



# Executive Board Meeting Minutes

April 17, 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); Ben Horenstein (East Bay Municipal Utility District); Jean-Marc Petit (Central Contra Costa Sanitary District).

### Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Amanda Roa	Delta Diablo
Amy Chastain	SFPUC
Bhavani Yerrapotu	Sunnyvale
Cheryl Munoz	SFPUC
David Senn	SFEI
Denise Connors	Larry Walker Associates
Karin North	Palo Alto
Melody La Bella	Central Contra Costa Sanitary District
Tim Potter	Central Contra Costa Sanitary District
Tricia McGovern	PME
Tom Hall	EOA
Vince Falzon	Burlingame
Greg Baatrup	FSSD
Eric Dunlavey	San Jose
David Williams	BACWA
Sherry Hull	BACWA
Lorien Fono	BACWA

## PUBLIC COMMENT

None.

## CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

None.

## CONSENT CALENDAR

1. March 20, 2015 BACWA Executive Board Meeting Minutes
2. February, 2015 Treasurer's Report

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

## REPORTS

**Committee Reports** were included in the handout packet for agenda **item 3. Pages 15-20**

AIR Committee: No Meeting

BAPPG: Report in Handout. Leadership for the Committee in FY16 will be Robert Wilson, Petaluma, Chair, Kathryn Gillick, SFPUC, Co-Vice Chair, and Joe Neugebauer, West County Wastewater District, Co-Vice Chair.

The Committee has been working with Dr. Kelly Moran and receiving monthly updates on a regional pesticides tracking list. As noted in the Report, Fipronil is recognized as an emerging contaminant, but there is currently little control. The Committee is considering promoting alternatives. The Committee will coordinate with NACWA on this issue.

The EPA is ratcheting up its scrutiny of nanoscale chemicals and has proposed new rules. It was discussed whether BACWA should comment directly but general consensus was that BACWA should provide insights to NACWA to add to their comments.

The California State Bill to ban microbeads failed by one vote in 2014, but is expected to be reintroduced in 2015. The Board offered general support for a microbeads support letter and the Committee requested the Board members call relevant representatives to express support for the Bill.

A fourth set of guidelines has been released for non-dispersible wipes. The Committee continues to support better labeling and clarity in marketing. The good news is that the campaigns against wipes that should not be labeled flushable are working.

Extended Producer Responsibility (EPR) for Pharmaceutical Waste: With the addition of new Curbside Collection for Household Hazardous Waste programs in the Bay Area, there is concern that there will be a reduction in pressure for EPR for Pharmaceutical Waste.

Biosolids Committee: No Meeting

Collections Committee: Report in Handout. At the April 9<sup>th</sup> meeting Paul Seitz of Central Contra Costa Sanitary District (CCCSD) and Lenny Rather of Oro Loma Sanitary District (OLSD) gave presentations on how each of their agencies approach maintenance of sewers in easements. Both the Committee and CASA are continuing to look at alternative SSO Enforcement Options.

InfoShare Group: No Report.

Lab Committee: Report in Handout.

Permits Committee: Report in Handout. CASA is working with the State Water Board to provide information about potential less expensive monitoring surrogates as well as reporting that could be eliminated due to its limited value. They provided a template for agencies to use. BACWA members should send their ideas for potential monitoring/reporting reductions to Amanda Roa. Ideas that were floated at the meeting included eliminating acute toxicity monitoring where chronic toxicity monitoring is required, as well as eliminating multiple bacteriological indicators.

Pretreatment Committee: No Meeting.

Recycled Water Committee: Report 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.

The Agenda and Schedule for the 2015 Water Environment Federation Nutrient Symposium was included in the Handout on **Page 21**. Two BACWA Board members will be making presentations.

**EBDA**: There is a concern that the AIR Board would like to limit the energy (methane) produced from the use of sludge digesters.

**EBMUD**: EBMUD treats a variety of liquid and solid wastes from outside their service area. They have explored taking hazardous waste (i.e. high pH waste which would be immediately neutralized in the wastewater flow, or alcohol waste which could be fed to the digesters) under the Resource Conservation and Recovery Act (RCRA) which allows for taking hazardous waste without a permit. But they have learned that half of FOG deliveries may violate pre-treatment regulations. Agencies should research pH. The industry needs more clarity on waste to energy programs.

**Central Contra Costa**: Announced they have a new Title V permit.

**San Francisco**: Raised questions on the robustness of the transfer of data to the California Environmental Data Exchange Network (CEDEN). There is the potential for loss of data, especially footnote data, if not done in a very thorough manner. They will consult with CASA and Lab Committee. Add to Regional Water Board Joint meeting agenda. SF has been approved as EMS Certified in Biosolids. Their new Oceanside Plant permits will implement the TST for chronic toxicity.

