



BACWA
BAY AREA
CLEAN WATER
AGENCIES

Executive Board Meeting
AGENDA
Friday, February 17, 2017, 9:00 a.m. – 12:30 p.m.
SFPUC, Hetch Hetchy Room, 13th Floor
525 Golden Gate Ave., San Francisco, CA

<u>Agenda Item</u>	<u>Time</u>	<u>Pages</u>
ROLL CALL AND INTRODUCTIONS	9:00 AM	
PUBLIC COMMENT	9:03 AM	
CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER	9:04 AM	
CONSENT CALENDAR	9:05 AM	
1 December 16, BACWA Executive Board Meeting Minutes		3-10
2 November & December, 2016 Treasurer's Reports		11-27
APPROVALS & AUTHORIZATIONS	9:06 AM	
3 <u>Approval</u> : BACWA Representative to:		28-29
a. ReNUWit Industrial Advisory Committee		
b. Nutrient Governance Steering Committee and Planning Subcommittee		
c. RMP Steering Committee		
4 <u>Approval</u> : BACWA sponsorship of NACWA National Policy Forum		30
5 <u>Approval</u> : Proposal to Estimate the Economic Impact of BAAQMD Regulation 11, Rule 18		31-39
6 <u>Chair Approval</u> : Addition of Subcontractor to TDC Agreement for Pesticide Regulation Tracking		40
OTHER BUSINESS - POLICY/STRATEGIC		
7 <u>Discussion</u> : Nutrients	9:10 AM	
a. Regulatory		
i. NST Meeting #2 & #3 Debrief		41-42
ii. Annual Science Workplan		
Link to Annual Science Plan		
b. Technical Work		
i. San Mateo Plant Upgrade Presentation		
c. Governance Structure		
i. Planning Subcommittee Meeting #23 & #24		43-47
ii. Program Coordination Update		
8 <u>Discussion</u> : Update on the Stanford Codiga Resource Recovery Center	10:10 AM	
9 <u>Discussion</u> : Proposed Mercury Program & New Beneficial Uses	10:40 AM	48-75
10 <u>Discussion</u> : BAAQMD Rule 11-18	11:00 AM	
11 <u>Discussion</u> : SWRCB Enforcement Policy	11:20 AM	76-81
12 <u>Discussion</u> : December Joint Meeting Debrief	11:35 AM	82-84
13 <u>Discussion</u> : March Joint Meeting Draft Agenda	11:40 AM	85
14 <u>Discussion</u> : Litigation on NPDES Permit Shield	11:45 AM	86-88
15 <u>Discussion</u> : NPDES Regulatory Compliance Annual Letter	11:47 AM	
Link to NPDES Reg Compl Ann Ltr		
16 <u>Discussion</u> : Regulatory Matrix Summary	11:49 AM	
Link to Reg Matrix Summ		
OTHER BUSINESS - OPERATIONAL		
17 <u>Discussion</u> : FY17 BACWA Budget Planning	11:50 AM	89-91
18 <u>Discussion</u> : Annual Meeting Debrief	12:05 PM	92-102
19 <u>Discussion</u> : Outstanding Service Recognition	12:15 PM	

REPORTS		12:20 PM	
20	Committee Reports		103-113
21	Member Highlights		
22	Executive Director Report		114-125
23	Regulatory Program Manager Report		126-127
24	Other BACWA Representative Reports		
	a. RMP TRC	Rod Miller	
	b. RMP Steering Committee	Karin North; Jim Ervin	
	c. Summit Partners	Dave Williams	
	d. ASC/SFEI	Laura Pagano; Dave Williams	
	e. Nutrient Governance Steering Committee	Ben Horenstein; Jim Ervin	
	f. SWRCB Nutrient SAG	Dave Williams	
		Link to Presentation	Link to Workplan
	g. SWRCB Focus Group – Bacterial Objectives	Lorien Fono; Amy Chastain	
	h. SWRCB Focus Group – Mercury Amendments to the State Plan	Tim Potter; Dave Williams, Lorien Fono	
	i. Nutrient Technical Workgroup	Eric Dunlavey	
	j. NACWA Taskforce on Dental Amalgam	Tim Potter	
	k. BAIRWMP	Cheryl Munoz; Linda Hu; Dave Williams	
	l. NACWA Emerging Contaminants	Karin North; Melody LaBella	
	m. CASA Statewide Pesticide Steering Committee	Melody LaBella	
	n. CASA State Legislative Committee	Lori Schectel	
	o. CASA Regulatory Workgroup	Lorien Fono	
	p. ReNUWit	Mike Connor; Ben Horenstein	
	q. RMP Microplastics Liaison	Nirmela Arsem	
	r. AWT Certification Committee	Maura Bonnarens,	
	s. Bay Area Regional Reliability Project	Roger Bailey; Mike Connor	128-129
	t. WateReuse Working Group	Cheryl Munoz;	
25 SUGGESTIONS FOR FUTURE AGENDA ITEMS		12:27 p.m.	
NEXT MEETING The next regular meeting of the Board is scheduled for March 17, 2017 from 9:00 am – 12:30 pm at the EBMUD Treatment Plant, Lab Library, 2020 Wake Ave, Oakland, CA		12:28 p.m.	
ADJOURNMENT		12:30 p.m.	

ROLL CALL AND INTRODUCTIONS

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

Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Amanda Roa	Delta Diablo
David Senn	SFEI
Greg Baatrup	FSSD
Karin North	City of Palo Alto
Tom Hall	EOA
Eric Stevenson	BAAQMD
Courtney Mizutani	Representing Carollo
David Sedlak	UC Berkeley
Sasha Harris-Lovett	UC Berkeley
Karri Ving	SFPUC
Dr. Gary Anderson	Lawrence Berkeley Labs
Linda Sawyer	Brown & Caldwell
Amit Mutsuddy	San Jose
Ian Wren	SFEI
Dave Richardson	RMC
Meg Herston	FSSD
Phoebe Grow	EBMUD
David Williams	BACWA
Lorien Fono	BACWA
Sherry Hull	BACWA

A motion to move into a CLOSED MEETING was made by Michael Connor and seconded by Jim Ervin. The motion carried unanimously.

Executive Board and Executive Director then moved into Closed Session to consider business it is permitted to do so pursuant to Government Code Section 54957, and is listed on the closed meeting agenda. The following item was considered during the closed session:

Discussion: Lawsuit by SCAP and CVCWA against EPA on the TST.

In the continuing interest of transparency, the Chair will be reporting in open session any outcomes from the closed session business.

RECESS TO OPEN SESSION.

PUBLIC COMMENT

None.

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

REPORT OUT OF CLOSED SESSION

As a result of the Closed Session today, the Chair reported the following: The BACWA Executive Board decided that BACWA will participate in the Lawsuit by SCAP and CVCWA against EPA on the TST.

CONSENT CALENDAR

1. November 18, 2016, BACWA Executive Board Meeting Minutes – The approved minutes will be placed on the BACWA website.
2. October, 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 (33% 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 Michael Connor and seconded by Vince De Lange. The motion carried unanimously.

AUTHORIZATIONS & APPROVALS

3. Approval: Adoption of FY2016 Annual Reports – A Board Authorization Request along with a copy of the FY2016 BACWA Annual Report and LINKS to the FY2016 BACWA Audited Reports, were included in the Packet. The Executive Director gave an overview of the request.

Item 3 was approved in a motion made by Michael Connor and seconded by Lori Schectel. The motion carried unanimously.

4. Approval: Approval of TDC Pesticide Agreement – A Board Authorization Request was included in the Packet. The Executive Director gave an overview of the request.

Item 4 was approved in a motion made by Michael Connor and seconded by Lori Schectel. The motion carried unanimously.

5. Approval: Alternative Investment Proposal – A Board Authorization Request was included in the Packet. The Executive Director gave an overview of the request.

***Item 5** was approved in a motion made by Michael Connor and seconded by Vince De Lange. The motion carried unanimously.*

OTHER BUSINESS-POLICY/STRATEGIC

Agenda Item 6 – Discussion: Reg 11-18 White Paper - Eric Stevenson from BAAQMD gave a presentation on the Draft Rule 11-18 – Toxic Risk Reduction. There are three programs for control of Air Toxics: 1) New source review; 2) AB2588 “Hot Spots” program; and 3) Air Toxics control measures. Overall Bay Area risk levels have declined since 1990. The Draft Rule would reduce health risks to the lowest achievable levels. Development of this rule began following the Richmond Refinery fire in 2012 as proposed Reg. 12-16. Due to legal issues, the rule has been expanded beyond refineries to include all facilities under Reg. 11-18. Approximately one thousand facilities might be impacted by this Rule. This Rule would require the implementation of all technically and economically feasible risk reduction measures to significant sources of toxic air contaminants and would 1) reduce cancers and acute health impacts from 100 in a million to 10 in a million; and 2) incorporate new OEHHA guidelines and health values. Air District staff will conduct the health risk assessments and a contractor will provide socioeconomic analysis. The District expects to issue the final draft in March 2017, with public hearings in May 2017, although Air District staff support extending that timeframe. There will be a CEQA EIR. POTW’s are likely to be included in implementation phase 1 or 2 with an emphasis on diesel particulate matter. BACWA Board members encourage POTW’s to become involved in the process and particularly to comment to the BAAQMD Board. The Board also requested an update to the Reg. 11-18 White Paper and asked Carollo to develop a scope for more research on diesel and cogeneration. The Regulatory Program Manager will obtain comments from the BACWA AIR Committee on the White Paper and communicate their comments to Carollo. The Executive Director will approach the BAAQMD Board to request an opportunity to present the concerns of the POTW community, possibly at a Stationary Sources Committee meeting. The Board also requested that the issue be added to the next BACWA Board meeting agenda.

Agenda **Item 7** – Discussion: Nutrients

a. Regulatory

- i. CMG Meeting – Meeting notes from the December 12, 2016 CMG meeting were included in the Packet. The Executive Director gave an overview of the meeting. HDR is preparing a presentation for the BACWA Annual Meeting which will be reviewed by the CMG.
- ii. 2nd Watershed Permit – A report on the status of the 2nd Watershed Permit negotiations was included in the Packet. The Executive Director gave an overview of

- the report and asked the Board to provide any additional direction to the Nutrient Strategy Team. The only comment was that the total science funding amounts will likely be larger than noted.
- iii. Trading Meeting Debrief – EBMUD gave an update on the study noting that they are utilizing leftover grant funds from the EPA sidestream grant to fund the Freshwater Trust to look at nutrient trading in the San Francisco Bay. The project began in early November, 2016 and is currently underway. It will be complete this winter. The focus is very high-level and conceptual at this point. EBMUD will provide documentation of the scope, as well as work products, to BACWA for dissemination to its members. The Executive Director will add the item to the agenda for the Nutrient Strategy Team meeting.
 - iv. NST Agenda – A draft agenda for the January 5, 2017 Nutrient Strategy Team meeting, along with a list of NST Members, was included in the Packet.
- b. Technical Work -
- i. Suisun Synthesis – A LINK to a Summary on the Suisun Synthesis II was included in the Packet. SFEI provided an overview of the goals, providing the differences between Synthesis I from 2014. The question that the Suisun Synthesis II document addresses is “was there actually a phytoplankton community shift due to nutrients?”, or is the apparent shift due to an artifact in data collection? An analysis of the methodology from both before and after 1987 was performed and it was concluded that the data after 1987 is significantly less reliable.
- c. Governance Structure
- i. Steering Committee Meeting #11 – An Agenda from the December 9, 2016 meeting, along with a report on the NMS Observation Program, a Financial Update and Program Overview, and a Summary of Actions from the meeting were included in the Packet.
 - ii. Joint Strategy for Scenario Planning – SFEI introduced David Sedlak and Sasha Harris-Lovett, of UC Berkeley. They are creating a framework for decision making utilizing multi-criteria decision analysis. They expect to have a draft presentation of goals in late Spring, 2017. This work dovetails with the effort through SFEI on scenario planning for future nutrient-related decision making. Several BACWA members asked to be included in the group being interviewed and it was suggested that the major city Mayors also be included.

Agenda **Item 8** – Discussion: Water Board Joint Meeting Agenda Draft – A Draft Agenda for the December 22, 2016 meeting was included in the Packet.

OTHER BUSINESS-OPERATIONAL

Agenda **Item 9** – Discussion: Biosolids Presentation & Survey Results – A copy of the Biosolids Survey was included in the Packet. BACWA’s Regulatory Program Manager gave a presentation

on the BACWA 2016 Biosolids Survey Preliminary Results. The main challenges to biosolids programs, as reported by respondents, are rising costs and regulatory restrictions. SFPUC staff noted a lack of available research on beneficially reusing biosolids and suggested some objectives and scope for a biosolids literature review. She then introduced Dr. Gary Anderson from the University of California, Berkeley who gave a presentation on comparing biosolids soil amendments to traditional amendments such as OMRI Certified compost and synthetic fertilizer, with the benefits of soil carbon sequestration and water retention of various organic amendments on soil. The research would benefit most Bay Area Agencies, many of which use landfill disposal and ADC as a destination for their biosolids, which may be phased out by 2025.

Agenda Item 10 – Discussion: Risk Reduction Update – Two documents created by the community based organizations providing Risk Reduction services to BACWA, along with a LINK to other documents on the BACWA website, were included in the Packet. These materials were presented by the grantees at the October 25, 2016 report to the Regional Water Board.

Agenda Item 11 – Discussion: Pesticide Comment Letter – A LINK to BACWA’s Comment Letter requesting additional time to comment on a detailed risk assessment for several pyrethroids was included in the Packet.

Agenda Item 12 – Discussion: CASA Regulatory Workgroup - Notes and Action Items from the December 7, 2016 Nutrient Workgroup call were included in the Packet. The Executive Director gave an overview of the report. A suggestion was made by the Regulatory Workgroup leadership that BACWA AIR, BAPPG, Biosolids, and Permit Committee representatives meet with the CASA group in 2017. The Permits Committee is amenable to this suggestions, and the ED will contact biosolids and AIR committees. Dave Smith and Lauren Fondahl of EPA attended the December CASA Regulatory Workgroup meeting and gave an update on EPA’s priorities for the coming year. They also commented that their office was reviewing the selenium data submitted by the Lower South Bay dischargers, and using them to update their models for the proposed selenium criteria. Additionally, they will speak to their colleagues in the air program about a Bay Area POTW cogeneration project that is being stopped due to restrictive air quality regulations.

Agenda Item 13 – Discussion: Agenda for Annual Meeting 2017 – A Final Draft Agenda was included in the Packet. The Executive Director asked the Board if there were any final suggestions and it was suggested that while some Hot Topics are less urgent at this time, all the Hot Topics at least have an update included in the Regulatory Issues summary for the meeting. It was recommended that BAAQMD Rule 11-18, and the ELAP changes be added to the agenda, and selenium and toxicity removed. It was also suggested that the Board hold a short business meeting prior to the Annual Meeting. The Assistant Executive Director informed the Board that there are currently 54 (plus BACWA Staff) signed up for the meeting and asked that anyone who had not yet signed up please do so prior to the deadline of January 13, 2017.

Agenda **Item 14** – Discussion: Recycled Water Policy Update – An update from the RWRCB was included in the Packet. The Regulatory Program Manager stated that the State Water Board issued a proposed resolution to update the Recycled Water Policy and reaffirm support for the Salt/Nutrient Management Plans. CASA commented at the State Water Board hearing that the salt nutrient management plan effort be decoupled from the Recycled Water Policy, since not all salt and nutrient problems stem from recycled water.

Agenda **Item 15** – Discussion: Proposition 50 Close & Reporting Update– A letter from the California State Department of Water Resources, along with two emails, was included in the Packet. The Executive Director explained to the Board that the letter from DWR requires BACWA to provide Post Performance Reports following the close of the Proposition 50 Grant. The second email clarifies which projects require post performance reports and that the Grantee, not BACWA, will be responsible for actual preparation of the reports however BACWA is ultimately responsible for ensuring that the reports are submitted.. BACWA will work with the Grantees to ensure that the annual post performance reports are submitted in a timely way and will assure that this ten-year commitment is documented for future BACWA staff.

REPORTS

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

AIR Committee: A report from the November 30, 2016 meeting was included in the Packet.

BAPPG: A report from the December 7, 2016 meeting was included in the Packet.

Biosolids Committee: No meeting.

Collections Committee: No meeting.

InfoShare - Asset Management: A report from the November 30, 2016 meeting was included in the Packet.

InfoShare – Operations & Maintenance: No meeting.

Lab Committee: No meeting.

Permits Committee: Reports from the December 13, 2016 meeting was included in the Packet.

Pretreatment Committee: No meeting.

Recycled Water Committee: A Draft BACWA Comment Letter to DWR on the draft report implementing Executive Order B-37-16 was included in the Packet. It was approved by the Board.

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: From the CASA Legislative Committee: SB163 – Hertzburg will now have to be vetted by four committees.

San Francisco: No comment.

San Jose: No comment.

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 21 of the 26 action items from FY17 have been completed. The Executive Director noted that his scope includes attendance at the National Water Policy Forum and asked if he could substitute the WEF Nutrient Symposium Conference. The Board agreed.

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 – No report.
- 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 Dunlavey – 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 meeting of the Board is the BACWA Annual Members' meeting that will be held on January 27, 2017 at the Metropolitan Golf Course, 10051 Doolittle Drive, Oakland, CA from 9:00 AM to 3:00 PM. Lunch will be included.

The next regular meeting of the Board is scheduled for **February 17, 2017 from 9:00 am – 12:30 pm** at the **SFPUC, Hetch Hetchy Room, 13th Floor, 525 Golden Gate Ave., San Francisco, CA**

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 12:45 pm.



MONTHLY FINANCIAL SUMMARY REPORT November & December 2016

Fund Balances

In FY 16 BACWA had seven funds of which three were operating funds (BACWA, Legal, and CBC) and four were pass-through funds for which BACWA provided only contract administration services. Beginning in FY17, with the AIR Committee becoming a regular BACWA committee supported by BACWA dues, the balance from the Pass-through AIR Fund has been consolidated into the BACWA Fund. The remaining three pass-through funds are not of particular concern as these funds simply track expenses and revenues to ensure that receipts are adequate to pay all expected expenses.

BACWA Fund: This fund provides the resources for BACWA staff, its committees, and other administrative needs. The ending fund balance on December 31, 2016 was \$1,488,520 which is significantly higher than the target reserve of \$160,000 which is intended to cover 3 months of normal operating expenses. \$363,737 of the ending fund balance is obligated to meet on-going operating line item expenses for BAPPG Committee Support, Legal services, IT services, Board meeting expenses, accounting services and BACWA staff support. This leaves an unobligated excess fund balance of \$1,124,783. As the details of what regulatory requirements will be included in the next Nutrient Watershed Permit, these excess funds may be used to offset potential dues increases to the BACWA members.

CBC Fund: This fund provides the resources for completing special investigations as well as meeting regulatory requirements. The ending fund balance on December 31, 2016 was \$1,646,495 which is significantly higher than the target reserve of \$400,000. However, \$325,753 of the ending balance is obligated to meet line item expenses for completion of the Optimization/Upgrade Studies contract, the Risk Reduction contracts, and for technical support. Total Disbursements for FY17 from the CBC Fund include the annual payment of \$880,000 to SFEI for the Nutrient Watershed Permit commitment. As the details of what regulatory requirements will be included in the next Nutrient Watershed Permit, any excess CBC funds may be used to offset potential dues increases to the BACWA members.

Legal Fund: This fund provides for needed legal services. The ending balance was \$300,000 which is at the target reserve of \$300,000.

Budget To Actual

The BACWA Annual Budget includes all expected revenues as well as budgeted expenses. Transfers are made from the BACWA Fund and/or the CBC Fund to balance the Annual Budget if expenses exceed revenues and vice versa. It is therefore important to achieve the anticipated revenues and not exceed the budgeted expenses on an annual basis in order to maintain the BACWA and CBC Fund balances at the levels projected in the 5 Year Plan.

Revenues as of December 31, 2016 (50% of the FY) are at 110% primarily due to the payment of FY17 invoices by the Principal members and higher than budgeted interest earnings. Another major factor is the receipt of \$187,500 in voluntary contributions by some members to fund additional scientific investigations.



MONTHLY FINANCIAL SUMMARY REPORT
November & December 2016

This revenue however will be offset with an FY 17 expense as the collected funds from the members need to be passed on to SFEI for conducting the scientific investigations.

Overall Expenses as of December 31, 2016 (50% of the FY) are at 86% and are tracking in accordance with the Annual Budget due to payment of Watershed Permit commitment early in the fiscal year. Individual expense categories with a plus or minus 10% variance at this point in the fiscal year are as follows:

Communications: This category is under-expended (i.e. 35%) due primarily to no expenditures on website changes and low expenditures on IT Support.

Legal Support: Budget of \$4,500 and expenditures to date of \$210 resulting in a favorable variance of \$4,290 due to a low need for legal administrative advice.

Collaboratives: This category is under-expended (i.e. 19%) due to timing of invoices.

Tech Support: This category is 113% expended at 50% of the FY partly due to timing of the Watershed Permit Commitment invoice and to the payment of Optimization/Upgrade obligations. In addition, an expenses was incurred for the voluntary contributions for FY 17 by some members for funding additional science. The Opt/Upgrade expenditures were significantly below budget in FY16 and will, therefore, be significantly above budget in FY17.



BACWA
FY 2017 Budget
Approved 4/15/16

50% of Fiscal Year

<u>BACWA FY17 BUDGET</u>	<u>Line Item Description</u>	<u>FY 2017 Budget</u>	<u>Actuals Dec 2016</u>	<u>Actual % of Budget Dec 2016</u>	<u>Variance</u>	<u>NOTES</u>
<u>REVENUES & FUNDING</u>						
Dues	Principals' Contributions	\$477,544	\$477,545	100%	\$1	FY17: 2% increase.
	Associate & Affiliate Contributions	\$175,072	\$160,915	92%	-\$14,157	FY17: approx. 2% increase.
Fees	Clean Bay Collaborative	\$675,000	\$658,832	98%	-\$16,168	Unchanged from FY16
	Nutrient Surcharge	\$800,000	\$781,463	98%	-\$18,537	Increased from \$600,000 in FY16
	Voluntary Nutrient Contributions	\$0	\$187,500		\$187,500	Palo Alto (FY17-\$30k); Sunnyvale: (FY16-\$30k, FY17-\$30k); CCCSD (FY17-\$97,500)
	Other	\$0	\$67,650		\$67,650	Passthrough for Pharm Study; est. carryforward to FY17: \$TBD (curr bal \$28,409)
Other Receipts	AIR Non-Member	\$6,350	\$6,350	100%	\$0	Approx. 2% increase.
	BAPPG Non-Members	\$3,700	\$3,699	100%	-\$1	Approx. 2% increase.
	Other	\$0	\$13,698		\$13,698	Transfer of AIR Fund to BACWA Fund (not incl in total)
Fund Transfer	Special Program Admin Fees	\$2,500	\$0	0%	-\$2,500	Budgeted for WOT only. Continue to have Props into FY17.
Interest Income	Funds	\$4,000	\$7,626	191%	\$3,626	FY17: Actuals includes BACWA, Legal, & Nutrients Funds from LAIF
	Investments	\$0	\$1,105		\$1,105	Alternative Investments Interest
	Total Revenue	\$2,144,166	\$2,352,685	110%	\$208,519	
<u>BACWA FY16 BUDGET</u>	<u>Line Item Description</u>	<u>FY 2017 Budget</u>	<u>Actuals Dec 2016</u>	<u>Actual % of Budget Dec 2016</u>	<u>Variance</u>	<u>NOTES</u>
<u>EXPENSES</u>						
<u>Labor</u>						
	Executive Director	\$189,370	\$94,685	50%	-\$94,685	3.2% CPI (SF/Oakland/San Jose Metro Area Dec 2015)
	Assistant Executive Director	\$85,000	\$40,817	48%	-\$44,183	8.08% increase - requested 8.2%
	Regulatory Program Manager	\$112,500	\$44,235	39%	-\$68,265	New contract for FY17 with L Fono
	Total	\$386,870	\$179,737	46%	-\$207,133	
<u>Administration</u>						
	EBMUD Financial Services	\$40,000	\$26,894	67%	-\$13,106	\$3,070 is Audit Fee from FY16 when it was on same line item as Accounting.
	Auditing Services (Maze)	\$6,200	-\$3,666	-59%	-\$9,866	FY17: a separate line item from EBMUD Financial Services. (-\$3,666=accrual from FY16)
	Administrative Expenses	\$7,500	\$2,017	27%	-\$5,483	Travel, Supplies, Parking, Mileage, Tolls, Misc.
	Insurance	\$4,500	\$4,266	95%	-\$234	
	Total	\$58,200	\$29,511	51%	-\$28,689	

EXPENSES						
Meetings						
	EB Meetings	\$2,500	\$713	29%	-\$1,787	Catering, Venue, other expenses
	Annual Meeting	\$7,000	\$1,348	19%	-\$5,652	Catering, Venue, other expenses
	Pardee	\$6,000	\$4,421	74%	-\$1,579	Catering, Venue, other expenses
	Misc. Meetings	\$1,100	\$2,324	211%	\$1,224	Holiday Lunch, Committee Chair Lunch, Staff Mtgs, Summit Partners, CASA Annual Meeting
	Total	\$16,600	\$8,806	53%	-\$7,794	
Communication						
	Website Hosting (Computer Courage)	\$600	\$600	100%	\$0	
	File Storage (Box.net)	\$750	\$720	96%	-\$30	
	Website Development/Maintenance	\$1,200	\$0	0%	-\$1,200	Domains, website changes, Logo EPS file
	IT Support (As Needed)	\$2,600	\$248	10%	-\$2,352	
	Other Communication (MS, SM & Code42)	\$800	\$494	62%	-\$306	MS Exchange, Survey Monkey, CrashPlanPro
	Total	\$5,950	\$2,062	35%	-\$3,888	
Legal						
	Regulatory Support	\$2,500	\$210	8%	-\$2,290	
	Executive Board Support	\$2,000	\$0	0%	-\$2,000	
	Total	\$4,500	\$210	5%	-\$4,290	
Committees						
	AIR	\$50,000	\$12,565	25%	-\$37,435	Full BACWA Committee beginning in FY17
	BAPPG	\$86,000	\$62,716	73%	-\$23,284	Includes CPSC @ \$10,000,
	Biosolids Committee	\$3,100	\$104	3%	-\$2,996	
	Collections System	\$1,000	\$300	30%	-\$700	
	InfoShare Groups	\$1,200	\$295	25%	-\$905	funds for 2 workgroups (Asset Mgmt & O&M)
	Laboratory Committee	\$6,000	\$2,070	35%	-\$3,930	
	Permit Committee	\$1,000	\$0	0%	-\$1,000	
	Pretreatment	\$7,000	\$0	0%	-\$7,000	Request includes specific training sessions
	Recycled Water Committee	\$1,000	\$0	0%	-\$1,000	
	Misc Committee Support	\$35,000	\$0	0%	-\$35,000	
	Total	\$191,300	\$78,050	41%	-\$113,250	

EXPENSES						
Collaboratives	Collaboratives					
	State of the Estuary (biennial)	\$20,000	\$0	0%	-\$20,000	Biennial in Odd Years
	Arleen Navarret Award	\$0	\$0		\$0	Biennial in Even Years
	FWQC (Fred Andes)	\$7,500	\$7,500	100%	\$0	Dues raised to \$7,500 in FY16
	Stanford ERC (ReNUWit)	\$10,000	\$0	0%	-\$10,000	
	CWCCG	\$0	\$0		\$0	State-wide function, being absorbed by CASA in FY17
	Misc	\$3,000	\$0	0%	-\$3,000	new budget line item in recognition of unanticipated expenses
	Total	\$40,500	\$7,500	19%	-\$33,000	
Tech Support	Technical Support					
	Nutrients					
	Watershed	\$880,000	\$880,000	100%	\$0	
	Additional work under permit	\$50,000	\$17,367	35%	-\$32,633	FY17: Pilot. LimnoTech
	Opt/Upgrade/Annual Reporting Studies	\$18,128	\$176,634	974%	\$158,506	FY17: remainder of lump sum budget
	Nutrient Program Coordination	\$50,000	\$0	0%	-\$50,000	Prog Coord Pilot Study scheduled for FY17, started in April 2016
	Voluntary Nutrient Contributions	\$0	\$157,500		\$157,500	Paid to SFEI for Modeling in FY17
	General Tech Support	\$50,000	\$0	0%	-\$50,000	SFEI agrmt bal: \$28,409.12. FY17: Assesmt Framework
	Chemicals of Concern	\$15,000	\$2,500	17%	-\$12,500	Pesticide Mgmt support (Kelly Moran-TDC)
	Risk Reduction	\$32,500	\$4,548	14%	-\$27,952	Remainder of Contracts executed for \$50k in FY16 to be paid over two years
	Total	\$1,095,628	\$1,238,549	113%	\$142,921	
					\$0	
	TOTAL EXPENSES	\$1,799,548	\$1,544,425	86%	-\$255,123	
	NET INCOME BEFORE TRANSFERS	\$344,618	\$808,260			5 Year Plan: Est 2017: \$298,736
	TRANSFERS FROM RESERVES	\$0				



Bay Area Clean Water Agencies

A Joint Powers Public Agency

Leading the Way to Protect our Bay

January 3, 2017

MEMO TO: Bay Area Clean Water Agencies Executive Board
MEMO FROM: D. Scott Klein, Controller, East Bay Municipal Utility District
SUBJECT: Fifth Month Treasurer's Report

As required by section eight of the Joint Powers Agreement establishing the Bay Area Clean Water Agencies (BACWA) and California Government Code Sections 6500 et seq., attached is the BACWA Treasurer's Report for the period covering **July 1, 2016 through November 30, 2016** (five months of Fiscal Year 2016-2017). This report covers expenditures, cash receipts, and cash transfers for the following BACWA funds:

- Bay Area Clean Water Agencies (BACWA),
- BACWA Legal Reserve Fund (Legal Rsrv),
- Water Quality Attainment Strategy (WQA CBC),
- Air Issues and Regulation Group (AIR),
- Water/Wastewater Operator Training (WOT),
- Prop84 Bay Area Integrated Regional Water Mgmt (PRP84),
- Prop50 Bay Area Integrated Regional Water Mgmt (PRP50)

BACWA Fund Balances as of November 30, 2016

DEPTID	DESCRIPTION	BEGINNING FUND BALANCE 07/1/16	TOTAL RECEIPTS	TOTAL DISBURSEMENTS	ENDING FUND BALANCE 11/30/16	OUTSTANDING ENCUMBRANCES	UNOBLIGATED FUND BALANCE 11/30/16	INVESTED IN ALTERNATIVE INVESTMENTS	FUNDS AVAILABLE
800	BACWA	1,060,239	699,489	242,549	1,517,179	416,778	1,100,402	0	1,100,402
804	LEGAL RSRV	300,000	-	-	300,000	-	300,000	0	300,000
805	CBC	1,252,817	1,502,201	1,158,838	1,596,181	405,464	1,190,717	165,000	1,025,717
802	AIR	13,698	-	13,698	0	-	0	0	0
TOTAL		2,626,754	2,201,690	1,415,084	3,413,360	822,241	2,591,119	165,000	2,426,119
810	WOT	33,608	119,600	26,500	126,708	-	126,708		
TOTAL		33,608	119,600	26,500	126,708	-	126,708		
811	PRP84	118,356	181,028	181,601	117,783	-	117,783		
815	PRP50	150,663	472,872	472,532	151,003	-	151,003		
TOTAL		269,019	653,900	654,133	268,786	-	268,786		

BACWA Revenue Report as of November 30, 2016

FUND #	DEPARTMENT	JOB	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE				UNOBLIGATED
					Admin & General	Contributons	Interest, Transfers, Ot hers	Admin & General	Contributons	Interest, Transfers, Ot hers	ACTUAL	
800	BACWA	1011099	Principal's Contributions	477,544	-	-	-	-	477,545	-	477,545	(1)
800	BACWA	1011133	Assoc. & Affiliate Contr	175,072	-	133,830	-	-	133,830	-	133,830	41,242
800	BACWA	0408511	Administrative & General	-	-	-	-	-	-	(369)	(369)	369
800	BACWA	1014251	Non-Member Contributions (BAPPG)	3,700	-	-	-	-	-	-	-	3,700
800	BACWA	1011109	Fund Transfers	2,500	-	-	-	-	-	-	-	2,500
800	BACWA	1011117	BDO Interest Income	4,000	-	-	-	-	-	4,669	4,669	(669)
800	BACWA	1011108	BDO Other Receipts	-	-	2,466	-	-	2,466	13,698	16,164	(16,164)
800	BACWA	1014252	BDO Non-Member Contr AIR	6,350	-	-	-	-	-	-	-	6,350
800	BACWA	1014511	BDO-Alternative Investment Inc	-	-	-	-	1,105	-	(1,105)	-	-
800	BACWA	1014550	BDO-Other Receipts (PHARM)	-	-	-	-	-	67,650	-	67,650	(67,650)
BACWA TOTAL				669,166	-	136,296	-	1,105	681,491	16,893	699,489	(30,323)
804	LEGAL	1011117	Interest Income	-	-	-	-	-	-	-	-	-
LEGAL TOTAL				-	-	-	-	-	-	-	-	-
805	WQA-CBC	1011099	BDO Member Contributions	675,000	-	178,121	-	-	688,121	(60,000)	628,121	46,879
805	WQA-CBC	1011108	BDO Other Receipts	800,000	-	178,814	-	-	712,149	-	712,149	87,851
805	WQA-CBC	1011117	BDO Interest Income	-	-	-	-	-	-	4,431	4,431	(4,431)
805	WQA-CBC	1014528	BDO-Voluntary Nutrient Contrib	-	-	-	-	-	97,500	60,000	157,500	(157,500)
WQA CBC TOTAL				1,475,000	-	356,935	-	-	1,497,770	4,431	1,502,201	(27,201)
TOTAL				2,144,166	-	493,231	-	1,105	2,179,261	21,324	2,201,690	(57,524)

