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<b>REPORTS</b>		<b>12:10 PM</b>	
20	Committee Reports		<b>134-138</b>
21	Member Highlights		
22	Executive Director Report		<b>139-147</b>
23	Regulatory Program Manager Report		<b>148</b>
24	Other BACWA Representative Reports		
	a. RMP TRC	Mary Lou Esparza	
	b. RMP Steering Committee	Karin North; Leah Walker; Eric Dunlavey	
	<b>c. Summit Partners</b>	Dave Williams; Lori Schectel	
	<a href="#">Meeting Packet</a>		
	d. ASC/SFEI	Laura Pagano; Dave Williams; Amit Mutsuddy; Karin North	
	e. Nutrient Governance Steering Committee	Eric Dunlavey; Eileen White; Bhavani Yerrapotu; Lori Schectel	
	e.i Nutrient Planning Subgroup	Eric Dunlavey	
	e.ii NMS Technical Workgroup	Eric Dunlavey	
	f. SWRCB Nutrient SAG	Dave Williams	
	g. SWRCB Focus Group – Mercury Amendments to the State Plan	Tim Potter; Laura Pagano; David Williams	
	h. NACWA Taskforce on Dental Amalgam	Tim Potter	
	<b>i. BAIRWMP</b>	Cheryl Munoz; Linda Hu; Dave Williams	
	<a href="#">Meeting Packet</a>		
	j. NACWA Emerging Contaminants	Karin North; Melody LaBella	
	k. CASA State Legislative Committee	Lori Schectel	
	l. CASA Regulatory Workgroup	Lorien Fono	
	m. ReNUWIt	Jackie Zipkin; Karin North	
	n. RMP Microplastics Liaison	Nirmela Arsem	
	o. AWT Certification Committee	Maura Bonnarens,	
	p. Bay Area Regional Reliability Project	Eileen White	
	q. WateReuse Working Group	Cheryl Munoz;	
	<b>r. San Francisco Estuary Partnership</b>	Eileen White; Dave Williams	
	<a href="#">Presentation</a>		
	s. CPSC Policy Education Advisory Committee	Doug Dattawalker	
	t. California Ocean Protection Council	Lorien Fono	
<b>25 SUGGESTIONS FOR FUTURE AGENDA ITEMS</b>		<b>12:27 PM</b>	
<b>NEXT MEETING</b>		<b>12:28 PM</b>	
The next regular meeting of the Board is scheduled for July 20, 2018 from 9:00 am to 12:30 pm at EBMUD Headquarters, 2nd Floor Large Training Room, 375 11th Street, Oakland, CA.			
<b>ADJOURNMENT</b>		<b>12:30 PM</b>	



## Executive Board Meeting Minutes

May 18, 2018

### ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Lori Schectel (Central Contra Costa Sanitary District); Amit Mutsuddy (San Jose); Laura Pagano (SFPUC); Michael Connor (East Bay Dischargers Authority); Eileen White (East Bay Municipal Utility District).

### Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Adam Olivieri	EOA, Inc
Amanda Roa	Delta Diablo
Dave Clark	HDR
Eric Dunlavey	San Jose
Greg Baatrup	Fairfield Suisun
Greg Kester	CASA
Jason Warner	Oro Loma
Bhavani Yerrapotu	Sunnyvale
Yun Shang	EBMUD
David Williams	BACWA
Lorien Fono	BACWA
Sherry Hull	BACWA

### **PUBLIC COMMENT**

None.

**CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER** – May need to take Item 8, Update on the CEC Scientific Advisory Panel for Recycled Water, out of order.

### **CONSENT CALENDAR**

1. April 20, BACWA Executive Board Meeting Minutes – The approved minutes will be posted on the BACWA website.
2. March 2018 Treasurer's Reports and Financial Summary – A Financial Summary Report was included in the Packet. A copy of the FY18 Budget as of March 31, 2018, (75% 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. The Executive Director noted that the Funds Report includes a report on the Alternative Investments and, because those investments are less liquid than previous investments, a report on BACWA liquidity was also provided.

***Consent Calendar items 1 and 2:*** A motion to approve was made by Mike Connor and seconded by Lori Schectel. The motion was approved unanimously.

### **APPROVALS & AUTHORIZATIONS**

**3.** Approval: FY19 Staff Consulting Amendments/Agreements – A Board Action Request and Amendments to the Staff Consulting Agreements were included in the Packet. The Executive Director noted that the amendments extend the expiration date of the Executive Director, the Assistant Executive Director Agreement, and the Regulatory Program Manager agreements to June 30, 2019 and amend the amounts as approved in the FY19 BACWA Budget approved April 20, 2018.

***Items 3:*** A motion to approve was made by Mike Connor and seconded by Eileen White. The motion was approved unanimously.

**4.** Approval: Officers: Chair & Vice-Chair FY19 – A Board Action Request was included in the Packet. Section 7 of the Joint Powers Agreement establishing BACWA states that the agency shall designate a Chair and Vice Chair, chosen by the Executive Board, from the members of the Executive Board. These positions each have a one-year term that coincides with BACWA's fiscal year. Historically, most BACWA Chairs and Vice Chairs are asked to serve for two consecutive terms. In March 2018, Lori Schectel was elected to serve as Chair and Amit Mutsuddy was elected to serve as Vice-Chair. The Executive Director asked for nominations.

*In a motion made by Amit Mutsuddy and seconded by Eileen White, Lori Schectel was nominated to serve as Chair for the term beginning July 1, 2018. The motion carried unanimously.*

*In a motion made by Lori Schectel and seconded by Eileen White, Amit Mutsuddy was nominated to serve as Vice-Chair for the term beginning July 1, 2018. The motion carried unanimously.*

**5.** Notice to the Board of Executive Director Authorizations: Legal & IT Support Amendments FY19 – An Executive Director Authorization and three amendments were included in the Packet. The Executive Director noted that the amendments extend the expiration date of three Agreements to June 30, 2019 and amend the amounts as in the FY19 BACWA Budget approved April 20, 2018. The Executive Director approved these amendments as they are within the Financial Policy guidelines.

**6.** Approval: ASC/SFEI Representatives – A Board Action Request was included in the Packet. The Executive Director gave an overview of the request and noted that Laura Pagano's 3-year term expires at the end of FY18. Ms. Pagano gave an overview of the commitment.

**Items 6:** Eileen White nominated Laura Pagano to another three-year term as BACWA Representative. Amit Mutsuddy seconded the nomination. The motion carried unanimously.

## **OTHER BUSINESS-POLICY/STRATEGIC**

### **Agenda Item 7 – Discussion: Nutrients**

#### **a. Regulatory**

- i. Optimization/Upgrade update - A [LINK](#) to the final Draft Report was included in the Packet. The Executive Director gave an overview of input from the CMG May 11 meeting and updated the Board on the number of sign-off letters that have been received. BACWA will host a workshop on May 31, 2018 where representatives from all 37 plants will have the opportunity to comment on the final report.
- ii. 2nd Nutrient Watershed Permit Update – A summary of discussion with the Water Board on an approach to incentivizing early actions associated with Nutrient reductions in San Francisco Bay was included in the Packet. The Executive Director gave an overview noting that the second additional voluntary contribution of \$200,000 will be made to the San Francisco Estuary Institute in accordance with the tentative agreement with the Water Board on the key tenets of the 2<sup>nd</sup> Nutrient Watershed Permit. The payment will be timed such that the BACWA cash flow needs will not be negatively impacted and is expected to occur shortly after the beginning of FY 19 on July 1, 2018.
- iii. Review of Approaches to Incentivizing Early Actions – The Executive Director introduced Dave Clark from HDR who shared some options for approaches to incentivizing early actions. They included methodologies adopted in Colorado, in process in Idaho, and being considered in Montana. In the case of Colorado, discharging nutrient concentrations below interim limits buys time credit for meeting final limits.

#### **b. Technical Work -**

- i. Update on Monitoring – A plot showing changes in concentrations of chlorophyll-a from 1980 to 2015 was included in the Packet. The Executive Director noted that concentrations have leveled off and perhaps begun to decrease over the last few years. The Science Manager has suggested that instead of in-Bay chlorophyll-a concentrations, more attention needs to be focused on impacts to the coastal ocean.

#### **c. Governance Structure –**

- i. Planning Subcommittee Meeting #31 Debrief – The Summary of the May 2, 2018 meeting, were included in the Packet. The Executive Director noted the key discussion issues consisting of 1) SFEI staffing and its impact project completion; 2) the saxitoxin outbreak in mussels in the Bay; 3) the Program Coordination effort to obtain additional funding and the assessment of nutrients related to the Assessment Framework by looking at trends; and 4) the General Additive Model (GAM) for

relating indicators to impacts.

Agenda **Item 8** - Discussion: Update on the CEC Scientific Advisory Panel for Recycled Water – A [LINK](#) to the Findings of the 2018 Science Advisory Panel on CECs in Recycled Water, a [LINK](#) to the SCCWRP Advisory Panel for CECs in Recycled Water, and a [LINK](#) to the SWRCB’s Recycled Water- Constituents of Emerging Concern (CECs) were included in the Packet. Adam Olivieri of EOA, Inc. gave a presentation on the Findings of the 2018 Science Advisory Panel on CECs in Recycled Water. A risk-based framework has been developed, with indicator compounds identified for monitoring treatment performance and potential human health impacts. Bioanalytical panels targeting toxic effect endpoints are not yet ready for routine monitoring but should be used for investigatory monitoring/validation. There was a discussion about AB2072 (Quirk), which would require the State Water Board to establish and maintain a dedicated program to research the potential effects of constituents of emerging concern in water sources on human and ecosystem health.

Agenda **Item 9** – Discussion: Joint Meeting with Water Board Draft Agenda 6/1/18 – A Draft Agenda for the meeting was included in the Packet. The ED/RPM gave an overview of the agenda. The Board suggested that BACWA send the Agenda to the Water Board, along with any supporting documents, well before the meeting.

Agenda **Item 10** – Discussion: Biosolids Update - Regional and Statewide Issues – A [LINK](#) to the proposed text for regulations implementing State Bill 1383 was included in the Packet. Greg Kester, Director of Renewable Resource Programs for the California Association of Sanitation Agencies gave a presentation on the current status of biosolids initiatives. He described CASA’s efforts to quantify Statewide POTW anaerobic digestion capacity, and CASA’s engagement with CalRecycle in the development of regulations implementing SB1318. His presentation can be seen at this [LINK](#). The BACWA Executive Board thanked Greg for all of his work in this area.

Agenda **Item 11** – Discussion: Chlorine Residual Basin Plan Amendment Update – The Regulatory Program Manager noted that the consultant met with the BACWA O&M Infoshare group to groundtruth some of the assumptions being used to develop the chlorine residual limitation strategies.

Agenda **Item 12** – Discussion: Comments for the Triennial Review of the Basin Plan – A document providing Brief Issue Description for the 2018 Triennial Review of the SF Bay Basin Water Quality Control Plan (Basin Plan) dated April 2018 and a BACWA Comment Letter dated August 18, 2015 were included in the Packet. The Regulatory Program Manager gave an overview of the Regional Water Board’s issues that may impact BACWA members, noting which issues BACWA has commented on previously and suggesting which ones to comment on this time. There was a discussion about BACWA’s support of the Regional Water Board’s proposed Climate Change project. There will be a workshop on May 21 and comments are due June 8, 2018.

Agenda **Item 13** – Discussion: Microplastics/Regional Monitoring Program Workshop Debrief – The Agenda for the RMP Microplastics Workgroup on May 15, 2018, along with a [LINK](#) to the Draft Year 1 Progress Report, was included in the Packet. The Executive Director gave an overview and noted that the most important issues are determining what is and what is not a microplastic; how to handle contaminations assumptions about microplastics; and recommendations for funding for special study proposals, including looking for microplastics in sportfish.

## **OTHER BUSINESS-OPERATIONAL**

Agenda **Item 14** – Discussion: Policy for Reimbursement of Donations by BACWA Participants – A rationale for Board Member donations to ASC/SFEI was included in the Packet. The Executive Director gave an overview of the ASC/SFEI Board’s expectations regarding donations from Board Members in conjunction with ASC/SFEI’s efforts to obtain Foundation grant funding to help supplement funding baseline work. The expectation is that the individuals themselves make annual donations to ASC/SFEI. The BACWA Executive Board noted that the BACWA representatives to ASC/SFEI are representing BACWA, not themselves as individuals. A proposal that would allow the individual representatives to make contributions but then request reimbursement from BACWA was discussed but not supported by the BACWA Board. .

Agenda **Item 15** – Discussion: Options for Supporting the Bay Area Biosolids Coalition – This item was carried forward to the June 5, 2018 BACWA Executive Board Meeting Agenda.

Agenda **Item 16** – Discussion: Succession Plan Review – The BACWA FY19 Succession Plan was included in the Packet. The Executive Director gave an overview of the plan.

## **REPORTS**

Agenda **Item 17** – Committee Reports – BACWA Committee Reports were included in the Packet. A [LINK](#) to the State Water Board’s proposed amendments to the Recycled Water Policy was included in the Packet.

AIR Committee: No meeting.

BAPPG Committee: No meeting.

Biosolids Committee: A report from the April 24, 2018 meeting was included in the Packet.

Collections Committee: No meeting.

InfoShare - Asset Management: No meeting.

InfoShare – Operations & Maintenance: A report from the April 25, 2018 meeting was included in the Packet.

Lab Committee: No meeting.

Permits Committee: No meeting.

Pretreatment Committee: No meeting.

Recycled Water Committee: A link was provided in the packet to the Recycled Water Policy draft amendment.

