



Executive Board Meeting Minutes

November 18, 2016

ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Laura Pagano (San Francisco Public Utilities Commission); Jim Ervin (San Jose); Michael Connor (East Bay Dischargers Authority); Ben Horenstein (East Bay Municipal Utility District); Lori Schectel (Central Contra Costa Sanitary District).

Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Linda Sawyer	Brown & Caldwell
Jean-Marc Petit	CCCSD
Karin North	City of Palo Alto
Amanda Roa	Delta Diablo
Nirmela Arsem	EBMUD
Tom Hall	EOA
Greg Baatrup	FSSD
Ian Wren	For SFEI
Holly Kennedy	HDR
Jen Keene	PME
Tricia McGovern	PME
Jennie Pang	RMC
David Senn	SFEI
Amy Chastain	SFPUC
Cheryl Munoz	SFPUC
Bhavani Yerrapotu	Sunnyvale
David Williams	BACWA
Lorien Fono	BACWA
Sherry Hull	BACWA

PUBLIC COMMENT

None.

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

A Board Member requested that Item #16, AIR Committee Report be taken out of order.

As noted in the BACWA AIR Committee Report from their meeting on September 21, 2016, BAAQMD is inviting input on Regulation 11, Rule 18 (i.e., Rule 11-18) – Reduction of Risk from Air Toxic Emissions at Existing Facilities. The Staff Report provides information about how different agencies will be regulated.

This is an opportunity to provide input on the definition of TBARCT, and possibly on the implementation timeframe - given the long lead time in which POTWs need to plan and budget capital projects. The timeframe for compliance is very aggressive, so one comment will be to request extension of the compliance period. The BACWA AIR Committee is developing comments and in the letter will

also request more time to respond given the impacts to members. Board members suggested the possibility of a BACWA workshop, a White Paper from the consultant supporting the AIR Committee to send to Members, and a meeting with BAAQMD in February or March.

CONSENT CALENDAR

1. September 16, 2016, BACWA Executive Board Meeting Minutes – The approved minutes will be placed on the BACWA website.

2 - 4. July, August and September, 2016 Treasurer’s Reports and Financial Summary – A Financial Summary Report was included in the Packet. A copy of the FY17 Budget as of September 30, 2016 (25% of the fiscal year) was included. It, along with the Summary, provides the Board with a concise overview of the Fund Balances and the current status of the Annual Budget and points out any variances in the budget to date.

Consent Calendar items 1 and 2 were approved in a motion made by Jim Ervin and seconded by Lori Schectel. The motion carried unanimously.

AUTHORIZATIONS & APPROVALS

5. Approval: Extension of PCB Abeyance Petition – A Board Action Request along with a copy of the previous Petition was included in the Packet. The Executive Director gave an overview of the request.

Item 5 was approved in a motion made by Mike Connor and seconded by Jim Ervin. The motion carried unanimously.

OTHER BUSINESS-POLICY/STRATEGIC

Agenda **Item 6** – Discussion: Nutrients

a. Technical Work

- i. Science Plan 2024 – SFEI provided a Science Plan overview. Major issues covered in the presentation were: 1) Feedback from reviewers; 2) Realistic options for how to proceed given funding constraints; 3) Current emphasis of research vs. projects given limited resources; 4) Key assumptions in deciding how to direct funds; 5) Current major science gaps, such as understanding biological endpoints, that are needed to inform policy decisions for the next Watershed Permit; 6) Additional funds needed to address the gaps. Funding decisions will need to be in place by spring 2017. A Board member requested that the most recent version of the Science Plan be distributed for review. It was noted that it is posted on the SFEI NMS website.