	DEPARTMENT	JOB	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE				UNOBLIGATED
					Admin & General	Contributons	Interest, Transfers, Ot hers	Admin & General	Contributons	Interest, Transfers, Ot hers	ACTUAL	
810	WOT	1011099	BDO Member Contributions	-	-	95,500	-	-	107,500	-	107,500	(107,500)
810	WOT	1011108	BDO Other Receipts	-	-	12,000	-	-	12,000	-	12,000	(12,000)
810	WOT	1011117	BDO Interest Income	-	-	-	-	-	-	100	100	(100)
WOT TOTAL				-	-	107,500	-	-	119,500	100	119,600	(119,600)

	DEPARTMENT	JOB	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE				UNOBLIGATED
					Admin & General	Contributons	Interest, Transfers, Ot hers	Admin & General	Contributons	Interest, Transfers, Ot hers	ACTUAL	
811	PROP 84			-	-	-	-	-	180,687	341	181,028	(181,028)
815	PROP 50			-	-	-	-	-	472,500	372	472,872	(472,872)
PROP TOTAL				-	-	-	-	-	653,187	713	653,900	(653,900)

Grand Total				2,144,166	-	600,731	-	1,105	2,951,948	22,137	2,975,190	(831,024)
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BACWA Expense Detail Report as of November 30, 2016

			CURRENT PERIOD				YEAR TO DATE					
EXPENSE TYPE	JOB	AMENDED BUDGET	ENC	PV	DA	JV	ENC	PV	DA	JV	OBLIGATED	UNOBLIGATED
LABOR												
AS-Executive Director	1011123	189,370	-	-	-	-	126,247	63,123	-	-	189,370	-
AS-Assistant Executive Directo	1011124	85,000	(6,248)	6,248	-	-	49,510	35,490	-	-	85,000	-
AS-Regulatory Program Manager	1011149	112,500	(8,280)	8,280	-	-	74,430	38,070	-	-	112,500	-
ADMINISTRATION												
AS-EBMUD Financial Services	1011125	40,000	(23,228)	23,228	596	-	16,772	23,228	3,666	(3,666)	40,000	-
AS-Audit Services	1014512	6,200	-	-	-	-	6,200	-	-	-	6,200	-
AS-BACWA Admin Expense	1011118	7,500	-	-	138	-	-	-	1,440	-	1,440	6,060
AS-Insurance	1011126	4,500	-	-	-	-	-	-	4,266	-	4,266	234
MEETINGS												
GBS-Meeting Support-Exec Bd	1014513	2,500	-	-	233	-	747	253	332	-	1,332	1,168
GBS-Meeting Support-Annual	1014514	7,000	-	-	-	-	-	-	1,348	-	1,348	5,652
GBS-Meeting Support-Pardee	1014515	6,000	-	-	-	-	-	-	1,209	-	1,209	4,791
GBS-Meeting Support-Misc	1014516	1,100	-	-	-	-	-	-	1,491	-	1,491	(391)
GBS- Meeting Support	1011122	-	-	-	-	-	-	-	-	-	-	-
COMMUNICATION												
CAR-BACWA Website Hosting	1014517	600	-	-	-	-	-	-	600	-	600	-
CAR-BACWA File Storage	1014518	750	-	-	720	-	-	-	720	-	720	30
CAR-BACWA IT Support	1014519	2,600	(113)	113	-	-	2,353	248	-	-	2,600	-
CAR-BACWA IT Software	1014520	800	-	-	74	-	-	-	400	-	400	400
CAR-BACWA Website Development/	1011116	1,200	-	-	-	-	-	-	-	-	-	1,200
LEGAL												
LS-Regulatory Support	1011107	2,500	(70)	70	-	-	2,430	70	-	-	2,500	-
LS-Executive Board Support	1011110	2,000	-	-	-	-	2,000	-	-	-	2,000	-
COMMITTEES												
AIR-Air Issues&Regulation Grp	1011109	-	-	-	-	-	-	-	-	-	-	-
AIR-Air Issues&Regulation Grp	1014253	50,000	(774)	774	250	-	44,768	5,233	501	-	50,501	(501)
BC-BAPPG	1011147	86,000	(13,153)	13,153	-	-	23,671	36,329	20,000	-	80,000	6,000
BC-Biosolids Committee	1011101	3,100	-	-	-	-	-	-	104	-	104	2,996
BC-Collections System	1011097	1,000	-	-	300	-	-	-	300	-	300	700
BC-InfoShare Groups	1011102	1,200	-	-	133	-	-	-	295	-	295	905
BC-Laboratory Committee	1011103	6,000	-	-	-	-	-	-	-	-	-	6,000
BC-Permit Committee	1011098	1,000	-	-	-	-	-	-	-	-	-	1,000
BC-Pretreatment Committee	1011146	7,000	-	-	-	-	-	-	-	-	-	7,000
BC-Water Recycling Committee	1011100	1,000	-	-	-	-	-	-	-	-	-	1,000
BC-Miscellaneous Committee Sup	1011104	35,000	-	-	-	-	-	-	-	-	-	35,000
COLLABORATIVES												
CAS-Arleen Navaret Award	1012201	-	-	-	-	-	-	-	-	-	-	-
CAS-FWQC	1012202	7,500	-	-	7,500	-	-	-	7,500	-	7,500	-
CAS-Stanford ERC	1011969	10,000	-	-	-	-	-	-	-	-	-	10,000
CAS-CWCCG	1011148	-	-	-	-	-	-	-	-	-	-	-
CAS-PSSEP	1011112	20,000	-	-	-	-	-	-	-	-	-	20,000
CAS-Misc Collaborative Sup	1014521	3,000	-	-	-	-	-	-	-	-	-	3,000
BDO-Contract Expenses (PHARM)												
BDO-Contract Expenses (PHARM)	1014551	-	67,650	-	-	-	67,650	-	-	-	67,650	(67,650)
BACWA TOTAL		703,920	15,785	51,865	9,944	-	416,778	202,042	44,172	(3,666)	659,326	44,594
TECH SUPPORT												
WQA-CE Addl Work Under Permit	1014254	50,000	-	-	-	-	57,000	12,367	5,000	-	74,367	(24,367)
WQA-CE-Technical Support	1011127	50,000	-	-	-	-	28,409	-	-	-	28,409	21,591
WQA-CE CASA Chem of Concern	1011128	15,000	-	-	-	-	-	2,500	-	-	2,500	12,500
WQA-CE Opt-Upgrade Studies	1014255	18,128	-	-	-	-	293,503	96,923	-	-	390,426	(372,298)
WQA-CE Risk Reduction	1014023	32,500	-	-	-	-	26,552	4,548	-	-	31,099	1,401
WQA-CE-Nutrient WS Permit Comm	1014021	880,000	-	-	-	-	-	-	880,000	-	880,000	-
WQA-CE-Program Mgmt	1011131	50,000	-	-	-	-	-	-	-	-	-	50,000
WQA-CE Voluntary Nutr Contrib	1014529	-	-	-	-	-	-	-	157,500	-	157,500	(157,500)
TECH SUPPORT (CBC) TOTAL		1,095,628	-	-	-	-	405,464	116,338	1,042,500	-	1,564,301	(468,673)
GRAND TOTAL		1,799,548	15,785	51,865	9,944	-	822,241	318,380	1,086,672	(3,666)	2,223,627	(424,079)
							TOTAL		1,405,052			
WOT												
Administrative Support	1011142	-	-	-	-	-	-	-	-	-	-	-
BDO Contract Expenses	1011143	-	-	-	10,400	-	-	-	26,500	-	26,500	(26,500)
		-	-	-	-	-	-	-	26,500	-	26,500	(26,500)

PROPOSITION Revenue Report as of November 30, 2016

DEPTID	DEPARTMENT	JOB	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE				UNOBLIGATED
					Admin & General	Contributons	Interest, Transfers,Ot hers	Admin & General	Contributons	Interest, Transfers,O thers	ACTUAL	
811	Prop84BayAreaIntegRegnlWtrMgmt	1011117	BDO Interest Income	-	-	-	-	-	-	341	341	(341)
811	Prop84BayAreaIntegRegnlWtrMgmt	1011142	Administrative Support	-	-	-	-	-	30,000	-	30,000	(30,000)
811	Prop84BayAreaIntegRegnlWtrMgmt	1011705	Regional Green Infrastructure	-	-	-	-	-	36,691	-	36,691	(36,691)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012212	High Efficiency Toilet & UR	-	-	-	-	-	22,119	-	22,119	(22,119)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012215	Napa Co. Rainwater HP	-	-	-	-	-	6,806	-	6,806	(6,806)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012216	Conservation Program Admin	-	-	-	-	-	13,417	-	13,417	(13,417)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012219	Flood Infrastructure Mapping T	-	-	-	-	-	53,943	-	53,943	(53,943)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012223	Restoration Guidance, San FC	-	-	-	-	-	8,069	-	8,069	(8,069)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012224	SF Estuary Steelhead MP	-	-	-	-	-	6,941	-	6,941	(6,941)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012225	Watershed Program Admnstrtn	-	-	-	-	-	2,701	-	2,701	(2,701)
PROP 84 TOTAL				-	-	-	-	-	180,687	341	181,028	(181,028)
815	Prop50BayAreaIntegRegnlWtrMgmt	1011117	BDO Interest Income	-	-	-	-	-	-	372	372	(372)
815	Prop50BayAreaIntegRegnlWtrMgmt	1011542	EBMUD Ca. Waterstar Initiative	-	-	-	-	-	472,500	-	472,500	(472,500)
PROP50 TOTAL				-	-	-	-	-	472,500	372	472,872	(472,872)
GRAND TOTAL				-	-	-	-	-	653,187	713	653,900	(653,900)

PROPOSITION Expense Detail Report as of November 30, 2016

DEPTID	DEPARTMENT	EXPENSE TYPE	AMENDED BUDGET	CURRENT PERIOD				YEAR TO DATE				OBLIGATED	UNOBLIGATED
				ENC	PV	DA	JV	ENC	PV	DA	JV		
811	Prop84BayAreaIntegRegnlWtrMgmt	BDO Fund Transfers	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Administrative Support	-	-	-	-	-	-	-	53,033	-	53,033	(53,033)
811	Prop84BayAreaIntegRegnlWtrMgmt	BDO Contract Expenses	-	(2,525)	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Regional Green Infrastructure	-	-	-	-	-	-	-	36,691	-	36,691	(36,691)
811	Prop84BayAreaIntegRegnlWtrMgmt	Water Efficient LRP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Bay Friendly Landscape TP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Weather Based Irrigation Cntrl	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	High Efficiency Toilet & UR	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	High Efficiency Toilet & UI	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	High Efficiency Clothes Washrs	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Napa Co. Rainwater HP	-	-	-	-	-	-	-	6,806	-	6,806	(6,806)
811	Prop84BayAreaIntegRegnlWtrMgmt	Conservation Program Admin	-	-	-	-	-	-	-	13,417	-	13,417	(13,417)
811	Prop84BayAreaIntegRegnlWtrMgmt	Flood Infrastructure Mapping T	-	-	-	-	-	-	-	53,943	-	53,943	(53,943)
811	Prop84BayAreaIntegRegnlWtrMgmt	Stormwater Improvements & PBP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Richmond Shoreline & San PFP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Pescadero Integrated FRAH	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Restoration Guidance, San FC	-	-	-	-	-	-	-	8,069	-	8,069	(8,069)
811	Prop84BayAreaIntegRegnlWtrMgmt	SF Estuary Steelhead MP	-	-	-	-	-	-	-	6,941	-	6,941	(6,941)
811	Prop84BayAreaIntegRegnlWtrMgmt	Watershed Program Admnstrtn	-	-	-	-	-	-	-	2,701	-	2,701	(2,701)
	PRP84 TOTAL		-	(2,525)	-	-	-	-	-	181,601	-	181,601	(181,601)
815	Prop50BayAreaIntegRegnlWtrMgmt	BDO Fund Transfers	-	-	-	-	-	-	-	-	-	-	-
815	Prop50BayAreaIntegRegnlWtrMgmt	Administrative Support	-	-	-	-	-	-	-	32	-	32	(32)
815	Prop50BayAreaIntegRegnlWtrMgmt	BDO Contract Expenses	-	-	-	-	-	-	-	-	-	-	-
815	Prop50BayAreaIntegRegnlWtrMgmt	EBMUD New Biz Guidebook	-	-	-	-	-	-	-	-	-	-	-
815	Prop50BayAreaIntegRegnlWtrMgmt	South Bay Advanced Regional RW	-	-	-	-	-	-	-	-	-	-	-
815	Prop50BayAreaIntegRegnlWtrMgmt	Pacifica RWP	-	-	-	-	-	-	-	-	-	-	-
815	Prop50BayAreaIntegRegnlWtrMgmt	Direct Install HET	-	-	-	-	-	-	-	-	-	-	-
815	Prop50BayAreaIntegRegnlWtrMgmt	Sonoma - Napa Marsh RWP	-	-	-	-	-	-	-	-	-	-	-
815	Prop50BayAreaIntegRegnlWtrMgmt	EBMUD Ca. Waterstar Initiative	-	-	-	-	-	-	-	472,500	-	472,500	(472,500)
	PRP50 TOTAL		-	-	-	-	-	-	-	472,532	-	472,532	(472,532)
GRAND TOTAL			-	(2,525)	-	-	-	-	-	654,133	-	654,133	(654,133)



Bay Area Clean Water Agencies

A Joint Powers Public Agency

Leading the Way to Protect our Bay

January 24, 2017

MEMO TO: Bay Area Clean Water Agencies Executive Board

MEMO FROM: D. Scott Klein, Controller, East Bay Municipal Utility District

SUBJECT: Sixth Month Treasurer's Report

As required by section eight of the Joint Powers Agreement establishing the Bay Area Clean Water Agencies (BACWA) and California Government Code Sections 6500 et seq., attached is the BACWA Treasurer's Report for the period covering **July 1, 2016 through December 31, 2016** (six months of Fiscal Year 2016-2017). This report covers expenditures, cash receipts, and cash transfers for the following BACWA funds:

- Bay Area Clean Water Agencies (BACWA),
- BACWA Legal Reserve Fund (Legal Rsrv),
- Water Quality Attainment Strategy (WQA CBC),
- Air Issues and Regulation Group (AIR),
- Water/Wastewater Operator Training (WOT),
- Prop84 Bay Area Integrated Regional Water Mgmt (PRP84),
- Prop50 Bay Area Integrated Regional Water Mgmt (PRP50)

Fund Balances as of December 31, 2016

DESCRIPTION	BEGINNING FUND BALANCE 07/1/16	TOTAL RECEIPTS	TOTAL DISBURSEMENTS	ENDING FUND BALANCE 12/31/16	OUTSTANDING ENCUMBRANCES	UNOBLIGATED FUND BALANCE 12/31/16
BACWA	1,060,239	734,157	305,876	1,488,520	363,737	1,124,783
LEGAL RSRV	300,000	-	-	300,000	-	300,000
CBC	1,252,817	1,632,226	1,238,549	1,646,495	325,753	1,320,742
AIR	13,698	-	13,698	0	-	0
TOTAL	2,626,754	2,366,383	1,558,122	3,435,015	689,489	2,745,526
WOT	33,608	127,100	26,500	134,208	-	134,208
TOTAL	33,608	127,100	26,500	134,208	-	134,208
PRP84	118,356	181,028	181,601	117,783	-	117,783
PRP50	150,663	472,872	472,532	151,003	-	151,003
TOTAL	269,019	653,900	654,133	268,786	-	268,786

BACWA Revenue Report as of December 31, 2016

FUND #	DEPARTMENT	JOB	REVENUE TYPE	BUDGET	CURRENT PERIOD			YEAR TO DATE				UNOBLIGATED
					Admin & General	Contributons	Interest, Transfers, Others	Admin & General	Contributons	Interest, Transfers, Others	ACTUAL	
800	BACWA	1011099	Principal's Contributions	477,544	-	-	-	-	477,545	-	477,545	(1)
800	BACWA	1011133	Assoc. & Affiliate Contr	175,072	-	27,085	-	-	160,915	-	160,915	14,157
800	BACWA	0408511	Administrative & General	-	-	-	-	-	-	(369)	(369)	369
800	BACWA	1014251	Non-Member Contributions (BAPPG)	3,700	-	1,233	-	-	3,699	-	3,699	1
800	BACWA	1011109	Fund Transfers	2,500	-	-	-	-	-	-	-	2,500
800	BACWA	1011117	BDO Interest Income	4,000	-	-	-	-	-	4,669	4,669	(669)
800	BACWA	1011108	BDO Other Receipts	-	-	-	-	-	-	13,698	13,698	(13,698)
800	BACWA	1014252	BDO Non-Member Contr AIR	6,350	-	6,350	-	-	6,350	-	6,350	-
800	BACWA	1014511	BDO-Alternative Investment Inc	-	-	-	-	1,105	-	(1,105)	-	-
800	BACWA	1014550	BDO-Other Receipts (PHARM)	-	-	-	-	-	67,650	-	67,650	(67,650)
BACWA TOTAL				669,166	-	34,668	-	1,105	716,159	16,893	734,157	(64,991)
804	LEGAL	1011117	Interest Income	-	-	-	-	-	-	-	-	-
LEGAL TOTAL				-	-	-	-	-	-	-	-	-
805	WQA-CBC	1011099	BDO Member Contributions	675,000	-	60,711	-	-	748,832	(90,000)	658,832	(13,832)
805	WQA-CBC	1011108	BDO Other Receipts	800,000	-	69,314	-	-	781,463	-	781,463	18,537
805	WQA-CBC	1011117	BDO Interest Income	-	-	-	-	-	-	4,431	4,431	(4,431)
805	WQA-CBC	1014528	BDO-Voluntary Nutrient Contrib	-	-	-	-	-	97,500	90,000	187,500	(157,500)
WQA CBC TOTAL				1,475,000	-	130,025	-	-	1,627,795	4,431	1,632,226	(157,226)
TOTAL				2,144,166	-	164,693	-	1,105	2,343,954	21,324	2,366,383	(222,217)

	DEPARTMENT	JOB	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE				UNOBLIGATED
					Admin & General	Contributons	Interest, Transfers, Others	Admin & General	Contributons	Interest, Transfers, Others	ACTUAL	
810	WOT	1011099	BDO Member Contributions	-	-	7,500	-	-	115,000	-	115,000	(115,000)
810	WOT	1011108	BDO Other Receipts	-	-	-	-	-	12,000	-	12,000	(12,000)
810	WOT	1011117	BDO Interest Income	-	-	-	-	-	-	100	100	(100)
WOT TOTAL				-	-	7,500	-	-	127,000	100	127,100	(127,100)

	DEPARTMENT	JOB	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE				UNOBLIGATED
					Admin & General	Contributons	Interest, Transfers, Others	Admin & General	Contributons	Interest, Transfers, Others	ACTUAL	
811	PROP 84			-	-	-	-	-	180,687	341	181,028	(181,028)
815	PROP 50			-	-	-	-	-	472,500	372	472,872	(472,872)
PROP TOTAL				-	-	-	-	-	653,187	713	653,900	(653,900)

Grand Total	2,144,166	-	172,193	-	1,105	3,124,141	22,137	3,147,383	(1,003,217)
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BACWA Expense Detail Report as of December 31, 2016

EXPENSE TYPE	JOB	AMENDED BUDGET	CURRENT PERIOD				YEAR TO DATE				OBLIGATED	UNOBLIGATED
			ENC	PV	DA	JV	ENC	PV	DA	JV		
LABOR												
AS-Executive Director	1011123	189,370	(31,562)	31,562	-	-	94,685	94,685	-	-	189,370	-
AS-Assistant Executive Directo	1011124	85,000	(5,327)	5,327	-	-	44,183	40,817	-	-	85,000	-
AS-Regulatory Program Manager	1011149	112,500	(6,165)	6,165	-	-	68,265	44,235	-	-	112,500	-
ADMINISTRATION												
AS-EBMUD Financial Services	1011125	40,000	-	-	-	-	16,772	23,228	3,666	(3,666)	40,000	-
AS-Audit Services	1014512	6,200	-	-	-	-	6,200	-	-	-	6,200	-
AS-BACWA Admin Expense	1011118	7,500	-	-	577	-	-	-	2,017	-	2,017	5,483
AS-Insurance	1011126	4,500	-	-	-	-	-	-	4,266	-	4,266	234
MEETINGS												
GBS-Meeting Support-Exec Bd	1014513	2,500	(128)	128	-	-	620	380	332	-	1,332	1,168
GBS-Meeting Support-Annual	1014514	7,000	-	-	-	-	-	-	1,348	-	1,348	5,652
GBS-Meeting Support-Pardee	1014515	6,000	-	-	3,212	-	-	-	4,421	-	4,421	1,579
GBS-Meeting Support-Misc	1014516	1,100	-	-	833	-	-	-	2,324	-	2,324	(1,224)
GBS- Meeting Support	1011122	-	-	-	-	-	-	-	-	-	-	-
COMMUNICATION												
CAR-BACWA Website Hosting	1014517	600	-	-	-	-	-	-	600	-	600	-
CAR-BACWA File Storage	1014518	750	-	-	-	-	-	-	720	-	720	30
CAR-BACWA IT Support	1014519	2,600	-	-	-	-	2,353	248	-	-	2,600	-
CAR-BACWA IT Software	1014520	800	-	-	94	-	-	-	494	-	494	306
CAR-BACWA Website Development/	1011116	1,200	-	-	-	-	-	-	-	-	-	1,200
LEGAL												
LS-Regulatory Support	1011107	2,500	(140)	140	-	-	2,290	210	-	-	2,500	-
LS-Executive Board Support	1011110	2,000	-	-	-	-	2,000	-	-	-	2,000	-
COMMITTEES												
AIR-Air Issues&Regulation Grp	1011109	-	-	-	-	-	-	-	-	-	-	-
AIR-Air Issues&Regulation Grp	1014253	50,000	(6,832)	6,832	-	-	37,936	12,065	501	-	50,501	(501)
BC-BAPPG	1011147	86,000	(2,888)	2,888	3,500	-	20,784	39,216	23,500	-	83,500	2,500
BC-Biosolids Committee	1011101	3,100	-	-	-	-	-	-	104	-	104	2,996
BC-Collections System	1011097	1,000	-	-	-	-	-	-	300	-	300	700
BC-InfoShare Groups	1011102	1,200	-	-	-	-	-	-	295	-	295	905
BC-Laboratory Committee	1011103	6,000	-	-	2,070	-	-	-	2,070	-	2,070	3,930
BC-Permit Committee	1011098	1,000	-	-	-	-	-	-	-	-	-	1,000
BC-Pretreatment Committee	1011146	7,000	-	-	-	-	-	-	-	-	-	7,000
BC-Water Recycling Committee	1011100	1,000	-	-	-	-	-	-	-	-	-	1,000
BC-Miscellaneous Committee Sup	1011104	35,000	-	-	-	-	-	-	-	-	-	35,000
COLLABORATIVES												
CAS-Arleen Navaret Award	1012201	-	-	-	-	-	-	-	-	-	-	-
CAS-FWQC	1012202	7,500	-	-	-	-	-	-	7,500	-	7,500	-
CAS-Stanford ERC	1011969	10,000	-	-	-	-	-	-	-	-	-	10,000
CAS-CWCCG	1011148	-	-	-	-	-	-	-	-	-	-	-
CAS-PSSEP	1011112	20,000	-	-	-	-	-	-	-	-	-	20,000
CAS-Misc Collaborative Sup	1014521	3,000	-	-	-	-	-	-	-	-	-	3,000
BDO-Contract Expenses (PHARM)												
BDO-Contract Expenses (PHARM)	1014551	-	-	-	-	-	67,650	-	-	-	67,650	(67,650)
BACWA TOTAL		703,920	(53,041)	53,041	10,286	-	363,737	255,083	54,458	(3,666)	669,612	34,308
TECH SUPPORT												
WQA-CE Addl Work Under Permit	1014254	50,000	-	-	-	-	57,000	12,367	5,000	-	74,367	(24,367)
WQA-CE-Technical Support	1011127	50,000	-	-	-	-	28,409	-	-	-	28,409	21,591
WQA-CE CASA Chem of Concern	1011128	15,000	-	-	-	-	-	2,500	-	-	2,500	12,500
WQA-CE Opt-Upgrade Studies	1014255	18,128	(79,711)	79,711	-	-	213,792	176,634	-	-	390,426	(372,298)
WQA-CE Risk Reduction	1014023	32,500	-	-	-	-	26,552	4,548	-	-	31,099	1,401
WQA-CE-Nutrient WS Permit Comm	1014021	880,000	-	-	-	-	-	-	880,000	-	880,000	-
WQA-CE-Program Mgmt	1011131	50,000	-	-	-	-	-	-	-	-	-	50,000
WQA-CE Voluntary Nutr Contrib	1014529	-	-	-	-	-	-	-	157,500	-	157,500	(157,500)
TECH SUPPORT (CBC) TOTAL		1,095,628	(79,711)	79,711	-	-	325,753	196,049	1,042,500	-	1,564,301	(468,673)
GRAND TOTAL		1,799,548	(132,752)	132,752	10,286	-	689,489	451,132	1,096,958	(3,666)	2,233,914	(434,366)
							Total	1,548,090				
WOT												
Administrative Support	1011142	-	-	-	-	-	-	-	-	-	-	-
BDO Contract Expenses	1011143	-	-	-	-	-	-	-	26,500	-	26,500	(26,500)
									26,500	-	26,500	(26,500)
GRAND TOTAL (BDO, CBC, WOT)		1,799,548	(132,752)	132,752	10,286	-	689,489	451,132	1,123,458	(3,666)	2,260,414	(460,866)

PROPOSITION Revenue Report as of December 31, 2016

DEPTID	DEPARTMENT	JOB	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE				UNOBLIGATED
					Admin & General	Contributions	Interest, Transfers, Others	Admin & General	Contributions	Interest, Transfers, Others	ACTUAL	
811	Prop84BayAreaIntegRegnlWtrMgmt	1011117	BDO Interest Income	-	-	-	-	-	-	341	341	(341)
811	Prop84BayAreaIntegRegnlWtrMgmt	1011142	Administrative Support	-	-	-	-	-	30,000	-	30,000	(30,000)
811	Prop84BayAreaIntegRegnlWtrMgmt	1011705	Regional Green Infrastructure	-	-	-	-	-	36,691	-	36,691	(36,691)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012212	High Efficiency Toilet & UR	-	-	-	-	-	22,119	-	22,119	(22,119)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012215	Napa Co. Rainwater HP	-	-	-	-	-	6,806	-	6,806	(6,806)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012216	Conservation Program Admin	-	-	-	-	-	13,417	-	13,417	(13,417)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012219	Flood Infrastructure Mapping T	-	-	-	-	-	53,943	-	53,943	(53,943)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012223	Restoration Guidance, San FC	-	-	-	-	-	8,069	-	8,069	(8,069)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012224	SF Estuary Steelhead MP	-	-	-	-	-	6,941	-	6,941	(6,941)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012225	Watershed Program Admnstrtn	-	-	-	-	-	2,701	-	2,701	(2,701)
PROP 84 TOTAL				-	-	-	-	-	180,687	341	181,028	(181,028)
815	Prop50BayAreaIntegRegnlWtrMgmt	1011117	BDO Interest Income	-	-	-	-	-	-	372	372	(372)
815	Prop50BayAreaIntegRegnlWtrMgmt	1011542	EBMUD Ca. Waterstar Initiative	-	-	-	-	-	472,500	-	472,500	(472,500)
PROP50 TOTAL				-	-	-	-	-	472,500	372	472,872	(472,872)
GRAND TOTAL				-	-	-	-	-	653,187	713	653,900	(653,900)

PROPOSITION Expense Detail Report as of December 31, 2016

DEPTID	DEPARTMENT	EXPENSE TYPE	AMENDED BUDGET	CURRENT PERIOD				YEAR TO DATE				OBLIGATED	UNOBLIGATED
				ENC	PV	DA	JV	ENC	PV	DA	JV		
811	Prop84BayAreaIntegRegnlWtrMgmt	BDO Fund Transfers	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Administrative Support	-	-	-	-	-	-	-	53,033	-	53,033	(53,033)
811	Prop84BayAreaIntegRegnlWtrMgmt	BDO Contract Expenses	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Regional Green Infrastructure	-	-	-	-	-	-	-	36,691	-	36,691	(36,691)
811	Prop84BayAreaIntegRegnlWtrMgmt	Water Efficient LRP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Bay Friendly Landscape TP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Weather Based Irrigation Cntrl	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	High Efficiency Toilet & UR	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	High Efficiency Toilet & UI	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	High Efficiency Clothes Washrs	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Napa Co. Rainwater HP	-	-	-	-	-	-	-	6,806	-	6,806	(6,806)
811	Prop84BayAreaIntegRegnlWtrMgmt	Conservation Program Admin	-	-	-	-	-	-	-	13,417	-	13,417	(13,417)
811	Prop84BayAreaIntegRegnlWtrMgmt	Flood Infrastructure Mapping T	-	-	-	-	-	-	-	53,943	-	53,943	(53,943)
811	Prop84BayAreaIntegRegnlWtrMgmt	Stormwater Improvements & PBP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Richmond Shoreline & San PFP	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Pescadero Integrated FRAH	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Restoration Guidance, San FC	-	-	-	-	-	-	-	8,069	-	8,069	(8,069)
811	Prop84BayAreaIntegRegnlWtrMgmt	SF Estuary Steelhead MP	-	-	-	-	-	-	-	6,941	-	6,941	(6,941)
811	Prop84BayAreaIntegRegnlWtrMgmt	Watershed Program Admnstrtn	-	-	-	-	-	-	-	2,701	-	2,701	(2,701)
PRP84 TOTAL			-	-	-	-	-	-	-	181,601	-	181,601	(181,601)
815	Prop50BayAreaIntegRegnlWtrMgmt	BDO Fund Transfers	-	-	-	-	-	-	-	-	-	-	-
815	Prop50BayAreaIntegRegnlWtrMgmt	Administrative Support	-	-	-	-	-	-	-	32	-	32	(32)
815	Prop50BayAreaIntegRegnlWtrMgmt	BDO Contract Expenses	-	-	-	-	-	-	-	-	-	-	-
815	Prop50BayAreaIntegRegnlWtrMgmt	EBMUD New Biz Guidebook	-	-	-	-	-	-	-	-	-	-	-
815	Prop50BayAreaIntegRegnlWtrMgmt	South Bay Advanced Regional RW	-	-	-	-	-	-	-	-	-	-	-
815	Prop50BayAreaIntegRegnlWtrMgmt	Pacifica RWP	-	-	-	-	-	-	-	-	-	-	-
815	Prop50BayAreaIntegRegnlWtrMgmt	Direct Install HET	-	-	-	-	-	-	-	-	-	-	-
815	Prop50BayAreaIntegRegnlWtrMgmt	Sonoma - Napa Marsh RWP	-	-	-	-	-	-	-	-	-	-	-
815	Prop50BayAreaIntegRegnlWtrMgmt	EBMUD Ca. Waterstar Initiative	-	-	-	-	-	-	-	472,500	-	472,500	(472,500)
PRP50 TOTAL			-	-	-	-	-	-	-	472,532	-	472,532	(472,532)
GRAND TOTAL			-	-	-	-	-	-	-	654,133	-	654,133	(654,133)



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 3

FILE NO.: 17-27

MEETING DATE: Feb 17, 2017

TITLE: Request for Board Nomination and Approval of Representatives

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

RECOMMENDED ACTION

Nominate and approve new BACWA Representatives to:

1. ReNUWIt Industrial Advisory Committee
2. Nutrient Governance Steering Committee
3. RMP Steering Committee

SUMMARY: One of the strengths of an organization like BACWA is the ability to leverage volunteers from its membership such that each member agency does not need to staff all the many functions and activities that impact the POTW community in the Bay Area. Since a representative often will be speaking on behalf of the entire BACWA membership, it is important for the representative to be formally appointed by the BACWA Board of Directors, to always put the interests of the membership as a whole ahead of their own agencies' interests and to periodically report back to the Board on their activities. BACWA has formally appointed many individuals from its membership to represent BACWA on a variety of committees and on various regulatory initiatives. Due to retirements, there are now some vacancies among the BACWA representatives and these need new individuals to be appointed. The vacancies are as follows:

1. There are currently two BACWA Representatives to ReNUWIt, Ben Horenstein (EBMUD) and Michael Connor (EBDA). With Mr. Horenstein's retirement from EBMUD, he will no longer be available to represent BACWA.
2. There are currently two BACWA Representatives to the Nutrient Governance Steering Committee, Ben Horenstein (EBMUD) and Jim Ervin (San Jose). With Mr. Horenstein's retirement from EBMUD, he will no longer be available to represent BACWA. Michael Connor (EBDA) has volunteered to fill the BACWA Representative position with the Nutrient Governance Steering Committee.
3. There are currently three BACWA Representatives to the RMP Steering Committee, Dan Tafolla (Vallejo Sanitation and Flood Control District), Jim Ervin (San Jose) and Karin North (Palo Alto). With Mr. Tafolla's retirement from Vallejo Sanitation and Flood Control District, he will no longer be available to represent BACWA. Leah Walker (City of Petaluma) has volunteered to fill the BACWA Representative position with the RMP Steering Committee.