Agenda **Item 18** - 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 report

**Oro Loma**: Will be obtaining bids on its nutrient removal project.

**EBMUD**: Recently gave the EPA a tour.

**Central Contra Costa**: Approved an \$82 million solids handling project.

**San Francisco**: They have a new General Manager, Greg Norby.

**San Jose**: Eric Dunlavy has been promoted to Compliance Manager.

**City of Delta Diablo**: Have hired a new Engineering Services Director.

**Sunnyvale**: Have hired a new Public Works Director.

Agenda **Item 19** - The **Executive Director's (ED) Report** for April 2018, along with the Board Calendar, and BACWA Action Items, were included in the Packet. It was noted that 54 of 57 action items from FY18 have been completed.

Agenda **Item 20** - The **Regulatory Program Manager (RPM) Report** for April 2018 was included in the Packet. The Regulatory Program Manager noted the inclusion of the Spring 2018 Clean Water publication which carried an interview on proposed toxicity regulations in which she participated.

Agenda **Item 21 - Other BACWA Representative Reports** – BACWA Representative were given an opportunity to provide updates. No actions were taken based on the reports.

- a. RMP-TRC: Mary Lou Esparza – No report.
- b. RMP Steering Committee: Karin North; Leah Walker; Eric Dunlavy – No report
- c. **Summit Partners**: Dave Williams; Lori Schectel – An Agenda for the May 21, 2018 meeting was included in the Packet.
- d. **ASC/SFEI**: Laura Pagano; Dave Williams; Amit Mutsuddy; Karin North – A document outlining the position on volunteering and contributions was included in the Packet.
- e. Nutrient Governance Steering Committee: Eric Dunlavy; Eileen White; Bhavani Yerrapotu; Lori Schectel – No report.
  - i. Nutrient Planning Subgroup: Eric Dunlavy
  - ii. NMS Technical Workgroup: Eric Dunlavy
- f. **SWRCB Nutrient SAG**: Dave Williams – A [LINK](#) to a webinar was included in the Packet.



- g. SWRCB Focus Group – Mercury Amendments to the State Plan: Tim Potter; Dave Williams; Laura Pagano – No report
- h. NACWA Taskforce on Dental Amalgam: Tim Potter – No report.
- i. BAIRWMP: Cheryl Munoz, Linda Hu, Dave Williams – No report.
- j. NACWA Emerging Contaminants: Karin North, Melody La Bella – No report
- k. CASA State Legislative Committee: Lori Schectel – No report.
- l. CASA Regulatory Workgroup – Lorien Fono - No report.
- m. ReNUWIt: Jackie Zipkin; Karin North – No report.
- n. RMP Microplastics Liaison: Nirmela Arsem – No report.
- o. AWT Certification Committee: Maura Bonnarens – No report.
- p. Bay Area Regional Reliability Project: Eileen White– No report
- q. WaterReuse Working Group: Cheryl Munoz – No report.
- r. San Francisco Estuary Partnership – Eileen White; Dave Williams – No report.
- s. CPSC Policy Education Advisory Committee – Doug Dattawalker – No report.
- t. California Ocean Protection Council – Lorien Fono – No report.

Agenda **Item 22 - SUGGESTIONS FOR FUTURE AGENDA ITEMS.** None.

#### **ANNOUNCEMENTS:**

The next regular meeting of the Board is scheduled for **June 15, 2018 from 9:00 am – 12:30 pm** at the **SFPUC, 13<sup>th</sup> Floor, Hetch Hetchy Room, 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](mailto:shull@bacwa.org).

The meeting adjourned at 12:32 pm.

A short presentation and tour of the Microvi project followed the meeting.



## MONTHLY FINANCIAL SUMMARY REPORT April 2018

### **Fund Balances**

In FY 18 BACWA has three operating funds (BACWA, Legal, and CBC) and two pass-through funds for which BACWA provides only contract administration services (WOT & Prop 84).

**BACWA Fund:** This fund provides the resources for BACWA staff, its committees, and other administrative needs. The ending fund balance on April 30, 2018 was \$1,305,864 which is significantly higher than the target reserve of \$160,000 which is intended to cover 3 months of normal operating expenses. \$191,902 of the ending fund balance is shown on the March Fund & Investments Balance Report as 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 (including \$31,082 that was carried forward into FY18). This leaves an actual unobligated excess fund balance of \$1,113,962 as of April 30, 2018. As the details of what regulatory requirements will be included in the next Nutrient Watershed Permit, these excess funds may be transferred to the CBC fund and used to offset potential Nutrient Surcharge 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 April 30, 2018 was \$1,888,037 which is significantly higher than the target reserve of \$400,000. \$226,106 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. This leaves an actual unobligated excess fund balance of \$1,661,931 as of April 30, 2018. Total Disbursements for FY18 from the CBC Fund include the annual payment of \$880,000 to SFEI for the Nutrient Watershed Permit commitment plus the additional \$200,000 approved by the Board. 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 Nutrient Surcharge 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 April 30, 2018 (83% of the FY) are at 100%. The FY18 BACWA invoices were sent at the end of July 2017 and the end of August 2017, and 100% of those invoices were paid before the end of December. The interest revenue reported through April, 2018 includes \$5,788 interest from the investment of Funds in LAIF for the 4<sup>th</sup> quarter of FY17.



**MONTHLY FINANCIAL SUMMARY REPORT**  
**April 2018**

Overall Expenses as of April 30, 2018 (83% of the FY) are at 76% due primarily to timing of payments.

Those needing additional explanation are:


Administration: This category is 38% expended at 83% of the FY due primarily to timing of invoices and low administrative expenses.

Legal: This category is 18% expended at 83% of the FY due primarily to little need for regulatory legal support.

Committees: This category is 60% expended at 83% of the FY due primarily to timing of expenditures by the Committees.

Collaboratives: This category is 116% expended at 83% of the FY due primarily to Board approval of a contribution to PPIC that was not budgeted in FY18.

**NOTE:** One Alternative Investment holding matured in May, 2018 in the amount of \$140,000. Another holding is expected to mature in October, 2018 in the amount of \$165,000. Based on information about interest rates and size of holdings obtained from the Investment division of EBMUD, staff recommends that the \$140,000 be kept in cash until October when the entire \$300,000 can be invested in a 3-year maturity.

				83% of Budget		
<u>BACWA FY18 BUDGET</u>	<u>Line Item Description</u>	<u>FY 2018 Budget</u>	<u>Actuals Apr 2018</u>	<u>Actual % of Budget Apr 2018</u>	<u>Variance</u>	<u>NOTES</u>
<b>REVENUES &amp; FUNDING</b>						
Dues	Principals' Contributions	\$487,095	\$487,095	100%	\$0	FY18: 2% increase.
	Associate & Affiliate Contributions	\$178,573	\$178,626	100%	\$53	FY18: 2% increase. Assoc: \$8,090; Affiliate: \$1,600 (\$197 over budget)
Fees	Clean Bay Collaborative	\$675,000	\$675,000	100%	\$0	Prin: \$450,000; Assoc/Affil: \$225,000
	Nutrient Surcharge	\$800,000	\$800,008	100%	\$8	Prin: \$533,335; Assoc/Affil: \$266,673
	Voluntary Nutrient Contributions	\$30,000	\$30,000	100%	\$0	FY18: Palo Alto (\$30k)
Other Receipts	Other Receipts	\$0	\$0		\$0	Carry forward of Passthrough funds for Pharm Study into FY18
	AIR Non-Member	\$6,477	\$6,477	100%	\$0	2% increase.
	BAPPG Non-Members	\$3,774	\$3,774	100%	\$0	2% increase.
	Other	\$0	\$0		\$0	
Fund Transfer	Special Program Admin Fees	\$2,550	\$0	0%	-\$2,550	FY18: 2% increase (WOT only)
Interest Income	LAIF	\$12,000	\$27,227	227%	\$15,227	BACWA, Legal, & CBC Funds invested in LAIF
	Higher Yield Investments	\$10,000	\$6,670	67%	-\$3,330	Alternative Investment Interest rec'd annually & at maturity
	<b>Total Revenue</b>	<b>\$2,205,469</b>	<b>\$2,214,877</b>	<b>100%</b>	<b>\$9,408</b>	
<b>BACWA FY18 BUDGET</b>						
<u>BACWA FY18 BUDGET</u>	<u>Line Item Description</u>	<u>FY 2018 Budget</u>	<u>Actuals Apr 2018</u>	<u>Actual % of Budget Apr 2018</u>	<u>Variance</u>	<u>NOTES</u>
<b>EXPENSES</b>						
<b>Labor</b>						
	Executive Director	\$195,998	\$146,999	75%	-\$48,999	3.5% CPI (SF/Oakland/San Jose Metro Area Dec 2016)
	Assistant Executive Director	\$87,975	\$73,269	83%	-\$14,706	3.5% CPI (SF/Oakland/San Jose Metro Area Dec 2016)
	Regulatory Program Manager	\$116,438	\$83,276	72%	-\$33,162	3.5% CPI (SF/Oakland/San Jose Metro Area Dec 2016)
	<b>Total</b>	<b>\$400,411</b>	<b>\$303,544</b>	<b>76%</b>	<b>-\$96,867</b>	
<b>Administration</b>						
	EBMUD Financial Services	\$40,000	\$14,039	35%	-\$25,961	
	Auditing Services (Maze)	\$6,300	-\$59	-1%	-\$6,359	FY18: \$6,200 Accrued from FY17 to FY18, less \$1,832 paid for FY17 in July 2017.
	Administrative Expenses	\$7,500	\$4,047	54%	-\$3,453	Travel, Supplies, Parking, Mileage, Tolls, Misc.
	Insurance	\$4,500	\$4,278	95%	-\$222	
	<b>Total</b>	<b>\$58,300</b>	<b>\$22,305</b>	<b>38%</b>	<b>-\$35,995</b>	
<b>Meetings</b>						
	EB Meetings	\$2,500	\$1,506	60%	-\$994	Catering, Venue, other expenses
	Annual Meeting	\$10,000	\$7,745	77%	-\$2,255	Catering, Venue, other expenses. (Deposit to hold venue + deposit to hold caterer)
	Pardee	\$6,000	\$5,323	89%	-\$677	Catering, Venue, other expenses
	Misc. Meetings	\$5,000	\$4,012	80%	-\$988	Holiday Lunch, Committee Chair Lunch, Staff Mtgs, Finance Comm, Summit Partners, CASA, NACWA, Toxicity WS
	<b>Total</b>	<b>\$23,500</b>	<b>\$18,586</b>	<b>79%</b>	<b>-\$4,914</b>	
<b>Communication</b>						
	Website Hosting (Computer Courage)	\$600	\$600	100%	\$0	
	File Storage (Box.net)	\$750	\$720	96%	-\$30	
	Website Development/Maintenance	\$1,200	\$2,919	243%	\$1,719	Domains, website changes, mobile layer
	IT Support (As Needed)	\$2,600	\$203	8%	-\$2,397	
	Other Commun (Software)	\$1,100	\$1,228	112%	\$128	MS Exchange, Survey Monkey, CrashPlanPro, Doodle, Carbonite
	<b>Total</b>	<b>\$6,250</b>	<b>\$5,670</b>	<b>91%</b>	<b>-\$580</b>	

FY 2018  
BACWA BUDGET

EXPENSES						
Legal						
	Regulatory Support	\$2,550	\$304	12%	-\$2,246	2% increase.
	Executive Board Support	\$2,050	\$510	25%	-\$1,540	2% increase.
	<b>Total</b>	<b>\$4,600</b>	<b>\$814</b>	<b>18%</b>	<b>-\$3,786</b>	
Committees						
	AIR	\$50,000	\$21,970	44%	-\$28,030	FY18: Agrmt with Carollo for \$50,000. RPM lunches will also be included, but not in budget.
	BAPPG	\$100,000	\$83,396	83%	-\$16,604	FY18: Includes CPSC @ \$10,000 and Pest. Reg Spt. @ \$15,000
	Biosolids Committee	\$3,100	\$646	21%	-\$2,454	Includes WEF Conf
	Collections System	\$1,000	\$0	0%	-\$1,000	
	InfoShare Groups	\$1,200	\$813	68%	-\$387	Funds for 2 workgroups (Asset Mgmt & O&M)
	Laboratory Committee	\$6,000	\$1,434	24%	-\$4,566	Includes Tech Conf & Training
	Permits Committee	\$1,000	\$215	22%	-\$785	
	Pretreatment	\$7,000	\$707	10%	-\$6,293	Includes Training & Factsheet
	Recycled Water Committee	\$1,000	\$0	0%	-\$1,000	
	Misc Committee Support	\$35,000	\$14,766	42%	-\$20,234	Carollo Rule 11-18
	Manager's Roundtable	\$1,000	\$642	\$0	-\$358	New line item in FY18
	<b>Total</b>	<b>\$206,300</b>	<b>\$124,589</b>	<b>60%</b>	<b>-\$81,711</b>	
Collaboratives						
	<b>Collaboratives</b>					
	State of the Estuary (biennial)	\$0	\$0		\$0	Biennial in Odd Years. (Paid biennially in odd years for even year conference)
	Arleen Navarret Award	\$1,000	\$1,000	100%	\$0	Biennial in Even Years (Both 2014 and 2018 may be paid in FY18) Current is for 2014
	FWQC (Fred Andes)	\$7,500	\$7,500	100%	\$0	
	Stanford ERC (ReNUWit)	\$10,000	\$10,000	100%	\$0	
	CWCCG	\$0	\$0		\$0	Moved to CASA
	Misc	\$3,000	\$6,500	217%	\$3,500	FY18: Includes \$5,000 to PPIC approved by Board Sept, 2017
	<b>Total</b>	<b>\$21,500</b>	<b>\$25,000</b>	<b>116%</b>	<b>\$3,500</b>	
Other	<b>Unbudgeted Items</b>					
	Passthrough	\$0	\$23,100		-\$23,100	Passthrough for Pharm Study; bal at end of FY17: \$23,100
	Other	\$0	\$0		\$0	Misc Expense Items Not Budgeted
		<b>\$0</b>	<b>\$23,100</b>		<b>\$0</b>	
Tech Support	<b>Technical Support</b>					
	Nutrients					
	Watershed	\$880,000	\$880,000	100%	\$0	
	NMS Voluntary Contributions	\$0	\$200,000		\$200,000	FY18: \$200,000 add'l funds approved by Board August 2017
	Additional work under permit	\$100,000	\$0	0%	-\$100,000	FY18: Increased at Board's request
	Opt/Upgrade/Annual Reporting Studies	\$372,298	\$26,304	7%	-\$345,994	FY18: Balance remaining on agreement at end of FY16 less FY17 budgeted amount
	Nutrient Program Coordination	\$50,000	\$0	0%	-\$50,000	
	Voluntary Nutrient Contributions	\$30,000	\$0	0%	-\$30,000	FY18: Palo Alto (\$30k)
	General Tech Support	\$50,000	\$28,887	58%	-\$21,113	FY18: (EOA ChlResidBPA & Biosolids & Climate Change Research)
	Risk Reduction	\$0	\$7,975		\$7,975	FY18: CIEA extended to 9/30/17 - \$9,853.69 remaining at 7/1/17
	<b>Total</b>	<b>\$1,482,298</b>	<b>\$1,143,166</b>	<b>77%</b>	<b>-\$339,132</b>	
	<b>TOTAL EXPENSES</b>	<b>\$2,203,159</b>	<b>\$1,666,774</b>	<b>76%</b>	<b>-\$536,385</b>	
	<b>NET INCOME BEFORE TRANSFERS</b>	<b>\$2,310</b>	<b>\$548,103</b>			
	<b>TRANSFERS FROM RESERVES</b>	<b>\$0</b>				
	<b>NET INCOME AFTER TRANSFERS</b>	<b>\$2,310</b>				