- ii. NMS Report Updates – Links to the Annual Report, Modeling Progress and Charts were included in the Packet.
- b. Governance Structure -
- i. Steering Committee Meeting # 10 – A Meeting Summary was included in the Packet. The Executive Director gave an overview of the meeting.
 - ii. Planning Subcommittee Meeting # 21 & # 22 –Meeting Summaries were included in the Packet. The key item was priorities for FY18 and what can be accomplished with available funds.
 - iii. Revised Scenario Planning – Ian Wren, representing SFEI, gave an overview of the updated Scenario Planning proposal, which would inform planning no regrets actions that are regional in scope, conceptual and quantitative. Four tasks are proposed: 1) analysis of regulatory drivers for projects with mutual benefits including nutrient removal; 2) analysis of recycled water regulations; 3) analysis of the main drivers of nutrient management decisions; 4) multi-year workplan. ReNUWIt has a separate but similar effort which should be integrated. A suggestion was made that case studies on natural systems, such as salt pond restoration, should be included, and that this study could be used to inform studies to be included in the next Watershed Permit. It was agreed that SFEI and ReNUWIt should be invited to attend the December 2016 BACWA Executive Board meeting to discuss a joint strategy.
- c. Regulatory
- i. Comment Letter to EPA on CWA 308 based data request – A letter from the EPA regarding the National Study of Nutrient Removal and Secondary Technologies, BACWA’s Comment Letter on the study, and a LINK to an analysis on mining existing databases as an alternative were included in the Packet. The Board approved sending the Comment Letter to EPA.
 - ii. Opt/Upgrade Update – HDR discussed incorporating the cost drivers of Level 2 and Level 3 upgrades, flexibility for future regulations in choosing treatment alternatives and looking at the impacts of mass versus concentration-based limits. For NNLI the original scope included a single loading scenario and an individual report to each plant. HDR asked if they should increase the scope to two scenarios. The Board agreed that the scope should stay at one scenario, looking at growth out to 2039, with no individual report for each plant.
 - iii. Watershed Permit Proposal – The Executive Director presented an overview of alternatives related to additional funding for science that were discussed at the Pardee Technical Seminar, along with their financial impacts on member agencies. Some of the additional funding for scientific studies will come from other contributors outside of the POTW community. A question was raised as to whether the mass of total nitrogen discharged would be a more appropriate basis for calculating the Principal’s Nutrient Surcharge. In response a comment was made that the Principals have always equally split their contributions to BACWA and that it may not be in the best interest of the organization to begin to deviate from that approach on a case-by-case basis. If there was a desire to deviate on nutrients,

other factors such as resident time and extent of the discharge plume would also need to be considered. This issue can be discussed further, if desired, at the next Nutrient Strategy Team meeting.

Agenda **Item 7** – Discussion: Selenium Criteria Comment Letters – A Comment Letter from the State Water Resources Control Board, along with links to comment letters from WSPA, BACWA, Baykeeper, LSB, LSB Data, and the Fish & Wildlife Service were included in the Packet. The Regulatory Program Manager gave an overview of the different responses and will keep the Board apprised of new comments or opportunities to respond.

OTHER BUSINESS-OPERATIONAL

Agenda **Item 8** – Discussion: Lystek Presentation – Greg Baatrup from FSSD gave a presentation on their new partnership with Lystek. FSSD is participating in a public/private partnership for biosolids to be used in the creation of fertilizer products. The simplicity of the process is attractive and Lystek does all the distribution and marketing. They began operating in August 2016 and currently produce three fertilizer products. The fertilizer is not regulated as biosolids under the Solano County Ordinance. To date FSSD deems it a very successful partnership. There is still significant capacity at that facility for accepting additional biosolids from agencies who may be interested.

Agenda **Item 9** – Discussion: Update on ELAP standards – The EBMUD Laboratory Manager recapped the history and gave an update on the process. There has been consideration of a proposal for TNI-lite standards package, which would put less onerous demands on laboratories than the full TNI, although details of this proposal have not yet been developed. Currently there is a lot of uncertainty but one thing is certain: fees will increase. ELAP expects to have a draft proposal to the State Water Board by 2017, with adoption in 2018, followed by a 3-year implementation period. The BACWA Laboratory Committee will continue to keep the membership updated and are planning to prepare the members for the transition.

Agenda **Item 10** – Discussion: Microplastics – The Executive Director referred the Board to the comments submitted via email and included in the packet.

Agenda **Item 11.a** – Discussion: Proposition 1 – Four pages from the Draft Consultant Agreement to develop a Reverse Osmosis Concentrate Management Plan were included in the Packet along with a LINK to the entire Agreement. The Regulatory Program Manager noted that Santa Clara is funding and moving forward with part of the scope even before knowing whether there will be grant funding available from the State Water Board. BACWA will continue to monitor the work.

Agenda **Item 12** – Discussion: Pardee Technical Seminar Debrief – A survey of attendees to the seminar was included in the Packet. The Executive Director gave an overview of the responses and asked the Board for direction on whether to continue the split seminar in 2017. The Board agreed that the split seminar would continue in 2017.

