will pay 1/3 and BACWA will pay 2/3. In FY18 AIR will be a fully funded BACWA Committee. The ED also noted that the Chairs of the Committee welcome the administrative support from BACWA. The next meeting of the AIR Committee will be in March, 2015 at the AIR Board offices.

BAPPG: Report in Handout. The BAPPG Annual Report has been completed and is posted on the BACWA website. It includes information about campaigns and results.

Biosolids Committee: No meeting. There will be a Sonoma Valley Clean Water Tour on Thursday, February 26<sup>th</sup>, 2015.

Collections Committee: Report in Handout. The RPM noted that Paul Causey and Doug Humphreys gave a presentation that will be included in the March BACWA Bulletin. As noted below in the FY16 Draft budget, BACWA will be providing support to the Collection Systems Committee in the future.

InfoShare Group: No report.

Lab Committee: Two meeting reports in Handout. The RPM reported that the Committee is developing a comment letter about migrating ELAP that will be presented to the State Water Board for review.

Permits Committee: Two meeting Reports in Handout. The February meeting was primarily spent strategizing about toxicity. To be discussed later in the Agenda.

Pretreatment Committee: Report in Handout. A comment letter to the EPA regarding Dental Amalgams will be discussed later in the Agenda. NACWA has had a good response to their survey. But there will be implementation issues. Over the course of two conference calls it is clear that the EPA is open to making it workable and that they desire feedback. Regarding pH holding time issues (15 minutes for 136 standards), the time is not feasible in the field. Agencies are encouraged to contact the State regarding standards vs. using a calibrated meter. It was noted that there is an amendment to the State Water Code identifying that field monitoring for certain constituents, including pH, does not require ELAP certification. The modification will be researched to determine if it is applicable to pretreatment compliance monitoring.

Recycled Water Committee: Reports in Handout.

Executive Board Representatives (Board) were given an opportunity to provide updates from each of the Principal agencies under agenda **item 4, Executive Board Reports**. Non-principal members were also given an opportunity to report out on behalf of their agencies. No actions were taken on the report-outs.

EBDA: EPA supporting ReNUWI's truck mounted pilot study efforts.

EBMUD: By moving sidestream pilot studies to EBMUD work and avoiding duplication of efforts, they expect to free up additional funds for use by HDR for the Optimization/Upgrade Studies.

Central Contra Costa: No report.

San Francisco: The EPA will be visiting next week.

San Jose: No report.

The **Executive Director's Report** was included in the handout packet for agenda **item 5 (Page 33-41)** and the ED highlighted items in the report: he coordinated with the CASA ED on topics on mutual interest (i.e. State Nutrient Objectives, toxicity plan and a Petition to the SWRCB for review of the LASCD permit and potential litigation, and the LGVSD permit); in cooperation with SFEI he submitted the Science Plan by February 1, 2015 so that BACWA met the Permit requirement; he noted the article included in the handout regarding the lawsuit by CESAR against Sacramento Regional County Sanitation District, noting that BayKeeper sees no value to the lawsuit. The ED informed the Board that he has been asked to help select the EBMUD Food Waste Project contractor.

He noted that 3 action items remain incomplete from fiscal year 2013-14 and 42 of the 45 action items from fiscal year 2014-15 have been completed.

The **Regulatory Program Manager (RPM) Report under agenda item 6 (Pages 42-44)** was included in the handout packet and the RPM highlighted items in the report: Reviewed Regional Water Board's conditional acceptance of the Scoping and Evaluation Plan, and BACWA's response letter; reviewed State Water Board's Bacterial Objectives for REC-1 scoping document. In response to a question about the SFEI contract, noted that the majority of spending in FY15 is carryover from FY14. FY14 contracts should be completed in FY15. FY15 funds are being monitored.

**Other BACWA Representative Reports** were given an opportunity to provide updates under **agenda Item 7, Other BACWA Representative Reports**. No actions were taken based on the reports.