FISCAL IMPACT

No fiscal impact to BACWA.

ALTERNATIVES

In the case of the Nutrient Governance Steering Committee and the RMP Steering Committee the BACWA Board can open up the floor to additional nominations or simply appoint the individuals who have already volunteered. If more than one person is interested, a vote should be taken for the appointment. For the ReNUWIt representative the Board can again call for nominations and if no one volunteers the Board may elect to continue with a single representative.

Approved:

Date:

Laura Pagano, Chair
BACWA



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 4

FILE NO.: 17-28

MEETING DATE: Feb 17, 2017

TITLE: BACWA Support of the National Water Policy Forum

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

RECOMMENDED ACTION

Approve BACWA support of the upcoming National Water Policy Fly-In & Expo, March 21-22, 2017 at the Washington Marriott Georgetown in Washington, D.C.

SUMMARY

The National Water Policy Forum, Fly-In & Expo, the anchor event of Water Week 2016, is presented by the National Association of Clean Water Agencies (NACWA), the Water Environment Federation (WEF), the Water Environment Research Foundation (WERF) and the WaterReuse Association. It will feature distinguished speakers, conference sessions, Capitol Hill visits, and regulatory roundtables. NACWA has asked BACWA to provide no-cost support to the National Water Policy Forum. This support would consist of BACWA providing its logo to NACWA for use in marketing the Forum.

FISCAL IMPACT

No fiscal impact to BACWA.

ALTERNATIVES

The alternative is to not provide the support of the Forum. This is not recommended since BACWA's interested are generally aligned with the sponsors of the event, many BACWA agencies are also members of the sponsoring organization and many BACWA members also attend the event.

Attachments:

Approved:

Date:

Laura Pagano, Chair
BACWA



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 5

FILE NO.: 17-29

MEETING DATE: Feb 17, 2017

TITLE: Approve a Contract for the Analysis of the Economic Impact of the Proposed BAAQMD Rule 11-18 on BACWA Member Facilities

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

RECOMMENDED ACTION

Authorize Execution of an Agreement with Carollo Engineers to provide an analysis of the economic impact of the proposed BAAQMD Rule 11-18 on BACWA member facilities as it relates to diesel generators.

SUMMARY

The Draft Regulation 11, Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities (Draft Rule, Rule 11-18) is the Bay Area Air Quality Management District's (BAAQMD's) effort to protect public health from toxic air pollution from existing facilities. BAAQMD expects Rule 11-18 would substantially reduce health risks from various existing facilities by requiring the implementation of all technically and economically feasible risk reduction measures by significant sources of toxic air contaminants (TACs). The Draft Rule will affect publicly owned treatment works (POTWs), as well as hundreds of other facilities with air permits through the Bay Area. BAAQMD staff have identified diesel particulate matter as the primary risk driver for POTWs. Because of the potential significant impact of Rule 11-18 on BACWA member agencies, the AIR committee has solicited a proposal to better understand the cost of compliance with Rule 11-18 related to diesel generators. This information will be used to disseminate to member agencies, as well as shared with BAAQMD staff and Board members as they develop the economic analysis for Rule 11-18.

FISCAL IMPACT

This contract will utilize funds from the approved FY17 budget line item for Miscellaneous Committee Support. This line item was budgeted at \$35k. To date for FY17 no funds have been allocated from this line item.

ALTERNATIVES

1. Do not complete this work – This alternative is not recommended because the information that will be developed will be necessary for future discussions with BAAQMD staff and Board Members on the impacts of Rule 11-18.
2. Hire another consultant to do this work – This alternative is not recommended due to the short time frame in which this information will be needed, relative to BAAQMD's adoption schedule. Additionally, the consultant team has already undergone a competitive selection process to provide support to BACWA's AIR committee, however this work was not included in the original scope of work. Sole sourcing this contract conforms to the BACWA contracting policy..

Attachments:

Contract

Scope of Service

Rate Sheet

Budget

Approved:

Date:

Laura Pagano, Chair
BACWA

BAY AREA CLEAN WATER AGENCIES PROFESSIONAL SERVICES CONTRACT

This PROFESSIONAL SERVICES CONTRACT, effective February 17, 2017, is between Bay Area Clean Water Agencies (“BACWA”), a joint powers agency which exists as a public entity separate and apart from its Member Agencies, created January 4, 1984 by a Joint Powers Agreement between Central Contra Costa Sanitary District, East Bay Dischargers Association, East Bay Municipal Utility District, the City and County of San Francisco and the City of San Jose, with a mailing address of P.O. Box 24055, MS 59, Oakland, CA 94623, and Carollo Engineers, Inc. (“Consultant”), a private corporation doing business at 2700 Ygnacio Valley Road, Suite 300, Walnut Creek, CA 94598 for professional services as described in any Exhibit A attached hereto.

In consideration of the mutual covenants, stipulations and agreements, the parties agree as follows:

Description and Standard of Services to be Performed

1. Consultant will perform the Services as described by and in accordance with Exhibit A in a manner acceptable to BACWA.
2. Consultant shall not contract with or otherwise use any subconsultants, subcontractors or other non-employee persons or entities (“Subconsultants”) to perform the Services without the prior written approval of BACWA. If Consultant and BACWA agree that Subconsultants shall be used, Consultant shall ensure Subconsultants’ compliance with all the terms and conditions of this agreement.
3. Consultant will exercise that degree of care in performing the Services in accordance with that prevailing among firms of comparable standing in the State of California (“Professional Standard”). Consultant will promptly correct or re-perform those Services not meeting the Professional Standard without additional compensation.
4. Consultant warrants that it is fully licensed, registered and otherwise fully authorized to perform the Services in the State of California to the extent applicable law requires such licensure, registration or authorization.
5. BACWA’s review, approval, acceptance, use, or payment for all or any part of the Services hereunder will not alter the Consultant’s obligations or BACWA’s rights hereunder, and will not excuse or diminish Consultant’s responsibility for performing all Services consistent with this Contract.

Payment for Services

6. The contract will begin Feb. BACWA will pay Consultant based on the rates in Exhibit B, up to a maximum amount payable of \$25,956.00. The term of this agreement shall not extend beyond June 30, 2017 but may be extended for additional one year terms at BACWA’s discretion for an additional two years, ending June 30, 2019. If, upon reaching the end of the term of the contract, the Board elects to extend the contract, the amount of the extended contract will be negotiated at the time the contract is extended.
7. Consultant shall submit invoices monthly via email to Sherry Hull, Assistant Executive Director, at shull@bacwa.org with a copy to Lorien Fono, Regulatory Program Manager, at lfono@bacwa.org. Invoices shall include the hours charged by each employee, a brief description of the work performed, and a description of costs for which Consultant seeks reimbursement and which are specified in Exhibit B.
8. Payments under this Contract will be due thirty (30) days after BACWA’s receipt of invoices. BACWA may withhold from any progress or final payment any damages, backcharges or claims incurred or anticipated by BACWA to the extent caused by Consultant.

Document Ownership and Retention

9. Consultant will maintain all financial records relating to this Contract in accordance with generally accepted accounting principles and for at least three years following termination of this Contract. Consultant will grant BACWA and its representatives access upon request to all such records and all other books, documents, papers, drawings, and writings of Consultant that refer or relate to this Contract.
10. All drawings, specifications, reports, programs, manuals, and other work product of Consultant that result from this Contract ("Work Product") will be considered the exclusive property of BACWA. Consultant agrees that it will not use, disclose, communicate, publish or otherwise make available to third parties any products, analyses, data, compilations, studies, proposals, technical or business information, and any other information related to the Services provided to BACWA without BACWA's prior written approval.

Indemnification

11. To the fullest extent allowed by law, Consultant will indemnify, hold harmless, reimburse and defend BACWA, its Member Agencies, and each of their officers, directors, employees and agents from, for and against any and all claims, demands, damages, losses, expenses, liabilities and penalties, including but not limited to reasonable attorneys' and expert witnesses' fees, arising out of or relating to the Services but only to the extent caused by the negligent or other wrongful acts or omissions of Consultant or any person or entity for whose acts or omissions any of them are responsible, or by the failure of any such party to perform as required by this Contract.

Insurance

12. Consultant will purchase and maintain, at Consultant's expense, the following types of insurance, covering Consultant, its employees and agents:
 - a. Workers' Compensation Insurance as required by law, subject to a waiver of subrogation in favor of BACWA;
 - b. Employers Liability Insurance with a per accident value at \$1,000,000, Policy Limit of \$1,000,000 and Each Employee of \$1,000,000, subject to a waiver of subrogation in favor of BACWA.
 - c. Comprehensive General Liability Insurance covering personal injury and property damage with a combined single limit, or the equivalent, of not less than \$1,000,000.00 each occurrence, \$2,000,000.00 general aggregate, and naming BACWA as an additional insured.
 - d. Business Automobile Liability Insurance with combined single limit coverage of not less than \$1,000,000.00 aggregate for each claim, incident, or occurrence; and naming BACWA as an additional insured.

Assignment

13. Consultant will not assign or transfer any of its interest in this Contract, in whole or in part, without the prior written consent of BACWA. BACWA may assign this Contract and any rights relating to this Contract (including but not limited to its right to assert claims and defenses against Consultant) at BACWA's discretion.

Independent Contractor

14. Consultant will perform the Services as an independent contractor. Although Consultant will perform its Services for the benefit of BACWA, and although BACWA reserves the right to determine the schedule for the Services and to evaluate the quality of the completed performance, BACWA does not control the means or methods of Consultant's performance. Consultant is solely responsible for determining the appropriate means and methods of performing the Services, and Consultant's liability will not be diminished by any review, approval, acceptance, use or payment for the same by BACWA or any other party.

Termination of Contract; Suspension of Services

15. This contract shall automatically terminate on June 30, 2017. Either party may also terminate this Contract in whole or in part at any time for its convenience. For a termination for convenience, the termination will be effective thirty (30) days following receipt of a written notice of termination by one party from the other. BACWA may terminate this Contract in whole or in part for cause, in which event the termination will be effective ten (10) days after Consultant's receipt of BACWA's written notice and Consultant's failure during that period to cure the default.

Dispute Resolution

16. Consultant will give prompt written notice to BACWA of any claim, dispute or other matter in question, but in no event will Consultant give such notice later than ten (10) days after Consultant's becoming aware of the event or circumstance giving rise to the claim, dispute or matter in question.
17. All claims, disputes and other matters in question between BACWA and Consultant arising out of or relating to this Contract will be subject to alternative dispute resolution. If both parties agree to arbitration it will be conducted in accordance with the Commercial Arbitration Rules of the American Arbitration Association then in effect. Notice of the demand for arbitration will be filed in writing with the other party to this Contract and with the American Arbitration Association. Any arbitration arising out of or relating to this Contract will include, by consolidation, joinder or joint filing, any other person or entity not a party to this Contract that is substantially involved in a common issue of law or fact and whose involvement in the consolidated arbitration is necessary to achieve a final resolution of a matter in controversy therein. This agreement to arbitrate will be specifically enforceable by any court with jurisdiction thereof.
18. A demand for dispute resolution by either party will be made within a reasonable time after the claim, dispute, or other matter in question has arisen, and in no event will it be made after the date when institution of court litigation based on such claim, dispute or other matter in question would be barred by the applicable period of limitations. For all claims by BACWA against Consultant, the applicable period of limitations will not commence to run, and any alleged cause of action will not be deemed to have accrued (whether such action is based on negligence, strict liability, indemnity, intentional tort or other tort, breach of contract, breach of implied or express warranty, or any other legal or equitable theory), unless and until BACWA is fully aware of all three of the following: (1) the identity of the party(ies) responsible, (2) the magnitude of the damage or injury and (3) the cause(s) of the damage or injury. The contractual limitations period and discovery rule provided herein applies in lieu of any otherwise applicable statute or related case law.
19. The failure of either party to enforce any provision of this Contract will not constitute a waiver by that party of that or any other provision of this Contract.

Severability

20. BACWA and Consultant agree that if any term or provision of this Contract is determined to be illegal, in conflict with any law, void or otherwise unenforceable, and if the essential terms and provisions of this Contract remain unaffected, then the validity of the remaining terms and provisions will not be affected and the offending provision will be given the fullest meaning and effect allowed by law.

Survival

21. All rights and obligations set out in this Contract and arising hereunder will survive the termination of this Contract (i) as to the parties' rights and obligations that arose prior to such termination and (ii) as is necessary to give effect to rights and obligations that arise after such termination but derive from a breach or performance failure that occurred prior to the termination.

This Contract constitutes the entire, legally binding contract between the parties regarding its subject matter. No waiver, consent, modification or change of terms of this Contract is binding unless in writing and signed by both parties.

The following documents are incorporated into and made a part of this Contract. Any conflicts between these documents and this Contract will be resolved in favor of this Contract.

Exhibit A – Scope of Work & Schedule

Exhibit B – Hourly Rates/Reimbursable Expenses

CONSULTANT: CAROLLO ENGINEERS, INC.

2700 Ygnacio Valley Road, Suite 300

Street Address

Walnut Creek, CA 94598

City, State, Zip Code

86-0899222

Tax Identification No.

Consultant Signature

Date

Lydia Holmes, Vice President

Name, Title

BACWA Signature

Date

Laura Pagano, BACWA Chair

Name, Title

EXHIBIT A

SCOPE OF SERVICES

Estimation of the economic impact of the proposed BAAQMD Rule 11-18 on BACWA member facilities as it relates to diesel generators will include the following tasks:

Task 1. Identify Impacted BACWA Member Facilities.

The purpose of this task is to identify and list the facilities impacted (treatment plants, wet weather facilities, pump stations, etc.) and the number and size of diesel generators at those facilities. The base list of impacted facilities will be created from the BAAQMD's Draft Rule 11-18 Mailer Distribution List. We will then survey member agencies for additional information related to each facility (e.g., the type of facility, number, and size of diesel generators, etc.). The list and additional information collected will be documented in a spreadsheet, which will serve as the basis for determining the potential economic impact of the proposed Rule 11-18.

Task 2. Determine Potential TBARCT to Comply with the Proposed Rule 11-18.

The purpose of this task is to identify and list the Toxic Best Available Retrofit Control Technologies (TBARCT) that may be required by BAAQMD to comply with the proposed Rule 11-18. At this point in time, it is not clear what would be considered TBARCT under this Rule. The BAAQMD stated they will release a list of technologies in February 2017 that would qualify as TBARCT, which will serve as a starting point for this task. This task may also include direct communication with BAAQMD staff and review of available state and local air district databases for potential TBARCT. The list of potential TBARCT will be documented in the same spreadsheet referenced in Task 1.

Task 3. Develop Cost Estimate to Implement TBARCT at BACWA Facilities.

The purpose of this task is to estimate a range of planning level costs for BACWA member facilities that may need to implement TBARCT to comply with the Proposed Rule 11-18, in the event it were to be adopted. The cost estimates will be performed in the same spreadsheet referenced in Task 1 by facility.

Task 4. Prepare Draft and Final Summary Letter Report.

The information collected in Tasks 1 through 3, the cost estimating methodology, and the cost estimates developed for BACWA facilities will be summarized and presented in a draft letter report for review by the BACWA Air Issues and Regulatory (BACWA AIR) Committee. All edits and comments received from the BACWA AIR Committee on the draft letter report will be addressed and a final draft letter report will be submitted to the BACWA Executive Board for their review. Final edits and comments will be addressed and a final letter report will be submitted to both the BACWA AIR Committee and the BACWA Executive Board.

SCHEDULE

Work will commence upon notice to proceed and Carollo will complete this work by April 30, 2017.

EXHIBIT B

HOURLY RATES/REIMBURSABLE EXPENSES

Sarah Deslauriers	\$182
Courtney Mizutani	\$175

**Carollo Engineers
LABOR AND COST ESTIMATE**

BAY AREA CLEAN WATER AGENCIES EXECUTIVE BOARD

**ESTIMATE THE ECONOMIC IMPACT OF THE PROPOSED BAY AREA AIR QUALITY MANAGEMENT DISTRICT
REGULATION 11, RULE 18 (RULE 11-18) ON BACWA MEMBERS
January 13, 2017**

A. Labor Hours

Task	Task Description	SD	CM	TM	Total Hours	Labor Cost
		\$182	\$175	\$259	Hours	Cost
1	Identify Impacted BACWA Member Facilities	24	24	0	48	\$ 8,568
2	Determine Potential TBARCT to Comply with the Proposed Rule 11-18	4	16	2	22	\$ 4,046
3	Develop Cost Estimate to Implement TBARCT at BACWA Facilities	16	24	2	42	\$ 7,630
4	Prepare Draft and Final Summary Letter Report	16	16	0	32	\$ 5,712
Labor SUBTOTAL		60	80	4	144	\$ 25,956
Total						\$ 25,956

Legend:

SD Sarah Deslauriers
CM Courtney Mizutani
TM Tom Mossinger (Technical Review)



BACWA CHAIR AUTHORIZATION

AGENDA NO.: 6

FILE NO.: 17-30

MEETING DATE: Feb. 17, 2017

TITLE: Amendment #1 to FY17 - Addition of Subcontractor to TDC Agreement for Pesticide Regulation Tracking.

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

RECOMMENDED ACTION

Approve the addition of a subcontractor, Tammy Qualls, P.E., to the FY17 TDC Environmental Agreement for Pesticide Regulation Tracking.

SUMMARY

Due to the heavy workload on reviewing pesticide regulations this year, the consultant requests the addition of a subcontractor to their contract. Adding the subcontractor to the BACWA contract offers the ability to leverage the time spent working on the same subject matter for stormwater (e.g., tracking EPA schedules, developing comment letters on the same pesticides), an efficiency which benefits BACWA. There is also the opportunity to achieve some long-term cost savings, as there are some routine tasks that the subcontractor will be able to accomplish at lower cost. In accordance with BACWA's contracting policy, this change can be authorized by the BACWA Chair since the subcontract amount is less than \$50,000 and less than 40% of the original \$12,500 Agreement.

FISCAL IMPACT

This is a no cost change to the Agreement.

ALTERNATIVES

No alternatives are being considered.

Attachments:

Original TDC Environmental Agreement
Subcontractor's Resume

Approved:

Date: January 31, 2017

Laura Pagano, Chair
BACWA

Nutrient Strategy Team Meeting No.2

EBMUD Laboratory Library

9:00 – 11:00 am

January 5, 2017

Draft Agenda

1. Introductions and Purpose of Meeting
2. Review of Discussions with WB
 - a. Original Intended 2nd WS Permit Requirements
 - b. BACWA Proposal
 - c. Counter Proposal
 - d. Summary of Key Questions and Issues
3. 2nd WS Permit Science Funding
 - a. Options and Nutrient Surcharge Implications
 - b. Recommendations
4. Funding for FY 18 and 19
 - a. Options and Nutrient Surcharge Implications
 - b. Equity among members
 - c. Linkage to Anticipated Provisions in 3rd WS Permit
 - d. Implementation Challenges
 - e. Recommendations
5. Regional Planning/Multiple Benefits
 - a. Brainstorming on Potential Options
 - b. Anticipated Costs
 - c. Implementation Challenges
 - d. Recommendations
6. Schedule
7. Communication Plan
8. Next Steps/Meetings

Nutrient Strategy Team Meeting No. 3

EBMUD Laboratory Library

11:00 am – 1:00 pm

February 15, 2017

Agenda

1. Public Comment 11:00
2. Introductions and Purpose of Meeting
3. Recap of Meeting No. 2
4. Presentation on Accelerated Science Program
5. Feedback from Water Board 11:50
6. Discussion of Membership Options
7. Discussion of Direction for Negotiations
 - a. Financial Impacts to Membership
8. Straw Poll on Agency Positions
9. Discussion of Timing on Negotiations
10. Next Steps on Negotiations
 - a. Confirm individual agency positions
 - b. Assemble negotiation team
 - c. Confirm initial proposal
11. Schedule
 - a. Meeting with WB
 - b. Feedback for BACWA membership
 - c. Survey in advance of 2nd Nutrient Workshop
12. Next Steps/Meetings 12:55
13. Adjourn

Planning Subcommittee Meeting No. 23

January 4, 2017

9:00 am – 12:00 pm

Water Board Offices

Chair: Tom Mumley

Agenda

- | | | |
|----|--|-------|
| 1. | Agenda Modifications (All) 2 min | 9:00 |
| 2. | Review Outstanding Action items (DW) 5 min | 9:02 |
| 3. | Science Program update (DS) 23 min | 9:07 |
| | a. Staffing | |
| | b. Other | |
| 4. | Priority Updates | |
| | a. Report-Outs - 10 min | 9:30 |
| | i. Other issues | |
| | b. Current Issues – 60 min | 9:40 |
| | i. December SC Meeting Debrief | |
| | ii. Program Coordination update (IW/DS) | |
| | iii. Renuwit/UCB efforts (IW/DS) | |
| | iv. Fundraising update (Imagine H ₂ O, other) (IW/DS) | |
| | v. Brainstorm agendas/priorities for 2017 (all) | |
| | c. NMS Calendar Review -10 min | 10:40 |
| | i. Review future SC and PS meeting schedules (DW/IW) | |
| 5. | Other Updates – 20 min | 10:50 |
| | a. Progress report on development of a monitoring program (DS) | |
| | b. Other (DS) | |
| 6. | Planning the next Subcommittee meeting – 10 min | 11:10 |
| | a. Review of Action items from meeting (DW) | |
| | b. Next steps (ALL) | |
| 7. | Adjourn or address Parking Lot items | 11:20 |

Parking Lot of Identified PS Future Agenda Items

- a. Brainstorming on future priorities for the PS (ALL)
- b. EPA nutrient criteria discussion
- c. Discuss concept of holding an annual forum on nutrients

Planning Subcommittee (PS) Meeting Summary No. 23

January 4, 2017

9:00 am – 12:00

Water Board Offices

Meeting Summary

Attendees: Tom M., David S., Ian W., Ben H., and Dave W. (notes)

Note: Action Items and Decisions are shown in *bold italic*.

1. **Agenda Modifications:** There were no modifications to the agenda
2. **Review Outstanding Action items:** All Action Items were either completed or on the agenda for discussion.
3. **Science Program update**
 - a. **Staffing** – The Science Manager (SM) reported that Phil B. had left SFEI for another position. A new hire started yesterday who will be doing data interpretation and another new staff person, senior level modeler, will be starting in May
 - b. **Other** – The SM reported that in general things are going well. A joint proposal was submitted for \$300k for Delta modeling with Region 5 as lead. Also received funds from CCCSD for modeling. It was noted that not every model will be run in high resolution. Modeling for sediment transport will be a huge effort.

Regional San will be upgrading and it is important to develop hypotheses on the impact of the new treatment facilities and then test before and after scenarios and compare with modeling results. Field testing would be completed using isotopic signatures of nitrogen in the food web and nitrogen uptake. Kit was suggested that the emphasis should be on nutrient management rather than purely scientific discovery.

The SM reported that several technical workshops are being planned on topics including DO, HAB toxins, monitoring program design, HAB science program and risk assessment scenario modeling.

A discussion ensued on the potential increase in science funding under the 2nd watershed permit. The goal is to try to resolve the level of funding by mid-2017. If POTWs voluntarily increase funding in FY 18 and 19 the Water Board could write a letter stating their intent on what the key

provisions will be in the 2nd watershed permit to be issued in 2019. An inventory of what possible alternatives to conventional treatment for reducing nutrients in the Bay Area are indeed feasible would be helpful in furthering regional planning efforts.

4. Priority Updates

a. Report-Outs

i. **Other issues** - No other issues were reported.

b. Current Issues

i. **December SC Meeting Debrief** – A suggestion was made to agendaize a discussion on nutrient trading for the next Steering Committee (SC) meeting. HABs have emerged as a key discussion item in the NMS. Having a planning workshop will help further enlighten the discussion on approaches to investigating HABs. **Action Item: Add a discussion on trading to the next SC agenda.**

ii. **Program Coordination update** – An update on the alternative analyses was provided. The analyses will now focus on recycled water. The team plans on discussing wetlands with agencies in the Lower South Bay. It was noted that some pilot studies are on-going. Some working assumptions will need to be made on the potential for recycling to reduce nutrients. It would be worthwhile to add up all of the potential wetlands opportunities around the Bay Area and estimate the impact on nutrient reductions if the wetlands were developed. If the potential reduction in nutrients appears to be significant, the next step would be to look at the impediments to wetlands development.

iii. **Renuwit/UCB efforts** – A brief update on the coordination with ReNUWIt was provided. In looking at alternatives for nutrient reduction, they are utilizing a multi-criteria decision making tool.

iv. **Fundraising update (Imagine H₂O, other)** – The Coordination team discussed the scenario planning effort with Imagine H₂O and it was well received. H₂O preferred more links to water technology. It was also reported that the effort to get EPA Federal funding was not successful however only \$600k nation-wide was available.

v. **Brainstorm agendas/priorities for 2017** – The workshops noted above will be very helpful to advance the NMS. At the next SC meeting a brief explanation of what is ahead for the FY 18 Work Plan should be presented. The SM stated that under the current

levels of funding, the main efforts would be directed to currently approved projects. **Action Item: The SM should present the FY 18 Work Plan at the next SC meeting**

If funding were to increase, the emphasis would shift to HABs and biological assessment related to DO in the margins. Also building and expanded the monitoring program and increasing the modeling effort in the longer term. The possibility of increased funding seems to be reasonably certain. It was also noted that there will be a need for on-going resources beyond the 3rd watershed permit, particularly for continuation of the monitoring program. The concept of on-going funding needs should be presented to the stakeholders, particularly BACWA. **Action Item: Discuss long term funding needs at the next SC meeting.**

c. NMS Calendar Review

i. Review future SC and PS meeting schedules – Ben Horenstein, a BACWA representative to the SC and the PS announced that he would be leaving EBMUD at the end of February. A discussion ensued on potential replacement for Ben as the BACWA representative.

5. Other Updates

- a. **Progress report on development of a monitoring program** – A workshop is being planned.
- b. **Other**

6. Planning the next Subcommittee meeting

- a. **Review of Action items from meeting** – All Action Items will be presented in the PS minutes.
- b. **Next steps** – The next Planning Subcommittee meeting is scheduled for Wednesday, February 1st. SC meeting #12 is scheduled for March 10th.

7. Adjourn or address Parking Lot items: The meeting was adjourned at noon.

Parking Lot of Identified PS Future Agenda Items

- a. **Brainstorming on future priorities for the PS**
- b. **EPA nutrient criteria discussion**
- c. **Discuss concept of holding an annual forum on nutrients**

Planning Subcommittee Meeting No. 24

February 1, 2017

9:00 am – 12:00 pm

Water Board Offices

Chair: Ian Wren

Agenda

- | | | |
|----|--|-------|
| 1. | Agenda Modifications (All) 2 min | 9:00 |
| 2. | Review Outstanding Action items (DW) 5 min | 9:02 |
| 3. | Science Program update (DS) 23 min | 9:07 |
| | a. Staffing | |
| | b. Other | |
| 4. | Priority Updates | |
| | a. Report-Outs - 10 min | 9:30 |
| | i. Other issues | |
| | b. Current Issues – 50 min | 9:40 |
| | i. Brainstorm agendas/priorities for 2017 (all) | |
| | c. NMS Calendar Review -10 min | 10:30 |
| | i. Review future SC and PS meeting schedules (DW/IW) | |
| 5. | Other Updates – 20 min | 10:50 |
| | a. Progress report on development of a monitoring program (DS) | |
| | b. Other (DS) | |
| 6. | Planning the next Steering Committee meeting – 20 min | 11:10 |
| | a. Review of Action items from meeting (DW) | |
| | b. Next steps (ALL) | |
| 7. | Adjourn or address Parking Lot items | 11:20 |

Parking Lot of Identified PS Future Agenda Items

- a. Brainstorming on future priorities for the PS (ALL)
- b. EPA nutrient criteria discussion
- c. Discuss concept of holding an annual forum on nutrients

NOTICE OF CONTINUATION OF STAFF WORKSHOP

PROPOSED PART 2 OF THE WATER QUALITY CONTROL PLAN FOR INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES OF CALIFORNIA—TRIBAL AND SUBSISTENCE FISHING BENEFICIAL USES AND MERCURY PROVISIONS

RELATIONSHIP BETWEEN INSTREAM FLOWS AND THE PROPOSED BENEFICIAL USES

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will continue the January 9, 2017 staff workshop on the proposed Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California—Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions (referred to as the Provisions) to discuss the relationship between the proposed beneficial uses and potential instream flow requirements. The staff workshop will be:

February 1, 2017

10:00 a.m. – 12:30 p.m.

Joe Serna Jr. - CalEPA Headquarters Bldg.

Sierra Hearing Room

1001 I Street, Second Floor

Sacramento, CA 95814

BACKGROUND

State Water Board staff held a workshop on January 9, 2017 to explain the draft regulatory language and facilitate public comments. Staff is continuing that workshop to discuss potential instream flow or water supply implications that could be associated with the designation of the proposed beneficial uses, including the Tribal Tradition and Culture, Tribal Subsistence Fishing, and Subsistence Fishing beneficial uses. At the staff workshop, staff will present information focusing on the interplay between the proposed beneficial uses and potential instream flow requirements, and the process by which protection of such uses would occur.

Note that this workshop will be conducted by staff, but less than a quorum of board members may be present. No board action will be taken at the conclusion of the workshop.

THE TRIBAL SUBSISTENCE FISHING AND SUBSISTENCE FISHING BENEFICIAL USE

The Provisions include Tribal Subsistence Fishing and Subsistence Fishing beneficial uses. These uses are intended to protect people who consume fish in higher than average amounts from the harmful effects of contaminants. These beneficial uses are not intended to protect or enhance fish populations or aquatic habitats. Fish populations and aquatic habitats are protected and enhanced by other beneficial uses, including but not limited to, Aquaculture, Warm Freshwater Habitat, and Cold Freshwater Habitat, that are designed to support aquatic

habitats for the reproduction or development of fish. These beneficial uses, therefore, would not implicate instream flows.

THE TRIBAL TRADITION AND CULTURE BENEFICIAL USE

It is possible that certain tribal traditional and cultural uses depend on certain water flows, or that sufficient water quality is attainable only through dilution of pollutants. Creating a new beneficial use definition for tribal traditional and cultural use of surface waters does not in and of itself have flow implications. Any future designation of the Tribal Tradition and Culture beneficial use for a specific water body would take place in the context of a water quality control planning process, with associated supporting information and public participation. This process would include the opportunity to examine whether the designation may subsequently result in instream flow requirements, and the implications of any such flow requirements.

With the exception of the Water Quality Control Plan for the San Francisco Bay-Sacramento San Joaquin Delta Estuary, it is not common for the Water Boards to adopt flow standards to protect beneficial uses as part of a water quality control planning process. The Water Boards do, however, consider the relevant water quality control plans when taking other actions, such as reviewing applications to appropriate water, petitions for change of water rights, or applications for water quality certifications under Clean Water Act section 401. Through those actions, the Water Boards may include conditions necessary to protect beneficial uses. Regardless of whether any particular beneficial uses are designated in a water quality control plan, the State Water Board, through its public trust and public interest authorities, has the authority to protect all existing uses of waters.

This workshop will provide an opportunity to discuss these issues in greater detail.

DOCUMENT AVAILABILITY

The Provisions and Draft Staff Report, including the Draft SED, and information are available on the State Water Board's web site at:

http://www.waterboards.ca.gov/water_issues/programs/mercury.

You may request a paper copy of the proposed Provisions by calling Zane Poulson at (916) 341-5488 or by calling Jacob Iversen at (916) 341-5479 or via email at MercuryProvisions@waterboards.ca.gov.