Agenda **Item 13** – Discussion: Draft Agenda for Annual Meeting 2017 – A Draft Agenda was included in the Packet. The Executive Director asked the Board to comment on the agenda, particularly on what to include under hot topics. Board members mentioned adding Biosolids and possibly removing New Enforcement Policy and Selenium.

Agenda **Item 14** – Discussion: FY18 Budget Adoption Schedule – The schedule was included in the Packet. The Executive Director gave an overview of the schedule.

Agenda **Item 15** – Discussion: Updates/Changes to 2017 Board Calendar – The updated calendar was included in the Packet. The Executive Director asked the Board to review the latest calendar.

REPORTS

Agenda **Item 16** – Committee Reports – BACWA Committee Reports were included in the Packet.

AIR Committee: A report from the September 21, 2016 meeting was included in the Packet. See discussion under Consideration to Take Items Out of Order.

BAPPG: A report from the October 5, 2016 meeting was included in the Packet.

Biosolids Committee: A report from the October 20, 2016 meeting was included in the Packet.

Collections Committee: Reports from the September 8, 2016 and the November 10, 2016 meetings were included in the Packet.

InfoShare - Asset Management: A report from the August 31, 2016 meeting was included in the Packet.

InfoShare – Operations & Maintenance: No meeting.

Lab Committee: A report from the November 9, 2016 meeting was included in the Packet.

Permits Committee: Reports from the September 13, the October 11, and the November 8, 2016 meetings were included in the Packet.

Pretreatment Committee: A report on the August 30, 2016 Pretreatment was included in the Packet.

Recycled Water Committee: Reports from the September 7, 2016 and the November 2, 2016 meetings were included in the Packet.

Agenda **Item 17** - Discussion: Member Highlights - Executive Board Representatives (Board) were given an opportunity to provide updates from each of the Principal agencies. 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 comment.

EBMUD: No comment.

Central Contra Costa: Suggested that a discussion of the Hertzberg Bill be added to the Annual Meeting Agenda.

San Francisco: No comment.

San Jose: Provided a report on a study done on phytoplankton in the Lower Coyote Creek indicating that effluent does not create HABS.

Delta Diablo: No comment.

Palo Alto: No comment

Sunnyvale: No comment.

Fairfield Suisun: No comment.

Agenda **Item 18** - The **Executive Director's Report**, along with the Board Calendar, and BACWA Action Items, were included in the Packet. It was noted that 92 of the 97 action items from FY16 and 15 of the 16 action items from FY17 have been completed.

Agenda **Item 19** - The **Regulatory Program Manager (RPM) Report** was included in the Packet.

Agenda **Item 20 - Other BACWA Representative Reports** – BACWA Representative were given an opportunity to provide updates. No actions were taken based on the reports.

- a. RMP-TRC: Rod Miller; Laura Pagano – No report.
- b. RMP Steering Committee: Karin North; Jim Ervin – No report.
- c. **Summit Partners: Dave Williams** – A letter regarding Proposed Collaboration on Toxicity Testing Laboratory Study was included in the Packet.
- d. ASC/SFEI: Laura Pagano; Dave Williams – No report.
- 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 – No report.
- i. Nutrient Technical Workgroup: Eric Dunlavy – No report.
- j. NACWA Taskforce on Dental Amalgam: Tim Potter – No report.
- k. BAIRWMP: Cheryl Munoz, Linda Hu, Dave Williams – No report.
- l. NACWA Emerging Contaminants: Karin North, Melody La Bella – No report.
- m. CASA Statewide Pesticide Steering Committee: Melody La Bella – No report.
- n. CASA State Legislative Committee: Lori Schectel – No report.
- o. CASA Regulatory Workgroup – No report.
- p. RMP Microplastics Liaison: Nirmela Arsem – No report.
- q. ReNUWIt: Mike Connor; Ben Horenstein – No report.
- r. AWT Certification Committee: Maura Bonnarens – No report.

s. Bay Area Regional Reliability Project: Roger Bailey; Mike Connor – No report.

Agenda **Item 21 - SUGGESTIONS FOR FUTURE AGENDA ITEMS:** None.

ANNOUNCEMENTS:

The next regular meeting of the Board is scheduled for **December 16, 2016 from 9:00 am – 12:30 pm** at the **EBMUD Treatment Plant, Lab Library, 2020 Wake Ave., Oakland, CA.** A **Holiday Lunch will follow.**

To receive a copy of any materials provided to the Board at a BACWA Executive Board meeting contact Sherry Hull at shull@bacwa.org.

The meeting adjourned at 12:44 pm.