



# Executive Board Meeting Minutes

June 19, 2015

## ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: David Stoops (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>
Bhavani Yerrapotu	Sunnyvale
Jason Warner	Oro Loma (EBDA)
Karin North	Palo Alto
Lisa Thompson	Regional San
Meg Herston	Fairfield-Suisun Sewer District
Tom Hall	EOA
Tricia McGovern	PME
Greg Baatrup	FSSD
Dave Richardson	RMC
Andre Gharagozian	Carollo
Sam Brown	Hunton & Williams LLP
David Williams	BACWA
Sherry Hull	BACWA
Lorien Fono	BACWA

## PUBLIC COMMENT

None.

## CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

None.

## CONSENT CALENDAR

1. May 15, 2015 BACWA Executive Board Meeting Minutes
2. April, 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 16-28**

AIR Committee: Meeting **5/13/15**. Report in Handout. The AIR committee met with BAAQMD staff at their offices in San Francisco on May 13, 2015. This meeting included several

presentations by the BAAQMD staff. The key discussion was Jim Karas' brief overview of the regulatory items he expects to be of primary concern over the next year.

**BAPPG:** Meeting **6/3/15**. Report in Handout. Focused on streamlining meaningful projects (3-6 per year) and taking a more holistic approach.

**Biosolids Committee:** No Meeting.

**Collections Committee:** Meeting **6/11/15**. Report in Handout. The main topic for the roundtable discussion was on how agencies and cities are handling the drought situation.

**InfoShare Group:** No Meeting.

**Lab Committee:** Meeting **5/13/15**. Report in Handout

**Permits Committee:** Meeting **6/9/15**. Report in Handout.

**Pretreatment Committee:** Meeting **5/19/15**. Report in Handout.

**Recycled Water Committee:** Meeting **5/13/15 & 6/3/15**. Reports in Handout. No recycled water or wastewater/nutrient projects were recommended by the IRWM Coordinating Committee to be included in the application to DWR, partly due to the perception that they can pursue Prop 1 funding. But Prop 1 has several limitations. DSRSD gave a presentation at the committee meeting on their residential truck fill program. It was suggested that the presentation be given at a future BACWA Executive Board meeting. BACWA will draft a letter asking for blanket permission for recycled water to be hauled outside of agencies' service areas, pending permission the water/wastewater agencies involved.

**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:** Working with the Regional Water Board on recycled water, mostly commercial uses.

**EBMUD:** Will begin to take all of Oakland's food waste on July 1<sup>st</sup>. Working on a contract with Harvest Power. The project is venture funded.

**Central Contra Costa:** There is interest in recycled water. Working to bring all Master Plans into one program. Working with CH2M Hill and Carollo on public outreach.

**San Francisco:** About to issue an EIR for the Oceanside recycled water plant. There was a finding of no significant impact. The Biosolids portion of the project is entering final EIR and they are working to determine how to adjust for delays.

**San Jose:** HDR visited their plant on June 18<sup>th</sup> for the Optimization/Upgrade site visit.

**FFSD:** Processing solids into fertilizer. Expect to be at 150k tons (wet) within the year. Not adding nutrients. Raising pH to 9.5. \$55-60/wet ton. Can re-inject into digesters. FFSD is providing space at their plant for Lystek.

**Palo Alto:** Working with DPR to inform regulations on pyrethroids and neonicotinoids. Working on a pilot to treat nutrients in reverse osmosis brine with wetlands.

**Sunnyvale:** Master Plan at peak pace, ready to begin public meetings. Getting close to final decision points. They plan to enter an agreement with Santa Clara Valley Water district to go to MBR. Considering using EBDA outfall.

The **Executive Director's Report** was included in the handout packet for agenda **item 5 (Page 29-36)**. BACWA serves as the contracting entity for the WOT program. The BACWA invoices sent for FY15 funded the program through the Spring 2015 semester. The Fall 2015 and Spring 2016 semesters will be included in the FY16 BACWA billing. The Solano contract is based on the funds received. The person who has been managing the program for Solano College is retiring and BACWA has been asked to provide a contract with her to shepherd the program. Funds would come from the WOT Program.

It was noted that no action items remain incomplete from fiscal year 2013-14 and 79 of the 85 action items from fiscal year 2014-15 have been completed.

The **Regulatory Program Manager (RPM) Report under agenda item 6 (Pages 37-38)**. Most items will be addressed later in the Agenda. This report is the last for FY15 and includes the percentage of time spent on each project. The Board acknowledged that this is very helpful.