SUBMISSION OF WRITTEN COMMENTS

State Water Board staff will also accept input and recommendations through written comments. Written comments must be received no later than **12:00 noon on Friday, February 17, 2017** and addressed to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000 (mail)
1001 I Street, 24th Floor, Sacramento, CA 95814 (hand-delivery)
Sacramento, CA 95814

Comment letters may be submitted electronically, in pdf text format (if less than 15 megabytes in total size), to the Clerk to the Board via e-mail at commentletters@waterboards.ca.gov. If the file is greater than 15 megabytes in total size, then the comment letter may be submitted by fax at (916) 341-5620. Please indicate in the subject line: **"Comment Letter -- Beneficial Uses and Mercury Objectives"**.

Couriers delivering hard copies of comment letters must check in with lobby security personnel, who can contact Ms. Townsend at (916) 341-5600.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

This is to advise that the State Water Board is proposing to adopt the Provisions in accordance with a regulatory program exempt under section 21080.5 of the Public Resources Code from the requirement to prepare an environmental impact report under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and with other applicable laws and regulations.

PARKING AND ACCESSIBILITY

For directions to the Joe Serna, Jr. (CalEPA) Building and public parking information, please refer to the map on the State Water Board Web site:

<http://www.calepa.ca.gov/EPABldg/location.html>.

The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5880 at least 5 working days prior to the meeting. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. Video and audio broadcasts of the meeting will be available via the internet and can be accessed at: <https://video.calepa.ca.gov/>.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

FUTURE NOTICES

The State Water Board continued staff workshop will be at the time and place noted above. Any change in the date, time, or place of the staff workshop will be noticed on the Lyris e-mail list. Any person desiring to receive future notices concerning the Provisions, including any changes to the notice of public comment, staff workshop, and public hearing and the subsequent meeting for the State Water Board's consideration of adoption, must sign up for a Lyris e-mail list. To sign up for a Lyris list, access the email List Subscription Form at the web address listed below, at the "Water Quality" tab, by checking the box for "Mercury – Statewide Provisions":

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml.

ADDITIONAL INFORMATION

Please direct questions about this notice calling Zane Poulson at (916) 341-5488 or by calling Jacob Iversen at (916) 341-5479 or via email at MercuryProvisions@waterboards.ca.gov.

January 20, 2017



January 20, 2017

The Honorable Felicia Marcus, Chair and
Members of the State Water Resources Control Board
c/o Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Delivered by email: Commentletters@waterboards.ca.gov

Subject: Comment Letter – Beneficial Uses and Mercury Objectives

Dear Chair Marcus and Members of the Board:

The Association of California Water Agencies, the California Water Association and the California Municipal Utilities Association thank you for the opportunity to provide comments on the proposed *Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California – Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions* (Provisions) released for public review on January 3, 2017. We also sincerely appreciated, and in some cases, despite short notice, were able to have representatives attend the Staff Workshop conducted on January 9, 2017 to brief the public regarding the Provisions, information in the Staff Report and Substitute Environmental Documentation (Staff Report) and to address preliminary questions from the regulated community regarding this information. For the reasons discussed below and so that we may provide complete, comprehensive, and informed comments to the State Water Resources Control Board (State Water Board) on the Provisions and the 700-page, and very complex Staff Report, we are requesting that:

- The State Water Board should work with U.S. Environmental Protection Agency EPA to obtain the *automatic* extension afforded by Section XI.A. of the *Consent Decree: Our Children's Earth Foundation v. U.S. EPA*, No. 3:13 cv-2857-JSW (N.D. Cal. Aug. 25, 2014) (requiring EPA's promulgation of mercury water quality criteria for the protection of aquatic life)(Consent Decree);
- The State Water Board hearing scheduled for February 7, 2017 should be converted to a second workshop for the Board and staff to consider the Staff Report and answer stakeholder

questions, which will allow sufficient time for the public to review the voluminous Staff Report and pose important questions for staff to answer and the Board to consider;¹

- A 60-day extension of the written comment due date (from February 17, 2017 to at least April 17, 2017) should be granted to allow full review of, and preparation of informed comments on, the Staff Report by stakeholders and technical experts;
- The State Water Board hearing for consideration of the Provisions should be postponed until May 2017 to assure that the Board has an opportunity to actually consider written as well as verbal comments of the public on the proposed Provisions;
- An additional opportunity for submission of written public comments on any revisions to the proposed Provisions and Staff Report should be provided prior to a final State Water Board hearing to consider adoption of the Provisions; and
- The State Water Board hearing to consider adoption of the Provisions should be postponed to September 2017 to accommodate an informed, transparent, and robust public process regarding the Proposed Provisions.

As you are aware, not only does the Staff Report exceed 700 pages in length, containing 21 technical appendices, it also introduces, develops, explains, analyzes, and evaluates the water quality effects, environmental effects, and economic impacts of a new far-reaching statewide regulatory program, comprised of three new beneficial use designations, five new mercury water quality objectives, and an implementation program. The implementation program includes, among other things, new requirements for MS4 and Industrial stormwater NPDES permits, and an amendment of the State Implementation Plan requiring incorporation of new, very stringent mercury numeric effluent limits into NPDES permits for POTWs and other non-stormwater discharges. These NPDES permit requirements and effluent limits will be enforceable by water boards and third party citizen suits, creating significant risk of enforcement liability for dischargers, but the Staff Report and Provisions do not set forth a clear path for compliance. Development of each of the components of the Provisions evaluated in the Staff Report involves analysis and application of highly technical data and information sources – a fact readily acknowledged by the State Water Board staff at, and cited as the very reason for holding, the January 9, 2017 workshop. Indeed, in the workshop State Water Board staff noted on several occasions the length of the Staff Report, the complexity of the technical arguments and analysis in the Staff Report, the “jigsaw puzzle” character of the proposed Provisions, and the very short amount of time available to review the Staff Report. In light of these facts, the expedited rulemaking schedule does not provide sufficient opportunity for public participation by interested parties.

¹ Interested parties and stakeholders had only three working days to review the 700+ page Staff Report in advance of the Jan. 9 workshop, as a practical matter making it impossible to read and digest, much less formulate coherent, informed, and incisive questions.

At the January 9 workshop, staff presented the following schedule for State Water Board adoption of the Provisions:

Public comment period:	January 3 – February 17, 2017
Public workshop:	January 9, 2017
State Water Board hearing:	February 7, 2017
State Water Board meeting/ considered for adoption	May 2017
Consent Decree deadline for EPA to propose mercury criteria	June 30, 2017

The schedule is deficient in the following respects: (a) The schedule allows for only one workshop, which was scheduled only 3 working days after release of the 700-page Staff Report, depriving the public of a reasonable period of time to complete preliminary review of the document and formulate questions prior to the workshop; (b) It allows for only one public comment period; there is no opportunity for written comments on revised proposed Provisions after receiving initial public comments, but prior to State Water Board consideration of adoption; (c) A total of only five weeks following the workshop are available to the public to review and prepare written comments on the voluminous, highly technical, and complex Staff Report analysis, which requires multi-discipline technical review (including review by, among others, water quality, toxicology, and economic experts) ; and (d) The schedule includes only one Board hearing, which appears to be insufficient to assure that the State Water Board is apprised of technical, legal and policy issues that the public is likely to raise regarding the Provisions, including the stringency versus the likely effectiveness of proposed implementation program measures and controls.

We understand that the State Water Board has scheduled the adoption of the proposed Provisions for May 2017 in order to meet the June 30, 2017 deadline for the U.S. Environmental Protection Agency (EPA) to propose or approve the State Water Board's numeric water quality criteria (objectives) for mercury to protect aquatic life and aquatic-dependent wildlife. *See, Consent Decree: Our Children's Earth Foundation v. U.S. EPA*, No. 3:13 cv-2857-JSW (N.D. Cal. Aug. 25, 2014) (hereinafter, Consent Decree). However, there are at least two other ways for EPA to comply with the Consent Decree without the State Water Board's adoption of the proposed Provisions in the spring of 2017 according to its current schedule:

- EPA can file a motion requesting an extension of the June 30, 2017 date under section XI.A. of the Consent Decree, which provides for one automatic extension where the requested extension period is at least 30 days and the requisite notice provisions are met. *See, Consent Decree*, ¶ 35.

- EPA may promulgate aquatic life mercury water quality criteria by June 30, 2017 as contemplated in the Consent Decree. The State Water Board could then follow up that action with adoption of an implementation program for aquatic life criteria and with new human health related mercury water quality objectives, implementation measures, and definitions of proposed beneficial uses after those proposals have been properly vetted in public hearings and commented upon by interested parties.

We appreciate that it is the State Water Board's preference, as indicated by staff at the workshop, to promulgate the mercury water quality objectives, instead of EPA, so that it can develop concurrently a program of implementation. We generally support the State Water Board's preference, and recognize the potential advantages in designing a comprehensive mercury program versus a piecemealed approach that would require multiple rulemakings. For this reason, we recommend working with EPA to request a minimum 3-month automatic extension of the June 30, 2017 Consent Decree due date, and the adjustments to the schedule for the public rulemaking process set forth above. To show the feasibility of our request to revise the rulemaking schedule to provide a robust and transparent rulemaking process, we provide an alternative conceptual schedule for the process in Attachment A of this letter.

A rulemaking of this magnitude, scope, complexity, and technical nature – not to mention the regulatory implications of the program which will likely extend far beyond regulation of mercury in light of the new beneficial use categories proposed – surely warrants more than five and a half weeks total of public review and comment, and more than a single workshop and Board hearing.

We appreciate your consideration of this request for an extension of the State Water Board's comment period and adoption of the proposed Provisions. If you have any questions, please contact Rebecca Franklin at (916) 441-4545, Jack Hawks at (415) 561-9650, or Danielle Blacet at (916) 326-5800.

Sincerely,



Rebecca Franklin
Regulatory Advocate
Association of California Water
Agencies

Jack Hawks
Executive Director
California Water Association

Danielle Blacet
Director for Water
California Municipal Utilities
Association

Attachment A

Example Alternative Rulemaking Schedule

Jan. 2017 – Work with EPA to prepare motion for an extension of mercury water quality criteria due date to Sept. 29, 2017 (3 month extension)

Feb. 7, 2017 – State Water Board workshop to answer questions about the proposed Provisions

Apr. 17, 2017 – Public comments due

May 2017 – State Water Board hearing to accept comments on the proposed Provisions

Jun. 9, 2017 – Publish revised proposed Provisions for public comment (30-day review cycle)

Jul. 10, 2017 – Public comments due

Sept. 2017 – State Water Board meeting/consider for adoption

Sept. 29, 2017 – Revised Consent Decree due date for EPA to approve mercury water quality objectives protective of aquatic life and aquatic-dependent wildlife

Sherry Hull

From: Coffee, Mary Lynn <mlcoffee@Nossaman.com>
Sent: Tuesday, January 17, 2017 6:22 PM
To: Hancocks, Brandyn; Jack Hawks; RebeccaF@acwa.com
Cc: White, Dawn R.; Capitolo, Jennifer M.; Meyer, Sue; Mattes, Martin; Spaulsen@exponent.com
Subject: RE: [ACWA Water Quality Committee] Regulatory Update and Save the Date
Attachments: Mercury Summary.pdf; Attachment A.pdf; Attachment B Mercury Summary.pdf; Attachment C Mercury Summary.pdf

Good evening Jack, Rebecca and Brandy,

Honestly, we need the SWRCB to ratchet back their activity! I am extremely concerned about the impact of the new mercury proposals on your member agencies because it will create a great deal of permit liability risk, and will not, by the SWRCB's own admission, do much if anything to control mercury in waterbodies and fish because the primary sources of mercury are natural soils, aerial deposition, and abandoned gold and mercury mines.

Attached is a relatively short summary of the SWRCB's 700-page mercury proposals for your use and consideration. A no-action Board hearing is currently scheduled for February 7 and written comments are due on February 17. The schedule is unrealistic in light of the incredible mountain of materials that must be reviewed and commented on.

The proposal creates serious concerns particularly for POTWS and other non-stormwater NPDES permittees (such as those subject to dewatering permits, line testing permits, the drinking water discharge permit), but also to some extent for MS4 permittees. These major issues include:

- The SWRCB proposal seeks immediately upon adoption to establish new and very low water quality objectives for mercury (the highest being .2 mg/Kg in fish tissue) for essentially all inland surface waters, bays and estuaries. A lower fish tissue objective of .03 mg/Kg would apply immediately upon adoption to areas of Least Tern habitat, such as the Santa Clara Estuary and wildlife ponds.
- The largest sources of mercury in the State are natural soils, aerial deposition, and abandoned gold and mercury mines. POTWS, other NPDES discharges, and urban stormwater are not significant sources of mercury. Nevertheless, the proposed mercury implementation actions would focus new regulation and permitting requirements on POTWs, non-stormwater NPDES permits (such as those listed above), and municipal stormwater operators.
- The proposal would amend the State Implementation Plan (SIP) to create incredibly stringent effluent limits for POTWs, other non-stormwater NPDES Permits varying from 9 to 1 *nanograms*/L, which may be below monitoring detection limits. These limits may not be attainable even with treatment plant upgrades. They certainly would be unattainable in line testing and other sorts of NPDES permits. It should be noted that the SIP currently limits the availability of permit time schedules for compliance with effluent limits governing toxics, such as mercury.
- The proposal would require MS4 permits to adopt new mercury controls, including an education and outreach program, a mercury disposal program, and other mercury control BMPs. It should be noted that all waterbodies are expected to be out of compliance with the new water quality objectives, which will result in mass listings and TMDLs. As TMDLs are adopted, it should be anticipated that pressure to establish numeric action levels or even numeric effluent limits for mercury in MS4 permits will also grow.
- The proposal would establish new beneficial uses that will not only drive lower water quality objectives for additional pollutants, but may also result in the imposition of flow objectives and even fish quantity objectives based on the experience in the State of Washington and a case upholding such objectives in that state. These types of objectives have huge implications for making diversions and dams illegal, and adversely affecting water rights in water bodies that are determined to contain aquatic resources of cultural or tribal importance.

We are currently working with a water agency on an extension letter, which is critical in light of the length of the SWRCB proposal. We are also working on building a coalition to increase the effectiveness of our extension request and our substantive comments. We are in the process of reaching out to CASQA, CBIA, CICWQ, CCEEB, and CASA to apprise them of the issues, and the need for an extension. In that vein, we are providing the attached information to you, and hope to discuss seeking an extension with you shortly.

Thank you and please feel free to call with any questions you may have.

Mary Lynn K. Coffee

NOSSAMAN LLP

T 949.833.7800 F 949.833.7878

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NOSSAMAN LLP

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From: Hancocks, Brandyn [<mailto:Brandyn.Hancocks@gswater.com>]

Sent: Friday, January 13, 2017 4:11 PM

To: Jack Hawks

Cc: White, Dawn R.; Coffee, Mary Lynn

Subject: RE: [ACWA Water Quality Committee] Regulatory Update and Save the Date

Will do.

From: Jack Hawks [<mailto:jhawks@calwaterassn.com>]

Sent: Friday, January 13, 2017 4:07 PM

To: Hancocks, Brandyn

Cc: White, Dawn R.; 'Coffee, Mary Lynn'

Subject: FW: [ACWA Water Quality Committee] Regulatory Update and Save the Date

EXTERNAL EMAIL

Brandy:

FYI – can you be part of the working group on item 1? Rebecca called me yesterday to ask if CWA would be interested in participating in it and joining in on a coalition letter. Thanks.

Jack

Jack Hawks

Executive Director

California Water Association

601 Van Ness Avenue, Suite 2047

San Francisco, CA 94102-6316

415.561.9650 o

415.305.4393 c

jhawks@calwaterassn.com

www.calwaterassn.com



From: Rebecca Franklin [<mailto:RebeccaF@acwa.com>]

Sent: Friday, January 13, 2017 1:30 PM

To: JillDuerig <jduerig@zone7water.com>; EdgarDymally <edymally@mwdh2o.com>; Chet Anderson (mendochet@mcn.org) <mendochet@mcn.org>; SteveBigley <sbigley@cvwd.org>; JeremyJungreis <jjungreis@rutan.com>; Casey Creamer <ccreammer@krcd.org>; David Manning <David.Manning@scwa.ca.gov>; Jeff Beehler (jbeehler@sbvwcd.org) <jbeehler@sbvwcd.org>

Subject: [ACWA Water Quality Committee] Regulatory Update and Save the Date

Water Quality Committee members,

Here are a few updates for your information:

1. New Water Quality Beneficial Uses and Mercury Amendment:

As mentioned previously, the SWRCB released a draft [staff report and SED](#) for the proposed new water quality beneficial uses and mercury amendment to the Inland Surface Waters Plan. Presentations from the January 9, 2017 workshop have been uploaded to the program [website](#). The Board has scheduled a hearing for February 7, 2017 (informational, no action). Comments on the documents and proposals are due February 17, 2017.

ACWA is concerned with SWRCB staff's failure to fully characterize the water supply impacts that these new proposed beneficial uses will have, and is currently developing a workgroup to assist with formulating testimony for the public hearing and for developing a written comment letter. If you would like to participate in this workgroup, please indicate your availability for a conference call in this Doodle poll: <http://doodle.com/poll/rup4kh8zrkktax7>

2. SB 1398 Implementation

The SWRCB DDW has added a new paragraph to the Lead and Copper Rule [web page](#) that links to the new [Health and Safety Code Section 116885](#) that was established in SB 1398 (see attached). The new section requires a public water system to compile an inventory of known lead user service lines in use in its distribution system and identify areas that may have lead user service lines in use in its distribution system by July 1, 2018. Due to the fact that the statute did not come with additional specifications, and did not give DDW the authority to establish guidelines for water systems, the DDW is allowing water systems discretion in how they perform their inventory and prepare the required report, as long as the report assures DDW that the inventory is true.

3. Perchlorate MCLG

Please see the bottom of this email for an article about the EPA model for developing a perchlorate MCLG.

4. DDW/DFA Funding Agreement Meeting/Workshop

CMUA has set up a meeting with the SWRCB DFA to discuss concerns regarding the process that is used to award funding (DWSRF, Prop 1 grants/loans, etc.) for January 17 from 10:00 am – noon. If you are interested in attending, please let me know and I will forward you the meeting information.

In addition, please **save the date** for our next Water Quality Committee meeting, to be held on **Thursday, March 9** from **10:00 am – 2:00 pm** at ACWA's offices in Sacramento.

Please do not hesitate to contact me if you have any questions or concerns with these items.

Rebecca Franklin

Regulatory Advocate

Association of California Water Agencies

916.441.4545 | rebeccaf@acwa.com | www.acwa.com



Reviewers Raise Concerns With EPA Model For Crafting Perchlorate MCLG

January 12, 2017

Experts peer reviewing an EPA model that will shape the agency's drinking water goal for perchlorate are raising concerns about the model's scope, construction and validation, which could complicate EPA's ability to apply the model to set a maximum contaminant level goal (MCLG) for the rocket fuel ingredient within a court-ordered time line.

Panelists during a two-day peer review meeting held Jan. 10-11 in Arlington, VA, raised concerns that EPA's model does not address what is considered the most sensitive lifestage to perchlorate exposure -- the fetus of an iodine-deficient pregnant woman. Perchlorate is one of several chemicals known to be inhibitors of the iodine uptake, which helps to regulate thyroid hormones. If the thyroid is sufficiently altered for too long during sensitive developmental stages, this can lead to neurodevelopmental and other effects, such as a goitre.

Clinicians on the panel questioned one of the studies that is critical to the model's performance, an old study they said insufficiently sensitive and doesn't accurately predict certain pregnancy hormone changes as a result. Panelists also questioned EPA's validation process and discussed the challenges of defining the endpoint EPA based the model upon, at the direction of its science advisors. But the panel also appeared split, with some members, largely those with modeling or risk assessment experience rather than clinical backgrounds, suggesting the model may be adequate for some applications with limited improvements. They noted that models can always be improved, but that large scale revisions are time-consuming. They questioned whether some of the changes other panelists recommended would be worth undertaking.

As a contractor-managed panel, the experts are not required to reach consensus on their answers to EPA's charge questions. Instead, the contractor will provide EPA with a report including a common summary of the panel's discussion written by its chairman and individual reports from each reviewer answering the charge questions. The result is a document that could provide EPA varying opinions. This may complicate EPA's ability to respond to certain recommendations, or make it easier for the agency to dismiss some challenging recommendations.

One particularly challenging recommendation came from panelist Dale Hattis, a research professor at Clark University, who asked why the model does not link the mechanism for perchlorate from iodine uptake inhibition to neurodevelopmental effects -- an approach considered by an earlier advisory panel but dismissed as too complex and time consuming. The panel instead **recommended in 2013** that EPA "use the existing model to estimate iodide uptake inhibition and empirical observations to relate iodide uptake inhibition to thyroid hormone perturbations" and then link this to research "to identify the degree of iodide uptake inhibition required for onset of hypothyroxinemia in a pregnant woman."

But Hattis warned that "Anything short of neurodevelopmental representation of IQ effects is not going to fly because it'll be too [difficult] for cost-benefit folks to use ... There is no reason to suspect that the future [White House Office of Management and Budget] will be less interested in cost-benefit analysis than the current one in my judgment."

Modeling Efforts

Peter Grevatt, director of EPA's Office of Ground Water and Drinking Water, responded in remarks to the panel Jan. 11 that the model is the first step in a two step process to complete the cause-effect linkage. He said that EPA's planned use of the model and the data it is connected to will be peer reviewed at a later date by a second peer review panel. Grevatt told the panelists that EPA views the model "as a very, very important step in developing a proposed regulation for perchlorate. . . . This is one of two peer reviews that we're doing in this process that will lead to an MCLG, the health-based goal. As you're having your deliberations . . . part of the conversation yesterday is we need to tie this ultimately to the health impacts, you may not see that all in the model. That is in part by design." Grevatt acknowledged that some of the panelists "may be feeling some frustration" with the limited nature and use of the model, but he assured them that "we're going to get there, but that's really a second step, another peer review. I just wanted to emphasize that point." A peer review panel from EPA's Science Advisory Board (SAB) of EPA's analysis about perchlorate's effects on sensitive lifestages recommended in 2013 that EPA craft a model to assist the agency in determining an appropriate MCLG, or a health-based goal for perchlorate. They recommended this approach over the traditional algebraic approach used to set drinking water standards per the Safe Drinking Water Act (SDWA) because the approach would have "much greater scientific rigor." The modeling, however, took longer than SAB anticipated.

Half of the members of the latest peer review panel also served on the 2013 SAB perchlorate panel, including Stephen Roberts, a toxicology professor at the University of Florida who also served as the chairman of the SAB panel. Roberts was joined by Hugh Barton, a research fellow at Pfizer, Inc. and Claude Emond of the University of Montreal, both modeling experts who served on the 2013 panel. The fourth member returning peer reviewer is Joanne Rovet, a senior scientist in the neuroscience and mental health program at Toronto's Hospital for Sick Children.

EPA's efforts to advance the MCLG are operating within a court-ordered time line following a lawsuit last winter from the Natural Resources Defense Council (NRDC), which successfully argued that EPA missed a 2-year statutory deadline to propose an MCLG after making a determination that the contaminant should be regulated under SDWA. Former Administrator Lisa Jackson set that clock in motion in February 2011 by reaching that determination.

Judge Edgardo Ramos last October [approved a settlement](#) in the case *NRDC v EPA* in the U.S. District Court for the Southern District of New York that requires EPA to propose an MCLG by Oct. 31, 2018, and sign the final version in December 2019. The settlement says the agency intends to complete by Oct. 18, 2017, a peer review of materials that will inform the SDWA rulemaking.

Limited Scope

But during the first day of the meeting, panelists outlined a series of concerns with the model in their opening remarks -- including two key issues that have also been raised by environmentalists, other agencies and industry.

"The existing work is a start, a good start, but it needs to be helped a lot further," Hattis said. "The authors focused on where they had data, not on where they needed information. . . . You need to change the focus of the population. To me, the important lifestage is early pregnancy."

Barton, chairman of the panel, and panelist Elizabeth Pearce, an associate medical professor at Boston University's medical school, agreed with Hattis' concern about the model's exclusion of early pregnancy. Barton called the exclusion of pregnancy from the model "a substantial issue."

Rovet declared herself "quite disappointed in the end it was so limited in the time period and scope." She said that the literature search that preceded the modeling work begun in 2013 "could have gone a lot further into pregnancy. They missed that whole first part of pregnancy."

The panelists' concerns are serious because EPA is considering the fetuses of women with low iodine levels to be most at risk from perchlorate exposure, and therefore, a sensitive lifestage that any future MCLG or regulation must address. Panelists noted that fetuses are at greatest risk of neurodevelopmental effects when they receive insufficient thyroid hormones during the early stages of pregnancy.

The concern also echoed environmentalists' [public comments](#) on the model. The Environmental Defense Fund and NRDC in joint comments last November said EPA's model is an improvement over a 2013 model from FDA but add they "have serious concerns that the model does not address the first and second trimesters of pregnancy . . . We maintain that in setting an MCLG EPA must consider the impacts on a pregnant women's fetus during the first two trimesters and on pregnant women with serious iodine deficiency and hypothyroidism . . ."

The groups say EPA in correspondence with them has said the first two trimesters are not included "due to data limitations," but this "means that the life stages of greatest risk are not modeled." They argued that "[a]s EPA moves forward with perchlorate drinking water regulations, this shortcoming must be addressed."

Industry Concerns

NASA and industry groups, meanwhile, have questioned the endpoint that is the basis for the model, the fetus of the hypothyroxinemic women. This endpoint, recommended by the 2013 SAB panel, is a change from the endpoint of the fetus of the hypothyroid women recommended by a 2005 National Academy of Sciences panel that undertook a dose-response analysis for EPA and produced a risk estimate that EPA could use to set the MCLG if it adopted a more traditional approach to setting that health goal.

In its Nov. 25 comments NASA writes that, "The first major issue is EPA's fundamental assumption of using hypothyroxinemia as the end point. NASA understands that the SAB took this very conservative approach to target a specific condition not directly associated with a health impact. However, EPA's use of this endpoint in the proposed model lacks any substantiation in the available literature, especially for critical criteria, such as the Mode of Action (MOA), links to a disease state, or key thyroid endpoints."

Clinicians on the panel acknowledged similar concerns with the proposed endpoint. "A lot of my concern is how we're defining hypothyroxinemia," Pearce said. "Hypothyroxinemia we don't really understand . . . It's very hard to define."

The other two clinicians on the panel appeared to concur, but none suggested a different endpoint for EPA to use. In fact, when Roberts asked what an appropriate endpoint would be, Pearce replied, "EPA has picked the best . . . we have, but we just really have limited data."

Model Validation

Pearce and other panelists also questioned various aspects of the model authors' attempts to validate the model. As one example, Pearce noted that the dataset used to calibrate the model's approach to a lactating mother "is a really tiny dataset of [the National Health and Nutrition Examination Survey] of lactating women," and she encouraged EPA to consider using non-pregnant age-matched women to validate this aspect of the model.

Roberts agreed that he “didn’t find supporting data in Appendix F to be reasonable. That makes me wonder whether that aspect of the model is accurate.”

Broadly, Roberts asked other panel members “is this model level of uncertainty acceptable?” Hattis replied that he had insufficient information about how the model will be used to answer.

But Emond replied that it is. “This is the best we have right now. Yes, it can be improved. When I compare the prediction with some biomonitoring, it gave reasonable prediction. It’s not a real human model with all the biology behind it. But we can define what is the variability in the population . . . on this step, you will not find a better [model] right now.”

We’re used to just finding a POD and dividing by 300,” Roberts said, seeming to agree with Emond’s points. “We should acknowledge that we’re used to dealing with uncertainty in these kinds of situations. -- *Maria Hegstad* (mhegstad@iwpnews.com)



**Summary of SWRCB's New Beneficial Uses, Mercury Water Quality Objectives, and
Implementation Program
Jan. 13, 2017**

I. Introduction

A. This rulemaking:

1. Sets 5 new (4 numeric; 1 narrative) very stringent mercury water quality objectives that will apply statewide for all inland surface waters (creeks, rivers, reservoirs, lakes, tributaries etc.) with designated beneficial uses COMM, WILD, WARM, COLD, MAR, EST, SAL., See Attachment A, page 2.

a) Sport Fish: COMM, CUL (new), WILD, WARM, COLD, MAR, EST, SAL

b) Tribal: T-SUB (new)

c) Subsistence: SUB (new)

d) Prey fish: WILD, WARM, COLD, MAR, EST, SAL

e) Cal. least tern habitat

2. Creates 3 new beneficial uses available for RWQCB to use in designating inland surface waters for protection:

a) Cultural and Tribal Use (CUL), which is currently only defined and designated in the North Coast Region. See Attachment B

b) Tribal Subsistence Fishing (T-Sub). See Attachment B

c) Subsistence Fishing. See Attachment B

3. Adds new provision to the SIP essentially (at least for So. Cal.) specifying effluent limits for Mercury for POTWs and NPDES non-stormwater discharge permits at very low, stringent levels (12 ng/L, 4 ng/l and 1 ng/l) depending on the type of receiving waterbody (flowing or slow moving). See Attachment C.

4. Imposes wetlands mercury management measures and other requirements on all managed wetlands.

B. The rulemaking is separate from, but related to the Mercury Program for Reservoirs since it sets the Water Quality Objectives that will be used to determine impairments and to develop TMDLs under the Mercury Program. Therefore, the rulemaking has implications for the Mercury Program for Reservoirs. The segmentation of the two actions may raise CEQA issues for purposes of comments.



C. Timeline: EPA's Consent Decree Obligation to develop new wildlife related mercury water quality objectives by June 30, 2017 is driving a very quick deadline because if the SWRCB fails to adopt water quality objectives *for wildlife protection (the law suit does not involve and the consent decree does not protection of human health, or adoption of new beneficial uses)* by June 30, then EPA is obligated to do so (Question: So what? EPA's WQOs would not likely be more stringent, and SWRCB would still have an obligation to do implementation measures. The Consent Decree also allows EPA to request an extension). See Attachment A, page 1 for schedule.

1. Feb. 7 Board hearing (without action)
2. Feb. 17 written comments due (comment period is too short given 700-page length of the document. Board Member has invited requests for extension)
3. May 5 Board consideration of proposal for adoption—updated draft may be provided depending on SWRCB determinations regarding how best to address Feb. comments, however:
 - a) No additional formal comment period or written comment submission anticipated
 - b) No commitment that new draft of proposal will be published prior to required notice for the May hearing
 - c) Any comments on the new draft will be limited to verbal comments at the May hearing on provisions that change as compared to the current draft.
4. Also driven by Board's resolution to develop new beneficial uses (commitment from Felicia to the Tribes).

II. Recommendations for commenting

1. Letter requesting an extension (submit within one week)
2. Broad coalition comment letter needed given breadth and stringency of regulatory proposal (presume due 2/17)—ACWA, Cal Water Assn., CCEEB, CASQA, CASA, CBIA, other?

III. Beneficial Uses intended to be protective of human health and wildlife, but also have potential to be protective of instream flows and fish quantity based on cases in State of Washington, resulting to impacts to dams, diversions, and water rights. Will also drive lower water quality objectives and effluent limits for other pollutants, particularly bioaccumulative toxics.

IV. Water Quality Objectives would not apply where SSOs or TMDLs for Hg apply. Issue regarding ability to obtain a long TMDL time schedule under the SIP for POTW and non-stormwater NPDES permit effluent limitations notwithstanding adoption of a long-term TMDL (for the same reasons as applicable to selenium), which creates likelihood that permittees have significant long term permit compliance risk—pending adoption of SSOs or waterbody



satisfaction of WQOs (very unlikely). Oregon adopted objectives, but set up process immediately for variances. Variances have been difficult if not impossible to obtain in CA.

V. Program of implementation

A. Mines – generally the largest source of mercury next to naturally occurring mercury, but not addressed under this program due to inadequate funding. Because this is largest source, other implementation program measures are not expected to attain WQOs.

B. Dredging, wetland projects, other nonpoint source discharges – permit writers have discretion to include measures to reduce discharge of mercury in areas with elevated mercury concentrations

C. Stormwater permits

1. MS4s –add new conditions requiring mercury pollution prevention education and outreach programs, mercury disposal programs, and additional mercury sediment and erosion controls.

a) Problem is mercury isn't in urban landscape and LID and typical urban stormwater BMPs are not effective to reduce mercury.

b) TMDLs may ultimately drive numeric limits or at least action levels as we have seen on numerous occasions.

2. Construction general permit – confirm erosion and sediment controls constitute sufficient controls not just for conventional pollutant, but for toxics adhered to them. If so, no change

3. Industrial general permit – change Hg numeric action limit from 1400 ng/L to 300 ng/L. Require industrial GP iterative process for Mercury exceedances of AL per triggers in industrial permit

D. Municipal wastewater POTW and non-stormwater discharge—effluent limitations

1. Very low effluent limits amended into SIP per proposal will apply if reasonable potential analysis indicates likelihood of mercury exceedance.

a) SIP will specify water column thresholds (conservatively translated from fish tissue concentrations) for RPA based on whether the receiving water is “flowing,” “slow,” or “reservoir”

b) Sport Fish/Prey fish/least tern recommended effluent limitation in flowing waters 12 ng/L; in slow moving waters = 4 ng/L

c) Tribal subsistence recommended effluent limitation in flowing = 4 ng/L; in slow moving = 1 ng/L

d) Subsistence recommended effluent limitation in flowing and slow moving and all WQO in reservoirs = case-by-case



2. At least 2 if not all 3 of the effluent limits are below monitoring detection levels, and it is unclear if any of the effluent limits can be attained absent treatment plant upgrades.
3. POTWs, non-stormwater discharges and urban stormwater discharges are not appreciable sources of Mercury so even if limits and control measures are met, Mercury pollution will not be reduced.