**CHECK ON BACWA LIQUIDITY THRESHHOLD**

	<u>May</u>	<u>June</u>	FY19 <u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	BUDGET Totals FY 18	EST BUDGET Totals FY19
<b>BEGINNING UNOBLIGATED FUND BALANCE</b>	\$3,493,901	\$3,400,304	\$3,306,707	\$3,228,840	\$3,699,243	\$3,089,646	\$3,560,050	\$4,030,453	\$3,952,586	\$3,874,719	\$3,796,852	\$3,718,985		
Average Monthly Revenues	\$0	\$0	\$0	\$548,270	\$548,270	\$548,271	\$548,270	\$0	\$0	\$0	\$0	\$0	\$2,205,469	\$2,193,081
Average Monthly Expenditures (Less Large one time Expenses)	(\$93,597)	(\$93,597)	(\$77,867)	(\$77,867)	(\$77,867)	(\$77,867)	(\$77,867)	(\$77,867)	(\$77,867)	(\$77,867)	(\$77,867)	(\$77,867)	\$1,123,159	\$934,401
Less Large Expenditures	\$0	\$0	\$0	\$0	(\$1,080,000)	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
<b>NET AVAILABLE FOR INVESTMENT</b>	\$3,400,304	\$3,306,707	\$3,228,840	\$3,699,243	\$3,089,646	\$3,560,050	\$4,030,453	\$3,952,586	\$3,874,719	\$3,796,852	\$3,718,985	\$3,641,118		
<b>NEW INVESTMENTS</b>														
Higher Yield (non-liquid)	(\$905,000)	(\$905,000)	(\$905,000)	(\$905,000)	(\$905,000)	(\$905,000)	(\$905,000)	(\$905,000)	(\$905,000)	(\$905,000)	(\$905,000)	(\$905,000)		
<b>MATURITIES/Called</b>														
Higher Yield (non-liquid)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
<b>AVAILABLE LIQUID FUNDS</b>	\$2,495,304	\$2,401,707	\$2,323,840	\$2,794,243	\$2,184,646	\$2,655,050	\$3,125,453	\$3,047,586	\$2,969,719	\$2,891,852	\$2,813,985	\$2,736,118		
<b>TARGET AVAILABLE LIQUID FUNDS</b>	\$1,500,000 ok	\$1,500,000 ok	\$1,500,000 ok	\$1,500,000 ok	\$1,500,000 ok	\$1,500,000 ok	\$1,500,000 ok	\$1,500,000 ok	\$1,500,000 ok	\$1,500,000 ok	\$1,500,000 ok	\$1,500,000 ok		



# Bay Area Clean Water Agencies

A Joint Powers Public Agency

Leading the Way to Protect our Bay

May 25, 2018

MEMO TO: Bay Area Clean Water Agencies Executive Board  
MEMO FROM: D. Scott Klein, Controller, East Bay Municipal Utility District  
SUBJECT: Tenth Month FY 2018 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, 2017 through April 30, 2018** (ten months of Fiscal Year 2018). 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),
- Water/Wastewater Operator Training (WOT),
- Prop84 Bay Area Integrated Regional Water Mgmt (PRP84)

# BACWA Fund Report as of April 30, 2018

BACWA FUND BALANCES - DATA PROVIDED BY ACCOUNTING DEPT.							
DEPTID	DESCRIPTION	FISCAL YEAR BEGINNING FUND BALANCE	TOTAL RECEIPTS TO-DATE	TOTAL DISBURSEMENTS TO-DATE	MONTH-ENDING FUND BALANCE	OUTSTANDING ENCUMBRANCES	MONTH-END UNOBLIGATED FUND BALANCE
800	BACWA	1,140,008	689,462	523,607	1,305,864	191,902	1,113,962
804	LEGAL RSRV	300,000	-	-	300,000	-	300,000
805	CBC	1,505,790	1,525,415	1,143,167	1,888,037	226,106	1,661,931
	<b>SUBTOTAL 1</b>	<b>2,945,799</b>	<b>2,214,877</b>	<b>1,666,773</b>	<b>3,493,901</b>	<b>418,007</b>	<b>3,075,894</b>
810	WOT	109,916	141,000	40,152	210,764	-	210,764
	<b>SUBTOTAL 2</b>	<b>109,916</b>	<b>141,000</b>	<b>40,152</b>	<b>210,764</b>	<b>-</b>	<b>210,764</b>
811	PRP84	117,907	2,112,849	2,112,849	117,907	-	117,907
	<b>SUBTOTAL 3</b>	<b>117,907</b>	<b>2,112,849</b>	<b>2,112,849</b>	<b>117,907</b>	<b>-</b>	<b>117,907</b>
	<b>GRAND TOTAL</b>	<b>3,173,622</b>	<b>4,468,726</b>	<b>3,819,776</b>	<b>3,822,572</b>	<b>418,007</b>	<b>3,404,565</b>

Top Chart: Reflects CASH on the Books Includes Encumbrances  
Bottom Chart: Reflects CASH in the Bank Includes Payables (bills received but not paid)  
Allocations: Priority for non-liquid investments

BACWA INVESTMENTS BALANCES - DATA PROVIDED BY TREASURY DEPT.														
DEPTID	DESCRIPTION	FISCAL YEAR BEGINNING FUND BALANCE	TOTAL RECEIPTS TO-DATE	TOTAL DISBURSEMENTS TO-DATE	MONTH-ENDING FUND BALANCE	RECONCILIATION TO FINANCIAL STATEMENTS	MONTH-END RECONCILED FUND BALANCE	UNINVESTED CASH BALANCES	LAIF INVESTMENTS AMOUNTS	LAIF INVESTMENTS PERCENTAGE	ALTERNATIVE INVESTMENTS AMOUNTS	ALTERNATIVE INVESTMENTS IDENTIFIERS	ALTERNATIVE INVESTMENT INSTRUCTIONS AND NOTES	
800	BACWA	1,140,008	689,462	523,607	1,305,864	9,031	1,314,895	335,332	979,563	43%	-	n/a	priority # 3 for allocation	
804	LEGAL RSRV	300,000	-	-	300,000	-	300,000	-	-	0%	300,000	AR5	priority # 1 for allocation	
805	CBC	1,505,790	1,525,415	1,143,167	1,888,037	-	1,888,037	-	1,283,037	57%	605,000	6F5,G64, ME2	priority # 2 for allocation	
	<b>SUBTOTAL 1</b>	<b>2,945,799</b>	<b>2,214,877</b>	<b>1,666,773</b>	<b>3,493,901</b>	<b>9,031</b>	<b>3,502,932</b>	<b>335,332</b>	<b>2,262,600</b>	<b>100%</b>	<b>905,000</b>			
810	WOT	109,916	141,000	40,152	210,764	-	210,764	210,764	-	0%	-		pass-through funds, no allocation	
	<b>SUBTOTAL 2</b>	<b>109,916</b>	<b>141,000</b>	<b>40,152</b>	<b>210,764</b>	<b>-</b>	<b>210,764</b>	<b>210,764</b>	<b>-</b>	<b>0%</b>	<b>-</b>			
811	PRP84	117,907	2,112,849	2,112,849	117,907	-	117,907	117,907	-	0%	-		pass-through funds, no allocation	
815	PRP50	-	-	-	-	-	-	-	-	0%	-		pass-through funds, no allocation	
	<b>SUBTOTAL 3</b>	<b>117,907</b>	<b>2,112,849</b>	<b>2,112,849</b>	<b>117,907</b>	<b>-</b>	<b>117,907</b>	<b>117,907</b>	<b>-</b>	<b>0%</b>	<b>-</b>			
	<b>GRAND TOTAL</b>	<b>3,173,622</b>	<b>4,468,726</b>	<b>3,819,776</b>	<b>3,822,572</b>	<b>9,031</b>	<b>3,831,603</b>	<b>664,003</b>	<b>2,262,600</b>		<b>905,000</b>			

## Reconciliation to Trial Balance - accrual basis

Per Report above:

General	2,214,877
WOT	141,000
PROP	2,112,849
<b>subtotal</b>	<b>4,468,726</b>

## Billings-Pending Receipts

4686	Mem Contrib	1,500
4687	Transfer	-
4690	Assoc Contrib	-
4696	Other	-
4731	State Grant	-
4732	Grant Retention	182,094
<b>subtotal</b>		<b>183,594</b>

## Trial Balance Revenue Accounts

4411	Interest	(33,897)
4686	Mem Contrib	(1,304,595)
4687	Transfer	-
4690	Assoc Contrib	(178,626)
4696	Other	(840,259)
4731	State Grant	(2,065,439)
4732	Grant Retention	(229,504)
<b>subtotal</b>		<b>(4,652,320)</b>
<b>Difference</b>		<b>-</b>



## BACWA Revenue Report as of April 30, 2018

FUND #	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	
800	BACWA	1011099	Principal's Contributions	487,095	-	-	-	-	487,095	-	487,095	-
800	BACWA	1011133	Assoc. & Affiliate Contr	178,573	-	-	-	-	178,626	-	178,626	(53)
800	BACWA	0408511	Administrative & General	-	-	-	-	-	-	-	-	-
800	BACWA	1014251	Non-Member Contributions (BAPPG)	3,774	-	-	-	-	3,774	-	3,774	-
800	BACWA	1011109	Fund Transfers	2,550	-	-	-	-	-	-	-	2,550
800	BACWA	1011117	BDO- Interest Income from LAIF	12,000	-	-	3,629	-	-	11,690	11,690	310
800	BACWA	1011108	BDO Other Receipts	-	-	-	-	-	-	-	-	-
800	BACWA	1014252	BDO Non-Member Contr AIR	6,477	-	-	-	-	6,477	-	6,477	-
800	BACWA	1014511	BDO-Alternative Investment Inc	10,000	-	-	-	1,800	-	-	1,800	8,200
800	BACWA	1014550	BDO-Other Receipts (PHARM)	-	-	-	-	-	-	-	-	-
800	BACWA	1014514	GBS-Meeting Support-Annual	-	-	-	-	-	-	-	-	-
<b>BACWA TOTAL</b>				<b>700,469</b>	-	-	<b>3,629</b>	<b>1,800</b>	<b>675,972</b>	<b>11,690</b>	<b>689,462</b>	<b>11,007</b>
805	WQA-CBC	1011099	BDO Member Contributions	675,000	-	-	-	-	675,000	-	675,000	-
805	WQA-CBC	1011108	BDO Other Receipts	800,000	-	-	-	-	800,008	-	800,008	(8)
805	WQA-CBC	1011117	BDO- Interest Income from LAIF	-	-	-	4,811	-	-	15,537	15,537	(15,537)
805	WQA-CBC	1014511	BDO-Alternative Investment Inc	-	908	-	-	4,870	-	-	4,870	(4,870)
805	WQA-CBC	1014528	BDO-Voluntary Nutrient Contrib	30,000	-	-	-	-	30,000	-	30,000	-
<b>WQA CBC TOTAL</b>				<b>1,505,000</b>	<b>908</b>	-	<b>4,811</b>	<b>4,870</b>	<b>1,505,008</b>	<b>15,537</b>	<b>1,525,415</b>	<b>(20,416)</b>
<b>TOTAL</b>				<b>2,205,469</b>	<b>908</b>	-	<b>8,441</b>	<b>6,670</b>	<b>2,180,980</b>	<b>27,227</b>	<b>2,214,877</b>	<b>(9,409)</b>

	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	-	-	-	-	-	141,000	-	141,000	(141,000)
810	WOT	1011108	BDO Other Receipts	-	-	-	-	-	-	-	-	-
810	WOT	1011117	BDO- Interest Income from LAIF	-	-	-	-	-	-	-	-	-
<b>WOT TOTAL</b>				-	-	-	-	-	<b>141,000</b>	-	<b>141,000</b>	<b>(141,000)</b>