The **Executive Director's Report** was included in the handout packet for agenda **item 5 (Page 22-29)**. Had an opportunity to speak with Deborah Mann, Director of WOT, from Solano Community College. She reported that the WOT program has worked with 650 trainees and issued 160 certificates. The Chair of the WOT program asked if BACWA would consider incorporating the WOT program into BACWA. It will be on the Pardee Technical Seminar Agenda.

It was noted that only 1 action item remains incomplete from fiscal year 2013-14 and 59 of the 65 action items from fiscal year 2014-15 have been completed.

The **Regulatory Program Manager (RPM) Report under agenda item 6** (Pages 30-32) was included in the handout packet and most items are included later in today's Agenda. The RPM has developed a Risk Reduction RFP and it is now on the BACWA website. Proposals are due May 22, 2015. A suggestion was made that the RFP be sent to the Watershed Project.

The Bay is in compliance with the selenium objective that was developed by the Regional Water Board as part of the North Bay Selenium TMDL. No action will be required from POTWs. Refineries will have their loads capped.

**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.
- b. RMP Steering Committee: Karin North; Jim Ervin – No report.
- c. Summit Partners: Dave Williams – Meeting twice per year.
- d. ASC/SFEI: Laura Pagano; Dave Williams – An April 13, 2015 memo from Warner Chabot, Executive Director of SFEI, was included in the Handout on **Pages 33-35**. The memo addressed SFEI and ASC Board Membership & Balance and the Board gave feedback on the recommended board members. It was also recommended that one board member should represent a foundation.
- e. Nutrient Governance Steering Committee: Ben Horenstein; Jim Ervin – No report.
- f. SWRCB Nutrient SAG: Dave Williams – No report.
- g. SWRCB Focus Group – Bacterial Objectives: Lorien Fono; Amy Chastain – No report.
- h. SWRCB Focus Group – Mercury Amendments to the State Plan: Tim Potter – meeting on April 21, 2015.
- i. Nutrient Technical Workgroup: Eric Dunlavey – No report.
- j. NACWA Taskforce on Dental Amalgam: Tim Potter –Contacted by and participated in the USEPA staff conference call. EPA may be receptive to NACWA’s position that dental amalgam requirements should be process-based and not enforcement-based.
- k. BAIRWMP: Cheryl Munoz, Linda Hu, Dave Williams – No report.

#### **OTHER BUSINESS**

Agenda **Item 8** –Chair Authorization for SFEI to reallocate funds to Suisun Synthesis II. The Chair Authorization was included in the Handout on **Page 36**.

Agenda **Item 9** – Executive Director Authorization for Consultant Contract for Preparation of IRWM Proposal. The ED Authorization was included in the Handout on **Pages 37-39**.

Agenda **Item 10** – Approval: Final FY16 Budget & Workplan. The Final FY16 Budget & Workplan were included in the Handout on **Pages 40-55**. The FY Budget has been reviewed by the Finance Committee and by the BACWA Board and there are not significant changes since the last review. It was noted that FWQC had requested \$7,500 for FY16. The Board recommended the FWQC funding stay at \$5,000 for FY16 and the request be revisited later.

Agenda **Item 10.a** – Non-member BACWA Dues. Options to formalize Non-member BACWA Dues was presented. It was discussed if other participants in Committees be required to pay dues. The issue of additional members will be added to the Pardee Technical Seminar agenda.

**Agenda Items 10 and 10a** were approved in a motion made by Ben Horenstein and seconded by Jean-Marc Petit. The motion carried unanimously.

Agenda **Item 11** – Approval: Investment of Reserves. The Board Action Request was included in the Handout on **Pages 56-58** and included a table of possible returns.

**Agenda Item 11** was approved in a motion made by Laura Pagano and seconded by Jim Ervin. The motion carried unanimously.

Agenda **Item 12** –Discussion – Additional Studies in Suisun Bay (Lisa Thompson, Sac Regional). Lisa Thompson was not available to attend and this item has been postponed and placed on the Agenda for the May 15, 2015 BACWA Executive Board Meeting.

Agenda **Item 13** - Discussion – Nutrients

a) Technical Work

- i) Nutrient Technical Workgroup Meeting – David Senn – Provided a high level overview of key points including a summary of progress on the science program and plan; new projects and new staffing; and an assessment framework update. The Board expressed concerns over whether the assessment framework would drive policy, and if it would initially be a draft document until further scientific data is available. They also expressed a desire to have input prior to its issuance.
- ii) Identify BACWA Representative for Nutrient Monitoring Workgroup. The Board identified Eric Dunlavey as the BACWA Representative since he already has experience with a monitoring program.