Anticipated Schedule

Public comment period	January 3 to February 17, 2017
Public workshop	January 9, 2017
Board hearing	February 7, 2017
Board meeting; considered for adoption	May 2017
US EPA shall propose mercury criteria, if US EPA has not already approved Mercury Provisions	June 30, 2017

Draft Water Quality Objectives

To protect human health and wildlife:

Objective	Beneficial Uses	Objective (methylmercury in fish tissue)
Sport Fish	Commercial & Sport Fishing, Tribal Tradition & Culture, Wildlife Habitat*	0.2 mg/kg in filet of the highest trophic level fish, 150-500 mm
Tribal	Tribal Subsistence Fishing	0.04 mg/kg, mixture (70% TL3, 30% TL4), fish 150-500 mm
Subsistence	Subsistence Fishing	Narrative objective
Prey Fish	Wildlife Habitat* (where no trophic level 4 fish)	0.05 mg/kg, in whole fish 50-150 mm
California Least Tern Prey Fish	California Least Tern Habitat	0.03 mg/kg in whole fish < 50 mm

*Also Marine Habitat; Rare, Threatened, or Endangered Species; Warm Freshwater Habitat; Cold Freshwater Habitat; Estuarine Habitat; and Inland Saline Water Habitat

Tribal Tradition & Culture (CUL)

Uses of water that support the cultural, spiritual, ceremonial, or traditional rights or lifeways of California Native American Tribes, including, but not limited to: navigation, ceremonies, or fishing, gathering, or consumption of natural aquatic resources, including fish, shellfish, vegetation, and materials.

Tribal Subsistence Fishing (T-SUB)

Uses of water involving the non-commercial catching or gathering of natural aquatic resources, including fish and shellfish, for consumption by individuals, households, or communities of California Native American Tribes to meet minimal needs for sustenance.

Subsistence Fishing

Uses of water involving the non-commercial catching or gathering of natural aquatic resources, including fish and shellfish, for consumption by individuals, households, or communities, to meet minimal needs for sustenance.

Table 6-1. Water column concentrations based on water body type and beneficial use.

Beneficial Use of the Receiving Water	COMM, CUL, WILD, MAR, RARE	COMM, CUL, WILD, MAR, RARE	COMM, CUL, WILD, MAR, RARE, T-SUB	T-SUB	T-SUB	SUB
Water body type	Flowing water bodies (generally, rivers, creeks and streams)	Slow moving water bodies (generally, lagoons and marshes)	Lakes and reservoirs	Flowing water bodies (generally, rivers, creeks and streams)	Slow moving water bodies (generally, lagoons and marshes)	Any
Value for "C"	12 ng/L total mercury	4 ng/L total mercury	Case-by-case	4 ng/L total mercury	1 ng/L total mercury	Case-by-case

For subsistence fishing, since the water quality objective is narrative, the effluent limitation would be derived on a case-by-case basis. The California or U.S. EPA BAFs could be used to calculate a water column concentration as was done in Appendix I.

This option includes two appropriate exceptions to avoid undue economic or social hardship: 1) facilities only serving small disadvantaged communities, and 2) insignificant discharges. These exceptions would not be automatic. The permit writer would have to review water body specific information and make a finding based on the information that the discharge will have no reasonable potential to cause or contribute to an exceedance of the water quality objective. For example, the fact that fish mercury concentrations meet the water quality objectives could support the finding. Insignificant discharges are discharges determined by the permit writer to be a very low threat to water quality, such as small, non-continuous discharges. The Provisions define "small disadvantaged communities" as "[m]unicipalities with populations of 20,000 persons or less, or a reasonably isolated and divisible segment of a larger municipality encompassing 20,000 persons or less, with an annual median household income that is less than 80 percent of the statewide annual median household income." These two exceptions could be used to relieve small dischargers from the expense of routine monitoring. Mercury monitoring using the newest method (Method 1631 E) is much more expensive than monitoring for other common metals.

Additionally, under this option the Provisions would provide that the Regional Water Boards could develop a site-specific BAF, from which a site-specific water column target could be derived. A study of the receiving water would need to be performed to provide the data. This study could be done by the Regional Water Board or by other parties, such as dischargers, with Regional Water Board approval. Using this procedure a study would be required that includes the collection of samples and measurements of the

DRAFT



February 17, 2017

Jeanine Townsend, Clerk to the Board State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Via email: commentletters@waterboards.ca.gov

Subject: Comment Letter -- Beneficial Uses and Mercury Objectives

Dear Ms. Townsend

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to comment on the Proposed Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California—Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions (Beneficial Uses and Mercury Provisions). BACWA is a joint powers agency whose members own and operate publicly-owned treatment works (POTWs) and sanitary sewer systems that collectively provide sanitary services to over 7.1 million people in the nine-county San Francisco Bay (SF Bay) Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health. Our member agencies are proud of the work we've been doing to reduce mercury discharges through traditional pretreatment controls and innovative pollution prevention strategies. BACWA also supports the protection of tribal and subsistence uses. However we are concerned that the proposed implementation requirements for these beneficial uses will not get us any closer to the water quality objectives to protect these beneficial uses, and will be inappropriately burdensome to the rate payers of public wastewater treatment facilities who are engaged in improving wastewater treatment and collection system infrastructure while meeting other regulatory requirements where wastewater utilities play a more significant role.

Total mercury loads to the San Francisco Bay are about 920 kg/year, according to SFEI's 2015 estimate, and as reported in their Multi-year Synthesis Report¹. Bay Area POTWs have decreased their aggregate loads from 4.5 kg/yr in 2008 to 2.2 kg/yr in 2015 through the implementation of a very successful mercury TMDL, as shown in Figure 1, below. We've achieved these reductions largely by the implementation of very successful dental amalgam programs throughout the region, mercury reduction in hospitals, thermometer exchange programs and many other examples.

¹ *Sources, Pathways and Loadings: Multi-Year Synthesis with a Focus on PCBs and Hg*. Prepared by McKee L.J., A.N. Gilbreath, J. A. Hunt, J. Wu, and D. Yee. San Francisco Estuary Institute, Richmond, California. December 15, 2015.

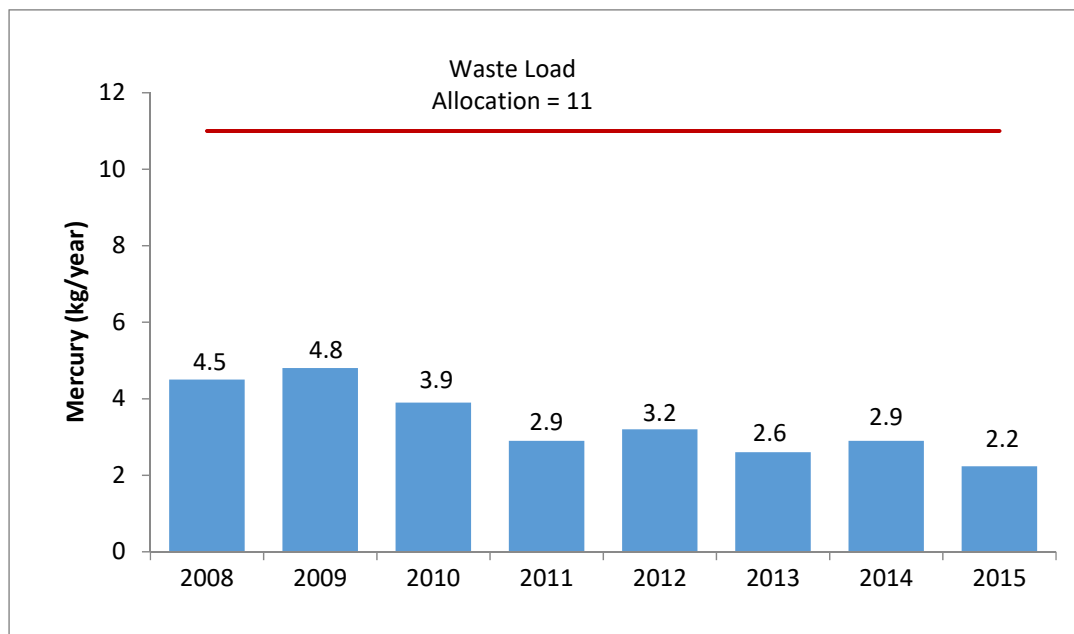


Figure 1. Aggregate loads of mercury from municipal POTWs from 2008 to 2015, as reported to the San Francisco Bay Regional Water Quality Control Board.

Concentrations in rivers draining old mining watersheds near San Jose exhibit concentrations of Hg ranging from several hundred to tens of thousands of nanograms per liter¹, whereas concentrations in wastewater effluent range from 1 to fifteen nanograms per liter. While BACWA agencies have reduced their inputs of mercury to the Bay more than ten-fold in the last 50 years, the concentration of mercury in Bay fish remains the same, as shown in Figure 2, below². Even if our member agencies were to cease discharge altogether, concentrations of mercury in fish tissues will not decline any faster, due to the enormous reservoir of mercury-containing sediments already in the Bay and the legacy mining sources upstream of the Bay. Setting water quality-based effluent limits that do not differentiate between significant and insignificant sources will be tremendously costly and will not have any positive impact on achieving mercury reductions in fish tissues.

² *Contaminant Concentrations in Fish from San Francisco Bay, 2014. SFEI Contribution #806.*, Sun, J., J.A. Davis, S. N. Bezalel, J.R.M. Ross, A. Wong, R. Fairey, A. Bonnema, D.B. Crane, R. Grace, R. Mayfield, and J. Hobbs. 2017. Regional Monitoring Program for Water Quality in San Francisco Bay, Richmond, CA. *In preparation.*

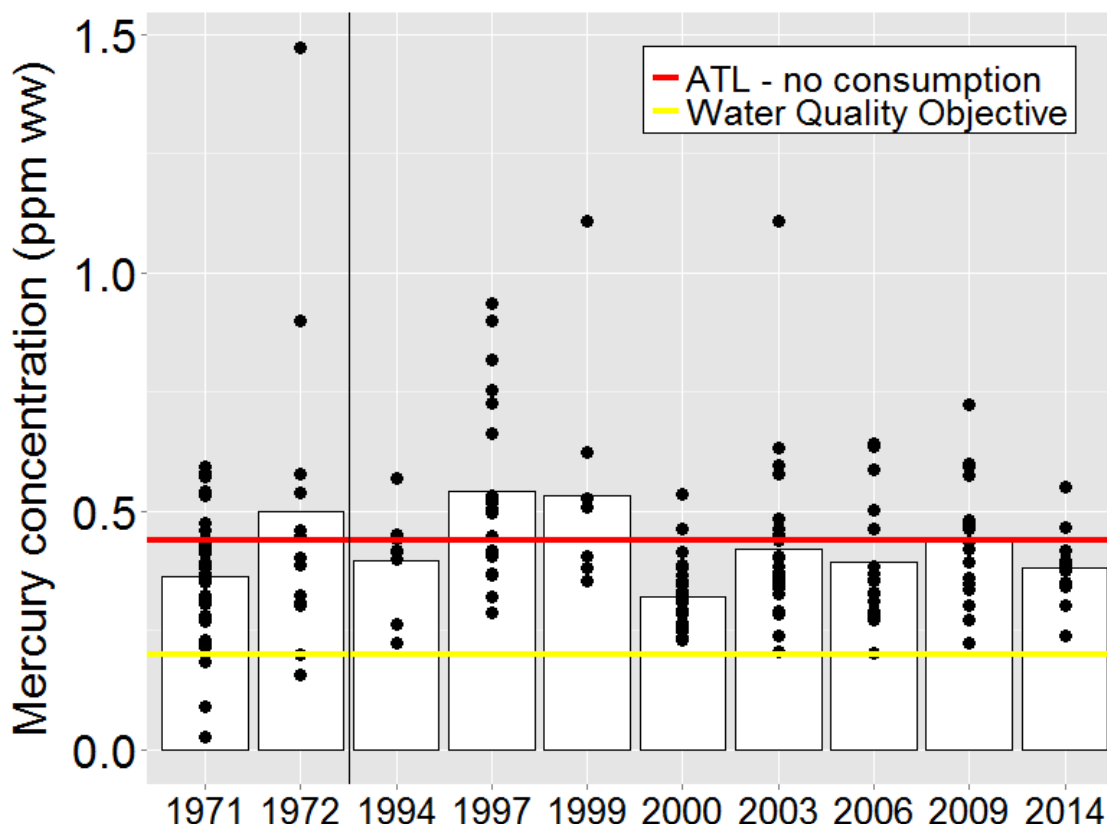


Figure 2. Mercury concentrations (ppm ww) in striped bass from San Francisco Bay, 1971-2014 (draft data). Bars indicate average concentrations. Points represent individual fish, with the exception of six composite samples (3 fish each) analyzed in 2014. To correct for variation in fish length, all plotted data have been calculated for a 60-cm fish using the residuals of a length vs. log (Hg) relationship calculated for each year. Total length for composites was calculated as the average total length of the individual fish in each composite. The 2014 relationship and data do not include fish collected in Artesian Slough, which reflect unique mercury sources and were collected in 2015. Data were obtained from CDFW historical records (1971-1972), the Bay Protection and Toxic Cleanup Program (1994), a CalFed-funded collaborative study (1999 and 2000), and the Regional Monitoring Program (1997, 2000, 2003, 2006, 2009, and 2014). No statistically significant long-term trend was observed (linear regression: $p=0.08$, $R^2=0.01$)

While BACWA appreciates that the implementation requirements in the staff report explicitly carve out existing TMDLs, our members are concerned that these new beneficial uses may have the unintended consequence of forcing a reopening of the SF Bay mercury TMDL. Very few of our members would be able to meet the extremely low water quality-based effluent limits that would be calculated from water quality objectives associated with the new beneficial uses. Even with advanced treatment, there is no guarantee that agencies would be able to achieve mercury concentrations below 1 ng/L since most agencies have already optimized their pollution prevention alternatives under the current TMDL. In response to such low effluent limits, agencies would also need to stop accepting reverse osmosis concentrate from current and future water recycling projects, since this by-product will increase the mercury concentrations in POTW effluent, although it would not increase loads to the Bay.

BACWA is concerned that by adopting the proposed provisions, the Water Board may be making a decision that would unintentionally lead to the reallocation of resources away from more pressing issues (e.g. such as repairing aging infrastructure to control SSOs, preparing for

sea level rise, studying effects of nutrients and potential technologies for reducing nutrient loads, and planning resource recovery projects) to efforts focused on controlling mercury to levels that would have a negligible effect on water quality in the SF Bay ecosystem. While it may be possible to implement regulatory “fixes” to avoid these unintended consequences such as variances, BACWA believes that the State Water Board shares our goal to get the regulation right from the get-go.

Besides impacting mercury discharges, BACWA is concerned that the State Water Board has not provided analysis of other constituents, such as selenium or PCBs that may be impacted by the proposed Beneficial Uses. Additionally, if the Tribal Cultural Beneficial Use is interpreted to include fish quantity, there may be significant unintended regulatory consequences that lead to limitations on recycled water in the future, if a recycled water project reduces freshwater inputs into water bodies.

BACWA supports the comments provided by CASA and the Summit Partners, including recommendations on changes to the implementation requirements language. We hope these changes will be incorporated to the proposed Beneficial Uses and Mercury Provisions, so that the implementation requirements do not unfairly burden insignificant sources of mercury such as POTWs, but will be targeted towards actions that would have a meaningful impact in reducing mercury in the water environment.

Please let us know if you would like to discuss our comments in more detail.

Respectfully Submitted,

David R. Williams
Executive Director
Bay Area Clean Water Agencies

cc: BACWA Executive Board
Tom Mumley, San Francisco Bay Regional Water Quality Control Board
Eric Dunavey, Permits Committee Chair
Christian Dembiczak, Permits Committee Vice-Chair

Sherry Hull

From: Sherry Hull
Sent: Tuesday, February 14, 2017 4:56 PM
To: Sherry Hull
Subject: Enforcement Policy
Attachments: Issue Highlights for SWRCB Staff.docx; Violation Scenario.docx

Subject:Re: Enforcement Policy Meeting on POTW Issues Set - Wednesday February 15 from 1-2

Date:Wed, 15 Feb 2017 00:17:02 +0000

From:Adam Link <alink@casaweb.org>

To:eoofficer@cvcwa.org <eoofficer@cvcwa.org>, Pagano, Laura <LPagano@sfwater.org>, Lorien Fono <lfono@bacwa.org>, Heil, Ann <AHeil@lacsds.org>, Gallis, George <GGallis@lacsds.org>, Steve Jepsen <sjepsen@dudek.com>, Granquist, Nicole <ngranquist@DowneyBrand.com>, Thorne, Melissa <mthorne@DowneyBrand.com>, 'cjohanne@ebmud.com' <cjohanne@ebmud.com>

CC:Bobbi Larson <blarson@casaweb.org>, dwilliams@bacwa.org <dwilliams@bacwa.org>, Rebecca Franklin <RebeccaF@acwa.com>, Elizabeth Allan <EAllan@cwea.org>, Adam Link <alink@casaweb.org>

All,

Please find attached a document that I intend to share with the enforcement staff tomorrow. It highlights the primary issues, SWRCB staff response to comments, and our response to that response. I also have our initial comment letter attached with more detail on these issues. Nicole and I are working on example “scenarios” as well, but attached is a draft of one example I came up with. Thanks for everyone’s feedback and look forward to seeing you tomorrow.

Call my cell if you have any issues tomorrow - (916) 947-2900. Thanks.

- Adam

Adam D. Link
Director of Government Affairs
California Association of Sanitation Agencies
916.446.0388, ext 102 (office)
916.947.2900 (mobile)
Ensuring Clean Water for California
www.casaweb.org



From: Adam Link <alink@casaweb.org>

Date: Friday, February 10, 2017 at 1:19 PM

To: "eoofficer@cvcwa.org" <eoofficer@cvcwa.org>, "Pagano, Laura" <LPagano@sfwater.org>, Lorien Fono <lfono@bacwa.org>, "Heil, Ann" <AHeil@lacsdsd.org>, "Gallis, George" <GGallis@lacsdsd.org>, Steve Jepsen <sjepsen@dudek.com>, "Granquist, Nicole" <ngranquist@DowneyBrand.com>, "Thorme, Melissa" <mthorme@DowneyBrand.com>, "cjohanne@ebmud.com" <cjohanne@ebmud.com>

Cc: Bobbi Larson <blarson@casaweb.org>, "dwilliams@bacwa.org" <dwilliams@bacwa.org>, Rebecca Franklin <RebeccaF@acwa.com>, Elizabeth Allan <EAllan@cwea.org>

Subject: Enforcement Policy Meeting on POTW Issues Set - Wednesday February 15 from 1-2

All,

We have set a meeting with Office of Enforcement Staff to discuss the changes to the enforcement policy **next Wednesday, February 15 from 1-2 PM**. Nicole and I will be there in person, and they have set up a call-in line for those of you interested in calling in.

USA TOLL-FREE: (877) 873-8017

PARTICIPANT CODE: 569008

Since we only have an hour I want to get them a succinct summary of priority issues we want to focus on. If you can send me your bullets by COB Monday I will add them to the list we already have based on CASA's initial comments. Thanks.

- Adam

Adam D. Link

Director of Government Affairs

California Association of Sanitation Agencies

916.446.0388, ext 2 (office)

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Water/Wastewater Meeting Priorities: Water Quality Enforcement Policy

Issue: High Volume Flow Changes (New Policy p. 15)

In Comment Letter: Yes

SWRCB Response to Comments: The amendments to the high volume discharge section are intended to clarify existing practices and remove any perceived limitation on the Water Boards' authority to impose an appropriate per gallon penalty between \$2 per gallon and \$10 per gallon for high volume discharges after taking into consideration the nature and circumstances of the violation, rather than always applying a default maximum penalty of \$2 per gallon. The amendments define the term "high-volume" as between 100,000 gallons and 2,000,000 gallons and allow the high volume reduction to apply to any type of high volume discharge. The commenter's suggestion to lower the high volume threshold to 50,000 gallons is generally not consistent with the Water Board historical application of this provision.

Response: The current \$2 per gallon figure is not currently a default maximum, and the new language does not allow for appropriate flexibility. If it is designed to remove a "perceived" limitation then it should be much more narrowly scoped. It is unnecessary to define a hard minimum for high volume spills. Using this language, we anticipate that in the event of a discharge 99,999 gallons it would not be permitted any relief under this language. Our concern is that this will end up becoming a default with no regard to actual harm.

Issue: Changes to Per Day / Potential for Harm Factors (New Policy p. 14)

In Comment Letter: Yes

Response to Comments: The existing Enforcement Policy has sharp transitions between Potential for Harm scores, particularly between four and five, which are problematic when trying to fairly apply the Enforcement Policy. Adjustments were made to smooth the sharp transitions and provide more evenly increased penalties.

Response: "Smoothing" is not sufficient justification or adequate rationale for the proposed change, particularly when (with the single exception of factors with a Potential for Harm score of 8) all other factors were increased. More enforcement actions are assessed at the lower to middle end of the harm scale, and as such these changes will cause significant increases in penalties for discharge violations.

Issue: Changes to Culpability Factors (New Policy p. 18, Table 4)

In Comment Letter: Yes

Response to Comments: There is no ceiling for the multiplier related to consideration of "history of violations" and the Policy has never included a ceiling for this factor.

Response: While this may be true for that particular factor, these changes will nonetheless increase the base amount of discretionary penalties that are sought in enforcement proceedings, without further consideration of whether doing so is reasonable in all circumstances. All these changes merely reduce the flexibility of enforcement staff to look at a discharger's individual compliance history, fails to recognize the slight variability well-operated municipal treatment plants can experience from time to time, and has an unduly harsh effect on dischargers who may have experienced many years without a discharge violation, but may have minor past exceedances on occasion. Is there a collection system or discharger in the state that has a history of zero violations over the last ten years? What percentage would this realistically be?

Issue: Class A Violations Language (New Policy p. 6)

In Comment Letter: Yes

Response to Comments: Broadly, the response to comments simply states the violation classification process is just the first of two steps in determining whether to pursue formal enforcement.

Response: This reference to the second step in the process is essentially saying "even though you could be improperly characterized as a priority under this new language, we will address it through another mechanism later." That is not transparent, does not promote consistency, and is not the right way to prioritize or provide any certainty to the regulated community. We reiterate our initial requests, which are straightforward ways to scope these priorities:

- MUN factor should specify that the discharge must have an actual impact on a drinking water supply to be considered a priority violation.
- Treats a recycled water spill within 1,000 feet of a drinking water intake identically to a raw water for purposes of prioritization.
- Remove toxicity violations from the Class A. The cause of toxicity is often unidentified and beyond the discharger's control.

Other Issues

Potential Harm (Multiple): Clarify potential harm needs to be based on actual conditions. There is some balance between what Cris noted in his presentation (e.g. a violator arguing the actual harm must be demonstrated in order to assess any liability) and a theoretical, completely unrestrained notion of what “potential harm” means. The Policy needs to put language in to articulate that balance.

Economic Benefit / Ability to Pay: It would be nice to put the language that is in the response to comments somewhere in the actual policy as it relates to the ability of public agencies to make unique economic benefit and ability to pay arguments.

- Public agencies often have evidentiary input on the issue {of economic benefit}...where facts and evidence indicate {the BEN model} falls short of an accurate measurement, the Water Boards prepare a more refined analyses.”

Similarity of Violations (New Policy pages 3 and 9): Add Language consistent with the response to Comments.

- **“Consistency is often achieved by comparing previous enforcement actions”**, although it also recognizes many cases have unique facts and circumstances and “the Water Boards should consider penalties for similar violations under similar circumstances, particularly those within the same Region, when proposing penalties and taking enforcement action.” If it is already the practice to do this, putting it in the policy should not be a problem.

Violation Scenario (Existing and Proposed Policy Comparison)

Scenario: An accidental spill of 60,000 gallons of treated water. Spill occurred in an area designated as MUN but with absolutely no impacts to drinking water and no demonstrated MUN use. Entity had one minor spill five years prior, but otherwise no history of violations.

Existing Policy	Amended Policy
<p>High-Volume Spill: Language in existing policy provides flexibility to assess a \$2 per gallon for this type of spill.</p> <p>Per Day Factors: Moderate deviation from requirement, Score of 4 potential to harm, results in a .016 factor.</p> <p>Conduct Factors: Degree of culpability could be .5 for an “accidental incident.”</p> <p>Because of single minor incident in history of violation, would not be history of repeat violations, likely just a 1.</p> <p>Class A Prioritization: Because of nature of spill, would likely have not been a Class I violation and not an enforcement priority.</p>	<p>High Volume Spill: Falls below the numeric threshold for a high-volume spill, and therefore seemingly not eligible for the \$2 per gallon. Starting point presumably \$10 per gallon. This is a 500% increase.</p> <p>Per Day Factors: Moderate deviation from requirement, Score of 4 potential to harm, results in a .05 factor. This is a 300% increase.</p> <p>Conduct Factors: Regardless of accidental or preventable nature of incident, discharger would be required to receive a 1. This is a 100% increase multiplier.</p> <p>Because of single violation five years prior, would be required to use 1.1. This is another 10% increase multiplier, at minimum, with no cap in place.</p> <p>Class A Prioritization: Due to new MUN language, would necessarily be considered a Class A priority for enforcement.</p>

Joint BACWA/Regional Water Board staff Meeting Summary

December 22, 2016, 10am-12pm

Attendees:

David Williams, BACWA
Lorien Fono, BACWA
Linda Sawyer, Brown and Caldwell
Jean Marc Petit, CCCSD
Jim Ervin, San Jose/Santa Clara
Amit Mutsuddy, San Jose/Santa Clara

Amy Chastain, SFPUC
Vince De Lange, EBMUD
Bill Johnson, Regional Water Board
Robert Schlipf, Regional Water Board
Bruce Wolfe, Regional Water Board

1. Introductions

2. Tribal and Subsistence Fishing Beneficial Uses – added to agenda

The State Water Board is developing new beneficial uses for Tribal Use and Subsistence Fishing. These will be implemented by Regional Water Boards, and will be associated with mercury objectives. While it will not impact the SF Bay mercury TMDL at the current time, it may lead to implementation problems in the future when the TMDL is reopened. There will be a draft of the staff report available for public comment in January, and the process will be complete by March 31. We will agendize this issue for the next joint meeting between BACWA and the Regional Water Board.

3. Nutrients

a. Optimization/Upgrade Study Updates

The facility reports have mostly been distributed to agencies for review. There was a discussion about having governing boards sign off on the reports. The Regional Water Board will accept addenda to correct any errors that may occur in the Final Report.

b. Watershed Permit Reissuance

There was a discussion about how early increases in funding for the Science Plan may be implemented. Bruce will bring the message to the BACWA Annual Meeting that early increases in funding for the Science Plan can help secure no load caps or no net nutrient loading increases (NNLI) in the next watershed permit. While the Regional Water Board staff cannot guarantee in advance what will be in the next watershed permit, this is their stated intention.

c. Scenario Planning

Sasha Harris-Lovett from UC Berkeley gave a presentation at the December BACWA Board meeting on the development of a decision-making framework for nutrient management. This work will be done in consultation with the scenario planning effort via SFEI to avoid duplication.

d. Delta Suisun Nutrient Forms and Ratios Workshop

A workshop took place on November 29 and 30 to review data supporting and refuting the hypotheses that either high ammonium concentrations, or an unfavorable N:P ratio, suppresses phytoplankton growth and adversely impacts

the food web. One of the main takeaways from the meeting and associated documents is that observed changes in historic phytoplankton communities were at least partially due to a change in magnification, and were therefore an artifact.

e. EPA Nutrient Questionnaire

BACWA submitted a comment letter to EPA outlining our data collection efforts as part of the optimization/upgrade studies required by the Watershed Permit. The letter included a list of “lessons learned” about the difficulty in acquiring useable data, and comparing apples to apples in different facilities. BACWA’s key observation is that the main drivers of opportunities for nutrient removal at different facilities are site-specific factors.

4. Drought and Water Recycling

a. Proposition 1 Proposal

BACWA worked with the Santa Clara Valley Water District (District), and researchers at SFEI, UC Berkeley and Stanford, to develop a proposal to study the treatment of RO concentrate via advanced oxidation processes and constructed wetlands. The team will be meeting with State Water Board staff on January 12 to discuss funding opportunities. Tom Mumley has been invited to attend this meeting.

b. Recycled Water Policy and SNMPs

BACWA will engage in the State Water Board’s outreach process to update the State Recycled Water Policy and give further direction for developing salt/nutrient management plans.

c. State General Order for Recycled Water

BACWA is working on a proposal for transferring 96-011 permittees to the State General Order.

5. EPA Selenium Criteria

EPA staff reported that they are analyzing data provided by the Lower South Bay dischargers and using them to update the models underpinning the proposed selenium criteria for the Bay. It is likely they will not propose updated criteria soon, and the eventual criteria will need to be a compromise based on pressures from the resource agencies and NGOs versus what can be implemented. The Water Boards provided a comment letter to EPA on the guidance documents on implementation that were posted for the EPA’s proposed freshwater selenium criteria. These documents provided the basis for the Water Boards’ and BACWA’s comment letters requesting that fish tissue criteria be given precedence over the water column criterion.

6. Microplastics and Constituents of Emerging Concern (CECs)

a. State Pilot CECs Monitoring Plan

CASA and POTW representatives met with State Water Board staff on December 16, and they reported that the staff had been receptive to their concerns. This item will be heard by the State Water Board in January or February.

7. Toxicity

BACWA has joined SCAP, CVCWA and NACWA in a suit against EPA alleging that they did not follow the Administrative Procedures Act prior to mandating use of the TST in POTW NPDES permits.

8. BAAQMD Rule 11-18

BACWA has been engaging with BAAQMD on their proposed Rule 11-18, which would require health risk assessments and control of toxic air contaminants to very low levels. This might have a major fiscal impact on POTWs, and the rulemaking is on a very short timeline.

9. 303(d) list update - added to agenda

The Regional Water Board is updating their 303(d) list by April 2017, and plan to finalize the list from 2010. The update mostly adds water bodies to listings for pollutants that are already listed. The public comment period will begin at the end of January or early February.

ADJOURNMENT

DRAFT

Executive Board Special Meeting Agenda

SF Bay Regional Water Board / BACWA Executive Board Joint Meeting

March 9, 2017 1:00-3:00 PM

SF Bay Water Board, 1515 Clay Street, St. 1400 Oakland, CA

ROLL CALL AND INTRODUCTIONS – 1:00

PUBLIC COMMENT – 1:05

DISCUSSION/OTHER BUSINESS- 1:10

Topic	Goal	Time
1. Nutrients a. Optimization and Upgrade Studies b. Watershed Permit Reissuance c. Program Coordination	<ul style="list-style-type: none"> • Update on progress of optimization/upgrade studies and debrief from BACWA Annual Meeting • Cost estimates based on seasonal/annual limits • Status on 2nd WS permit discussions • Future on program coordination effort 	1:15
2. 303(d) Listing	<ul style="list-style-type: none"> • Summary of 303(d) list update by Water Board 	1:55
3. State Water Board Beneficial Uses and Mercury Objectives	<ul style="list-style-type: none"> • Summary of BACWA and Summit Partners Letters • Next Steps 	2:05
4. Reporting Language in Permits	<ul style="list-style-type: none"> • Is there a way to clarify that the new Attachment D language does not conflict with the SSS WDR? 	2:20
5. Enforcement Policy	<ul style="list-style-type: none"> • WB's Position 	2:30
6. Microplastics and CECs	<ul style="list-style-type: none"> • BACWA members participating in new SFEI study • Status of State CECs Pilot Monitoring Project 	2:35
7. Toxicity	<ul style="list-style-type: none"> • Issues with toxicity permit limits • Any updates from SCCWRP, State Water Board, or EPA 	2:40
8. Recycled Water	<ul style="list-style-type: none"> • Update from BACWA workgroup for transition to State General Order from 96-011 	2:55

ADJOURNMENT

To: Members & Affiliates
From: National Office
Date: January 5, 2017
Subject: Fourth Circuit Decision Threatens Permit Shield Reliance
Reference: AA 17-01

In a unanimous [decision](#) issued Wednesday, January 4, the United States Court of Appeals for the Fourth Circuit held that narrative water quality standards incorporated by reference into a National Pollution Discharge Elimination System (NPDES) permit are substantive permit terms, and that permittees must comply with these terms to receive the benefit of the Clean Water Act (CWA) permit shield under section 402(k). The decision, which affirmed a [ruling](#) by the district court in [Ohio Valley Environmental Coalition v. Fola Coal Co.](#), threatens to severely erode the protection afforded by the permit shield and provides a clear path for environmental groups and courts to translate narrative water quality standards into enforceable permit terms.