- a. RMP-TRC: Rod Miller – No Report. It was noted that an Agenda is being developed for the next PULSE State of the Estuary Conference.
- b. RMP Steering Committee: Karin North; Jim Ervin – No Report.
- c. Summit Partners: Dave Williams – Next meeting is in March, 2015.
- d. ASC/SFEI: Laura Pagano; Dave Williams – There is a need to fill Board positions which is light on NGO's. The Chair is stepping down. The Board would like to discuss further and the item will be put on the BACWA Executive Board Meeting Agenda in March, 2015.
- e. Nutrient Governance Steering Committee: Ben Horenstein; Jim Ervin – Later on Agenda.
- f. SWRCB Nutrient SAG: Dave Williams – The ED referred to the letter from CASA on Page 45 of the Handout regarding the SCCWRP Draft Science Plan, noting one particular statement in the letter: "The heart of our concern with the Draft Science Plan is that the approach is geared almost exclusively toward numeric nutrient objectives as opposed to management and implementation."
- g. SWRCB Focus Group – Bacterial Objectives: Lorien Fono; Amy Chastain – No Report.
- h. SWRCB Focus Group – Mercury Amendments to the State Plan: Tim Potter – The focus of the State is on reservoirs.
- i. Nutrient Technical Workgroup – Eric Dunlavey – No Report.
- j. NACWA Taskforce on Dental Amalgam – Tim Potter – Later in Agenda.

## **OTHER BUSINESS**

Agenda **Item 8** –Board Approval of funds for BAPPG/O'Rorke for Social Marketing & Integrated Outreach (Page 56-77). The BAPPG Committee developed an RFP. There were two responses.

The contract was awarded to O’Rorke due to the fact that their submission was significantly superior to the other submission. In response to Board questions it was agreed that it is a challenge to measure social media response.

**Agenda Item 8** was approved in a motion made by Laura Pagano and seconded by Jean-Marc Petit. The motion carried unanimously.

**Agenda Item 9** –Chair Authorization of funds for Solano Agreement for WOT, Spring 2015 Semester (Pages 78-80). The ED noted that this item should not be listed on the Agenda as a Board Approval, but as a Chair Authorization as noted in the CAR included in the Handout. This was the only Chair Authorization taken since the December 19, 2014 Board meeting and was reviewed by the ED.

**Agenda Item 10** –Approval: Board Approval of BACWA Fund Consolidation (Pages 81-82). The ED explained that this is the follow up to the recommendation of the Board to further consolidate BACWA funds.

**Agenda Item 10** was approved in a motion made by Jim Ervin and seconded by Vince De Lange. The motion carried unanimously.

**Agenda Item 11** –Discussion- Annual Meeting Feedback Survey (Pages 83-94). The ED provided an overview of the Annual Meeting Feedback Survey. Primary responses concerned the location and the day of the week. It was noted that Fridays can be difficult for BACWA Members since some agencies are closed on Fridays. It was requested that the Board be provided with an accounting of the number of Members and Consultants that attended which the AED will provide. The feedback from the Water Board was very good. It was suggested that BACWA invite Tam Doduc from the State Water Board next year. The Chair thanked the ED and AED for a successful Annual Meeting.

**Agenda Item 12** –Discussion- Fiscal Year 2016 Budget Planning (Pages 95-97) – The ED gave an overview of the first draft of the FY16 Budget. He noted that BACWA’s high-level goals for the Budget are 1) to continue to fund commitments on regulatory compliance and programs by a combination of drawing down reserves and increasing revenues, 2) to continue the transition to the model for providing committee support at the lowest cost by using low overhead BACWA Staff while providing additional technical personnel on an as-needed basis, 3) to provide nominal funding for Committee meeting expenses and, 4) to phase in the AIR Committee. The Board’s comments and requests for action were:

- Determine if there should be a third tier membership
- Determine if there is an alternate investment to increase interest income
- Increase the Miscellaneous Committee Support from \$20,000 to \$30,000
- Determine if there is someone to take over as Chair of the InfoShare Groups
- Determine if there is an alternate insurance policy at a lower cost.

Agenda **Item 13** – Discussion – Toxicity Meeting with EPA (Pages 98-104). The ED noted that he, along with several members of the Board and Tom Hall from EOA, would be meeting with Dave Smith at the EPA following the Board meeting. The Agenda supports the need to determine how to avoid compliance jeopardy by pursuing the numeric limits on permits. It was noted that an ongoing compilation of data should be explored: an informative annual report with a summary of testing; a quarterly report by BACWA on triggers; outside peer review.