	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			-	-	-	-	11	2,112,838	0	2,112,849	(2,112,849)
<b>PROP TOTAL</b>				-	-	-	-	<b>11</b>	<b>2,112,838</b>	<b>0</b>	<b>2,112,849</b>	<b>(2,112,849)</b>

<b>Grand Total</b>				<b>2,205,469</b>	<b>908</b>	-	<b>8,441</b>	<b>6,681</b>	<b>4,434,818</b>	<b>27,227</b>	<b>4,468,726</b>	<b>(2,263,258)</b>
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## BACWA Expense Detail Report as of April 30, 2018

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	195,998	-	-	-	-	48,999	146,999	-	-	195,998	-
AS-Assistant Executive Directo	1011124	87,975	(8,138)	8,138	-	-	14,706	73,269	-	-	87,975	-
AS-Regulatory Program Manager	1011149	116,438	(10,619)	10,619	-	-	33,162	83,276	-	-	116,438	-
ADMINISTRATION												
AS-EBMUD Financial Services	1011125	40,000	(4,093)	4,093	-	-	25,961	14,039	-	-	40,000	-
AS-Audit Services	1014512	6,300	-	-	-	-	6,300	1,842	4,299	(6,200)	6,241	59
AS-BACWA Admin Expense	1011118	7,500	-	-	374	-	-	-	4,047	-	4,047	3,453
AS-Insurance	1011126	4,500	-	-	-	-	-	-	4,278	-	4,278	222
MEETINGS												
GBS-Meeting Support-Exec Bd	1014513	2,500	-	-	267	-	503	497	1,009	-	2,009	491
GBS-Meeting Support-Annual	1014514	10,000	-	-	-	-	-	-	7,845	(100)	7,745	2,255
GBS-Meeting Support-Pardee	1014515	6,000	-	-	-	-	-	-	5,323	-	5,323	677
GBS-Meeting Support-Misc	1014516	5,000	-	-	-	-	-	-	4,012	-	4,012	988
GBS- Meeting Support	1011122	-	-	-	-	-	-	-	-	-	-	-
COMMUNICATION												
CAR-BACWA Website Hosting	1014517	750	-	-	-	-	-	-	600	-	600	150
CAR-BACWA File Storage	1014518	1,200	-	-	-	-	-	-	720	-	720	480
CAR-BACWA IT Support	1014519	2,600	-	-	-	-	2,398	203	-	-	2,600	-
CAR-BACWA IT Software	1014520	1,100	-	-	59	-	-	-	1,228	-	1,228	(128)
CAR-BACWA Website Dev/Maint	1011116	600	-	-	-	-	-	-	2,919	-	2,919	(2,319)
LEGAL												
LS-Regulatory Support	1011107	2,550	-	-	-	-	2,246	304	-	-	2,550	-
LS-Executive Board Support	1011110	2,050	-	-	-	-	1,540	510	-	-	2,050	-
COMMITTEES												
AIr-Air Issues&Regulation Grp	1014253	50,000	-	-	186	-	26,253	21,290	679	-	48,223	1,777
BC-BAPPG	1011147	100,000	-	-	-	-	15,992	62,464	20,934	-	99,390	610
BC-Biosolids Committee	1011101	3,100	-	-	381	-	-	-	646	-	646	2,454
BC-Collections System	1011097	1,000	-	-	-	-	-	-	-	-	-	1,000
BC-InfoShare Groups	1011102	1,200	-	-	131	-	-	-	813	-	813	387
BC-Laboratory Committee	1011103	6,000	-	-	-	-	-	-	1,434	-	1,434	4,566
BC-Permit Committee	1011098	1,000	-	-	-	-	-	-	215	-	215	785
BC-Pretreatment Committee	1011146	7,000	-	-	-	-	-	-	707	-	707	6,293
BC-Water Recycling Committee	1011100	1,000	-	-	-	-	-	-	-	-	-	1,000
BC-Managers Roundtable	1014444	1,000	-	-	208	-	-	-	642	-	642	358
BC-Miscellaneous Committee Sup	1011104	35,000	-	-	-	-	13,840	14,766	-	-	28,606	6,394
COLLABORATIVES												
CAS-Arleen Navaret Award	1012201	1,000	-	-	-	-	-	-	1,000	-	1,000	-
CAS-FWQC	1012202	7,500	-	-	-	-	-	-	7,500	-	7,500	-
CAS-Stanford ERC	1011969	10,000	-	-	-	-	-	-	10,000	-	10,000	-
CAS-CWCCG	1011148	-	-	-	-	-	-	-	-	-	-	-
CAS-PSSEP	1011112	-	-	-	-	-	-	-	-	-	-	-
CAS-Misc Collaborative Sup	1014521	3,000	-	-	-	-	-	-	6,500	-	6,500	(3,500)
BDO-Contract Expenses (PHARM)												
BDO-Contract Expenses (PHARM)	1014551	-	-	-	-	-	-	23,100	-	-	23,100	(23,100)
BACWA TOTAL		720,861	(22,850)	22,850	1,606	-	191,902	442,558	87,349	(6,300)	715,508	5,353
TECH SUPPORT												
WQA-CE Addl Work Under Permit	1014254	100,000	-	-	-	-	57,000	-	-	-	57,000	43,000
WQA-CE-Technical Support	1011127	50,000	(4,256)	4,256	-	-	80,554	18,946	9,942	-	109,442	(59,442)
WQA-CE CASA Chem of Concern	1011128	-	-	-	-	-	-	-	-	-	-	-
WQA-CE Opt-Upgrade Studies	1014255	372,298	-	-	-	-	88,552	26,304	-	-	114,856	257,442
WQA-CE Risk Reduction	1014023	-	-	-	-	-	-	-	7,975	-	7,975	(7,975)
WQA-CE-Nutrient WS Permit Comm	1014021	880,000	-	-	-	-	-	-	1,080,000	-	1,080,000	(200,000)
WQA-CE-Program Mgmt	1011131	50,000	-	-	-	-	-	-	-	-	-	50,000
WQA-CE Voluntary Nutr Contrib	1014529	30,000	-	-	-	-	-	-	-	-	-	30,000
TECH SUPPORT (CBC) TOTAL		1,482,298	(4,256)	4,256	-	-	226,106	45,250	1,097,917	-	1,369,273	113,025
GRAND TOTAL		2,203,159	(27,106)	27,106	1,606	-	418,007	487,808	1,185,266	(6,300)	2,084,781	118,378
							1,666,774					
WOT												
Administrative Support	1011142	-	-	-	-	-	-	-	-	-	-	-
BDO Contract Expenses	1011143	-	-	-	16,250	-	-	-	40,152	-	40,152	(40,152)
		-	-	-	16,250	-	-	-	40,152	-	40,152	(40,152)
GRAND TOTAL (BDO, CBC, WOT)		2,203,159	(27,106)	27,106	17,856	-	418,007	487,808	1,225,417	(6,300)	2,124,933	78,226

## Proposition 84 Revenue Report as of April 30, 2018

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 from LAIF	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	1011142	Administrative Support	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	1011691	Water Efficient Landscape Reba	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	1011705	Regional Green Infrastructure	-	-	-	-	-	157,589	-	157,589	(157,589)
811	Prop84BayAreaIntegRegnlWtrMgmt	1011706	Hacienda Ave Green St Improvem	-	-	-	-	-	1,746,693	-	1,746,693	(1,746,693)
811	Prop84BayAreaIntegRegnlWtrMgmt	1011707	WQ Improve Flood Mgmt & EP	-	-	-	-	-	6,552	(6,552)	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	1011911	Stream Restoration w/Schools i	-	-	-	-	-	7,857	(7,857)	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	1012209	Water Efficient LRP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	1012210	Bay Friendly Landscape TP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	1012211	Weather Based Irrigation Cntrl	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	1012212	High Efficiency Toilet & UR	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	1012213	High Efficiency Toilet & UI	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	1012214	High Efficiency Clothes Washrs	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	1012215	Napa Co. Rainwater HP	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	1012216	Conservation Program Admin	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	1012218	Stream Restoration in North BD	-	-	-	-	11	10,775	9,449	20,235	(20,235)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012219	Flood Infrastructure Mapping T	-	-	-	-	-	30,239	-	30,239	(30,239)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012220	Stormwater Improvements & PBP	-	-	-	-	-	8,010	-	8,010	(8,010)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012221	Richmond Shoreline & San PFP	-	-	-	-	-	21,114	-	21,114	(21,114)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012222	Pescadero Integrated FRAH	-	-	-	-	0	58,473	1,127	59,599	(59,599)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012223	Restoration Guidance, San FC	-	-	-	-	-	7,308	-	7,308	(7,308)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012224	SF Estuary Steelhead MP	-	-	-	-	(0)	47,700	3,833	51,533	(51,533)
811	Prop84BayAreaIntegRegnlWtrMgmt	1012225	Watershed Program Admnstrtn	-	-	-	-	-	10,528	-	10,528	(10,528)
<b>PROP 84 TOTAL</b>				-	-	-	-	<b>11</b>	<b>2,112,838</b>	<b>0</b>	<b>2,112,849</b>	<b>(2,112,849)</b>

## Proposition 84 Expense Detail Report for April 2018

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	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	BDO Contract Expenses	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Regional Green Infrastructure	-	-	-	-	-	-	-	157,589	-	157,589	(157,589)
811	Prop84BayAreaIntegRegnlWtrMgmt	Hacienda Ave Green St Improvem	-	-	-	-	-	-	-	1,746,693	-	1,746,693	(1,746,693)
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	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Conservation Program Admin	-	-	-	-	-	-	-	-	-	-	-
811	Prop84BayAreaIntegRegnlWtrMgmt	Flood Infrastructure Mapping T	-	-	-	-	-	-	-	30,239	-	30,239	(30,239)
811	Prop84BayAreaIntegRegnlWtrMgmt	Stormwater Improvements & PBP	-	-	-	-	-	-	-	8,010	-	8,010	(8,010)
811	Prop84BayAreaIntegRegnlWtrMgmt	Richmond Shoreline & San PFP	-	-	-	-	-	-	-	21,114	-	21,114	(21,114)
811	Prop84BayAreaIntegRegnlWtrMgmt	Pescadero Integrated FRAH	-	-	-	-	-	-	-	59,599	-	59,599	(59,599)
811	Prop84BayAreaIntegRegnlWtrMgmt	Restoration Guidance, San FC	-	-	-	-	-	-	-	7,308	-	7,308	(7,308)
811	Prop84BayAreaIntegRegnlWtrMgmt	SF Estuary Steelhead MP	-	-	-	-	-	-	-	51,533	-	51,533	(51,533)
811	Prop84BayAreaIntegRegnlWtrMgmt	Stream Restoration in North BD	-	-	-	-	-	-	-	20,235	-	20,235	(20,235)
811	Prop84BayAreaIntegRegnlWtrMgmt	Watershed Program Admnstrtn	-	-	-	-	-	-	-	10,528	-	10,528	(10,528)
<b>PRP84 TOTAL</b>			-	-	-	-	-	-	-	<b>2,112,849</b>	-	<b>2,112,849</b>	<b>(2,112,849)</b>



## BACWA BOARD APPROVAL REQUEST

AGENDA NO.: 3

FILE NO.: 19-12

MEETING DATE: June 15, 2018

**TITLE: BACWA Support for the UC Merced Proposal on Exploring the Beneficial Role of Biosolids in Soil Health and Climate Change Mitigation in California's Agricultural Soils**

☐ RECEIPT

☐ DISCUSSION

☐ RESOLUTION

☒ APPROVAL

### RECOMMENDED ACTION

Approve BACWA support for the UC Merced Proposal on Exploring the Beneficial Role of Biosolids in Soil Health and Climate Change Mitigation in California's Agricultural Soils.

### SUMMARY

At the December 2017 BACWA Executive Board Meeting, the SFPUC presented a proposal for funding research on potential beneficial impacts associated with biosolids land application. The research proposal, developed by UC Merced was entitled Exploring the Beneficial Role of Biosolids in Soil Health and Climate Change Mitigation California's Agricultural Soils. The project aims to provide a better understanding of the role that biosolids soil amendments can play in mitigating climate change and improving soil health which can lead to further recognition of biosolids as a valued resource. A coalition of stakeholders consisting of the Bay Area Biosolids Coalition, the King Foundation, SFPUC, and the Fairfield Suisun Sewer District have committed a total of \$75,000.00 to fund the research. With a \$9,999 contribution by BACWA, the total needed to fund the research (\$85,000.00) will be in place.

### FISCAL IMPACT

Funds will come from the FY18 Budget line item General Technical Support which has an approved FY18 budget of \$50,000.00, of which \$38,888.00 is anticipated to be expended (not including this contribution) by the end of FY 18.

### ALTERNATIVES

Do not fund the research. This is not recommended since the demonstration of biosolids having a beneficial impact on soils and Climate Change by overall reduction of GHGs will help meet state mandated requirements for organics diversion from landfills.

*Attachments:*

*Proposal*

Approved:

Date: June 15, 2018

Lori Schectel, Chair  
BACWA



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## RESEARCH PROPOSAL:

### Exploring the Beneficial Role of Biosolids in Soil Health and Climate Change Mitigation in California's Agricultural Soils

#### Background:

Beneficial reuse of biosolids offers an enormous potential to recycle a large source of organic carbon and nutrients to soils. Research from the Marin Carbon Project showed that a one-time application of compost (derived from plant waste streams) to managed California grassland soils increases ecosystem carbon storage, boosts plant growth, improves soil's ability to hold water, and reduces life cycle greenhouse gas emissions. Further, microbial research on thermophilic decomposition of human waste conducted by Lawrence Berkeley National Labs Ecology Department has demonstrated the reduction of pathogens, harmful bacteria and reduction of pharmaceuticals and other compounds of emerging concern through the composting process.