This Advocacy Alert provides background and analysis on the case, as well as potential impacts on NACWA members and clean water utilities. For more information or questions, please contact [Amanda Waters](#) or [Erica Spitzig](#).

Background and Analysis

In the past, CWA permittees have been able to rely on compliance with their permit as a shield against enforcement and citizen suit litigation. CWA § 402(k) provides that “[c]ompliance with a [NPDES] permit” is considered “compliance, for purposes of sections 309 and 505 [enforcement, including citizen suits], with sections 301, 302, 306, 307, and 403 [discharge prohibitions and effluent limits], except any standard imposed under section 307 for a toxic pollutant injurious to human health.” Courts and regulatory agencies have interpreted this language to mean that entities who complied with the substantive terms of their NPDES permits were shielded from enforcement and citizen suit litigation for the permitted discharges.

The Fourth Circuit had also previously held in [Piney Run Pres. Ass’n v. Cnty. Comm’rs of Carroll Cnty](#), that the permit shield extended not only to pollutants specifically listed in the permit, but also to those disclosed in the permit application and therefore reasonably contemplated by the permitting authority in conducting a reasonable potential analysis and issuing the permit. This framework provided an element of certainty to regulated entities—permits serve as a mechanism by which the permitting agency determines what pollutant levels are protective of water quality and provides clear and final notice of a permittee’s compliance obligations.

The Fourth Circuit’s Fola decision undermines this certainty and ties compliance, and eligibility for the permit shield, to targets that are often undefined and difficult to quantify outside of litigation. The permit at issue in Fola, contained the following language:

- The discharge or discharges covered by a WV/NPDES permit are to be of such quality so as not to cause

violation of applicable water quality standards adopted by the Department of Environmental Protection, Title 47, Series 2.

Citizen groups brought suit against Fola Coal Company for discharging pollutants not enumerated in the permit, alleging violations of water quality standards and, as a result, this section of the permit. On summary judgment, the district court held that Fola was properly subject to citizen suit enforcement, and that the narrative water quality standards incorporated by reference were substantive permit terms, compliance with which was a prerequisite to application of the permit shield.

NACWA participated with a coalition of industry and municipal groups in filing an amicus brief in the appeal, because of the broad implications for NPDES permittees nationwide. While the provision at issue in this case is contained in a coal mining facility permit, many NPDES permits contain a catch-all provision prohibiting discharges from causing or contributing to violations of water quality standards. The facts of the case represent a long and tortured history between the state of West Virginia and the coal industry, a history the courts seem eager to correct, but NACWA feared that the broad implications of the case would lead to bad law supplanting the Fourth Circuit's Piney Run decision on the permit shield. It was critical that NACWA go on record with the court to explain that despite the underlying actions of the state regulatory agency and the coal company permittee, a decision upholding the lower court ruling had the potential to affect NPDES permittees in every sector– including municipal wastewater and stormwater permittees.

Unfortunately, it appears that the history surrounding the case and the parties involved heavily influenced the Fourth Circuit's decision, and compliant NPDES permittees across the country will likely have to bear the consequences. This decision creates precedent that upends the NPDES permitting process, usurps the State's authority to set and interpret water quality standards, undermines the public's right to comment on such standards before they are implemented and enforced, and deprives NPDES permittees of fair notice, creating serious Due Process concerns. Moreover, the decision eviscerates the essence of the permit shield defense by allowing citizens who disagree with the terms and conditions of an issued NPDES permit to challenge the permit after issuance and provides an opportunity for courts to retroactively change the limits of a permit.


Potential Impacts on NACWA Members

NACWA members should be prepared to respond to this decision at the local level. While the Fourth Circuit decision has potentially broad implications, any NPDES permittee facing a similar challenge outside the Fourth Circuit should argue that its application should be limited to the Fourth Circuit. In addition, permittees can distinguish their facts from the unique facts of the Fola case (e.g., Fola argued lack of notice and that the boilerplate catch-all provision could not reasonably be interpreted to impose obligations on permittees, but the state permitting authority had previously enforced against the permittee's parent company for violations of the same permit language). NACWA will continue to follow this case and will actively participate in any additional litigation. NACWA will also continue to engage with state and federal regulators to urge revision of boilerplate permit language incorporating water quality standards by reference. Additionally, the Association is developing an aggressive strategy in response to the ruling, which will likely include proactive litigation and regulatory and statutory changes that may be necessary to address the effects of this decision.

NACWA members are encouraged to carefully review their existing permits and consider what this decision means for their permit compliance. The decision calls into question the precise definition of "compliance," which may no longer be clear depending on the state NPDES regulatory program and the precise terms of the permit. NACWA members are encouraged to work with their permitting authority to remove such boilerplate language and work to

develop clean, definite, and final permit language. Members should also carefully review Municipal Separate Storm Sewer System (MS4) general and individual permits for this language that has the potential to replace the maximum extent practicable (MEP) standard with a requirement to comply with water quality standards.

NACWA is available as a resource to help members concerned about similar challenges, and would like to hear from members who may be impacted by this decision. NACWA is also seeking information on members who have attempted to or successfully worked with their regulatory agency to remove this type of language. If you are able to share this type of information, if you are currently engaged in permit negotiations over this type of language, or if you are aware of similar pending or threatened litigation, please contact [Amanda Waters](#), 202-530-2758, or [Erica Spitzig](#), (202)533-1813.

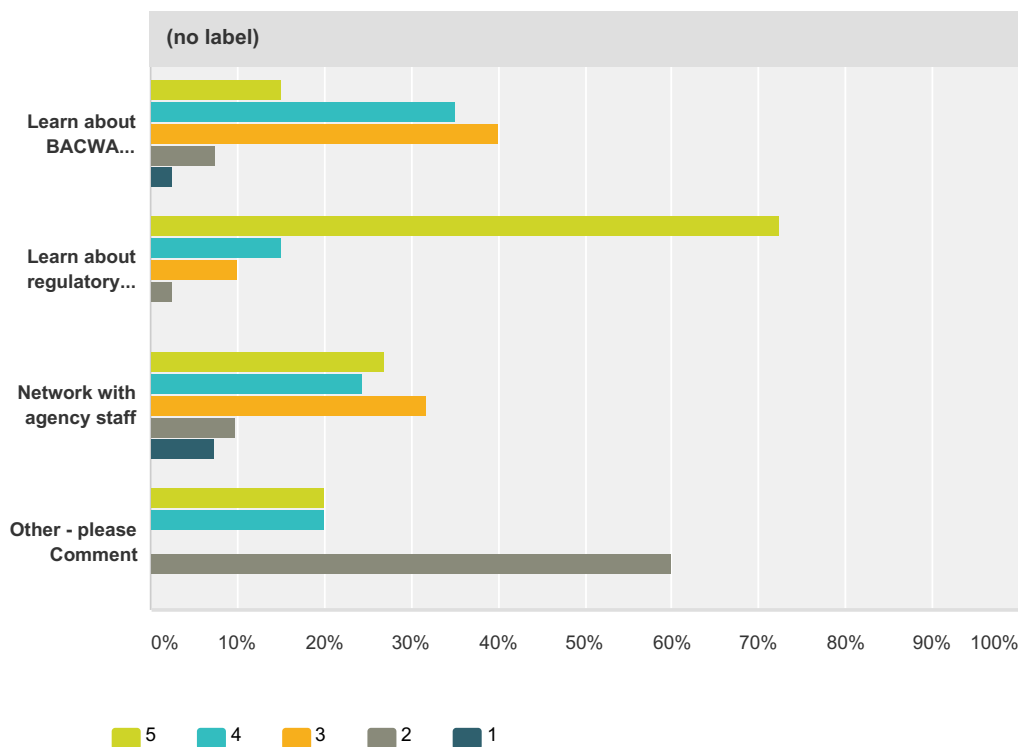
					
<u>BACWA FY18 BUDGET</u>	<u>Line Item Description</u>	<u>FY 2017 Budget</u>	<u>FY 2017 Actuals thru Dec 2016</u>	<u>FY 2018 Budget</u>	<u>NOTES</u>
REVENUES & FUNDING					
Dues	Principals' Contributions	\$477,544	\$477,545	\$487,095	FY18: 2% increase.
	Associate & Affiliate Contributions	\$175,072	\$160,915	\$178,573	FY18: 2% increase.
Fees	Clean Bay Collaborative	\$675,000	\$658,832	\$675,000	Prin: \$450,000; Assoc/Affil: \$225,000
	Nutrient Surcharge	\$800,000	\$781,463	\$800,000	Prin: \$533,335; Assoc/Affil: \$266,798
	Voluntary Nutrient Contributions	\$0	\$187,500	\$127,500	Sunnyvale: (FY17-\$30k, FY17-\$30k); Palo Alto (FY17-\$30k, FY18-\$30k); CCCSD (FY17-\$97,500, FY18-\$97,500)
Other Receipts	Other Receipts	\$0	\$67,650	\$0	FY17: Passthrough for Pharm Study - one time only - see under Collaborative Expense
	AIR Non-Member	\$6,350	\$6,350	\$6,477	2% increase.
	BAPPG Non-Members	\$3,700	\$3,699	\$3,774	2% increase.
Fund Transfer	Special Program Admin Fees	\$2,500	\$0	\$2,550	FY18: 2% increase (WOT only)
Interest Income	LAIF	\$4,000	\$7,626	\$12,000	Actuals includes BACWA, Legal, & CBC Funds invested in LAIF
	Investments	\$0	\$1,105	\$10,000	Alternative Investments Interest
	Total Revenue	\$2,144,166	\$2,352,685	\$2,302,969	
BACWA FY18 BUDGET					
<u>BACWA FY18 BUDGET</u>	<u>Line Item Description</u>	<u>FY 2017 Budget</u>	<u>FY 2017 Actuals thru Dec 2016</u>	<u>FY 2018 Budget (est)</u>	<u>NOTES</u>
EXPENSES					
Labor					
	Executive Director	\$189,370	\$94,685	\$195,998	3.5% CPI (SF/Oakland/San Jose Metro Area Dec 2016)
	Assistant Executive Director	\$85,000	\$40,817	\$87,975	3.5% CPI (SF/Oakland/San Jose Metro Area Dec 2016)
	Regulatory Program Manager	\$112,500	\$44,235	\$116,438	3.5% CPI (SF/Oakland/San Jose Metro Area Dec 2016)
	Total	\$386,870	\$179,737	\$400,410	
Administration					
	EBMUD Financial Services	\$40,000	\$23,228	\$40,000	
	Auditing Services (Maze)	\$6,200	\$0	\$6,300	FY17 Contract was \$6,141; FY18 Contract is \$6,233; contract expires @ end of FY18
	Administrative Expenses	\$7,500	\$2,017	\$7,500	Travel, Supplies, Parking, Mileage, Tolls, Misc.
	Insurance	\$4,500	\$4,266	\$4,500	
	Total	\$58,200	\$29,511	\$58,300	
Meetings					
	EB Meetings	\$2,500	\$713	\$2,500	Catering, Venue, other expenses
	Annual Meeting	\$7,000	\$1,348	\$10,000	Catering, Venue, other expenses. (FY17 Actual: \$7,127.37-not reported yet)
	Pardee	\$6,000	\$4,421	\$6,000	Catering, Venue, other expenses (FY17: Includes Pre-Pardee Catering)
	Misc. Meetings	\$1,100	\$2,324	\$3,000	Holiday Lunch, Committee Chair Lunch, Staff Mtgs, Summit Partners, CASA, NACWA
	Total	\$16,600	\$8,806	\$21,500	
Communication					
	Website Hosting (Computer Courage)	\$600	\$600	\$600	
	File Storage (Box.net)	\$750	\$720	\$750	
	Website Development/Maintenance	\$1,200	\$0	\$1,200	Domains, website changes
	IT Support (As Needed)	\$2,600	\$248	\$2,600	
	Other Communication (MS, SM & Code42)	\$800	\$494	\$1,100	MS Exchange, Survey Monkey, NEW: CrashPlanPro (2)
	Total	\$5,950	\$2,062	\$6,250	

EXPENSES					
Legal					
	Regulatory Support	\$2,500	\$210	\$2,550	2% increase.
	Executive Board Support	\$2,000	\$0	\$2,050	2% increase.
	Total	\$4,500	\$210	\$4,600	
Committees					
	AIR	\$50,000	\$12,565	\$50,000	
	BAPPG	\$86,000	\$62,716	\$100,000	Includes CPSC @ \$10,000. Increase of \$15k to Pest Reg Spt.
	Biosolids Committee	\$3,100	\$104	\$3,100	
	Collections System	\$1,000	\$300	\$1,000	
	InfoShare Groups	\$1,200	\$295	\$1,200	funds for 2 workgroups (Asset Mgmt & O&M)
	Laboratory Committee	\$6,000	\$2,070	\$6,000	
	Permit Committee	\$1,000	\$0	\$1,000	
	Pretreatment	\$7,000	\$0	\$7,000	FY17 includes \$3k for training.
	Recycled Water Committee	\$1,000	\$0	\$1,000	
	Misc Committee Support	\$35,000	\$0	\$35,000	FY17: will include \$3,000 of Baywise website migration to WordPress - \$4,000 will be paid from BAPPG Budget
	Manager's Roundtable	\$0	\$0	\$1,000	New line item in FY18
	Total	\$191,300	\$78,050	\$206,300	
Collaboratives					
	Collaboratives				
	State of the Estuary (biennial)	\$20,000	\$0	\$0	Biennial in Odd Years. (Paid biennially in odd years for even year conference)
	Arleen Navarret Award	\$0	\$0	\$1,000	Biennial in Even Years
	FWQC (Fred Andes)	\$7,500	\$7,500	\$7,500	
	Stanford ERC (ReNUWit)	\$10,000	\$0	\$10,000	
	Misc	\$3,000	\$0	\$3,000	
	Pharmaceutical Study Pass Through	\$0	\$0	\$0	Anticipated Invoice for \$67,650 not yet received
	Total	\$40,500	\$7,500	\$21,500	
Tech Support	Technical Support				
	Nutrients				
	Watershed	\$880,000	\$880,000	\$880,000	
	Additional work under permit	\$50,000	\$17,367	\$100,000	FY18: Increased at Board's request
	Opt/Upgrade/Annual Reporting Studies	\$18,128	\$176,634	\$37,158	FY18: assumes FY17 Actuals double
	Nutrient Program Coordination	\$50,000	\$0	\$50,000	
	Voluntary Nutrient Contributions	\$0	\$157,500	\$127,500	FY17: Actuals includes Palo Alto (FY17), Sunnyvale (FY16 & FY17) & CCCSD (FY17). FY18 is Palo Alto & CCCSD.
	General Tech Support	\$50,000	\$0	\$50,000	
	Chemicals of Concern	\$15,000	\$2,500	\$0	Pesticide Mgmt support (Kelly Moran-TDC) under BAPPG Budget)
	Risk Reduction	\$32,500	\$4,548	\$0	FY18: expected to complete contracts in FY17
	Total	\$1,095,628	\$1,238,549	\$1,244,658	
	TOTAL EXPENSES	\$1,799,548	\$1,544,425	\$1,963,518	
	NET INCOME BEFORE TRANSFERS	\$344,618	\$808,260	\$339,451	
	TRANSFERS FROM RESERVES	\$0	\$0	\$0	
	NET INCOME AFTER TRANSFERS	\$344,618	\$808,260	\$339,451	

5 YEAR PLAN - No Changes in Science Funding for 2nd WS Permit				2016 Actuals	2017 Budget	2018	2019	2020	2021	2022
REVENUES										
	Dues	Subtotal		\$641,379	\$652,616	\$665,668	\$678,982	\$692,561	\$706,413	\$720,541
		Principals' Contributions		\$468,180	\$477,544	\$487,095	\$496,837	\$506,774	\$516,909	\$527,247
		Assoc. & Aff. Contributions		\$173,199	\$175,072	\$178,573	\$182,145	\$185,788	\$189,504	\$193,294
	Fees	Subtotal		\$1,322,938	\$1,475,000	\$1,475,000	\$1,475,000	\$775,000	\$775,000	\$775,000
		Clean Bay Collaborative Fee		\$674,250	\$675,000	\$675,000	\$675,000	\$675,000	\$675,000	\$675,000
		Nutrient Surcharge		\$600,608	\$800,000	\$800,000	\$800,000	\$100,000	\$100,000	\$100,000
		AIR Phase-in		\$48,080	\$0	\$0	\$0	\$0	\$0	\$0
	Other Receipts	Subtotal		\$9,800	\$10,050	\$137,751	\$10,650	\$11,067	\$11,503	\$11,958
		Voluntary Nutrient Contributions		\$0	\$0	\$127,500				
		Non-BACWA AIR		\$6,200	\$6,350	\$6,477	\$6,801	\$7,141	\$7,498	\$7,873
		non-BACWA BAPPG Fee		\$3,600	\$3,700	\$3,774	\$3,849	\$3,926	\$4,005	\$4,085
	Fund Transfer	Special Program Admin Fees (WOT)		\$4,938	\$2,500	\$2,550	\$2,601	\$2,653	\$2,706	\$2,760
		Subtotal		\$14,104	\$4,000	\$22,000				
	Interest Income	LAIF		\$14,104	\$4,000	\$12,000				
		Investmnts		\$0	\$0	\$10,000				
TOTAL REVENUES		Total		\$1,993,159	\$2,144,166	\$2,302,969	\$2,167,233	\$1,481,282	\$1,495,622	\$1,510,259
EXPENSES										
	Labor			\$380,155	\$386,870	\$400,410	\$412,422	\$424,795	\$437,539	\$450,665
	Administration			\$52,670	\$58,200	\$58,300	\$59,466	\$60,655	\$61,868	\$63,106
	Meetings			\$13,181	\$16,600	\$21,500	\$21,930	\$22,369	\$22,816	\$23,272
	Communication			\$4,747	\$5,950	\$6,250	\$6,375	\$6,503	\$6,633	\$6,765
	Legal			\$1,462	\$4,500	\$4,600	\$4,692	\$4,786	\$4,882	\$4,979
	Committees			\$135,367	\$191,300	\$206,300	\$210,426	\$214,635	\$218,927	\$223,306
	Collaboratives			\$51,577	\$40,500	\$21,500	\$21,930	\$22,369	\$22,816	\$23,272
	Technical Support		\$1,416,000	\$1,319,169	\$1,095,628	\$1,244,658	\$1,092,000	\$1,094,040	\$1,096,121	\$1,098,243
		Nutrients	Permit Requirement for Studies	\$870,000	\$880,000	\$880,000	\$880,000	\$880,000	\$880,000	\$880,000
			Additional Work Needed Under Permit	\$30,633	\$50,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
			Optimization / Upgrade Studies	\$220,203	\$18,128	\$37,158	\$0	\$0	\$0	\$0
			Nutrient Program Coordination	\$100,000	\$50,000	\$50,000	\$51,000	\$52,020	\$53,060	\$54,122
			Voluntary Nutrient Contribution	\$0	\$0	\$127,500				
		General Tech Support		\$64,432	\$50,000	\$50,000	\$51,000	\$52,020	\$53,060	\$54,122
		Chemicals of Concern		\$15,000	\$15,000	\$0	\$0	\$0	\$0	\$0
		Risk Reduction		\$18,901	\$32,500	\$0	\$10,000	\$10,000	\$10,000	\$10,000
TOTAL EXPENSES				\$1,958,328	\$1,799,548	\$1,963,518	\$1,829,241	\$1,850,150	\$1,871,601	\$1,893,609
NET INCOME BEFORE TRANSFERS				\$34,831	\$344,618	\$339,451	\$337,992	\$368,869	\$375,980	\$383,350
TRANSFERS FROM RESERVES				\$34,831	\$344,618	\$339,451	\$337,992	\$368,869	\$375,980	\$383,350
NET INCOME AFTER TRANSFERS				\$0	\$0	\$0	\$0	\$0	\$0	\$0
RESERVES										
		Operating Target	\$160,000							
		Legal Target	\$300,000							
		CBC Target	\$400,000							
		Target Reserves	\$860,000							
		Total Reserves at End of FY 16	\$2,082,039							
		Excess Reserves at End of FY	\$1,222,039	\$1,256,870	\$1,601,488	\$1,940,939	\$2,278,931	\$1,910,062	\$1,534,083	\$1,150,733

Q1 What is your main reason for attending the annual meeting? Please rank your choices, choosing 5 as the MOST important reason and 1 as the LEAST important reason (or adding our own reason).

Answered: 41 Skipped: 0

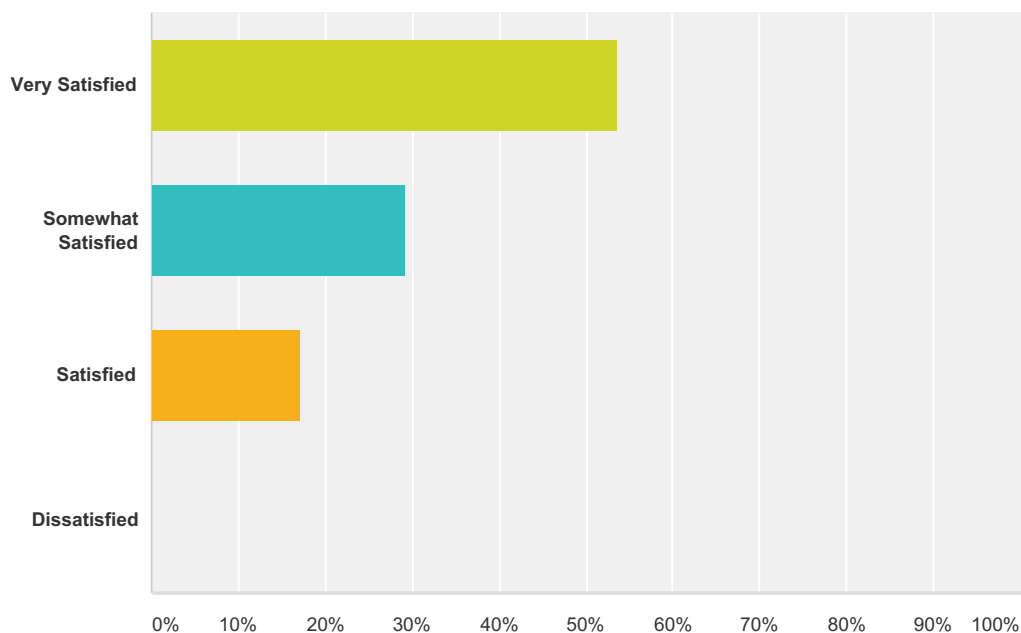


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	5	4	3	2	1	Total
Learn about BACWA activities in the last year	15.00% 6	35.00% 14	40.00% 16	7.50% 3	2.50% 1	40
Learn about regulatory developments	72.50% 29	15.00% 6	10.00% 4	2.50% 1	0.00% 0	40
Network with agency staff	26.83% 11	24.39% 10	31.71% 13	9.76% 4	7.32% 3	41
Other - please Comment	20.00% 1	20.00% 1	0.00% 0	60.00% 3	0.00% 0	5

#	Comments	Date
1	Since I am actively involved in BACWA, I am aware of most of the activities. I attend the annual meeting primarily to hear from the state and federal regulators.	2/7/2017 10:18 AM
2	Learn about things coming in the next year.	2/2/2017 8:16 AM
3	I am a committee chair and felt I should definitely attend due to my role.	2/2/2017 7:14 AM
4	Learning the perspective of some of the regulators.	2/2/2017 6:28 AM
5	Network BACWA member staff	2/1/2017 7:24 PM

Q2 How satisfied were you overall with the presentations?

Answered: 41 Skipped: 0

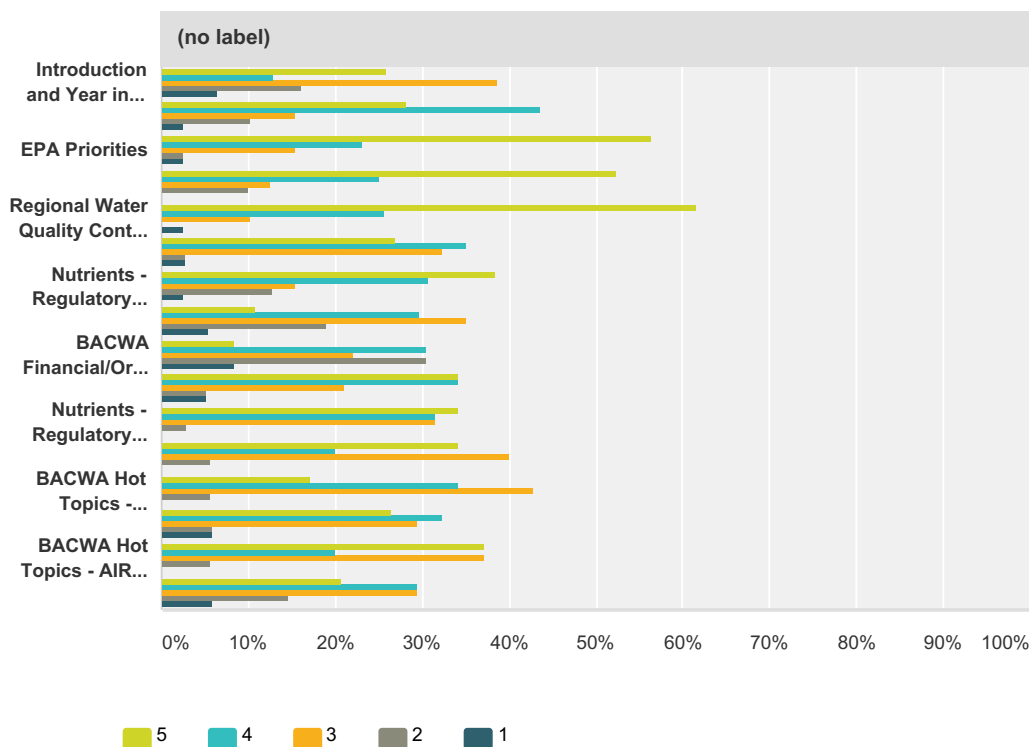


Answer Choices	Responses
Very Satisfied	53.66% 22
Somewhat Satisfied	29.27% 12
Satisfied	17.07% 7
Dissatisfied	0.00% 0
Total	41

#	Comment/Suggestions for Future Presentation Topics	Date
1	Some of the Committee reports needed to better explain the relevance of the details as they explain it to the general audience.	2/8/2017 1:50 PM
2	Status update on what agencies are doing on their own (pilots, studies, etc.) to supplement BACWA work.	2/8/2017 9:30 AM
3	I realize that Nutrients are the trending topic, but I would like to hear more about other key issues, particularly biosolids.	2/7/2017 10:18 AM
4	Critical review of monitoring frequencies - Acute and chronic toxicity - Pretreatment and biosolids	2/2/2017 8:44 AM
5	I know there is limited time, but there may be some under served representation for al the committees. I don't recall hearing any update from the collections or pretreatment committees. As we heard from the regional board, they will be focusing on collection systems and overflows.	2/2/2017 8:16 AM
6	Just less nutrients. I know it is an important topic but would like to hear about other BACWA activities. Maybe move some of the final presentations throughout the day to break up the nutrient bloc.	2/2/2017 7:37 AM
7	Cross-cutting issues and conflicting regulations.	2/1/2017 7:49 PM

Q3 What topics did you find MOST useful and/or interesting? Please rank your choices, choosing 5 as the MOST useful and/or interesting and 1 as the LEAST useful and/or interesting.

Answered: 41 Skipped: 0



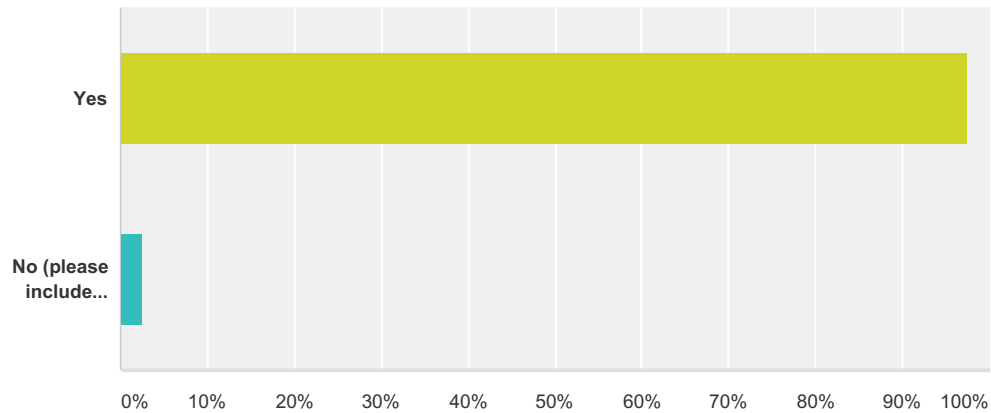
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	5	4	3	2	1	Total
Introduction and Year in Review	25.81% 8	12.90% 4	38.71% 12	16.13% 5	6.45% 2	31
BAAQMD Update	28.21% 11	43.59% 17	15.38% 6	10.26% 4	2.56% 1	39
EPA Priorities	56.41% 22	23.08% 9	15.38% 6	2.56% 1	2.56% 1	39
State Water Resources Control Board Priorities	52.50% 21	25.00% 10	12.50% 5	10.00% 4	0.00% 0	40
Regional Water Quality Control Board Priorities	61.54% 24	25.64% 10	10.26% 4	0.00% 0	2.56% 1	39
Nutrients - Overview - Progress on 1st Watershed Permit/Governance Update	27.03% 10	35.14% 13	32.43% 12	2.70% 1	2.70% 1	37
Nutrients - Regulatory Update - Optimization/Upgrade Studies	38.46% 15	30.77% 12	15.38% 6	12.82% 5	2.56% 1	39
BACWA Committee Recognition	10.81% 4	29.73% 11	35.14% 13	18.92% 7	5.41% 2	37

BACWA Financial/Organizational Outlook	8.33% 3	30.56% 11	22.22% 8	30.56% 11	8.33% 3	36
Nutrients - Technical Update - SFEI Study Findings & Science Plan	34.21% 13	34.21% 13	21.05% 8	5.26% 2	5.26% 2	38
Nutrients - Regulatory Update - Preview of the 2nd Watershed Permit	34.29% 12	31.43% 11	31.43% 11	2.86% 1	0.00% 0	35
BACWA Hot Topics - Biosolids	34.29% 12	20.00% 7	40.00% 14	5.71% 2	0.00% 0	35
BACWA Hot Topics - Recycling	17.14% 6	34.29% 12	42.86% 15	5.71% 2	0.00% 0	35
BACWA Hot Topics - TNI Lab Standards	26.47% 9	32.35% 11	29.41% 10	5.88% 2	5.88% 2	34
BACWA Hot Topics - AIR Issues/CWCCG	37.14% 13	20.00% 7	37.14% 13	5.71% 2	0.00% 0	35
BACWA Hot Topics - CEC Participation	20.59% 7	29.41% 10	29.41% 10	14.71% 5	5.88% 2	34

#	Optional Comments:	Date
1	Speakers were great	2/8/2017 9:30 AM
2	hot topics at the end got the short shrift. Committee intros was too long and the accomplishments too brief. Maybe a hand out would work better.	2/6/2017 5:00 PM

Q4 Did you find the overall length of the meeting to be appropriate? If not, please explain.

Answered: 40 Skipped: 1

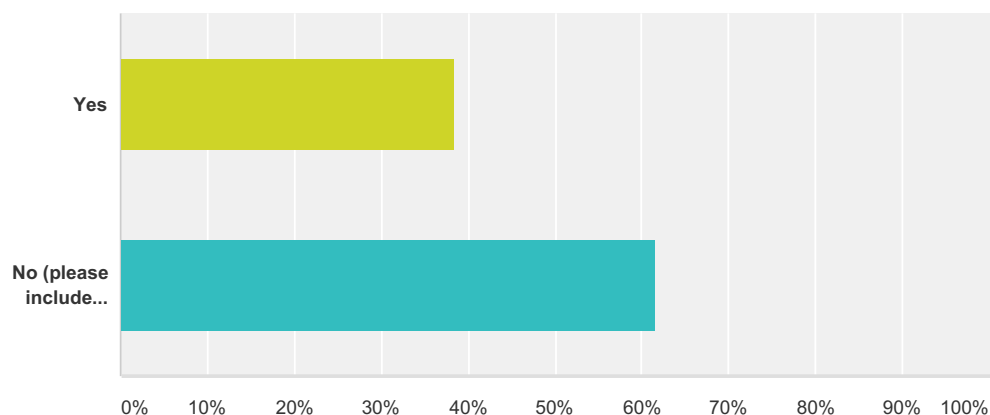


Answer Choices	Responses
Yes	97.50% 39
No (please include comment)	2.50% 1
Total	40

#	Comment	Date
1	Really enjoyed the individual committee updates, those were not until the end of the day but I found them very interesting.	2/9/2017 8:45 AM
2	Maybe a little too long. Nutrients is getting too detailed. David Senn, while fascinating, is presenting too much detail.	2/6/2017 5:00 PM
3	Maybe presentations should continue through lunch. A lot of people started leaving in the early afternoon to beat traffic and missed out on info.	2/2/2017 8:16 AM

Q5 Would you recommend that we continue to have the meeting at this venue? (Metropolitan Golf Course Pavilion) Please explain and/or suggest another venue and why it would be better.