b) Regulatory

- i) Updates on Optimization/Upgrade Studies: Comments from two Agencies were included in the Handout on **Pages 60-61**. The CMG continues to meet monthly. HDR is on schedule. The measurement of biosolids is only a proposal for now. HDR will be asked to contact the Points of Contact regarding what they can expect during the site visit and the need for additional monitoring. HDR will also be asked to provide the current schedule to the members.
- ii) Cost Estimate for Addition of SOW Item. A cost estimate from HDR was included in the Handout on **Pages 62-63**. HDR was asked to provide an estimate of the cost to provide data on the cost to BACWA members to implement no net loading should it be included in the next version of the permit. It was suggested that the data should include an estimate of error bars to help the Board understand sensitivity and should be circulated to the CMG. It was also suggested that the question of “what is>NNL” should be discussed further. It is anticipated that the added work will be in the range of \$50- 75k.
- iii) Alternatives to No Net Loading Increase. Some options were discussed as follows:
  - 1) let the science continue and prevail;
  - 2) let those plants optimize to the extent they can, and offer those optimizations to the Water Board;
  - 3) develop a watershed

- trading option; 4) the current science plan is underfunded - offer additional funding for more science to find alternatives to NNL; 5) solutions by subembayment. It was noted that early actions should not be penalized.
- iv) Agenda and Desired Outcomes from Special Board Meeting (5/18/15). The Board reviewed a draft Agenda prepared by the BACWA ED. It was noted that there should be time reserved to discuss big policy issues. The goals for the meeting are to understand the concerns of the broad BACWA membership on nutrient regulations and how best to move forward to address these concerns. It was suggested that perhaps a survey be done prior to the meeting. It was also noted that follow up meetings will be needed to address this very complex regulatory issue.
  - c) Governance Structure
    - (1) Planning Subcommittee Meeting No. 8 Minutes. The Minutes were included in the Handout on **Pages 64-73**.

Agenda **item 14** – Draft Agenda for Joint Water Board Meeting (5/8/15). The draft Agenda was included in the Handout on **Pages 74-85**.

- a. Nutrients
- b. Dry Season Prohibition – one concept being explored in lieu of a one size fits all approach is to develop a template and circulated to agencies to get data to include in permits to provide rationale for a particular agencies’ prohibition period.
- c. Approach to Declorination – it is felt that excess SBS is being utilized in order to meet the 0.0 instantaneous maximum limit. This is a concern due to cost and potential impact on the Bay – should the averaging period be changed?
- d. Toxicity – the WB stated they would work with POTWs on an acceptable approach as long as it complies with Federal regulations and the Basin Plan. There is a shift to watershed vs effluent. Need to maintain a database of toxicity results for the BACWA membership which could then be used during discussion on this issue. It was agreed to discuss further at the next Joint meeting with the WB.
- e. IRWM Project Concept Submittal – still in process, but proposing 5 recycling projects at \$15 million. The BACWA proposal will focus on nutrients and total roughly \$27M. The Board expressed appreciation to Cheryl Munoz for working on this.
- f. Encouraging Recycling during Drought – along with publicity, should other approaches be considered? How to deal with restrictions created by regulations.

Agenda **item 15** – Discussion: Joint Meeting with AIR Board (5/13/15). A Draft Agenda was included in the Handout on **Page 86**.

Agenda **item 16** – Discussion: Support for New SSMP Guidance Document. A link to the document was included in the Handout. A request was made to add the BACWA logo to the SSMP Guidance document. The Board concurred with adding the logo.

**Agenda Item 16** was approved in a motion made by Tim Potter and seconded by Laura. The motion carried unanimously.

Agenda **item 17** – Discussion: Succession Planning. The FY2016 Succession Planning document was included in the Handout on **Pages 87-89**. It was noted that the Board should caucus to determine who will perform the duties of Chair and Vice-Chair in FY16. The Committees were encouraged to choose Chairs and Vice-Chairs prior to the end of FY15 and send the recommendations to the AED. It was noted that Dave Stoops will serve as Chair for the InfoShare Groups in FY16. It was requested that NACWA Emerging Contaminants be added to Other BACWA Representatives with Karin North and Melody LaBella as the Representatives.

Agenda **item 18** – Discussion: Draft Water GAP Analysis/Climate Change Comment Letter. The Comment Letter was included in the Handout on **Pages 90-93**. While there is no deadline, comments from the Board are requested within one week so that the Comment Letter may be submitted. It was noted that reducing nutrients may cause an increase in emissions.

Agenda **item 19** – Discussion: Update on BACWA Website Development. A link to the development website was provided in the Handout. The RPM gave an overview of the new website, asked the Board to review the site, and requested they send comments to her.

**SUGGESTIONS FOR FUTURE AGENDA ITEMS:**

Lisa Thompson from Sacramento Regions will attend the May BACWA Board meeting. Feedback from interim meetings should be included in future meetings.

The meeting adjourned at 12:28 pm

The next regular meeting of the Board is scheduled for **May 15, 2015** from 9:00 am – 12:30 pm at the **EBMUD Treatment Plant, Lab Library, 2020 Wake Ave., Oakland, CA.**