Biosolids and biosolids-products (e.g. compost, liquid biofertilizer) may provide similar benefits, but there remain key questions about the ecological implications of this innovative reuse of human waste nutrients. Wastewater utilities understand that biosolids offer a source of nutrient-rich organic matter that can replenish soil organic carbon and boost plant growth, as well as potentially offset the use of synthetic fertilizers through the addition of slowly-releasing plant nutrients. Biosolids amendments offer great potential to enhance soil carbon sequestration and improve soil health across the State of California, yet experimental tests that quantify these benefits are sparse. Further, little is known about potential tradeoffs of land application of biosolids, such as soil nitrous oxide (a potent greenhouse gas) emissions or leaching of nitrate (a groundwater contaminant). The extent to which biosolids amendments impact these microbial processes that transform nitrogen and stabilize carbon needs to be thoroughly understood to optimize management practices to maximize soil health and minimize undesirable impacts on environmental and human health.

This proposal is a collaborative partnership between researchers (Dr. Rebecca Ryals at University of California, Merced and Dr. Gary Andersen at Lawrence Berkeley National Laboratory) and California-based sanitation agencies.

#### Objectives:

The broad goal of the project is to improve the science and management of human organics for climate change mitigation and efficient nutrient cycling in California. The *long-term objectives* of the proposed research is to initiate controlled field experiments across California's climatic regions in order to (i) advance the understanding about the potential of biosolids-based amendments to restore soil health in California's agricultural soils, (ii) quantify benefits to the climate from enhanced soil carbon sequestration and reductions to greenhouse gas emissions, and (iii) integrate observations in ecosystem-level nutrient fluxes with microbial communities and function in order to elucidate the mechanisms driving changes to soil health and carbon storage. To better inform field experiments, *immediate objectives* are to:

Objective 1. Conduct a greenhouse experiment comparing the effects of biosolids amendments (pelletized, biofertilizer, compost) and synthetic fertilizer on crop production, nutrient losses, water retention, and carbon and greenhouse gas dynamics.

Objective 2. Conduct an extensive sampling survey of soil carbon, nitrogen, and microbial communities in fields that have been amended with biosolids

**Approach:**

To achieve Objective 1, the research team began a pilot experiment in a greenhouse setting in September 2017. Treatments include pelletized biosolids, composted fecal matter, lystegro biofertilizer, and lystegro biofertilizer with biochar, as well as urea (a chemical fertilizer) and an unfertilized control. Amendments were applied at the same rate of available nitrogen (100 kg PAN/ha). The amendments were applied only once, and measurements are made over at least three cropping cycles to determine the legacy effects of amendments. The team is measuring soil greenhouse gas emissions, soil carbon and nitrogen dynamics, soil microbial communities, nutrient leaching, and crop yields. The preliminary results indicate that the organic amendments increase crop yields 2 to 3 times more than chemical fertilizer, and contribute to improvements in soil properties that increase the retention of water and nutrients.

To achieve Objective 2, the research team is currently coordinating with the SFPUC to identify field sites for a sampling campaign. Criteria for field selection include (1) at least one time application of biosolids, (2) a record of the amount and time of biosolids application, (3) an unamended comparison field with similar soil and management conditions. At each paired-site, the team will collect replicate ( $n = 15$  per site) soil samples at four depth increments to a 1 meter depth (0-10, 10-30, 30-50, and 50-100 cm). Each soil sample will be analyzed for total soil carbon and nitrogen. Soil samples will also undergo a physical fractionation procedure to determine the stability of carbon pools in amended and unamended soils. High throughput DNA sequencing of 16S rRNA genes and targeted quantitative PCR (qPCR) measurements will be used on a subset of soil samples to measure microbial community composition and abundance, respectively, in order to determine which microbial populations are associated with different soil amendments. The limitations to this survey are the lack of controlled experimental conditions through time and the exclusive sampling of Class A/B biosolids amendments, and absence of composted or novel biosolids amendments. However, this survey, along with results from the pilot greenhouse study, will provide key insights that will inform a large-scale field study. These initial data, observations, and partnership with state agencies will equip us with the knowledge and tools to design an efficient, novel, and management- and policy-relevant long-term biosolids research agenda.

**Funding Sources:**

A research budget is included with this proposed scope of work. A large portion (~83%) of funding needs for Objective 1 has already been met through in-kind support and grants from the lead project director, Dr. Ryals. She and Dr. Andersen also have labs that are outfitted with essential analytical equipment that will be used for this research.

In addition to in kind support, \$85,000 has been raised by interested stakeholders across the San Francisco Bay Area, including wastewater utilities, non-governmental organizations and private industry.

<b>Funding Source</b>	<b>Funding Amount</b>
King Foundation	\$15,000
Bay Area Biosolids Coalition	\$50,000
Bay Area Clean Water Agencies	\$10,000
San Francisco Public Utilities Commission	\$5,000
Fairfield Suisun Sewer District	\$5,000
Total	\$85,000

**Expected Outcomes:**

Ultimately, this project aims to provide a better understanding of the role that biosolids soil amendments can play in mitigating climate change, improving soil health and to therefore further their recognition as a valued resource. The results of this study will provide important guidance for efforts to turn wastes into resources that improve soil health in California. Project deliverables will include (i) a peer-reviewed scientific article of the results from Obj 1 and Obj 2, (ii) a policy brief integrating project findings with local and state organics management plans, and (iii) presentations at scientific conferences and to public agencies. Throughout this research, we will engage with public utilities and other local stakeholders to ensure that the research questions and experimental design are scientifically robust as well as relevant to local policy and management needs. We hope that this project will serve as a demonstration and integration of co-benefits to sanitation and agriculture in the state of California.

**Timeline:**

April-May 2018	Collect funds from all stakeholders
May 2018	Dr. Ryals hire Technician 1 and begin ordering supplies
May 2018	Collect soil samples in Solano County
June 2018	Analyze soil samples
December 2018	Produce findings in a final report for distribution and ultimate publication in peer reviewed academic journal





## Budget:

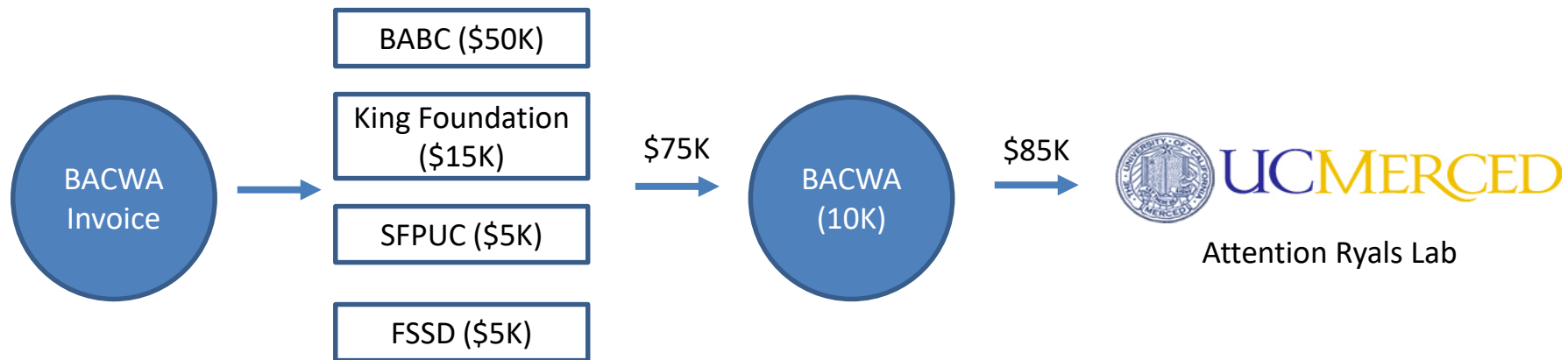
	Funds Requested	In-kind Funds
<b>TOTAL PROJECT BUDGET</b>	\$79,036	\$22,703

	Funds Requested	In-kind Funds
<b>Personnel</b>		
Graduate student 1		
# months		6
Salary (\$)		10440
Fringe (\$)		1253
tuition		7373
Research technician 1		
# months	8	
Salary (\$)	24000	
Fringe (\$)	10920	
<b>Personnel total cost</b>	<b>\$34,920</b>	<b>\$19,065</b>

<b>Objective 1: Pilot greenhouse study</b>		
Pots (81 total)		324
Greenhouse supplies		200
Temperature and humidity data logger		250
Sample collection bags/tubes		200
Soil sampling supplies		100
Gas sampling supplies		500
Soil carbon and nitrogen analysis	810	
Plant carbon and nitrogen analysis	648	
Greenhouse gas emissions analysis	3105	
Leachate nutrient analysis		2400
Soil and plant micronutrients	3618	
<b>Obj 1 total cost</b>	<b>\$8,181</b>	<b>\$1,574</b>

<b>Objective 2: Extensive survey of biosolids application in California</b>		
Travel to field sites	1500	
Travel to partner meetings	450	
Soil sampling supplies	400	
Soil carbon and nitrogen analysis	10800	
Soil fractionation analysis	3600	
Soil microbial analysis	10000	
Publication fee	2000	
<b>Obj 2 total cost</b>	<b>\$28,750</b>	<b>\$0</b>

<b>Indirect costs</b>		
UC Merced F&A (10%)	\$7,185	\$2,064





## EXECUTIVE BOARD AUTHORIZATION REQUEST

AGENDA NO.: 4

FILE NO.: 19-09

MEETING DATE: June 15, 2018

**TITLE: Request for BACWA Executive Board Approval to Execute Agreement with Stephanie Hughes, ChE P.E. for BAPPG Support**

☐ RECEIPT      ☐ DISCUSSION      ☐ RESOLUTION      ☒ APPROVAL

### RECOMMENDED ACTION

Authorize the execution of an agreement with Stephanie Hughes, ChE P.E. to provide professional training, prepare comment letters, and provide policy support in an amount not to exceed \$16,000.00.

### SUMMARY

This agreement will provide support for: (1) training to professional groups (dental hygienists/assistants, plumbers, etc.) on mercury, copper and other relevant pollutants of concern to BACWA agencies; (2) preparing comment letters; (3) evaluating regulatory documents; (4) performing research related to controlling pollutants at their source; (5) continuing outreach to Veterinary Medical Associations and the general public related to pet spot-on flea treatments; and (6) providing policy support on pesticides, pharmaceuticals, and other pollutants of emerging concern.

These efforts will be carried out under the supervision of Autumn Cleave of the San Francisco Public Utilities Commission.

### FISCAL IMPACT

Funds are available for this agreement and have been allocated for this project within the BAPPG FY19 budget that was approved on April 20, 2018.

### ALTERNATIVES

1. Do not complete this work. This alternative is not recommended since this work was included in BAPPG's approved FY19 budget and will assist BACWA with executing effective outreach messages and search for new opportunities to inspire behavior change in target groups.
2. Select another consultant to conduct the work. This alternative is not recommended since BACWA conducted a competitive process which resulted in Stephanie Hughes being selected as the most qualified technical consultant.

*Attachments:* FY19 Agreement with Stephanie Hughes  
Stephanie Hughes' Scope of Work  
BAPPG FY Budget

Approved: \_\_\_\_\_  
Lori Schectel, Chair,  
BACWA Executive Board

Date: \_\_\_\_\_

## BAY AREA CLEAN WATER AGENCIES

# CONSULTING AGREEMENT

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TO: Stephanie Hughes, ChE P.E. [steifehughes@yahoo.com](mailto:steifehughes@yahoo.com)  
1445 Emory Street  
San Jose, CA 95126 (408) 499-9271

FROM: David Williams, Executive Director [dwilliams@bacwa.org](mailto:dwilliams@bacwa.org)  
BACWA Phone: 925-765-9616  
PO Box 24055, MS702 FAX: (510) 287-1351  
Oakland, CA 94623

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RE: BACWA Agreement for FY19 with Stephanie Hughes, ChE P.E. to provide professional training (mercury and copper), prepare comment letters, and provide policy support (pesticides, pharmaceuticals, etc.).

This Agreement covers professional services to be performed by Stephanie Hughes, ChE P.E. in order to provide support for: (1) training to professional groups (dental hygienists/assistants, plumbers, etc.) on mercury, copper and other relevant pollutants of concern to BACWA agencies; (2) preparing comment letters; (3) evaluating regulatory documents; (4) performing research related to controlling pollutants at their source; (5) continuing outreach to Veterinary Medical Associations and the general public related to pet spot-on flea treatments; and (6) providing policy support on pesticides, pharmaceuticals, and other pollutants of emerging concern. These efforts will be carried out under the supervision of Autumn Cleave of the San Francisco Public Utilities Commission. The total cost of professional services to be performed by Stephanie Hughes, ChE P.E. is not to exceed \$16,000. This contract will be funded by the BACWA Budget under the BAPPG Committee line item.

**This agreement may be extended for up to four additional one-year terms upon approval of the BACWA Executive Board and an amendment to this agreement.**

This Agreement may be terminated by either party at any time for convenience with 30-day notice. In the event of termination by BACWA, BACWA shall pay Stephanie Hughes, ChE P.E. for professional and competent services rendered to the date of termination upon delivery of assigned work products to BACWA.

Stephanie Hughes, ChE P.E. shall submit invoices to the BACWA Assistant Executive Director via e-mail along with approval by BAPPG. Invoices shall indicate hours associated with each task. Invoices will be paid within thirty (30) days of receipt.

BACWA AED E-mail: Sherry Hull [shulll@bacwa.org](mailto:shulll@bacwa.org)

Approved:

By \_\_\_\_\_  
Lori Schectel  
Chair, BACWA Executive Board

By \_\_\_\_\_  
Stephanie Hughes, ChE P.E.