Answered: 39 Skipped: 2



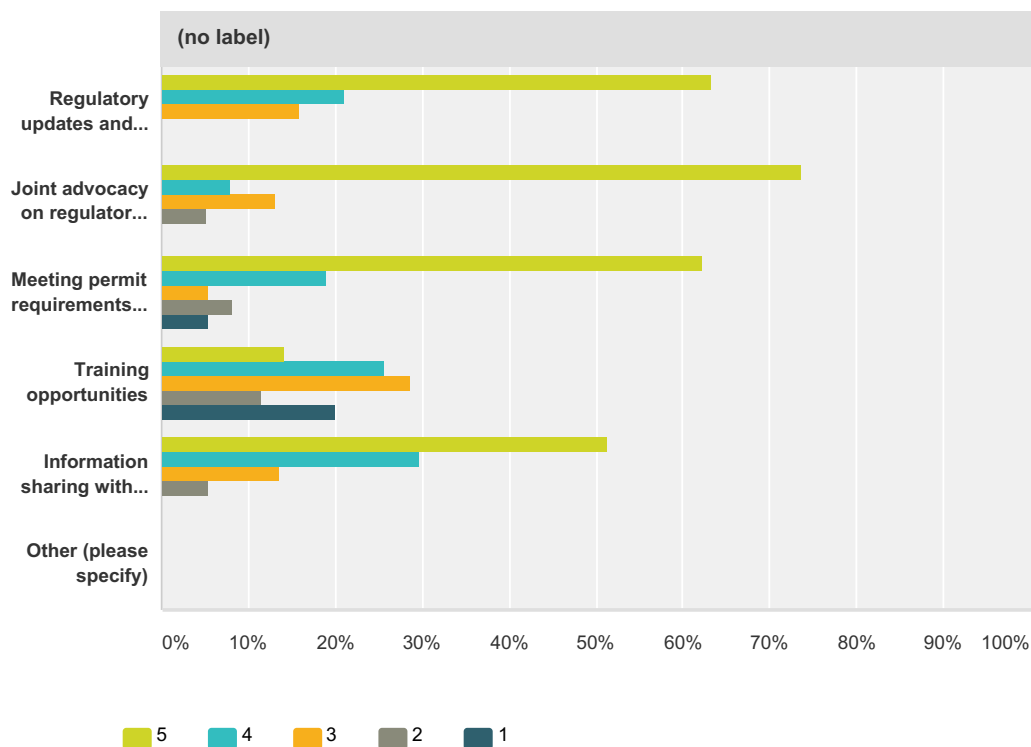
Answer Choices	Responses
Yes	38.46% 15
No (please include comment)	61.54% 24
Total	39

#	Comment	Date
1	Nice but a little noisy	2/13/2017 10:52 AM
2	Loved the location, room and parking only thing that was a little distracting was the planes and it was cold. If they could do noise control and heat up the place it would be perfect.	2/9/2017 8:45 AM
3	Too noisy, venue not conducive to presentations	2/8/2017 8:09 PM
4	horrible audio horrible HVAC Good center for everyone, but needs some help	2/8/2017 7:54 PM
5	Airport noise was extremely distracting.	2/8/2017 3:30 PM
6	Airplane noise. Keep looking!	2/8/2017 2:47 PM
7	Fly over path created too many instances when the speaker could not be heard. Acoustics were terrible. When the ventilation unit was turned on, could not hear speaker.	2/8/2017 1:47 PM
8	Interruptions from airplanes, cold, small screen, propane leak, glare from sun on west side of tent.	2/8/2017 9:30 AM
9	The tent setting was not ideal in winter weather. The airplane noise was distracting. The food was good, the parking was good, and the site was easy to travel to.	2/7/2017 10:18 AM
10	environment (heat and noise) weren't good, especially the airplanes. The projector screen was too small to be of any value	2/6/2017 5:00 PM
11	Cold and gas leaked into the tent; screen was too small for people in the back to adequately see and follow along with the presentations.	2/6/2017 7:26 AM
12	Room was cold and we were lucky that it wasn't raining.	2/3/2017 8:33 AM
13	It was cold, the planes were distracting	2/2/2017 4:07 PM

14	Bathrooms too far from the Tent Airplane noise extremely annoying	2/2/2017 1:56 PM
15	Great place, except it was a little noisy	2/2/2017 10:11 AM
16	Venue worked out fine, but finding a way to make the screen projection slightly larger would probably be helpful.	2/2/2017 10:07 AM
17	Too cold and noisy (although the food service was great)	2/2/2017 9:29 AM
18	(without the gas leak!)	2/2/2017 9:07 AM
19	would prefer BART accessible jets were a little distracting	2/2/2017 8:44 AM
20	If we return, warn people that we will be in a tent and it might be cold. I wished I had worn warmer clothes. And make sure they figure out the gas issue - fumes were an issue.	2/2/2017 8:40 AM
21	The meeting space was not so great for three reasons: (1) the screen was too small for viewing presentations, (2) the chairs were super uncomfortable, and (3) the noise level from planes was too high. Finally, I would also prefer a meeting space that is Bart accessible. On a positive note, the food spread was great.	2/2/2017 8:24 AM
22	There was frequent noise interruption from the airport and at one point I think we were in danger of blowing up from a gas leak. Plus side, parking was abundant. Consider San Rafael in the future. Centrally located for those coming from north/northeast bay and a reverse commute for many in the afternoon.	2/2/2017 8:16 AM
23	Yes, though it was challenging to see the presentation screen, and heating was an issue.	2/2/2017 8:07 AM
24	Someplace walkable from BART would be better	2/2/2017 8:01 AM
25	Geographically, venue was good, but hold it INDOORS. An open tent in the middle of winter between an airport and a highway is too loud and too cold. Seating was uncomfortable and needed wider spacing.	2/2/2017 7:42 AM
26	But make sure no gas leaks next year!	2/2/2017 7:39 AM
27	The seating was very uncomfortable after a long day.	2/2/2017 7:37 AM
28	The chairs were uncomfortable-- no lower back support. And the temperature couldn't be maintained at a comfortable level.	2/2/2017 7:14 AM
29	Although location was easy to get to and somewhat scenic, the airplanes were too loud, not to mention the propane incident.	2/2/2017 7:00 AM
30	It's central destination for all BACWA members; and if the move was based on financial considerations, it's understandable. However, the fly-over noise and the gas leak, leave things to be desired...	2/2/2017 6:52 AM
31	I would give them another try at it. The propane gas smell was a little disturbing and the airplanes going over wasn't great but that didn't detract too much. Food was good, space was FANTASTIC, parking was also very good!	2/2/2017 6:28 AM
32	Worst location, venue, airplane noise etc. Let's go back to. Proper venue like the SFWQCB board room in Oakland.	2/1/2017 11:10 PM
33	Gas smell issue and not enough ability to open more door areas for ventilation. Airplane noise. Maybe next year at a spot walkable from Bart. Lot of traffic in that area. but definitely more room than last year's venue!	2/1/2017 7:49 PM
34	Propane leak	2/1/2017 7:24 PM

Q6 What is the most important benefit that you receive from BACWA membership?
Please rank your choices, choosing 5 as the MOST beneficial and 1 as the LEAST beneficial.

Answered: 38 Skipped: 3

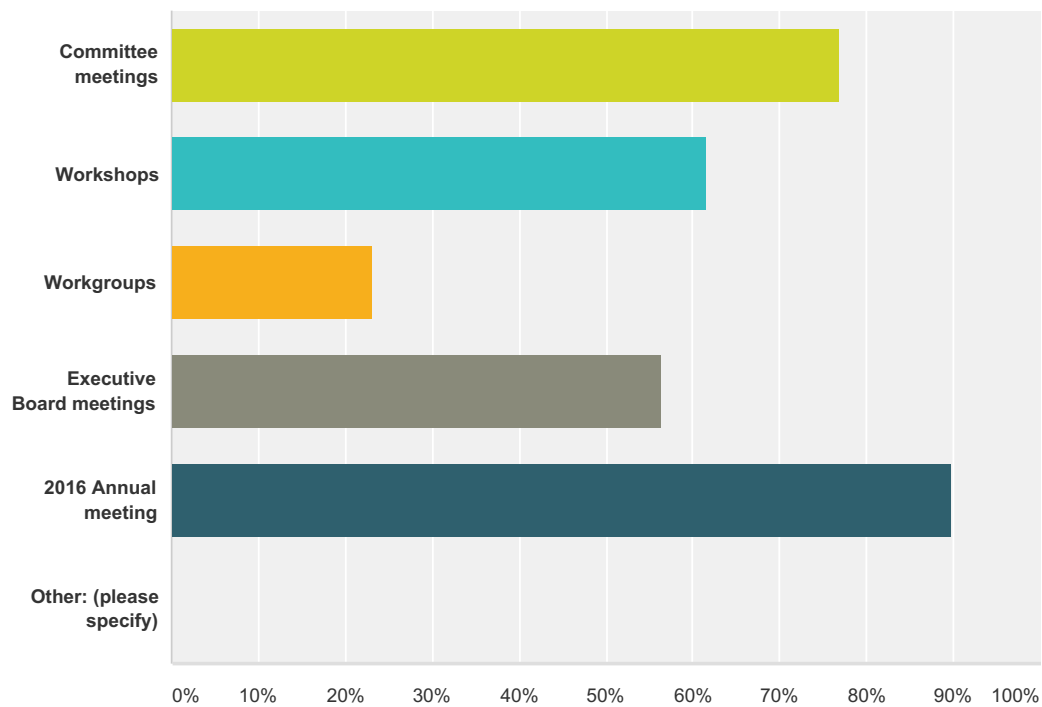


(no label)						
	5	4	3	2	1	Total
Regulatory updates and advocacy	63.16% 24	21.05% 8	15.79% 6	0.00% 0	0.00% 0	38
Joint advocacy on regulatory issues through BACWA rather than as individual agencies	73.68% 28	7.89% 3	13.16% 5	5.26% 2	0.00% 0	38
Meeting permit requirements through joint efforts on watershed permits vs. individual permits	62.16% 23	18.92% 7	5.41% 2	8.11% 3	5.41% 2	37
Training opportunities	14.29% 5	25.71% 9	28.57% 10	11.43% 4	20.00% 7	35
Information sharing with other agencies	51.35% 19	29.73% 11	13.51% 5	5.41% 2	0.00% 0	37
Other (please specify)	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0

#	Optional Comments:	Date
1	The committee meetings I attend regularly are really helpful for my position, they provide informative discussions on all types of relevant topics. I liked the amount of time for each speaker not too long on any one topic.	2/9/2017 8:45 AM

Q7 What BACWA events did you attend in 2016?

Answered: 39 Skipped: 2



Answer Choices	Responses
Committee meetings	76.92% 30
Workshops	61.54% 24
Workgroups	23.08% 9
Executive Board meetings	56.41% 22
2016 Annual meeting	89.74% 35
Other: (please specify)	0.00% 0
Total Respondents: 39	

#	Other: (please specify)	Date
	There are no responses.	

Q8 What could BACWA do to better serve your agency?

Answered: 10 Skipped: 31

#	Responses	Date
1	Nothing I can think of.	2/9/2017 8:45 AM
2	BACWA is great! Keep up the good work!	2/8/2017 3:30 PM
3	It's pretty good right now. Biosolids seems to be a hot topic; perhaps that committee could give a presentation or info to Permits as a way to attract more energy.	2/8/2017 2:47 PM
4	Post budgetary estimates/increase	2/8/2017 1:50 PM
5	Doing a good job.	2/8/2017 9:30 AM
6	Have a representative on the board from the non-principal agencies.	2/7/2017 10:18 AM
7	More on air regs and interaction among medias (air, water, land)	2/3/2017 10:59 AM
8	Stronger advocacy against nutrient limits given the absence of current and likely near term impairment attributable to nutrients	2/2/2017 8:44 AM
9	Most BACWA members are also CASA members, but not all. If there are legislative issues or pending issues that affect member agencies, maybe they could be highlighted in the monthly update email or some other forum.	2/2/2017 8:16 AM
10	BACWA is very supportive.	2/2/2017 7:37 AM

Q9 Any other suggestions for improving the meeting?

Answered: 10 Skipped: 31

#	Responses	Date
1	Just heat and a little more time for networking. I like the flow of the meeting and the time on each topic is good.	2/9/2017 8:45 AM
2	Better location and larger screen.	2/8/2017 9:30 AM
3	It would be good if more executive managers attending the meeting, but I'm not sure how to structure the event to encourage them to attend. Most of the attendees appeared to be the same people that are involved in committees.	2/7/2017 10:18 AM
4	Different venue. More time for committee accomplishments that have general interest.	2/6/2017 5:00 PM
5	Allow more networking	2/2/2017 10:11 AM
6	Add something juicy at the end to keep the group together for the entire meeting, rather than have ~50% leave in the early afternoon.	2/2/2017 9:07 AM
7	Keep up the great work.	2/2/2017 8:07 AM
8	Not schedule on a Friday	2/2/2017 7:39 AM
9	No	2/2/2017 7:37 AM
10	I really enjoyed David Senn's presentation-- he is a good speaker and the information is fascinating.	2/2/2017 7:14 AM

21 attendees representing 14 member agencies.

Committee Notes are available [online](#).

Committee Updates from BAPPG's General Committee Meeting on February 1, 2017:

Regional Water Board Update

James Parrish asked to be informed whether any agencies were experiencing difficulties with submitting Pollution Prevention via CIWQS. He also announced that he will be taking over the management of the mercury/PCB watershed permit from Robert Schlipf.

Annual Reports

The Steering Committee recommended to the General Committee that due to the high cost and amount of effort that goes into Annual Reports, the committee return to only producing one per year, corresponding to the calendar year. Last year BAPPG had also produced a fiscal year Annual Report. The Regional Water Board is willing to accept this approach, as it allows agencies to incorporate reports by reference in their Pollution Prevention Reports.

Pesticides Update

The comment deadlines for EPA's risk assessment of fipronil and pyrethroids were pushed back to March 25 and March 31, which was requested by BACWA via comment letter. EPA has released a risk assessment on a new pesticide, although they have blacked out the name of the active ingredient and do not provide information about environmental fate.

Baywise Website

BAPPG intends to transfer the remainder of its website support budget (\$4K) to updating baywise.org. Additional funds will likely be requested from BACWA's miscellaneous committee support budget line item. The website hosting will be transferred to Computer Courage and will modifiable via WordPress, the same set of tools used for bacwa.org. The committee is considering whether it would like to implement design changes as part of this upgrade.

SFPUC – Competency Model Initiative

Karri Ving from SFPUC gave a [presentation](#) on their Competency Model Initiative, which was created by SFPUC's Workforce Planning Team to address changing workforce needs and succession planning. The model, which is implemented by Human Resources, highlights which skills are critical to a position, and provides a pathway for staff to improve those skills.

Agency Highlights – Union Sanitary District

Doug Dattawalker from USD gave a presentation on their Pollution Prevention Program. USD has funded a 9-year pilot pharmaceutical take-back program. In that time, they collected 18 thousand pounds of medication. As the Pharmaceutical Manufacturer run program scales up, they will be taking over management of some of their locations. They also have copper and mercury outreach programs. They table at many events, and provide 5th grade school visit presentations. They are increasing the number of plant tours they do, especially since 2018 will be the plant's 100th anniversary. Doug also shared a selection of their marketing materials and P2-related items they give away. The grease scraper is a particularly popular item.

Date of Next BAPPG Meeting

BAPPG General Meeting

April 5, 2017: 10:00am-12:00pm
1515 Clay Street, Second Floor, Room 12
Oakland, CA

Biosolids Committee – Report to BACWA Board

Biosolids Committee meeting on: January 26, 2017
Executive Board Meeting Date: February 17, 2017
Committee Chair: Alicia Chakrabarti and Adrian Santiago

Committee Request for Board Action: None.

Agenda Item : Welcome and Introductions
<ul style="list-style-type: none"> ▪
Agenda Item : BACWA Biosolids Survey
<ul style="list-style-type: none"> ▪ Lorien presented the preliminary results of the survey and the group discussed the data, next steps to clarify/confirm data, and useful metrics for comparisons to be incorporated in the final report. <ul style="list-style-type: none"> ○ Some findings: 11 out of 30 agencies have long-term plans for the future use of biosolids (19 out of 30 do not). ▪ Several improvements will be made to the survey instrument for clarification and to make data analysis easier in the future.
Agenda Item : Landfill Alternative Daily Cover Issue and Discussion (Greg Kester, by phone)
<ul style="list-style-type: none"> ▪ Greg described the regulatory efforts in progress that may result in a prohibition on landfilling biosolids ▪ Greg reported that CalRecycle remains non-committal as to whether biosolids will be included in the diversion requirements for organics. The informal rulemaking process begins in 2017 and there will be an all-day meeting in Sacramento on February 14, 2017. Formal rulemaking is envisioned for 2018, and rule development will occur in 2022 (two years after organics diversion begins in 2020). ▪ The group also discussed the Kern County litigation, next steps related to land application ordinances, and limitations related to permitting composting facilities.
Agenda Item : Proposed Committee Goals and Activities for 2017
<ul style="list-style-type: none"> ▪ The group discussed current issues and limitations including: <ul style="list-style-type: none"> ○ Franchise agreements with waste haulers controlling biosolids as a waste stream ○ Need for new options beyond landfill ○ Interest in producing a dried pellet ○ Poor understanding of what type of biosolids product would be most attractive/cost efficient ○ Public perception limitations ○ Farms moving to “organic” certification limits use of biosolids and biosolids compost ▪ The group also identified potential solutions and needs <ul style="list-style-type: none"> ○ Improved understanding of the market for biosolids products ○ New outlets for biosolids, including post-processing, composting, and storage ○ Use of biosolids to augment wetland or marsh restoration for flood protection from sea level rise around the San Francisco Bay ▪ The following items were developed to be carried forward <ul style="list-style-type: none"> ○ Attend Solano County Farm Bureau meetings and/or Agricultural Advisory Committee meetings ○ Put together public perception lessons learned from water recycling experts ○ Consider a parallel certification process for biosolids products, rather than “organic”
Agenda Item : Upcoming Activities
<ul style="list-style-type: none"> ▪ March 14, 2017 – Isle Utilities Technology Approval Group Meeting (EBMUD) ▪ Committee accomplishments to be shared at BACWA Annual Meeting on January 27, 2017
Next BACWA Biosolids Committee Meeting: March 9, 2017 (Combined with CASA Regulatory Affairs Mtg in San Leandro)

Attendees:

Name/Title	Agency
Alicia Chakrabarti	EBMUD
Adrian Santiago	SFPUC
Lorien Fono	BACWA
Irina Lukicheva	CH2MHill
Robert Wilson	Petaluma

Name/Title	Agency
Pedro Mendoza	Pacifica
Jim Dunbar <i>(by phone)</i>	Lystek
Zach Kay	Santa Rosa
Schumacker, Brian	South San Francisco

Committee Request for Board Action: None

16 attendees representing 9 member agencies

Presentation on SSMP Indicators

John Wells of West Yost Provided a [presentation](#) on key performance indicators for SSMPs. These are measurable values that demonstrate how effectively an organization is achieving key organizational objectives. Much of the discussion focused on lagging versus leading indicators. Lagging indicators are those that measure output, such as SSO frequency or volume. While these are easier to measure, they are harder to influence. Leading indicators include rehabilitation and replacement rates, inspection frequency, and capital improvements planned. There was a discussion about whether it would be possible to model to test the validity of leading versus lagging indicators to measure the success of an SSMP.

Roundtable discussion on response to January storms

While one agency reported that they experienced a SSO due to a sink hole, most agencies in attendance had not had any difficulties with the large storm events in early January. However, it was noted that some staff may have missed the meeting if their agency was dealing with problems. There was also a discussion about the use of smart meters to measure when an SSO has stopped so that agency staff does not need to be on site continuously.

Committee Business

Based on the responses from an online survey, the committee decided to switch its meeting time to 10am to 11:30am on the fourth Thursday of each month.

The committee will be switching its email distribution list to Google Groups before the March meeting..

Next Collection System Committee Meeting

Our next committee meeting will be held on March 23 at the Alameda Public Works offices. Bill Johnson and Mary Boyd plan to attend to discuss Regional Water Board priorities for collection systems.

Operations and Maintenance Infoshare Group Report to BACWA Board

Committee Meeting on: 01/25/17
Executive Board Meeting Date: 02/17/17
Committee Chair: Doug Little substituting for David Stoops

Committee Request for Board Action: None

15 attendees representing 7 member agencies

Highlights of New Items Discussed and Action Items

Succession Planning - Round Table Discussion

The topic for the committee's discussion was "Succession Planning- How to hire new staff, train in-house staff, and retain historical experience". Agencies reported on what they are doing to hire and train new staff, and what challenges they are finding in retaining the historical experience from their staff that may be nearing retirement.

Key points in the discussion were:

- Many agencies are experiencing high turnover rates due to retirement, especially amongst supervisors.
- Cities are having a difficult time retaining higher grade operators, compared to special districts, due to less competitive salaries and benefits
- Agencies in higher cost of living areas are also having a difficult time retaining staff due to housing challenges.
- Soft skills and interpersonal skills are very important when hiring staff, and many agencies have hiring practices to target these
- Several agencies maintain a formal "up or out" policy, whereby operators need to advance their certification in order to retain employment.
- Most agencies prefer to hire internally, or "test out" future staff via internships before hiring.
- Several agencies use leadership academies to train technical staff to be managers.
- Baywork maintains a website with hiring resources.

Next Meeting: April 26, 2017 (tentative), location tbd

The committee will discuss a potential special certification for advanced water treatment for recycled water. There will also be a roundtable discussion on a topic to be determined.

Laboratory Committee – Report to BACWA Board

Laboratory Committee meeting on: 08 February 2017
Executive Board Meeting Date: February 2017
Committee Chair : Nirmela Arsem

Committee Request for Board Action: None

Method Update Rule Training :

- The Method Update Rule (MUR) pre-published in December 2016 is awaiting final publication. The rule modifies 40 CFR 136 and therefore applicable to wastewater; these changes affect drinking water analysis only where the method specifically references 40 CFR 136, such as in Method Detection Limit (MDL) development. The update allows changes to well established methods; such as, semi-volatile organics by EPA 625 can be performed through solid phase extraction.
- Lab committee devoted the meeting to understand the proposed changes and how best to implement them. Diane Lawver, President of Quality Assurance Solutions led the training. There were 23 attendees. Participants were provided excerpts of the rule with the updates marked up for easy reference. Those who wish to obtain continuing education credit must contact Diane.
- The focus of the training was on the new procedure for developing Method Detection Limit (MDL) for wastewater analyses. The rule requires evaluating method blanks alongside the spiked samples to monitor and account for possible contamination. There is specific guidance for developing MDLs that cover multiple instruments. The rule also clarifies which analyses do not require MDL studies, such as titrations. Laboratories are required to collect data for MDL study over a long period of time to account for variability among operators and instrument conditions.

Regulatory Developments – Laboratory Certification

- Mindy Boele (Vacaville) and Dan Jackson (Benicia) attended the Expert Review Panel (ERP) meeting in Southern California, and presented to the panel on their experience with recent ELAP audit and small lab perspective on TNI implementation. They reported back their experience and impressions as to which direction ELAP might take. ERP strongly recommended that ELAP adopt TNI-2016 standard in total without modifications. The ERP recommend that elements that were under consideration for removal or modification be classified as needing ‘clarification’ but not changed or dropped. The ERP entertained the idea of an extended implementation schedule to make it operationally possible for laboratories to make the transition with minimum disruption. The ERP is expected to issue their final report on May 3. With that the panel will be disbanded as having completed their charge.
- Members were encouraged to visit the Southern California Coastal Water Research Program (SCCWRP) website to view documents related to these discussion as well as Standard Operating Procedures and Quality Assurance Manual developed by ELAP, which are being made available to the public for the first time.

Upcoming meetings, conferences, etc.:

- Pittcon 2017, March 5-9, McCormick Place, Chicago
- CWEA annual conference, April 25-28, Palm Springs, California
- CWEA 2017 P3S Conference, February 27- March 1, Santa Rose, CA
- AWWA CA-NV Section spring conference, April 9-13, at Disneyland

Next BACWA Laboratory Committee Meeting: LC/MS/MS Technology for Environmental Analyses

Permits Committee – Report to BACWA Board

Permits Committee Meetings on: 1/10/17 and 2/14/17
Executive Board Meeting Date: 2/17/17
Committee Chair: Eric Dunlavey

Committee Request for Board Action: None

15 attendees, including 4 on phone, representing 11 member agencies at 1/10 meeting
16 attendees, including 3 on phone, representing 13 member agencies at 2/14 meeting
Request for Board Action: Submit comment letters on Tentative Orders for CCCSD and Pacifica

Upcoming Permits

- New language is being introduced into Attachment D of recent TOs implementing the EPA's Electronic Reporting Rule. The new language requires SSO reporting timelines that are not consistent with the State SSS WDR. BACWA will request clarification from Regional Water Board staff, and provide comment letters on upcoming TOs.
- **April – Pacifica** – Pacifica has been given chronic toxicity limits of 1.0 TUC (avg month) and 1.8 TUC (max day) in their TO. Their test species is *Ceriodaphnia dubia*, which has been demonstrated both by BACWA member agencies and by a [SCCRWP study](#) to have high variability. It is likely that the toxicity observed by Pacifica that led to their being given reasonable potential was due to contamination in their UV channel or epibionts. Additionally, if toxicity had been calculated via the EC25/IC25, rather than the NOEC, they would not have had reasonable potential. The permit allows them to use the EC25/IC25 in the future. Additionally, their sensitive species screening tests indicated that *Selenastrum capricornutum* was most sensitive, but their TO still retains *C. dubia*, citing past high TUC results with *C. dubia* during regular testing. They request that BACWA submit a comment letter recommending that they be allowed to choose either of the two test species, that there should not be a maximum daily limit in light of the known variability in the test, and that they should be exempt from accruing additional violations when they are investigating toxicity.
CCCSD – They are generally happy with their permit. They request that BACWA submit a comment letter in support of the Nutrient Watershed Permit as the vehicle for nutrient studies, rather than special studies in individual permits.
- **May – EBDA** - They have argued to their permit writer that because their chronic toxicity test has a survival endpoint, they should be allowed to drop acute toxicity testing altogether. They requested that they be given a higher chlorine residual effluent limit than 0.0 mg/L, taking into account chlorine die-off in the outfall, but Water Board staff were not receptive. They also have unsuccessfully argued to decrease monitoring for industrial chemicals per pretreatment requirements. Oro Loma is looking into permitting a near shore discharge in wet weather in exchange for some level of nutrient removal.

BACWA Annual Meeting Report-out

All [presentations](#) are now posted online. Members are requested to give feedback via [survey](#). One member commented that their agency found the biosolids section particularly useful. BACWA will provide a summary of the regulators' priorities from the morning session.

Tribal and Subsistence Fishing Beneficial Uses

The State Water Board is [proposing](#) new mercury water quality objectives, as well as three new Beneficial Uses that may be protected by mercury objectives. The new Beneficial Uses are Tribal Tradition Cultural, Tribal Subsistence Fishing, and Subsistence Fishing by other groups. Designation of these Beneficial Uses in the San Francisco Bay could lead to extremely low mercury objectives that would need to be met by POTWs at the end of pipe, because dilution credit cannot be granted when the receiving water is already impaired. EPA is required by Consent Decree to adopt water quality objectives for wildlife protection by June 30, 2017, and will do so if the State Water Board does not propose objectives by that date. BACWA joined with CASA and other Regional Associations in a comment letter requesting the State Water Board "bifurcate" the two proposed actions, moving forward in the near term on the mercury objectives for protection of wildlife piece mandated by the Consent Decree, and moving more deliberately on the proposed Beneficial Uses component. However, the State Water Board has declined to take this approach. BACWA provided [testimony](#) at the Public Hearing on February 7, and will submit a comment letter by the February 17 deadline.

BAAQMD Rule 11-18

Draft [Rule 11-18](#) is the Bay Area Air Quality Management District's (BAAQMD's) effort to protect public health from toxic air pollution from existing facilities. BAAQMD expects Rule 11-18 would substantially reduce health risks from various existing facilities by requiring the implementation of all technically and economically feasible risk reduction measures by significant sources of toxic air contaminants (TACs). POTWs have concerns over this Draft Rule related to its compliance schedule, potential fiscal impact, control technology determinations, public notification, cross media

impacts, and renewable energy production. BACWA submitted a [comment letter](#) on the Rule, and hosted BAAQMD staff at the Executive Board meeting on 12/16 and at the Annual Meeting. BACWA has developed a [White Paper](#) to summarize the Rule and its impacts to our members. BACWA is working with BAAQMD staff to hold a workshop on 3/9 so that BACWA members can educate BAAQMD staff on the challenges associated with the Rule that are specific to POTWs. The AIR committee is also developing an analysis of the cost impact of the rule due to control of diesel emissions.

Nutrients

- *Optimization/Upgrade Studies* – The consultant team's goal is to submit all draft reports by the end of March, then address comments received from agencies. All but 3 plant reports have been started.
- *Nutrient Trading* – EBMUD is using remaining funding in its sidestream grant to fund a project on nutrient trading issues for the SF Bay. Project files are available for review [online](#).
- *Recycled Water Survey* – Lorian Fono is contacting agencies that have not responded to the Recycled Water and CIP Surveys that are needed for the Nutrient Watershed Permit.
- *Nutrient Strategy Team Meeting* – BACWA will host the third nutrient strategy team meeting on Feb 15. Dave Senn will provide an update on the level of funding needed to answer important science questions to inform the third watershed permit. The Regional Water Board's goal in exchanging an increase in science funding for no load caps in the second watershed permit is to have enough science completed to provide policy direction.

PCB Reporting

James Parrish has taken over the mercury/PCB watershed permit from Robert Schlipf. He has requested that agencies send PCB congener data via excel spreadsheet. BACWA is asking agencies' input as to whether this request is a problem.

Toxicity

The most recent statement from the State Water Board is that they plan to release an updated draft of the toxicity policy in May 2017. BACWA joined with SCAP, CVCWA, and NACWA in a suit against EPA alleging they didn't follow Administrative Procedures Act.

Announcements

- BACWA to hold workshop with BAAQMD on Rule 11-18 on March 9
- [NPDES Compliance Letter](#) sent out to agencies
- [Regulatory Issues Matrix](#) updated
- BAAQMD draft [Clean Air Plan](#) – Comments due Feb 28
- Agencies have been allowed to opt in late to the AMR
- State Water Board delays adopting Enforcement Policy revisions – Staff are meeting with CASA and some BACWA member agencies on Feb 15.
- Regional Water Board to [update 303\(d\) list](#) released February 10, comments due March 13.
- Research opportunity with CASA – using forest biomass byproducts for energy and alternative odor filtration. Air Committee developed letter of support.
- EPA finalizes [dental amalgam rule](#) but it is on hold under new administration

Next BACWA Permits Committee Meeting: Thursday March 9, joint meeting with CASA Regulatory Workgroup.

Pretreatment Committee – Report to BACWA Board

Pretreatment Committee Meeting on: 1/10/2017
Executive Board Meeting Date: 2/17/17
Committee Chairs: Tim Potter, Michael Dunning

Committee Request for Board Action: None

1/10/17 Pretreatment Committee Meeting – 33 in-person attendees and 7 phone attendees representing 22 agencies

1. BACWA Updates
<ul style="list-style-type: none"> FY 17-18 committee budget discussed; training will be included in budget with topic to be determined BACWA annual meeting on 1/27/17 in Oakland
2. Committee Projects
<ul style="list-style-type: none"> Field pH for compliance monitoring letter to RWQCB – Tim to communicate with Bill Johnson this month and plans to finalize the letter in February Mobile surface cleaners – Goal is to have basic contact for all agencies in region. Tim will contact the agencies that did not provide contact information (website, phone number) to achieve comprehensive coverage of the region’s agencies. TTO limit approach: POTW does not have to sample for entire POTW list during IU compliance monitoring if pollutant is not expected to be present in discharge. Not dependent of TTO Management Plan or pollutants not present certified by IU. Resource template – work ongoing
3. Debrief PCA/PCI
<ul style="list-style-type: none"> Two agencies reported PCIs scheduled for later in January Reviewed status of previously completed PCIs; some agencies have not received reports
4. Inspection and Enforcement Priorities
<ul style="list-style-type: none"> No significant changes to Region 9 priorities <ul style="list-style-type: none"> -Universe of IUs, SIUs, and CIUs properly classified -Local limits properly updated EPA Pretreatment PCI/PCA checklist being used Reviewed historic use of checklist developed by Keith Silva for informational issues <ul style="list-style-type: none"> -Amelia confirmed this checklist is no longer being used -Some topics like dental amalgam programs may be included during PCI/PCA but others such as FOG inspections are not currently a priority
5. Review of Federal Dental Amalgam Rule
<ul style="list-style-type: none"> Final rule signed by EPA Administer in December but has not been published in Federal Register so effective dates are not set. (dentalamalgamrulefinal@epa.gov) Final rule has many elements that were responsive to comments provided by NACWA, CASA, and BACWA. Implementation burden on local agencies relatively low compared to proposed rule. Amelia reiterated that POTWs can take enforcement when dental practice violates the standards in the rule, but is not obligated to take enforcement. Regulatory strategy employed by final rule significantly different from standard EPA rulemaking.