**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; Laura Pagano – SFPUC will be donating 6 mothballed transponders that are 5 years old to SFEI.
- b. RMP Steering Committee: Karin North; Jim Ervin – No Report.
- c. Summit Partners: Dave Williams – Only meeting twice per year along with bi-monthly conference calls.
- d. ASC/SFEI: Laura Pagano; Dave Williams – The Final Proposed Candidates for SFEI-ASC Board of Directors was included in the Handout on **Pages 39-41**. There can be as many as 21 Board Members. Currently there are 13. Science and environmental are underrepresented. Twenty candidates came forward; that number was reduced to 8, and 7 were interviewed. Next meeting will be on June 25<sup>th</sup> and four candidates are recommended. An additional four will be given further consideration. The greatest motivation is to improve SFEI and ASC and obtain additional funding.
- e. Nutrient Governance Steering Committee: Ben Horenstein; Jim Ervin – Will be discussed later in Agenda.
- f. SWRCB Nutrient SAG: Dave Williams – The Stakeholder Comments on Statewide Nutrient Control Policy were included in the Handout on **Pages 42-45**. CASA submitted a letter. The main issue is concern with the whole process relating to wadeable streams. The changes suggested include adopting a Charter; provide opportunities for input; and establishing a regular schedule for meetings. No response to date.
- g. SWRCB Focus Group – Bacterial Objectives: Lorien Fono; Amy Chastain – No Report.
- h. SWRCB Focus Group – Mercury Amendments to the State Plan: Tim Potter – Nothing new to report. Next meeting scheduled for June 22<sup>nd</sup>.
- i. Nutrient Technical Workgroup: Eric Dunlavey – No Report.
- j. NACWA Taskforce on Dental Amalgam: Tim Potter – No Report.

- k. BAIRWMP: Cheryl Munoz, Linda Hu, Dave Williams – Coordinating Committee meeting on June 22<sup>nd</sup>. Some funds are available through the IRWM, but just small amounts.
- l. NACWA Emerging Contaminants: Karin North, Melody LaBella - Kelly Moran is helping on nanoparticles.

## **APPROVALS & AUTHORIZATIONS**

### **Agenda Item 8** – Board Approval of FY16 Agreements

**Agenda Item 8a** – Approval of Agreement with O’Rorke for BAPPG Committee Support. A Board Authorization Request and supporting documents were included in the Handout on **Pages 45-50**.

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

**Agenda Item 8b** – Approval of Agreement with CH2M Hill for AIR Committee Support. A Board Authorization Request and supporting documents were included in the Handout on **Pages 51-57**. It was noted that this is the first year of the phase-in of the AIR Committee as a regular BACWA Committee.

*Item 8b was approved in a motion made by Jean-Marc Petit and seconded by David Stoops. The motion carried unanimously.*

**Agenda Item 8c** – Approval of Agreement with APA for Risk Reduction. The Executive Director noted that this approval has been **deferred one month**.

**Agenda Item 8d** – Approval of Agreement with CIEA for Risk Reduction. A Board Authorization Request and supporting documents were included in the Handout on **Pages 58-66**. An RFP was posted and 4 proposals were received. A selection committee scored the proposals and CIEA was chosen on the strength of their connections within the community.

*Item 8d was approved in a motion made by Laura Pagano and seconded by Jean-Marc Petit. The motion carried with one abstention.*

## **OTHER BUSINESS**

### **Agenda Item 9** - Discussion – Nutrients

- a) Technical Work
  - i) Additional Studies in Suisun Bay – The Board welcomed Lisa Thompson and Christoph Dobson of Sacramento Regional Sanitation District (Regional San). They noted that the Delta and Bay are connected and that BACWA offered one of its positions on the ASC Board to Regional San. They are starting up a regional monitoring program for the Delta. They no longer have any legal challenges outstanding against their permit. They obtained additional time to implement filtration and reduced the footprint of filtration project. Under normal circumstances, all the flow will be filtered, but not

under peak flow conditions. They achieve a 95% reduction in ammonia; 70% reduction of nitrates. Peak wastewater treatment rates will be around \$40/month, which will double over a 10-12 year period. The SRF Loan is saving \$1 billion in interest due to a 2.9% cap. Research: IEP/USGS LaGrangian Study – Researchers followed a parcel of water for 6 miles in the Sacramento River at different times when Regional San was and was not discharging. Chlorophyll a concentrations declined independently of whether there was effluent in the river. A clam survey found high numbers of filter feeders and invasive clams at every station which may be responsible for the decline in chlorophyll a. The study will be published at the end of 2015.