Date: June 15, 2018

Date: June 15, 2018

BACWA EIN: 94-3389334

## **Policy, Regulatory and Professional Training Support for BAPPG**

**Fiscal Year 2018-19**

### **Scope:**

General Scope: (1) Conduct professional training, and (2) Provide research and regulatory support (including but not limited to pesticides, pharmaceuticals, and dental). Specifically:

Professional training: Conduct outreach to professionals, by reaching out to community colleges, union shops, and professional develop and training workshops. The focus is expected to be on dental mercury and other dental office wastes, but consultant should have the expertise and experience to also provide trainings regarding proper pharmaceutical disposal, hazardous material identification during building demolition, and copper plumbing BMPs. As part of this effort, consultant shall update contact database, communicate with contacts, and seek speaking engagements. Edit/update presentations as warranted per new regulatory context.

Policy Support and Comment Letters: Consultant will be on-call to develop regulatory letters, conduct literature reviews, or provide other technical support. Topics could include but are not limited to metals, pesticides, nutrients, salinity, and emerging constituents (such as PBDEs and PFOS) being reviewed by the Regional Board.

Communications: Prepare relevant outreach sections to the BAPPG Annual Report to be submitted to the BACWA Board of Directors. Participate in BACWA Pesticide Committee meetings. Present to BAPPG meeting once a year to provide significant update of technical topic. Provide outreach to Veterinary Medical Associations and the general public related to pet spot-on flea messaging.

**Budget:** The budget must not exceed \$16,000 for FY 2018-19. The proposed budget breakdown is attached.



**STEPHANIE HUGHES, ChE P.E.**  
Consulting Engineer / University Lecturer

1445 Emory Street, San Jose, California 95126

BAPPG: Professional Training  
and Policy/Regulatory Support

Scope of Work and Cost Estimate for 2018-19

SCOPE OF WORK DESCRIPTION	BUDGET		TOTAL
	Rate: ODC	\$185.00 Hour Est	
<b>TASK 1. Professional training:</b> Conduct outreach to professionals, by reaching out to community colleges, union shops, and professional develop and training workshops. The focus is expected to be on dental mercury and other dental office wastes, but consultant should have the expertise and experience to also provide trainings regarding proper pharmaceutical disposal, hazardous material identification during building demolition, and copper plumbing BMPs. As part of this effort, consultant shall update contact database, communicate with contacts, and seek speaking engagements. Edit/update presentations as warranted per new regulatory context. This scope assumes up to a total of 9 presentations.	\$275	25.0	\$4,900.00
<b>Task 2. Policy Support and Comment Letters:</b> Consultant will be on-call to develop regulatory letters, conduct literature reviews, or provide other technical support. Topics could include, but are not limited to, metals, pesticides, nutrients, salinity, and emerging constituents (such as PBDEs and PFOS) being reviewed by the Regional Board.		50.0	\$9,250.00
<b>Task 3. Communications.</b> Prepare relevant outreach sections to the BAPPG Annual Reports to be submitted to the BACWA Board of Directors. Speak at one BAPPG meeting to provide significant updates of a technical nature (e.g. flea IPM or new dental requirements). Participate in BACWA Pesticide Committee meetings		10.00	\$1,850.00
<b>Totals</b>	<b>\$275</b>	<b>85.00</b>	<b>\$16,000.00</b>

[www.stephaniehughes.net](http://www.stephaniehughes.net)

**BAPPG Budget FY19**

	<b>Budget</b>	<b>Description</b>
<b>Policy, Regulatory and Professional Training Support</b>	\$16,000	Hire consultant to provide professional training (dental mercury and copper), prepare comment letters and provide policy support (pesticides, pharmaceuticals, etc.)
<b>Media Consultant</b>	\$30,000	Hire media consultant to provide outreach and media support for priority pollutant campaigns
<b>Our Water Our World Program</b>	\$10,000	Funding for the Our Water Our World Integrated Pest Management Partnership with BASMAA
<b>Pesticide Regulatory Support (TDC)</b>	\$30,000	Hire consultant to track pesticide regulatory activities through the US EPA and CA Department of Pesticide Regulation, provide key points for comment letters, communicate with pesticide regulatory agencies and seek opportunities to prevent pollution at the source
<b>California Product Stewardship Council</b>	\$10,000	Provide BACWA/BAPPG representation to the California Product Stewardship Council. Near-term focus is establishing extended producer responsibility for pharmaceuticals.
<b>Website Consultant</b>	\$600	Hire consultant to provide website modifications to support media campaigns, as needed
<b><u>Other Projects</u></b>		
Unplanned Issues	\$3,400	Possible expenditures include media outreach, literature searches, website enhancement, training costs, etc.
<b>Total BAPPG Budget</b>	<b>\$100,000</b>	





## EXECUTIVE BOARD AUTHORIZATION REQUEST

AGENDA NO.: 5

FILE NO.: 19-10

MEETING DATE: June 15, 2018

**TITLE: Request for BACWA Executive Board Approval to Execute Agreement with TDC Environmental, LLC for BACWA/BAPPG Pesticide Regulatory and Technical Support, in an amount not to exceed \$30,00.00 for FY18.**

☐ RECEIPT      ☐ DISCUSSION      ☐ RESOLUTION      ☒ APPROVAL

### RECOMMENDED ACTION

Authorize the execution of an agreement with TDC Environmental, LLC to track pesticide regulatory activities through the US EPA Office of Pesticide Programs (EPA) and California Department of Pesticide Regulation (CDPR); provide key points for comment letters; communicate with pesticide regulatory agencies; and leverage opportunities to prevent pollution at the source through regulatory and/or policy actions, in an amount not to exceed \$30,000.00.

### SUMMARY

This agreement will allow TDC Environmental, LLC to provide support to BACWA/BAPPG on regulatory, technical, and outreach issues related to emerging contaminant priorities, with a focus on pesticides. Work under this contract is described in the attached Scope of Work, and will include: (1) tracking of pesticide-related regulatory activities by the EPA and CDPR and making recommendations regarding regulatory participation and other follow-up steps, including recommending key points for comment letters, reviewing draft comment letters, and setting up meetings with key staff at the pesticide regulating agencies to continue educating them about downstream wastewater impacts from their actions to register and/or reregister pesticide uses; and (2) working to change the tools and information used in the registration processes to be protective of wastewater.

In FY19, the following high-priority ecological risk assessments and risk management decisions are anticipated for the following pesticide active ingredients/uses:

- Dithiopyr (anticipated to be due in August or September)
- 2,4-DP and zinc metals/salts (anticipated to be due in November or December)
- Pyrethroids (anticipated to be due in November or December)
- Imidacloprid (anticipated to be due in August or September)
- Copper
- Fipronil
- Several other pet flea control products

In addition, since pesticide regulatory programs are science-based, it may be advantageous for BACWA to fund Dr. Kelly Moran's attendance at scientific meetings/conferences (Society of Environmental Toxicology and Chemistry and/or American Chemical Society) to obtain scientific information to support the above activities. Upon review of the agendas for these conferences, should it be determined

that Dr. Moran's attendance would provide a commensurate benefit to BACWA/BAPPG, a lump sum budget allocation will be considered by the Project Managers' in advance, and will include consideration of other anticipated work priorities during the fiscal year.

The work under this agreement will be carried out under the supervision of Autumn Cleave of the San Francisco Public Utilities Commission.

### **FISCAL IMPACT**

Funds in the amount of \$30,000 are available for this agreement and have been allocated for this project within the BAPPG FY19 that was approved on April 20, 2018.

### **ALTERNATIVES**

1. Do not complete this work. This alternative is not recommended since this work was included in BAPPG's approved FY19 budget and will assist BACWA with comment letters on important regulatory actions that can reduce wastewater pollution from pesticides and other products at the source. In addition, the staff at the San Francisco Regional Water Quality Control Board is supportive of this work by BACWA, and views this as part of the proactive approach to see BACWA pursuing to prevent pollution at the source. The Regional Board dedicates staff resources to participate in BACWA's monthly Pesticide Steering Committee, and to send comment letters that echo BACWA's key points.
2. Select another consultant to conduct the work. This alternative is not recommended since BACWA conducted a competitive process which resulted in TDC Environmental being selected as the most qualified technical consultant.

*Attachments:* FY19 Agreement with TDC Environmental  
TDC Environmental, LLC Scope Work  
BAPPG FY19 Budget

Approved: \_\_\_\_\_  
Lori Schectel, Chair,  
BACWA Executive Board

Date: June 15, 2018

## BAY AREA CLEAN WATER AGENCIES

# CONSULTING AGREEMENT

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TO: Dr. Kelly Moran [kmoran@tdcenvironmental.com](mailto:kmoran@tdcenvironmental.com)  
TDC Environmental, LLC  
462 E. 28th Ave.  
San Mateo CA 94403  
(650) 627-8690

FROM: David Williams, Executive Director [dwilliams@bacwa.org](mailto:dwilliams@bacwa.org)  
BACWA  
PO Box 24055, MS702  
Oakland, CA 94623  
Phone: 925-765-9616  
FAX: (510) 287-1351

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RE: BACWA Agreement for FY19 with TDC Environmental, LLC to provide pesticide regulatory and technical support to the BAPPG Committee.

This Agreement covers professional services to be performed by TDC Environmental, LLC in order to provide support for: (1) tracking pesticide regulatory activities through the US EPA and California Department of Pesticide Regulation, providing key points for comment letters, and communicating with pesticide regulatory agencies; and (2) seeking opportunities to prevent pollution at the source. The work under this contract will be carried out under the supervision of Autumn Cleave of SFPUC ([acleave@sfwater.org](mailto:acleave@sfwater.org)). The total cost of professional services to be performed by TDC Environmental, LLC is not to exceed \$30,000. This contract will be funded under the BAPPG Committee line item.

**This agreement may be extended for up to four additional one-year terms upon approval of the BACWA Executive Board and an amendment to this agreement.**

This Agreement may be terminated by either party at any time for convenience with 30-day notice. In the event of termination by BACWA, BACWA shall pay TDC Environmental, LLC for professional and competent services rendered to the date of termination upon delivery of assigned work products to BACWA.

TDC Environmental, LLC shall submit invoices to the BACWA Project Managers for approval, who will then transfer the approved invoice to the BACWA Assistant Executive Director for payment. Invoices shall indicate hours associated with each task. Invoices will be paid within thirty (30) days of receipt.

BACWA AED E-mail: Sherry Hull [shulll@bacwa.org](mailto:shulll@bacwa.org)

Approved:

By \_\_\_\_\_  
Lori Schectel  
Chair, BACWA Executive Board

By \_\_\_\_\_  
Dr. Kelly Moran  
TDC Environmental, LLC

Date: June 15, 2018

Date: June 15, 2018

BACWA EIN: 94-3389334

**Scope of Work**  
**TDC Environmental, LLC**  
**Pesticide Regulatory and Technical Support**  
**July 2018-June 2019**

- Coordinate with BAPPG representatives to maintain a list of highest priorities pesticides for BACWA's attention (currently copper, silver, fipronil, imidacloprid, and pyrethroids). Periodically update (to the extent possible) a schedule of anticipated pesticide regulatory activities on these pesticides.
- Track pesticide-related regulatory activities by EPA and Department of Pesticide Regulation (DPR) that have significant potential to affect BACWA member agencies. Notify BAPPG of such items as they arise. Based on regulatory documents, relevant scientific information, and the regulatory context, make recommendations regarding regulatory participation or other follow-up steps. When so directed and as resources allow, provide key points for comments and review draft comment letters.
- Based on existing lines of communication with pesticide regulators and pesticide manufacturers (which are maintained for other clients), notify BAPPG of important information obtained through these contacts.
- Coordinate and provide scientific support for communications with EPA and DPR about wastewater pesticides discharges, wastewater pesticides monitoring, and improving wastewater pesticides predictive modeling to support registration decisions.
- Continue follow-up work to convince EPA to modify its procedures for POTW modeling used for the pesticide registration process.
- Continue efforts to change EPA standard procedures that currently ignore the contribution of pet flea control products (spot-ons and collars) to wastewater.
- Continue follow-up work to finalize new swimming pool, spa, and fountain product label language to direct owners to contact their local sanitation agency prior to discharging treated water.
- Coordinate scientific review with other agencies (DPR, Water Board) and work with other BACWA and member agency consultants to provide key points for comment letters for select, high-priority ecological risk assessments and risk management decisions. In 2018-19 these are anticipated to include: pyrethroids, imidacloprid and other neonicotinoids (anticipated to be due in November or December), and pet flea control products pyriproxyfen and indoxacarb, and the root control chemical dichlobenil (anticipated to be due in August or September), and potentially fipronil and several other pet flea control products.
- Obtain scientific information to support the above activities (recognizing that pesticides regulatory programs are science based). This may include attendance at scientific conferences, with prior review and approval by BACWA's Project Managers.
- Provide technical information to support BACWA's coordination with NACWA on Federal pollution prevention topics, including pesticides.

- Track TSCA reform implementation and support BACWA's coordination with NACWA on providing comments.
- Based on the above tasks, develop an agenda and materials for a monthly BACWA Pesticides Workgroup teleconference meeting to determine appropriate actions and to coordinate actions with NACWA and San Francisco Bay Regional Water Board staff. Provide staff support during the meetings and an action item list after each meeting.
- Provide technical and regulatory advice to support development of BAPPG program(s) or materials to address pesticides, such as planned pet flea control-related outreach.
- Upon request, provide responses to pesticide-related regulatory or scientific questions.

All work to be conducted by Kelly D. Moran, Ph.D. with the support of Tammy Qualls, P.E. In conjunction with similar work funded by CASQA, Ms. Qualls support activities (anticipated to involve <25% of total expenditures) will include tracking pesticides regulatory schedules, preparing periodic regulatory schedule updates, providing workgroup meeting staff support and action item tracking, and when so directed and as resources allow, providing key points for draft comment letters.