<p>6. Discuss Dental Amalgam Training Planned for FY 16-17</p> <ul style="list-style-type: none"> • Michael will be lead. • Training planned for spring with emphasis on program management and field inspections. • Amalgam separator vendors will be invited. • Venue will be identified and save the date sent to members before next meeting.
<p>7. TTO Sampling-How to document decisions for alternative sampling methods</p> <ul style="list-style-type: none"> • Amelia identified that it is okay to have program guidelines with criteria when the mandated sampling methods in 40CFR are not used with IU compliance monitoring. • Decision to use alternative sampling needs to be approved by POTW.
<p>8. Cleaning versus Etching Categorization</p> <ul style="list-style-type: none"> • Sunnyvale had a specific issue that was clarified to involve pickling operation versus metal finishing (etching) and has been resolved with Amelia. • Identified technical cleaning activity being conducted by businesses serving electronics industry; processes subject to metal finishing categorical standards.
<p>9. Combined Wastestream Formula</p> <ul style="list-style-type: none"> • San Jose had a specific issue that was resolved with Amelia.
<p>10. Documenting Continuous pH Monitoring</p> <ul style="list-style-type: none"> • Discussed minimum frequency to record continuous pH monitoring data to balance needs of a program to document compliance and electronic data storage by IU. • Consensus was to record at least every 15-30 seconds should enable adequate compliance monitoring.
<p>11. Q&A with the EPA</p> <ul style="list-style-type: none"> • EPA Award Program for Pretreatment Programs-Amelia identified that she valued such a program but did not expect the previous level of recognition to be reinstated. • New administration-Uncertain what changes are expected within EPA but relatively certain that changes will happen.
<p>12. Discuss Food Digesters at Restaurants</p> <ul style="list-style-type: none"> • Vendors/manufacturers of food digester equipment are calling local agencies to gain support to allow units in their jurisdictions. • Discussed national attention to the issue. • General assessment is units are equivalent to food grinders and generate high strength waste. • Most agencies in area do not permit. Assessing appropriate SSC should occur if agencies do permit their installation (expect such charges to discourage FSEs from choosing to install).
<p>13. General Discussion Topics</p> <ul style="list-style-type: none"> • Food Trucks and Commissary Operations-Discussed strategies to enforce FOG control and stormwater protection for vehicle cleaning/operations; coordinate with county environmental health that licenses food trucks/commissaries. • Unique PRA received by one agency asking if others had been made; none identified.
<p>14. Next meeting: April 2017 at Hayward</p>

Committee Request for Board Action: None

Detailed notes from meetings are posted [online](#).

18 attendees (including 9 on phone) representing 11 member agencies

Draft “Making Conservation a Way of Life”

The Water Conservation Executive Order B-37-16 relates to long term water use. There is a new target approach being developed to achieve more savings than the 20 percent by 2020 that is required by [SBX7-7](#), and to account for standards for indoor and outdoor efficiency (55 gal per capita/day indoor). The outdoor standards are based on model evapotranspiration (ET) factor, performance measures from CII sector, and performance measures for water loss. The recycled water community want recycled water to be counted as 100% conservation because it offsets potable water use and thus should not need to meet the conservation target. The State feels that tertiary recycled water needs to meet the same requirements as potable water, would be given an ET adjustment factor of 1, and would not be considered differently than other potable sources. BACWA’s Recycled Water committee is concerned with the requirement that landscape areas irrigated with recycled water are included in the outdoor water use targets, and supplied a [comment letter](#) on the draft document implementing the Executive order, entitled “[Making Conservation a Way of Life](#)”. Since there are already strict prohibitions on recycled water producers and users to prevent the release of recycled water into the environment. Including areas irrigated with recycled water into the targets effectively applies a second set of runoff prohibitions on these areas, this would be a disincentive to expanding the use of recycled water to offset potable water for irrigation. Furthermore, when urban water agencies receive credit for converting irrigated areas to recycled water, it promotes the expansion of recycled water into urban areas. WateReuse also supplied [comments](#) on the document.

Transition from 96-011 to State Recycled Water General Order

A subcommittee made up of Recycled Water Committee members will develop recommendations on the transition to the State Recycled Water General Order. BACWA will deliver these recommendations to the Regional Water Board. Agencies will need to submit only the missing parts from the State General Order engineering report requirements, rather than redoing the reports in their entirety. The subcommittee will meet early in the year to kick off this process.

WIIN Act

The “Water Infrastructure Improvements for the Nation Act” (WIIN Act) (S. 612) was approved in December. It includes the California drought relief bill, authorizes Corps of Engineers projects and policies, and contains other Western natural resources items. Specifically related to water recycling: The bill also authorizes \$50 million for new, unauthorized water reuse and recycling projects. The bill directs the Secretary to give priority to water reuse projects that have experienced drought or having been designated a disaster areas within the last four years and to projects that are likely to provide a more reliable water supply for States and local governments; increase water management flexibility and reduce impacts on environmental resources; and are regional, with multiple stakeholders and provide multiple benefits including water supply reliability, ecosystem benefits, groundwater management and enhancements, and water quality improvements. Finally, in order to receive funds a project must be earmarked in the Energy and Water Development Appropriations Act, after the Secretary submits a recommendation to the appropriate committees to fund the reuse project. The bill provides an additional \$100 million for WaterSMART, \$50 million of which is designated to water supply and conservation activities on the Colorado River. The additional funds will allow Reclamation to continue to expand the size and scope of competitive WaterSMART grants.

Building Standards for Recycled Water Systems (AB 2282)

The California Building Standards Commission (BSC) and the Department of Housing and Community Development (HCD), in consultation with the State Water Resources Control Board and other interested parties, convened stakeholder meetings this Summer 2016 to research and develop mandatory recycled water infrastructure building standards pursuant to [AB 2282 \(Gatto, Chapter 606, Statutes of 2014\)](#). A DSRSD staffperson is serving on the steering committee, and has submitted specific edits to BSC/HCD, in addition to the following general issues:

- Centralized recycled water treatment facilities have limited supplies of recycled water, and agencies have developed a priority list of recycled water based on highest consumption, such as commercial landscape irrigation and other industrial and commercial uses. Indoor use of toilet and urinal flushing, whether residential and commercial may not be considered highest consumption uses, especially since new constructions is required to install ultra-low flow fixtures.
- Many centralized recycled water agencies are now looking into using recycled water as an alternative water supply through potable reuse.
- If centralized recycled water agencies run out of wastewater to produce recycled water, potable water may utilized to supplement. This defeats the purpose of AB 2282, water conservation.
- In addition, recycled water service can be interrupted at times for system maintenance or treatment disruptions
- Draft language states onsite graywater shall be installed in new nonresidential occupancies in jurisdictions that do not have access to recycled water from a local water purveyor. DSRSD recommends an exception for service areas where sewer flows are being utilized by a centralized recycled water treatment facilities for high-use recycled water projects or as a planned alternative water supply through potable reuse.

Next Meeting – March 1, 2017 from 10:00 am to 12:00 pm, 2nd Floor Small Training Room at EBMUD Headquarters.

Executive Director's December 2016 Report

NUTRIENTS:

Completed a variety of tasks and activities associated with BACWA's interests on nutrients and collaborating with the Water Board including:

- Chaired the monthly CMG meeting with the main topic being the review of progress on the studies and the presentation for the Annual Meeting.
- Coordinated with the OP/Upgrade consulting team on technical and administrative issues.
- Attended the 11th meeting of the NMS Steering Committee and provided BACWA in-kind services by preparing minutes from the meeting

BACWA BOARD MEETING AND CONFERENCES:

- Worked with staff in preparing for the December BACWA Board meeting including reviewing the agenda with the Board Chair and arranging for speakers and presentations.
- Attended the BACWA monthly Board meeting in December.
- Continuing to track all action items to completion.
- Prepared a draft agenda for the Annual Meeting and confirmed attendance of outside speakers.
- Worked with the AED to organize the BACWA Annual Holiday Luncheon.
- Organized and conducted the bi-monthly Joint BACWA Board meeting with Water Board staff.

PERMIT COMMITTEE:

- Attended the monthly Committee meeting. Engaged in discussions on a variety of topics including updates from the Water Board staff, the proposed selenium criteria, air regulations, nutrients, toxicity and biosolids.
- Participated in Committee's annual Holiday Potluck.
- Met with consultants undertaking a peracetic acid research for WERF regarding BACWA's interest in supporting the research effort.

CASA:

- Conferred with the chair of the CASA Regulatory Workgroup regarding the possibility of holding a few joint meetings in 2017.

FINANCE:

- Reviewed the monthly BACWA financial reports with the AED.
- Continued coordinating with the AED in tracking the revenues coming in from the BACWA FY 17 member invoices.

BAPPG:

- Conferred with Committee leadership on opportunities to join a statewide coalition to review proposed water quality criteria for fipronil being proposed by Region 5.

MANAGER'S ROUNDTABLE:

-Represented BACWA at the Bay Area Manager's Roundtable meeting where topics of discussion included human resources/labor issues, nutrients, and recycling. Discussed opportunities for BACWA assuming the administrative role for continuing the coalition with the retirement of current leaders.

ADMINISTRATION:

- Held the monthly BACWA staff meeting to coordinate and prioritize activities.
- Signed off on invoices, reviewed correspondence, prepared for upcoming Board meeting, responded to inquiries on BACWA efforts, oversaw updating of web page and provided general direction to BACWA staff.
- Worked with the RPM in the preparation of the monthly BACWA bulletin.
- Coordinated with the AED to plan activities and review duties, schedules, and priorities.
- Developed and responded to numerous emails and phone calls as part of the conduct of BACWA business on a day-to-day basis.
- Worked with the AED to organize the Annual Committee Appreciation Luncheon.

MISCELLANEOUS MEETINGS/CALLS:

- EBMUD's program manager on Prop 50 and Prop 84 and transition of program administration to ABAG
- BACWA Chair and Committee Chairs on items that arose during the month
- Water Board staff on coordinating the nutrient activities
- Other misc calls and inquiries regarding BACWA activities
- Participated in coordination calls with the HDR project manager
- Responded to Board member's requests for information



Executive Director's January 2017 Report

NUTRIENTS:

Completed a variety of tasks and activities associated with BACWA's interests on nutrients and collaborating with the Water Board including:

- Attended and participated in conference calls as well as the 23rd and the 24th meeting of the Steering Committee's Planning Subcommittee and provided BACWA in-kind services by serving as scribe. Following the meeting prepared detailed meeting minutes and summary of action items.
- Chaired the monthly CMG meetings with the main topic being the review of the Annual Meeting presentation on the progress on the Optimization/Upgrade studies.
- Coordinated with the OP/Upgrade consulting team on administrative issues.
- Organized and conducted the 2nd Meeting of the Nutrient Strategy Team and presented options and costs for the 2nd Watershed Permit.

BACWA BOARD MEETING AND CONFERENCES:

- Worked with staff in preparing for the February BACWA Board meeting including reviewing the agenda with the Board Chair.
- Organized the bi-monthly Joint Meeting with the Water Board for March.
- Continuing to track all action items to completion.
- Planned for and attended the 2017 Annual Membership Meeting presenting information on the BACWA organization as well as updates on the nutrient watershed permit activities.
- Coordinated with the City of San Mateo for a presentation at the February Board meeting on their planning efforts for nutrient reduction.
- Met with representatives of ReNUWIt for a presentation at the BACWA Board meeting on pilot studies on secondary treatment technologies.

ASC/SFEI:

- As a member of the Executive Committee, coordinated with SFEI Executive Director on Board activities.

FINANCE:

- Reviewed the monthly BACWA financial reports with the AED.
- Continued coordinating with the AED in tracking the revenues coming in from the BACWA FY 17 member invoices.
- Worked with the AED to prepare the BACWA FY 18 budget and 5 Year Plan.
- Attended the Board Finance Committee and presented the FY 18 budget and 5 Year Plan.



BACWA
BAY AREA
CLEAN WATER
AGENCIES

Executive Director
January 2017 Report

PERMIT COMMITTEE:

- Coordinated with the RPM for items to agendize for the Permit Committee review.
- Attended the January Permit Committee meeting and provided updates on the nutrient issues.
- Oversaw the production of the annual permit compliance letter on behalf of the BACWA membership.

COLLABORATIONS:

- Signed onto a letter of support for CASA's effort to obtain a grant for a gasification pilot study.
- Signed onto a CASA letter to the SWRCB on proposed new designations of beneficial uses for water bodies with respect to mercury.
- Serving as a member of the Nomination Committee for new Board members.
- Coordinated with the Summit Partners in preparation of a comment letter on the SWRCB's Enforcement Policy.

AIR COMMITTEE:

- Coordinated with the AIR Committee leadership on responding to proposed regulations on health risk assessments.
- Testified on behalf of the BACWA membership at the BAAQMD hearing on the new proposed regulation Rule 11-18.
- oversaw the production of a White Paper on Rule 11-18

O&M INFO SHARE COMMITTEE:

- Attended the January Committee meeting and participated in the discussion on operation and maintenance hiring challenges with the wastewater community.

LAB COMMITTEE:

- Coordinated with the Lab Committee Chair on progress on planning for training to assist the BACWA membership on meeting the new TNI standards.

ADMINISTRATION:

- Held the monthly BACWA staff meeting to coordinate and prioritize activities.
- Signed off on invoices, reviewed correspondence, prepared for upcoming Board meeting, responded to inquiries on BACWA efforts, oversaw updating of web page and provided general direction to BACWA staff.
- Worked with the RPM in the preparation of the monthly BACWA bulletin.
- Coordinated with the AED to plan activities and review duties, schedules, and priorities.



B A C W A
B A Y A R E A
C L E A N W A T E R
A G E N C I E S

**Executive Director
January 2017 Report**

- Developed and responded to numerous emails and phone calls as part of the conduct of BACWA business on a day-to-day basis.
- Represented BACWA at the retirement celebration of long time BACWA member Gary Darling, GM at Delta Diablo

MISCELLANEOUS MEETINGS/CALLS:

- Paul Gilbert Snyder on Prop 50 and Prop 84
- BACWA Chair and Committee Chairs on items that arose during the month
- Water Board staff on coordinating the nutrient activities
- other misc calls and inquiries regarding BACWA activities
- participated in coordination calls with the HDR project manager
 - responded to Board members requests f



BACWA BOARD CALENDAR

March 2017 to February 2018

DATE	AGENDA
3/9/2017	BAAQMD Workshop Pagano; Ervin; Connor; Horenstein; Schectel Williams; Fono
3/9/2017	Joint Meeting Items due: Pagano; Ervin; Connor; Horenstein; Schectel Williams; Fono
3/9/2017	Other Business: Discussions
3/17/2017	Monthly Board Mtg Items due: 3/10 Pagano; Ervin; Connor; Horenstein; Schectel Williams; Fono; Hull
3/17/2017	Consent Previous Board Meeting Minutes (AED) Monthly Financial Report
3/17/2017	Authorizations & Approvals
3/17/2017	Other Business - POLICY/STRATEGIC Discussion: HDR Quarterly Update on Optimization/ Upgrade studies Discussion: WB Joint Meeting Debrief Presentation: CPSC Update (Heidi Sanborn)
3/17/2017	Other Business - OPERATIONAL Discussion: Second Draft of FY17 Budget Discussion: Update on BARR Taskforce Discussion: Update on regional and statewide biosolids issues Discussion: Biannual Update on CWCCG (SDeslauriers)
3/17/2017	Reports Committee Reports (Committee Chairs) Board Reports (Executive Board) ED Report (ED) RPM Report (RPM) Other BACWA Representative Reports
4/21/2017	Monthly Board Mtg Items due: 4/14 Pagano; Ervin; Connor; Horenstein; Schectel Williams; Fono; Hull
4/21/2017	Consent Previous Board Meeting Minutes (AED) Monthly Financial Report
4/21/2017	Authorizations & Approvals Approval: FY18 Budget
4/21/2017	Other Business - POLICY/STRATEGIC Discussion:

Other Business - OPERATIONAL

Discussion: Succession Planning FY18

Reports

Committee Reports (Committee Chairs)

Board Reports (Executive Board)

ED Report (ED)

RPM Report (RPM)

Other BACWA Representative Reports

5/19/2017 **Consent****Monthly Board Mtg**

Items due: 5/12

Pagano; Ervin; Connor; Horenstein; Schectel

Williams; Fono; Hull

Previous Board Meeting Minutes (AED)

Monthly Financial Report

Authorizations & Approvals

Approval: FY18 Amendments/Agreements

Approval: Officers: Chair & Vice-Chair

Approval: BACWA Reps to ASC/SFEI Governing Board

Authorization: Legal Support Amendments

Other Business - POLICY/STRATEGIC

Discussion: Draft Agenda Water Board Jt Mtg

Discussion: Pesticides Update (Kelly Moran)

Other Business - OPERATIONAL**Reports**

Committee Reports (Committee Chairs)

Board Reports (Executive Board)

ED Report (ED)

RPM Report (RPM)

Other BACWA Representative Reports

5/?/2017**Joint Meeting**

Items due:

Pagano; Ervin; Connor; Horenstein; Schectel

Williams; Fono

Other Business: Discussions**6/7/2017****Nutrient Optimization/Upgrade Workshop #2**

Pagano; Ervin; Connor; Horenstein; Schectel

Williams; Fono

Optimization/Upgrade Studies

Water Board

6/16/2017 **Consent****Monthly Board Mtg**

Items due: 6/?

Pagano; Ervin; Connor; Horenstein; Schectel

Williams; Fono; Hull

Previous Board Meeting Minutes (AED)

Monthly Financial Report

Authorizations & Approvals

Approval: FY18 Agreements

Other Business - POLICY/STRATEGIC

Discussion: HDR Quarterly Update on Optimization/ Upgrade studies

Discussion: WB Joint Meeting Debrief

Discussion: Biannual Update on CWCCG (SDeslauriers)

Other Business - OPERATIONAL

Reports

Committee Reports (Committee Chairs)
Board Reports (Executive Board)
ED Report (ED)
RPM Report (RPM)
Other BACWA Representative Reports

7/21/2017 **Consent**

Monthly Board Mtg

Items due: 7/14

Pagano; Ervin; Connor; Horenstein; Schectel

Williams; Fono; Hull

Previous Board Meeting Minutes (AED)
Monthly Financial Report

Authorizations & Approvals

Approval: Annual Nutrient WS Payment
Approval: FY18 Agreements

Other Business - POLICY/STRATEGIC

Discussion: Draft Agenda Pre-Pardee Technical Seminar
Discussion: Risk Reduction Update
Discussion: Draft Agenda Water Board Jt Mtg

Other Business - OPERATIONAL

Reports

Committee Reports (Committee Chairs)
Board Reports (Executive Board)
ED Report (ED)
RPM Report (RPM)
Other BACWA Representative Reports

7/?/2017

Joint Meeting

Items due:

Pagano; Ervin; Connor; Horenstein; Schectel

Williams; Fono

Other Business: Discussions

8/18/2017 **Consent**

Monthly Board Mtg

Items due: 8/11

Pagano; Ervin; Connor; Horenstein; Schectel

Williams; Fono; Hull

Previous Board Meeting Minutes (AED)
Monthly Financial Report

Authorizations & Approvals

Other Business - POLICY/STRATEGIC

Discussion: Draft Agenda & Schedule Pre & Pardee Technical Seminar
Discussion: WB Joint Meeting Debrief
Discussion: RMP & NMS Update (Phil Trowbridge/David Senn)
Discussion: Risk Reduction Update

Other Business - OPERATIONAL

Discussion: FY18 Arleen Navarret Award

Reports

Committee Reports (Committee Chairs)

Board Reports (Executive Board)
ED Report (ED)
RPM Report (RPM)
Other BACWA Representative Reports

9/15/2017 Consent

Monthly Board Mtg

Items due: 9/8

Pagano; Ervin; Connor; Horenstein; Schectel

Williams; Fono; Hull

Previous Board Meeting Minutes (AED)
Monthly Financial Report

Authorizations & Approvals

Approval:

Other Business - POLICY/STRATEGIC

Discussion: Draft Agenda Pardee Technical Seminar

Discussion: Annual Meeting Planning

Other Business - OPERATIONAL

Reports

Committee Reports (Committee Chairs)
Board Reports (Executive Board)
ED Report (ED)
RPM Report (RPM)
Other BACWA Representative Reports

9/15/2017 Tentative

Pre-Pardee Mtg

Pagano; Ervin; Connor; Horenstein; Schectel

Williams; Fono; Hull

10/12-13/2017

Pardee Technical Seminar

Pagano; Ervin; Connor; Horenstein; Schectel

Williams; Fono; Hull

11/17/2017 Consent

Monthly Board Mtg

Items due: 11/10

Pagano; Ervin; Connor; Horenstein; Schectel

Williams; Fono; Hull

Previous Board Meeting Minutes (AED)
Monthly Financial Report

Authorizations & Approvals

Approval: Adoption of FY16 Annual Reports

Approval: Finalize next Calendar Year meeting dates

Other Business - POLICY/STRATEGIC

Discussion: Pardee Debrief & Survey

Other Business - OPERATIONAL

Discussion: Annual Meeting Planning

Reports

Committee Reports (Committee Chairs)
Board Reports (Executive Board)
ED Report (ED)
RPM Report (RPM)
Other BACWA Representative Reports

12/22/2017	
Joint Meeting	<u>Other Business: Discussions</u>
Items due:	SNMP
Pagano; Ervin; Connor; Horenstein; Schectel	
Williams; Fono	

12/15/2017	
Monthly Board Mtg	<u>Consent</u>
Items due: 12/8	Previous Board Meeting Minutes (AED)
Pagano; Ervin; Connor; Horenstein; Schectel	Monthly Financial Report
Williams; Fono; Hull	<u>Authorizations & Approvals</u>
HOLIDAY LUNCH	<u>Other Business - POLICY/STRATEGIC</u>
	Discussion: Draft Agenda Joint Meeting with WB
	<u>Other Business - OPERATIONAL</u>
	Discussion: Annual Meeting Agenda
	<u>Reports</u>
	Committee Reports (Committee Chairs)
	Board Reports (Executive Board)
	ED Report (ED)
	RPM Report (RPM)
	Other BACWA Representative Reports

1/?/2018	
Annual Members Mtg	
Pagano; Ervin; Connor; Horenstein; Schectel	RMP & NMS Update (Phil Trowbridge/David Senn)
Williams; Fono; Hull	

2/?/2018	
Monthly Board Mtg	<u>Consent</u>
Items due: 2/10/15	Previous Board Meeting Minutes (AED)
Pagano; Ervin; Connor; Horenstein; Schectel	Monthly Financial Report
Williams; Fono; Hull	<u>Authorizations & Approvals</u>
	Approval:
	<u>Other Business - POLICY/STRATEGIC</u>
	Discussion: WB Joint Meeting Debrief
	<u>Other Business - OPERATIONAL</u>
	Discussion: FY2017 Budget Planning
	Discussion: Annual Meeting Debrief
	<u>Reports</u>
	Committee Reports (Committee Chairs)
	Board Reports (Executive Board)
	ED Report (ED)
	RPM Report (RPM)
	Other BACWA Representative Reports

**CURRENTLY
UNSCHEDULED
& SIGNIFICANT**

- * BACWA Membership Engagement Opportunities
- * Tech Seminar/Workshop: CCCSD Cogen explosion need to schedule
- * SFPUC force main leak and repair, need to schedule

- * Chlorine Residual Analyzer Investigation
- * Suggestions for Monthly Meeting Guest Speakers/Presenters: i.e. Jim McGrath, State Water Board



BACWA ACTION ITEMS

Number	Subject	Task	Deadline	Status
Action Items from December 16, 2016 BACWA Executive Board Meeting				
2016.12-35	EB Meeting before Annual Meeting?	Plan Agenda (ED/RPM/AED)	12/31/2016	completed
2016.12-34	Annual Meeting Agenda	Update Hot Topics to add back AIR and TNI and remove Selenium & Toxicity (ED)	12/31/2016	completed
2016.12-33	CASA Regulatory Workgroup	Set up meeting with AIR/BAPPG/Biosolids/Permit Committee reps (ED/RPM)	12/31/2016	completed
2016.12-32	Trading	Add to NST Agenda (ED)	12/31/2016	completed
2016.12-31	Trading	Obtain link to EBMUD scope and presentation (RPM)	12/31/2016	completed
2016.12-30	Reg 11-18	Presentation to BAAQMD Board (ED will request)	12/31/2016	completed
2016.12-29	Reg 11-18	Carollo to provide new scope on diesel and cogen with a timeframe (RPM)	12/31/2016	completed
2016.12-28	Reg 11-18	Obtain comments from AIR Committee and provide to Carollo (RPM)	12/31/2016	completed
2016.12-27	Lawsuit by SCAP & CVCWA against EPA on TST	notify attorney of participation (ED)	12/16/2016	completed
Action Items Remaining from Previous BACWA Executive Board Meetings				
2016.5-82	Biosolids Literature Review	Committee to consider alternatives and matching funds for further Board deliberation (Karri Ving)	5/30/2017	pending
2016.3-65	Proposition 84	Develop agreement between BACWA & ABAG to transfer Prop 84 admin responsibilities (AED/Paul Gilbert-Snyder)	4/30/2017	pending
2016.3-61	Membership Policy	Develop policy for out of region agency membership (ED)	4/30/2017	pending

FY17: 35 of 35 Action Items completed.
 FY 16: 94 of 97 Action Items completed.
 FY 15: 90 of 90 Action Items completed.
 FY 14: 128 of 128 Action Items completed.
 FY 13: 67 of 67 Action Items completed.



Regulatory Program Manager's Report to the Board

December 2016

NUTRIENT SUPPORT: Called in to CMG meeting.

BACWA BULLETIN: Drafted January BACWA Bulletin.

CECs: Worked with AXYS to collect data from SFEI-coordinated voluntary CECs study. Participated in CASA call on State CECs pilot monitoring project.

PROP 1 PROPOSAL: Communicated with State Water Board to discuss funding opportunities and set up follow-up meeting.

TOXICITY: Reviewed litigation by SCAP and CVCWA against EPA on use of TST.

Hg/PCB WATERSHED PERMIT: Developed webpage for risk reduction materials.

COLLABORATION WITH EXTERNAL ASSOCIATIONS: Participated in NACWA Regional Association Conference Call. Attended CASA Regulatory Workgroup meeting with EPA and SCCWRP. Met with MWH team working on peracetic acid WERF study.

COMMITTEE SUPPORT:

AIR – Reviewed white paper on Rule 11-18 and submitted comment letter. Set up call with members to discuss potential projects involving pipeline injection.

BAPPG – Attended meeting and drafted Board Report. Reviewed and submitted comment letters on pesticide reregistration.

Biosolids: Developed presentation on biosolids survey.

Collection Systems – Developed and distributed survey on meeting time and location.

Permits – Drafted agenda and Board report and attended meeting. Posted signup for holiday luncheon. Developed Google Group for committee.

Recycled Water – Listened in on State Water Board meeting on Recycled Water Policy Resolution. Drafted meeting notes.

Executive Board – Prepared packet materials and attended meeting. Edited meeting minutes and action items. Arranged for Eric Stevenson of BAAQMD to give a presentation at the Board meeting.

Staff Meeting – Discussed BACWA administration and planned upcoming meetings via phone and email.

MEETINGS ATTENDED: NACWA Conference Call (12/5), BAPPG (12/7), CASA call on CECs pilot (12/7), CASA Regulatory Workgroup (12/8), Permits Committee (12/13), Committee Chair Appreciation Lunch (12/14), Executive Board Meeting (12/16), Joint Meeting with Water Board (12/22).



Regulatory Program Manager's Report to the Board

January 2017

NUTRIENT SUPPORT: Attended NST meeting. Called in to CMG meeting. Discussed taking over Recycled Water and CIP survey response management from consultant team.

BACWA BULLETIN: Completed and submitted January Bulletin. Drafted February BACWA Bulletin.

CECs: Worked with AXYS to collect data from SFEI-coordinated voluntary CECs study.

PROP 1 PROPOSAL: Prepared for and attended meeting with State Water Board staff and project team members to discuss funding opportunities for RO Concentrate treatment study.

BENEFICIAL USES: Reviewed State Water Board materials on proposed mercury objectives and beneficial uses. Discussed response with CASA and Regional Water Board staff. Developed BACWA talking points for hearing and comment letter.

ANNUAL MEETING: Prepared materials for Annual Members meeting.

REGULATORY ISSUES SUMMARY: Updated Regulatory Issues summary.

NPDES COMPLIANCE LETTER: Drafted and distributed NPDES Compliance Letter for 2016 reporting year.

COMMITTEE SUPPORT:

AIR – Worked with committee to finalize Rule 11-18 White Paper, as well as a list of committee “asks” to BAAQMD staff. Distributed facility phase list for 11-18. . Hosted call with members to discuss potential projects involving pipeline injection.

BAPPG – Reviewed and submitted pesticide comment letter. Drafted meeting notes. Discussed updating Baywise website with Computer Courage and Steering Committee.

Biosolids: Attended meeting and gave presentation on Biosolids survey results.

Collection Systems – Developed and distributed survey on meeting time and location, and collected results. Drafted agenda and attended meeting. Contacted Regional Water Board staff to invite them to March meeting.

Permits – Drafted agenda and attended meeting.

Recycled Water – Attended meeting.

O&M Infoshare – Collected RSVPs and attended meeting.

Executive Board – Drafted notes from 12/22 Joint meeting with Regional Water Board staff.

Other – Discussed WERF Peracetic Acid study with project team and how they can get member agency input via BACWA committees.

Staff Meeting – Discussed BACWA administration and planned Annual Meeting.

MEETINGS ATTENDED: Nutrient Strategy Team meeting (1/5), Permits Committee (1/10), Prop 1 meeting prep call (1/11), BAPPG Steering Committee Call (1/11), Prop 1 meeting with State Water Board staff (1/12), Collection Systems Committee (1/12), CMG Call (1/13), pipeline injection conference call (1/17), Recycled Water Committee (1/18), Biosolids Committee (1/19), O&M Infoshare Group (1/25), Annual Members Meeting (1/27).

Sherry Hull

From: Sherry Hull
Sent: Monday, January 23, 2017 11:20 AM
To: Sherry Hull
Subject: Update on Bay Area Regional Reliability

From: Roger Bailey [<mailto:rbailey@centralsan.org>]
Sent: Monday, January 23, 2017 9:22 AM
To: David Williams <dwilliams@bacwa.org>
Subject: FW: Update on Bay Area Regional Reliability

FYI

From: Wallace, Douglas [<mailto:douglas.wallace@ebmud.com>]
Sent: Friday, January 20, 2017 4:48 PM
Subject: Update on Bay Area Regional Reliability

Greetings BARR Drought Task Force members!

We hope 2017 is off to a great start for you all. We'd like to share a few brief updates with you related to BARR, as it's been several months since we last met.

- **TM2 (early March)** – We've been developing the second BARR work product (TM2) over the past couple months, and look forward to sharing it with you in early March. As promised, the timeline for your review and input will allow two full weekends.
- **TF workshop #3 (late March)** – We are currently scoping out locations for TF workshop #3, and targeting late March for the scheduling. We'll be in touch once we have more information on the logistics. The workshop will focus on discussing TM2 feedback and next steps on the BARR Drought Contingency Plan and Phase 2.
- **WaterSmart grant proposal (Phase 2)** – The BARR agencies would like to take advantage of a currently available grant opportunity (USBR's WaterSmart Drought Response Program). As we've discussed, the BARR partners are eager to exercise the partnership with early project efforts. Toward that end, we are now targeting funding to develop and implement a "Regional Water Marketing Program". Here's some more context on the project:
 - o A primary goal for BARR Phase 1 was to identify an actionable project to implement in the near-term for an "early win". The intent of this regional marketing program would be to forge new ground to establish a process for completing future interagency exchanges to improve regional reliability. The aim is to provide benefit to as many BARR agencies as possible using multiple pathways—even if the exchanges involve a small volume of water—to establish a framework for a regional water marketing program.
 - o While we're keeping the project general in nature for now, the concept/exchange pathways can evolve if USBR funds the project.

- **BARR agency staff updates** – Since we last met in September, Tom Francis has moved from EBMUD to BAWSCA. Alice Towey is now the primary EBMUD staff representative, as well as the BARR agencies' PM.

We will be back in touch in early March with a draft version of TM2 for your review, in advance of our third workshop.

Best regards,

Doug