



# Executive Board Meeting Minutes

May 15, 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); Roger Bailey (Central Contra Costa Sanitary District).

### Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Amanda Roa	Delta Diablo
Bhavani Yerrapotu	Sunnyvale
Denise Connors	Larry Walker Associates
Karin North	Palo Alto
Tim Potter	Central Contra Costa Sanitary District
Tricia McGovern	PME
Tom Hall	EOA
Eric Dunlavey	San Jose
Holly Kennedy	HDR
Meg Herston	Fairfield-Suisun Sewer District
Christine Ware	MWH
Jennie Pang	RMC
Vince De Lange	EBMUD
Dave Richardson	RMC
David Williams	BACWA
Sherry Hull	BACWA
Lorien Fono	BACWA

## PUBLIC COMMENT

None.

## CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

None.

## CONSENT CALENDAR

1. April 17, 2015 BACWA Executive Board Meeting Minutes
2. March, 2015 Treasurer's Report

*Consent Calendar items 1 and 2 were approved in a motion made by Roger Bailey and seconded by Ben Horenstein. The motion carried unanimously.*

## REPORTS

**Committee Reports** were included in the handout packet for agenda **item 3. Pages 16-22**

AIR Committee: Meeting 5/13/15. No Report.

BAPPG: No Meeting. There was a discussion of nano-scale issues, comments in support of NACWA, who is taking the lead on this issue, will be developed. The micro bead issue was discussed. AB 888 limiting the use of microbeads would be helpful legislation. Some manufacturers are phasing out the use of microbeads but they may be replaced with silicon beads which may have negative impacts in a treatment plant associated with the production of siloxane. It was reported that Santa Clara County will be developing an ordinance for a pharmaceutical take-back program.

Biosolids Committee: No Meeting.

Collections Committee: No Meeting.

InfoShare Group: Report in Handout. Chlorination was discussed at the meeting. Operators are concerned about internal liability if the discharge violates the zero chlorine residual effluent limit.

Lab Committee: Meeting 5/13/15 No Report.

Permits Committee: See Report in Handout. RMC discussed the reasonable potential for ammonia based on the fact that treatment plants receive human waste that Novato received in the current TO. The RPM will propose alternative language for a BACWA Comment that does not reference human waste which would set a precedent that all POTWs have RP for ammonia in perpetuity.

Pretreatment Committee: No Meeting.

Recycled Water Committee: Meeting 5/13/15 No Report.

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:** No Report

**EBMUD:** No Report.

**Central Contra Costa:** Planning to hold a workshop for scientists to discuss results of Suisun Bay ammonium toxicity studies..

**San Francisco:** Oceanside permit reissuance on hold indefinitely due to EPA's concerns on ocean discharge provisions. The Oceanside plant's string of 18 years without a permit violation also came to an end due to a series of issues at the plant.

**San Jose:** No Report.

The **Executive Director's Report** was included in the handout packet for agenda **item 5 (Page 23-29)**. The Executive Director reminded the Board about the Special Board Meeting on Monday, May

18<sup>th</sup>. The ASC/SFEI Governance Committee is interviewing new Board members and plans to bring that to the ASC/SFEI Board at the June meeting.

It was noted that no action items remain incomplete from fiscal year 2013-14 and 71 of the 76 action items from fiscal year 2014-15 have been completed.

The **Regulatory Program Manager (RPM) Report under agenda item 6** (Page 30). The Risk Reduction RFP was posted last month. The deadline for applications is May 22<sup>nd</sup> and a decision is expected by June 5<sup>th</sup>. She currently has received one application, but expects to have a total of three.

**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
- b. RMP Steering Committee: Karin North; Jim Ervin
- c. Summit Partners: Dave Williams – Meeting semi-annually of the entire group with the executive director's conference calling bi-monthly.
- 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 – Three broad issues dominate the discussion: 1) water contractors are questioning the legitimacy of the science which provides an opportunity for the Steering Committee to discuss transparency 2) resources – lack of financial resources will impact the ability to complete the science plan in a timely manner; 3) the need for a program coordinator will be discussed by the Steering Committee at their next meeting.
- f. SWRCB Nutrient SAG: Dave Williams – The Agenda for the Nutrient Objectives Stakeholder Advisory Committee Meeting was included in the Handout on **Pages 31 & 32**. There is a State effort to establish nutrient objectives for wadeable streams. The facilitator, working with SCCWRP, has been notified that stakeholders are dissatisfied with the transparency and feel the program managers are mixing policy issues with the science which is inappropriate.
- g. SWRCB Focus Group – Bacterial Objectives: Lorien Fono; Amy Chastain –
- h. SWRCB Focus Group – Mercury Amendments to the State Plan: Tim Potter – In a meeting with the State Board staff it was stated that objectives would be commensurate with the contributions which would mean little impact on POTWs. CASA is taking the lead on this effort. The SWRCB is planning to exempt existing TMDL's.
- i. Nutrient Technical Workgroup: Eric Dunlavey – Later in Handout.
- j. NACWA Taskforce on Dental Amalgam: Tim Potter – participated in NACWA Pretreatment conference call. It was very productive and generally favorable. While