b) Regulatory

- i) Updates on Optimization/Upgrade Studies: The most recent Invoice and Monthly Status Report from HDR were included in the Handout on **Pages 67-69**. Twenty of thirty site visits are done. The BACWA Executive Director attended the Livermore visit. HDR will attend the BACWA August Board meeting. Land issue: cost needs to be factored in. The San Jose site visit was June 18<sup>th</sup>. San Jose staff provided a brief presentation on nutrient removal alternatives at their facility. EBMUD's EPA grant on sidestream research was going to be underspent by \$20k and EBMUD suggested that those funds could be used to pay for the extra analyses requested by the consulting team. The EPA agreed. Alpha Labs will provide analysis for 32 of 37 plants.
- ii) De-brief on BACWA Special Board Meeting: The Draft Summary of the BACWA Special Board Meeting of May 18, 2015 was included in the Handout on **Pages 70-71**. At the meeting the Board explored several concepts about NNLI and agreed to support retaining a technical expert(s) to critically review the results of scientific studies and the assessment framework for a POTW perspective and to develop an RFP with the title of Range of Opinions that would list options.

c) Governance Structure

- i) De-brief on Planning Subcommittee Meeting No. 11: The Draft Summary of PS Meeting No. 11 was included in the Handout on **Pages 72-80**. There was a discussion of a draft for ongoing Subcommittee Meetings to develop a routine.
- ii) De-brief on Steering Committee Meeting No. 5: A report on the SC Meeting No. 5 was included in the Handout on **Page 81**. The Science Plan should be transparent. SFEI presented three critical decision points to determine if management options are needed. Members feel that POTWs should be in the room during the decision-making process. There needs to be a broader discussion about how decisions are made, with the Assessment Framework being key. There was a discussion about whether the model should be tweaked to show reduced load options. The Executive Director will circulate a draft letter on the Science Plan by the June 30 deadline.
- iii) Nutrient Management Strategy Program Coordinator RFP: A Draft RFP was included in the Handout on **Pages 82-95**. This is on the Agenda for the Steering Committee in September. It was asked if BACWA wants to support financially. Will tighten up the process with the Water Board. BACWA budgeted \$50,000 in FY16. Will be on the

Agenda for the July BACWA Executive Board Agenda.

Agenda **item 10** –Discussion: Reduction in Monitoring of CTR Constituents. Will discuss at next BACWA Executive Board Meeting.

Agenda **item 11** – Discussion: Toxicity. Agencies spend \$2-3,000 per month for acute toxicity testing. There will be meetings between POTW representatives and State Water Board members and staff on July 1 & July 2.

Agenda **item 12** – Discussion: Triennial Review of the Basin Plan. A Preliminary list of BACWA issues for the 2015 Basin Plan Triennial Review was included in the Handout on **Page 96**. What would be suggestions to the Water Board for the next joint meeting? Board members were asked to send comments to the Regulatory Program Manager who will put together a package of BACWA requests to include.

Agenda **item 13** – Discussion: Review of Recent Litigation Involving Collection Systems. Sam Brown of Hunton & Williams spoke about the Eastern Municipal Water District lawsuit, where a violation of the Clean Water Act is alleged due to sewer exfiltration, and the connection of groundwater with waters of the US. He noted that case law is all over the place about whether exfiltration constitutes a violation of the Clean Water Act.

Agenda **item 14** – Discussion: Scheduling a Meeting with BAAQMD Board. The Regulatory Program Manager is trying to set up a meeting between BAAQMD staff, BACWA members and PG&E to discuss pipeline injection of biogas. A meeting has been set up with Superintendent Haggarty, a BAAQMD Board Member, to discuss waste-to-energy programs.

Agenda **item 15** – Discussion: Proposed Meeting Calendar for Calendar Year 2016. A Proposed BACWA Regular Monthly Board Meeting Schedule was included in the Handout on **Page 97**.

Agenda **item 16** – Discussion: Succession Planning. A Copy of the Succession Planning document for FY16 was included in the Handout on **Pages 98-100**.

Agenda **item 17** – Discussion: Treasurer’s Report on Investment of Reserves. A report on the Investment of BACWA Reserve Funds was included in the Handout on **Page 101**.

**SUGGESTIONS FOR FUTURE AGENDA ITEMS:**

The next regular meeting of the Board is scheduled for **July 17, 2015** from 9:00 am – 12:30 pm at the **EBMUD Treatment Plant, Lab Library, 2020 Wake Ave., Oakland, CA**.

The meeting adjourned at 12:34 pm.