All services identified in this Scope of Work shall be compensated on a time and materials basis:

- Kelly D. Moran, Ph.D. – \$200 per hour
- Tammy Qualls, P.E. – \$158 per hour
- Direct costs – at cost

Total expenditures not to exceed \$30,000.

### **Contractor**

TDC Environmental, LLC  
 Kelly D. Moran, Ph.D., President  
 462 E. 28th Ave.  
 San Mateo CA 94403  
 650-627-8690  
[kmoran@tdcenvironmental.com](mailto:kmoran@tdcenvironmental.com)

**BAPPG Budget FY19**

	<b>Budget</b>	<b>Description</b>
<b>Policy, Regulatory and Professional Training Support</b>	\$16,000	Hire consultant to provide professional training (dental mercury and copper), prepare comment letters and provide policy support (pesticides, pharmaceuticals, etc.)
<b>Media Consultant</b>	\$30,000	Hire media consultant to provide outreach and media support for priority pollutant campaigns
<b>Our Water Our World Program</b>	\$10,000	Funding for the Our Water Our World Integrated Pest Management Partnership with BASMAA
<b>Pesticide Regulatory Support (TDC)</b>	\$30,000	Hire consultant to track pesticide regulatory activities through the US EPA and CA Department of Pesticide Regulation, provide key points for comment letters, communicate with pesticide regulatory agencies and seek opportunities to prevent pollution at the source
<b>California Product Stewardship Council</b>	\$10,000	Provide BACWA/BAPPG representation to the California Product Stewardship Council. Near-term focus is establishing extended producer responsibility for pharmaceuticals.
<b>Website Consultant</b>	\$600	Hire consultant to provide website modifications to support media campaigns, as needed
<b><u>Other Projects</u></b>		
Unplanned Issues	\$3,400	Possible expenditures include media outreach, literature searches, website enhancement, training costs, etc.
<b>Total BAPPG Budget</b>	<b>\$100,000</b>	



## EXECUTIVE BOARD AUTHORIZATION REQUEST

AGENDA NO.: 6

FILE NO.: 19-11

MEETING DATE: June 15, 2018

**TITLE: Request for BACWA Executive Board Approval to Execute Agreement with O'Rorke, Inc. to Provide Support for BAPPG's FY19 Priority Pollutant Campaigns**

☐ RECEIPT      ☐ DISCUSSION      ☐ RESOLUTION      ☒ APPROVAL

### RECOMMENDED ACTION

Authorize the execution of an agreement with O'Rorke, Inc. to provide outreach and media support for priority pollutant campaigns in an amount not to exceed \$30,000 for FY19.

### SUMMARY

This agreement will provide support for public outreach, graphic design, media relations, and administrative support for placement and payment of advertising services for the Bay Area Pollution Prevention Group (BAPPG). The consultant will support BAPPG Project Leads in executing effective outreach messages and search for new opportunities to inspire behavior change in target groups that will result in reduced pollutant discharges to the wastewater stream in the Bay Area.

Outreach and media efforts will be carried out under the supervision of the project manager Robert C. Wilson with the City of Petaluma.

### FISCAL IMPACT

Funds are available for this agreement and have been allocated for this project within the BAPPG FY19 budget approved on April 20, 2018.

### ALTERNATIVES

1. Do not complete this work. This alternative is not recommended since this work was included in BAPPG's approved FY19 budget and will assist BACWA/BAPPG with executing effective outreach messages and search for new opportunities to inspire behavior change in target groups.
2. Select another consultant to conduct the work. This alternative is not recommended since BACWA conducted a competitive process which resulted in O'Rorke being selected as the most qualified media consultant.

*Attachments:* FY19 Agreement with O'Rorke  
O'Rorke's Scope of Work  
BAPPG FY19 Budget

Approved: \_\_\_\_\_  
Lori Schectel, Chair,  
BACWA Executive Board

Date: June 15, 2018

**BAY AREA CLEAN WATER AGENCIES**

**CONSULTING AGREEMENT**

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TO: Tracy Keough  
O'Rorke, Inc.  
55 Hawthorne Street, Suite 550  
San Francisco, CA 94105  
Tracy@ororkeinc.com  
(415) 543-1426

FROM: David Williams, Executive Director  
BACWA  
PO Box 24055, MS702  
Oakland, CA 94623  
dwilliams@bacwa.org  
Phone: 925-765-9616  
FAX: (510) 287-1351

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RE: BACWA Agreement for FY19 BAPPG, Outreach and Media Support for Priority Pollutant Campaigns.

This Agreement covers professional services to be performed by O'Rorke, Inc. in order to implement the FY19 BAPPG Outreach and Media Support for Priority Pollutant Campaigns. This work is described in the attached Scope of Work and under the direction of Robert C. Wilson of the City of Petaluma. The total cost of professional services to be performed by O'Rorke, Inc. is not to exceed \$30,000.00. This contract will be funded by the BACWA Budget under the BAPPG Committee line item.

**This agreement may be extended for up to four additional one-year terms upon approval of the BACWA Executive Board and an amendment to this agreement.**

This Agreement may be terminated by either party at any time for convenience with 30-day notice. In the event of termination by BACWA, BACWA shall pay O'Rorke, Inc. for professional and competent services rendered to the date of termination upon delivery of assigned work products to the BACWA.

O'Rorke, Inc. shall submit invoices to the Assistant Executive Director via e-mail. Invoices shall indicate hours associated with each task. EBMUD will pay O'Rorke, Inc. within thirty (30) days of receipt and approval of satisfactory O'Rorke, Inc. invoices.

E-mail: [shulll@bacwa.org](mailto:shulll@bacwa.org)

Approved:

By \_\_\_\_\_  
Lori Schectel  
Chair, BACWA Executive Board

By \_\_\_\_\_  
Tracy Keough  
O'Rorke, Inc.

Date: June 16, 2018

Date: June 15, 2018

BACWA EIN: 94-3389334



## **Overview**

This strategy is intended to provide structure to inform O'Rorke's outreach activities on behalf of the Bay Area Pollution Prevention Group for the 2018/19 fiscal year. Contractor shall seek written request to proceed prior to beginning each task or sub-task as it is anticipated priorities may change. Accordingly, at BAPPG staff's sole discretion, funding between tasks may be adjusted as needed to ensure maximum flexibility throughout the course of the fiscal year. In addition, at any time should staff determine that it is in BAPPG's best interest to focus on new or emerging pollutants not included in the list below, this scope may be adjusted to accommodate new tasks and either expand, reduce or eliminate existing tasks as needed. Deliverables for all tasks are to be determined pending final input from BAPPG staff.

### **Task 1: Toilets Aren't Trash Cans**

Contractor will implement regional educational outreach efforts to address a variety of pollutants that residents are disposing of incorrectly, including but not limited to Pharmaceuticals and Wipes. Both of these items can be addressed via the "Toilets Aren't Trash Cans" campaign. Any campaign elements will be developed so that BAPPG member agencies may take advantage of assets and repurpose them to conduct outreach in their own communities to supplement the broader efforts of the Contractor. Outreach could include but is not limited to media relations, advertising, material development or a combination of these methods, to be determined at the discretion of BAPPG staff.

### **Task 2: Fats, Oils & Grease**

Contractor will conduct regional outreach to educate residents about proper disposal of Fats, Oils & Grease (FOG). Outreach efforts may include continuing to work with Univision to book Spanish radio ads using ads developed and approved during FY 2016/17, or potentially other outreach tactics to ensure the FOG messages reach a broader audience. The campaign will be developed so that BAPPG member agencies may take advantage of assets and repurpose them to conduct outreach in their own communities to supplement the broader efforts of the Contractor.

### **Task 3: Pesticides**

Contractor will be prepared to conduct regional outreach to disseminate messages about less toxic alternatives to traditional flea and tick pesticides, as well as other emerging pesticides of concern. Outreach could include but is not limited to media relations, advertising, material development or a combination of these methods, to be determined at the discretion of BAPPG staff.

**Task 4: Graphic Design, Copywriting & Translations**

Contractor will provide as-needed graphic design, copywriting, content editing and/or translation services for BAPPG. Specific projects for the 2018-19 Fiscal Year include, but are not limited to, reviewing and editing the BAPPG 2017 Annual Report and reviewing and editing content for the Baywise.org website.

**Task 5: Project Management Support**

Contractor will provide ongoing project management and outreach strategy support, including but not limited to participating in meetings, leading strategy discussions, and providing general, as-needed assistance to the BAPPG Steering Committee.

**Total Budget not to exceed \$30,000**

Task 1 – Toilets Aren't Trash Cans	\$8,000
Task 2 – Fats, Oils & Grease	\$8,000
Task 3 – Pesticides	\$8,000
Task 4 – Graphic Design & Copywriting	\$3,000
Task 5 – Project Management Support	\$3,000

**O'Rorke Rates**

Tracy Keough, Managing Principal	\$180/hour
Emiko Hashisaki, Account Supervisor	\$162/hour
Julia Fishman, Media Buyer	\$162/hour
Connie Zhang, Account Manager	\$150/hour
Graphic Designer	\$150/hour
Production Artist	\$100/hour
O'Rorke Intern	Free

**BAPPG Budget FY19**

	<b>Budget</b>	<b>Description</b>
<b>Policy, Regulatory and Professional Training Support</b>	\$16,000	Hire consultant to provide professional training (dental mercury and copper), prepare comment letters and provide policy support (pesticides, pharmaceuticals, etc.)
<b>Media Consultant</b>	\$30,000	Hire media consultant to provide outreach and media support for priority pollutant campaigns
<b>Our Water Our World Program</b>	\$10,000	Funding for the Our Water Our World Integrated Pest Management Partnership with BASMAA
<b>Pesticide Regulatory Support (TDC)</b>	\$30,000	Hire consultant to track pesticide regulatory activities through the US EPA and CA Department of Pesticide Regulation, provide key points for comment letters, communicate with pesticide regulatory agencies and seek opportunities to prevent pollution at the source
<b>California Product Stewardship Council</b>	\$10,000	Provide BACWA/BAPPG representation to the California Product Stewardship Council. Near-term focus is establishing extended producer responsibility for pharmaceuticals.
<b>Website Consultant</b>	\$600	Hire consultant to provide website modifications to support media campaigns, as needed
<b><u>Other Projects</u></b>		
Unplanned Issues	\$3,400	Possible expenditures include media outreach, literature searches, website enhancement, training costs, etc.
<b>Total BAPPG Budget</b>	<b>\$100,000</b>	

## State Water Resources Control Board

### NOTICE OF OPPORTUNITY TO COMMENT

#### PROPOSED APPROVAL OF AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY BASIN (BASIN PLAN) TO ESTABLISH WATER QUALITY OBJECTIVES AND A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR DISSOLVED OXYGEN IN SUISUN MARSH AND TO AMEND THE SAN FRANCISCO BAY MERCURY TMDL TO INCLUDE SUISUN MARSH

**NOTICE IS HEREBY GIVEN THAT** the State Water Resources Control Board (State Water Board) will accept comments on the proposed approval of the San Francisco Bay Regional Water Quality Control Board's (San Francisco Bay Water Board's) amendment to the Water Quality Control Plan for the San Francisco Bay Basin to establish water quality objectives and a TMDL for dissolved oxygen in Suisun Marsh and add Suisun Marsh to water bodies being addressed by the San Francisco Bay Mercury TMDL. The Basin Plan amendment was adopted by the San Francisco Bay Water Board on April 11, 2018 (Resolution No. R2-2018-0015) and is available for review at:

[https://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/TMDLs/suisunmarsh\\_tmdl.html](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/suisunmarsh_tmdl.html)

A copy of the Basin Plan amendment can also be received by mail by contacting Barbara Baginska at (510) 622-2474 or [Barbara.Baginska@waterboards.ca.gov](mailto:Barbara.Baginska@waterboards.ca.gov).

**REQUEST NOTICE OF STATE BOARD MEETINGS.** The State Water Board will separately publish an agenda for the meeting at which it will consider adopting a resolution approving the Basin Plan amendment. Oral comments at the State Water Board meeting generally will be limited to a summary of the written comments submitted during the written comment period. Persons interested (including those who submit oral or written comments to the San Francisco Bay Water Board and the State Water Board) in receiving notice of the meeting at which the State Water Board will consider approving the Basin Plan amendment **must subscribe** to: [http://www.waterboards.ca.gov/resources/email\\_subscriptions/reg2\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/reg2_subscribe.shtml) and select "ALL Basin Planning/TMDL Notices and Information." The State Water Board encourages use of its electronic mailing list. Persons who require notice by regular mail must submit such request to the San Francisco Bay Water Board contact identified below.

**SUBMISSION OF WRITTEN COMMENTS.** Persons interested in the Basin Plan amendment are encouraged to submit comments electronically. Comment letters **must be received by 12:00 noon on June 25, 2018**. Comment letters received after that deadline will not be accepted unless the State Water Board determines otherwise. Send comments to Jeanine Townsend, Clerk to the State Water Board, by email at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) (**must be no more than 15 megabytes**); fax at (916) 341-5620; or mail or hand delivery at:

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)

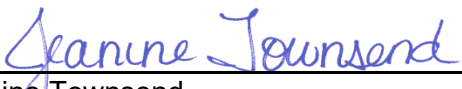
Please also indicate in the subject line, "**Comment Letter—Dissolved Oxygen and Mercury TMDL for Suisun Marsh**".