the EPA will be taking a hard look, it is not expected to have a large impact on the POTW community. The timeframe is Winter 2016.

- k. BAIRWMP: Cheryl Munoz, Linda Hu, Dave Williams
- l. NACWA Emerging Contaminants: Karin North, Melody LaBella

#### **OTHER BUSINESS**

Agenda **Item 8** –Board Approval for BACWA Chair & Vice-Chair Nominations and Elections. The Board Authorization Request was included in the Handout on **Page 33**.

*In a motion made by Ben Horenstein and seconded by Roger Bailey, Laura Pagano was nominated for Chair and Jim Ervin was nominated for Vice-Chair. The motion carried unanimously.*

Agenda **Item 9** – Board Approval to Extend FY15 Contract Termination Dates for SFEI & Avila. The Board Authorization Request was included in the Handout on **Page 34**.

*Item 9 was approved in a motion made by Laura Pagano and seconded by Roger Bailey. The motion carried unanimously.*

Agenda **Item 10** – Board Approval to confirm Dave Williams, Laura Pagano and Prabhakar Somavarapu as the BACWA Representatives to the ASC/SFEI Governing Board for FY16. The Board Authorization Request was included in the Handout on **Page 35**.

*Item 10 was approved in a motion made by Ben Horenstein and seconded by Jim Ervin. The motion carried unanimously.*

Agenda **Item 11** – Executive Director Authorization of FY16 Contracts with Downey Brand for Regulatory Legal Support and with Day Carter Murphey for Executive Board Legal Support. The Executive Director Authorizations were included in the Handout on **Pages 36 - 41**.

Agenda **Item 12** – Board Approval of FY16 Contract and Amendments to Contract for Executive Director, Assistant Executive Director and Regulatory Program Manager Services. The Board Authorization Request was included in the Handout on **Pages 42 - 49**. Several members of the Board thanked the staff for their work over the last year.

*Item 12 was approved in a motion made by Tim Potter and seconded by Jim Ervin. The motion carried unanimously.*

Agenda **Item 13** - Discussion – Nutrients

- a) Technical Work
  - i) Nutrient Technical Workgroup Meeting – The Agenda for the Nutrient Management Strategy Nutrient Technical Workgroup Meeting, along with supporting documents,

was included in the Handout on **Pages 50-57**. The assessment framework is being finalized but not a lot of information on the document has been forthcoming. In an informal poll the NTW felt that the priorities for the Science Plan should be: 1) program management; 2) monitoring and modeling.

There are three indicators being proposed in the Assessment Framework:

1) Dissolved oxygen (DO) 5.0 mg or 80% saturation: This is an old standard that was adopted in 1971 for the main water mass of the Bay. There was no guidance for different portions of the Bay and it should be updated to include an appropriate target for the margins of the Bay. Key questions that should be answered include questions such as; what are the nutrient sources, appropriate (boundaries, beneficial uses, what nutrients contribute to adverse impacts, etc. The final Assessment draft is expected in one months. The Regional Water Board staff would say it's just an assessment but perhaps it should be called a data gap analysis. There should be a linkage to beneficial uses including species that are found a varying DO concentrations. A couple of species begin to be disadvantaged at around 4 ppm DO. To what extent is low DO driven by salt ponds? That influence argues for more time to see changes.

2) Harmful Algal Blooms;

3) Chlorophyll A. With regard to chlorophyll: at 12 mg/liter, where will it end up?

b) Regulatory

- i) Updates on Optimization/Upgrade Studies: Comments from two Agencies were included in the Handout on **Pages 58-59** and the CMG Meeting Agenda was included on **Pages 60-61**. Eight studies are done. There is a conference call today for the CMG, and it was noted that the studies are moving along on schedule.
- ii) Cost Estimate for Addition of Scope of Work Item. A Board Authorization Request for the Approval of Amendment # 1 to the Optimization/Upgrade Contract with HDR was included in the Handout on **Pages 62-64**. Does an established baseline plus project growth = NNL? Need definitions and impacts of various levels of NNL. This addition will add \$80,000 and is contingent upon scope approval by the CMG. Funds are included in the budget to cover additional work.