Agenda **Item 14** - Discussion – Nutrients

- a) Technical Work
- b) Regulatory
  - i) Water Board Approval of Scoping/Evaluation Plans (Pages 105-106) – The ED noted that he attended the Water Board Meeting on February 11<sup>th</sup>, 2015. He also commented that the HDR work appears to be going well.
- c) Governance Structure
  - i) BACWA Position on Direction of Science Plan – David Senn of SFEI noted that he presented the science plan to the Water Board and updated the Board on progress. The Board agreed that the Steering Committee, along with David Senn and others, should explore additional studies, particularly in Suisun Bay, to provide complementary scientific information to the Water Board to support them in deciding to delay numerics in the permitting process. David Senn will coordinate with the RPM and report at the March, 2015 BACWA Executive Board meeting. It was agreed that BACWA should invite Lisa Thompson from Sacramento Regional Sanitary District to the March, 2015 meeting. David noted that a key need is to attract funds.

Detail: There was a discussion on how DO is only one indicator for assessing impairment. There needs to be better indicators of the health of the system. The best design would be to do the easiest and the least expensive first: 1) measure; 2) determine effects, and 3) determine cause. The Board asked David to explore what the cost of next steps might be. He indicated that it would cost approximately \$100,000 to \$200,000 per question for a study. There needs to be a coordination of actions with other stakeholders. There should be further discussion with the Water Board about regulating prior to having supporting science since this would have a chilling effect on further scientific study. But it was noted that the Water Board will need clear scientific evidence to overrule the current approach. It was suggested that a new study of the South Bay health might be complementary to the currently funded studies.

- ii) Steering Committee/Planning Subcommittee Committee Meetings (Pages 107-126) – The ED noted that the Agendas and meeting summaries of the Steering Committee and Planning Subcommittee are included in the handout. There will be two more meetings before June. The BACWA position needs to be clarified. Wider

distribution and outreach for these two meetings was requested.

Agenda **item 15** – Discussion: Board Update on Risk Reduction (Page 127) – The RPM Spoke with Jan O’Hara at the Regional Water Board about moving forward with risk reduction requirements. Discussed risk reduction activities with Kevin Buchan of WSPA. She noted that BACWA needs a process for distributing risk reduction funds to community-based organizations. She will draft an RFP but will need a selection criteria committee’s help. The committee will consist of Mike Connor and Laura Pagano.

Agenda **item 16** – Presentation: CPSC Update – Heidi Sanborn – Heidi gave a presentation on CPSC including priorities, accomplishments, and areas of concern. The presentation will be available on the BACWA website.

Agenda **item 17** – Discussion: Joint Meeting with Water Board (Page 128) – The ED will propose some dates in early March. Two items were added to the Agenda: Item 1c – Assessment Framework, and Item 1d – Permitting Approach to Nutrients.

Agenda **item 18** – Discussion: Update on BACWA Website Development – AED gave a short online presentation of the new BACWA website. ([bacwa.wpengine.com](http://bacwa.wpengine.com)) Developer has been able to download content from the current site to a staging site. They will now clean it up and upload to the new site. They will need our help to organize it on the new site. Depending on how long that takes and any additional page development, the new site could be ready to launch in a month or so. The RPM added that she is working with the Committees to design their pages on the new site.

Agenda **item 19** – Discussion: Confirm Pardee Dates & other meeting dates. The ED noted that the Water Board is available for the dates listed on the Calendar. The AED will confirm the dates with the Pardee facility.

Agenda **item 20** – Discussion: WEF Nutrient Symposium, San Jose, July 26-28 – The ED announced the WEF Nutrient Symposium dates.

**SUGGESTIONS FOR FUTURE AGENDA ITEMS:**

None

The meeting adjourned at 12:29 p.m.

The next regular meeting of the Board is scheduled for **March 20, 2015** from 9:00 am – 12:30 pm at the **EBMUD Treatment Plant Lab Library, 2020 Wake Avenue, Oakland, CA.**