*Item 13.b.ii was approved in a motion made by Ben Horenstein and seconded by Laura Pagano. The motion carried unanimously.*

- iii) Agenda and Desired Outcomes from Special Board Meeting (5/18/15). A Draft Agenda for the BACWA Special Board Meeting scheduled for May 18, 2015 was included in the Handout on **Page 65**. The Executive Director gave an overview of the Agenda and the Board gave general support to it.

c) Governance Structure

- i) Planning Subcommittee Meeting No. 9 Minutes. The Minutes were included in the Handout on **Pages 66-70**.
- ii) Nutrient Management Strategy Program Coordinator. The Proposed Scope of Work

was included in the Handout on **Pages 71-75**. . While there has been meeting facilitation support from CSUS-CCP, little happens between meetings. A Program Coordinator would work between meetings. The Water Board staff is comfortable with the concept and the issue will be on the next Water Board Joint Meeting Agenda. If supported, an RFP will be issued by BACWA. BACWA will help fund from the Nutrient Technical Support funds. Could the Water Board contribute? Should Task 5 be taken out? Funds have been budgeted for the Program Coordinator in the BACWA FY16 Budget. The Board indicated general support with further definition.

**Agenda item 14** –Discussion: Joint Water Board Meeting Feedback. The Agenda of the May 8, 2015 Joint Meeting with the Water Board was included in the Handout on **Page 76**. Following an overview of the meeting it was suggested that BACWA obtain the transcript of the Las Gallenas toxicity hearing to obtain the Board comments. The Permits Committee is looking at modifications to the Basin Plan for the next tri-annual revision in July or July. It was noted that the cost of peracetic acid could be 5-10times that of chlorine costs, but that there are other benefits. EBDA is developing a pilot test on effluent at the Oro Loma plant using a super-oxidizer and will look for support going forward. The supply issue for peracetic acid is less of a concern as there appears to now be a more local supplier. Cross-jurisdictional boundaries are now an issue for Recycled Water. Will there be a blanket acceptance and will it include residential? How will recycling, conservation and increased gray water affect POTW's? Perhaps BACWA should think about funding a study on that in the future.

**Agenda item 15** – Discussion: Joint Meeting with AIR Board Feedback. The Agenda for the Joint Meeting with the AIR Board was included in the Handout on **Page 77**. The AIR Board is developing a rule and wants BACWA to weigh in on EPA rulemaking, possibly with a comment letter. With regard to AIR/Gas Analysis – is there a direct relationship? The AIR Board does not seem to have a good sense of the technical issues. There was general support for the AIR Committee to attend the AIR Board meetings to provide more educations to the Board. BACWA has been invited to hold a workshop with PG&E to work out differences on energy generation. It was suggested that a 3-way meeting with BACWA, PG&E and the AIR Board would be more productive so that PG&E hears that energy generation is a priority for the Board. SFPUC gave a presentation on digesters. BACWA gave a laymen's presentation on Nutrients. BACWA should present its positions on renewable energy.

**Agenda item 16** – Discussion: Treasurer's Report on Investment of Reserves. The Executive Director gave a short progress report. Of the \$500,000, one third has been invested in a 3-year maturity at 1.12%. EBMUD continues to work on the remaining investments.

Agenda **item 17** – Discussion: IRWM Round 2015 Update. An email regarding project ranking and scores for the IRWM 2015 Grant Proposal was included in the Handout on Pages 78-79. The RPM shared the list of project options currently being considered. The full Coordinating Committee meets on May 26<sup>th</sup>.

Agenda **item 18** – Discussion: Update on BACWA Website Development. A link to the newly published website was provided in the Handout. The AED gave an overview of the new website, asked the Board to review the site, and requested they send comments to her. She also thanked Karin North for her generous input on the design of the site. The RPM requested input to the Nutrients Page.

#### **SUGGESTIONS FOR FUTURE AGENDA ITEMS:**

The meeting adjourned at 12:29 pm

The next regular meeting of the Board is scheduled for **June 19, 2015** from 9:00 am – 12:30 pm at the **SFPUC, Hetch Hetchy Room, 13<sup>th</sup> Floor, 525 Golden Gate Ave, San Francisco, CA.**