**REQUIREMENTS FOR SUBMITTING COMMENTS** (23 Cal. Code Regs., § 3779, subd. (f)).  
The State Water Board may refuse to accept any comments that do not satisfy all of the following requirements:

1. Comments must specifically address the final version of the Basin Plan amendment adopted by the San Francisco Bay Water Board.
2. If the San Francisco Bay Water Board previously responded to a similar or identical comment, the commenter must explain why and in what manner the commenter believes each of the responses provided by the San Francisco Bay Water Board to each comment was inadequate or incorrect.
3. The commenter also must include either a statement that each of the comments was timely raised before the San Francisco Bay Water Board or an explanation of why the commenter was unable to raise the specific comment before the San Francisco Bay Water Board.

Please direct any questions about this notice to Barbara Baginska at the San Francisco Bay Water Board, at (510) 622-2474 or [Barbara.Baginska@waterboards.ca.gov](mailto:Barbara.Baginska@waterboards.ca.gov); or Marnie Ajello, Staff Counsel at (916) 327-4439 or [Marnie.Ajello@waterboards.ca.gov](mailto:Marnie.Ajello@waterboards.ca.gov).

\_\_\_\_\_  
May 23, 2018  
Date

\_\_\_\_\_  
  
Jeanine Townsend  
Clerk to the Board

## **Nutrient Strategy Team Meeting**

**June 15, 2018**

**San Francisco Public Utilities Commission**

**12:30 pm – 3:00 pm**

(immediately following the BACWA Board Meeting)

1. Review of Key Tenets and Development of Permit Language
2. Recap of Discussion of at the May 18, 2018 NST Meeting.
3. Summary of Discussion of the Joint Meeting with the Water Board
4. Update and Discussion of Concepts Incorporating Previous Input for Incentivizing Early Actions
5. Concepts for the Regional Study
6. Summary of Consensus on Any of the Concepts for Incentivizing Early Actions and the Regional Study
7. Preparations for Next NST Meeting on July 20, 2018

# San Francisco Bay Nutrient Management Strategy (NMS)

## Steering Committee Meeting # 17

June 8, 2018

### Meeting Summary

#### Steering Committee Attendees

Organization	First	Last	Role	Present	Comments
BASMAA	Adam	Olivieri	Member		
	Tom	Hall	Alternate	X	
	Matt	Fabry	Alternate		
	Geoff	Brosseau	Alternate		
BACWA	Eileen	White	Member	X	
	Lori	Schechel	Alternate	X	
	Eric	Dunlavey	Member	X	
	Bhavani	Yerrapotu	Alternate		
Cal DFW	Becky	Ota	Member		
	Bill	Paznokas	Alternate		
Delta Stewardship Council	Rainer	Hoenicke	Alternate	X	
Napa County Farm Bureau	Jeff	Page	Member		
Interagency Ecological Program	Steve	Culberson	Member	X	
U.S. Geological Survey	Joe	Holomuzki	Member	X	
NOAA Fisheries	Joe	Dillon	Member	X	
	Melanie	Harrison	Alternate		
Regional San	Christoph	Dobson	Member		
	Lisa	Thompson	Alternate	X	on phone
San Francisco Baykeeper	Ian	Wren	Member	X	Program Coordinator Team
SFCWA	Lynda	Smith	Member	X	

	Frances	Brewster	Alternate		
	Stephanie	Fong	Alternate		
U.S. EPA	Terry	Fleming	Member	X	
	Luisa	Valiela	Alternate		
U.S. FWS	Leanna	Zweig	Member		
WSPA	Kevin	Buchan	Member		
	Mike	Armour	Alternate		
Central Valley Water Board	Adam	Laputz	Member	X	On phone
	Janis	Cooke	Alternate	X	
	Christine	Joab	Alternate		
SF Bay Water Board	Tom	Mumley	Member	X	
	Naomi	Feger	Alternate	X	
SB Salt Pond Restoration Project	John	Bourgeois	Member	X	
	Jared	Underwood	Alternate		

### **Additional Attendees**

David Williams, BACWA

David Senn, SFEI, Science Manager, Program Coordinator Team

Phil Trowbridge, SFEI Facilitator, Program Coordinator Team

Robert Schlipf, SF Bay Water Board

Barbara Baginska, SF Bay Water Board

Kevin Lunde, SF Bay Water Board

Yun Shang, EBMUD

SFEI Nutrient Science Program staff

- 
- 1 Welcome, Introductions and Agenda Review:** The Facilitator welcomed all attendees and introductions were made. The agenda was reviewed with no changes suggested.
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- 2 Decision Item: Approve Prior SC Meeting Summaries:** It was noted that in the March Meeting Summary, the Delta Science Program was incorrectly referred to as the Bay-Delta Science Enterprise. This will be corrected. **Approval: The Meeting Summary was then unanimously approved.**

*Materials:*

- *March 9, 2018 meeting summary*

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**3 Action items**

- **Update on action items from previous meetings** – The Action items from the previous meeting were reviewed. All but two had been completed. The Steering Committee (SC) request for a strategy on the integration of the Bay and Delta models was deferred since the new integrated modeling group is just being formed and the issue of publishing articles was on the agenda for further discussion today.

*Materials:*

- *Action Items Table*

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**4 Program Update:**

- **Welcome S. Culberson (IEP)** - The SC welcomed Steve Culberson who gave a brief overview of his work history and expertise
- **Charter revisions re: membership** – The Facilitator provided a brief overview of the changes to the Charter which will now allow others to request joining the SC versus previously the only avenue for expanding SC membership was by invitation of the Water Board Executive Officer.  
**Approval: The change was unanimously approved.**

- 
- **Update: Program, Financials** – The Science Manager (SM) reported that the core program was 90% expended while project expenses were at 70%. An annual progress report on the biogeochemical modeling project was also distributed to the SC. The SM reported he had met with stakeholders on how to investigate the impacts, before and after, of the Regional San treatment improvements.

The SM then presented a fairly in-depth discussion of staffing changes. Some key staff have decided to take other positions but efforts are underway to fill the vacancies. The SC recognized the challenges of keeping a large scientific program fully staffed and expressed their appreciation of the dedication of the SM.

- **Bay and Delta RMP update** – The SM reported that PCB and CEC monitoring was a priority for both programs. In addition, the Bay RMP will be considering spending \$540k on nutrient monitoring in the coming FY. The Delta RMP will fund nutrient modeling at \$186k and has asked the NMS to help fund calibration efforts for chl-a monitoring.

*Materials:*

- *Quarterly Financial Report and Program Update*
- *Proposed Charter Amendment*

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## **5 Decision: FY19 Program Plan & Budget Approval**

- **Presentation of proposed Core Program Plan** – Due to staffing changes, the SM proposed funding approval, on a limited basis, and using the summer to more fully develop the FY 19 budget. The limited approval consisted of funding key core program (C.1 thru C.5) and a few projects (P.1, 2 and 3) (see attached materials). The first requested
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approval was for \$1,391,393 to fund, from new revenues and reserves, core programs C.1 – C.5 and Projects P.1 and P.3. The SM provide a detailed discussion of the core programs and the two projects for which funds were being requested. A lively discussion ensued amongst the SC members and staff with several questions being raised and comments provided as follows:

- Q: Were some of the existing moored sensors being removed?
- R: Budget does not envision reducing stations
- C: Need to keep in mind the sustainability of the long term monitoring system
- Q: In C.2, is there interest in doing monitoring in Suisun Bay?
- R: No, not purchasing new instruments
- C: C.3 will allow testing hypothesis coming out of the monitoring effort
- Q: Is ocean monitoring getting into mission creep?
- C: For a few dollars more, we get to better understand the impacts on the ocean
- C: Support expressed for P.2 ocean monitoring outside of Golden Gate
- C: Support expressed for ocean monitoring since we can be part of a bigger effort for just \$100k
- C: P.2 helps with insight into ocean acidification
- C: A lot of nutrients already coming into the Gulf of the Farallons so hard to just turn on and off the POTW contributions
- C: Decisions by others could be made on the ocean issues if we are not at the table?
- Q: What is the timing on pledging NMS funds for P.2?
- Q: Can the NMS just write a check to UC Santa Cruz or do we need to provide staff?

- 
- R: We would need to recruit new staff
  - Q: What do we get for \$128k in P.2?
  - R: \$100k post doc salary plus w month of summer faculty support, but the scope is still under construction and we would want to help develop the scope
  - C: A key question is what is the impact on primary production
  - C: If NMS does not provide staff and funds, SCCWRP will certainly seek to be involved

After the lengthy discussion the motion was called for funding C.1 thru C.5 and P.1 and P.3. ***Approval: a motion and second was made and unanimously approved.***

The discussion then turned to the issue of funding P.2, quantifying the impacts of nutrient exports to coastal production. The SM again provide more detail on this project. A motion was made and seconded but a lengthy discussion followed:

- Q: How many years would the project take
- R: Two years
- C: Need to develop a clear scope of work
- Q: What will be the deliverables from the project?
- C: Perhaps delegate to the Planning Subcommittee (PS) to flush out the details for the project
- C: Scope should include the nutrient flux to and from the ocean
- C: The project does not entail a lot of money

The SC was generally in favor of the project but felt uncomfortable with the current level of detail on the scope of work and deliverables so the decision was made to have the PS work with SFEI staff to provide more detail and then put the vote on the

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motion and second to the SC via email. **Action item: PS to provide more detail on the scope of work and deliverables and send out for an email vote by the SC**

*Materials:*

- *FY19 Core Program Plan*
- *Joint Proposal for Chlorophyll Sensor Intercalibration Study between Delta RMP and NMS*

**Desired Outcome:**

- **Approve FY18 Program Plan, Core Science Program and 2 Projects**

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**Break**

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## **6 Presentation: Suisun Marsh DO TMDL**

- **Presentation and Q&A on Suisun Marsh Dissolved Oxygen TMDL (Barbara Baginska, R2 Water Board) –**  
The Water Board staff gave a presentation on the development of the DO TMDL for Suisun Marsh. The presentation focused on understanding the causes of low DO events, reviewing approaches to setting site specific objectives, recommendations on site specific objectives, calculating acute and chronic objectives and projecting what it would take to implement the TMDL. An expert panel was utilized in the effort and the Virginia Province methodology was selected as the most appropriate for setting objectives. The presentation will be provided on the SFEI NMS web site.

*Materials:*

- *TBD*
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## 7 Technical Update: Dissolved Oxygen in South Bay

- **Update on draft technical report and next steps** – The Facilitator made a presentation on characterizing DO related habitat quality in Lower South Bay. This effort also utilized an expert panel. The study found that low DO levels are found in the sloughs up to 40% of the time. The use of the GAMs is being considered but better fish data is needed. Several comments were received following the presentation:

C: Perhaps apply the Suisun Marsh DO SSOs and see what the results look like

C: Need to keep the approach simple to support a regulatory decision

C: The IEP is concerned about fish protection. Establishing DO-related impacts are difficult and need to decide if it matters much.

C: A key issue is the impact of nutrients as a contributor to the low DO

C: Need to identify what are sources of the oxygen demand

C: Better information on fish would be a benefit, problem to date has been the inability to get fish data other than at high tides

C: Just a lot of fish does not mean things are OK

### *Materials:*

- *Draft Report (will be distributed by mid-June)*
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**Lunch (provided)**

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## 8 Technical Update: Trends Detection via GAMs

- **Update on status of developing a trend detection tool using Generalized Additive Models.** - The Program Coordination Team (PCT) provided an overview of the use of the GAMs tool. More sophisticated tools can better inform impacts of multiple processes. The PCT plans on bringing in experts who have worked on the Chesapeake to help set up the model for trend analyses in the Bay. This effort will be revisited in the Nov/Dec timeframe.
- **Summary of expert input and next steps** - The PCT asked what level of involvement would be appropriate for the SC? The following comments were received:

C: Can react better when more information has been presented

C: Make sure that special separation is considered

Q: Can GAMs be used for forecasting?

R: Not at this time

C: Given the complexity of GAMs and understanding its capability, perhaps a lay-person's guide to GAMs could be prepared at a later date

***Action Item: the PCT will circulate a link to the GAMs presentation***

*Materials:*

- *March 28 Expert Meeting Summary*

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## 9 Technical Update: NMS Modeling Update

- **Overview of NMS modeling progress, important future directions** – The SM gave a presentation updating activities on the modeling efforts. He also reviewed the modeling

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related management questions what will need to be answered and showed results of recent model runs.

- **SC feedback** – The SC members asked several questions regarding the presentation and what the results mean

*Materials:*

- *none*

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## 10 Discussion Item: Review of NMS-funded research prior to publication

- **Update from Planning Subcommittee. No decision to be made.** – At the last SC meeting the PS was asked to develop some guidelines on publishing manuscripts that are prepared based on NMS funded research. The PS did indeed discuss the issue but decided that it might be a good first step to ask members of the SC what guidelines their respective organizations used in dealing with desires to publish research conducted with funds provided by their organizations. It was noted that academic partners often have problems if there is a mandate that manuscripts must be reviewed prior to publication. This question was then posed to the SC members. The following feedback was received:

- NMS: Currently there is no formal review process by the SC of technical documents intended to be published.
- RMP: Manuscripts are reviewed by the RMP SC prior to being submitted for publication
- SCCWRP: Manuscripts submitted for peer review are also distributed to SCCWRP for comments with the expectation that comments from SCCWRP will be



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incorporated when addressing the peer reviewer comments

- IEP: They use a different approach for technical reports versus manuscripts for publication. A lot of leeway is given to the scientists who were funded to do the work and generally IEP does not interfere but makes suggestions on technical concerns or concerns that the manuscript does not reflect the views of the organization.
- DSP: Depends on the type of publication. If it is a big synthesis, then it receives colleagues' reviews before submittal whereas if it is a product of a contract they try to keep stakeholders informed similar to the SCCWRP approach. They also use the SCCWRP approach if the work results from projects they helped to fund and the if staff was involved
- USGS: Generally uses the SCCWRP approach. Comments from peer reviewers need to be reconciled
- Salt Ponds: They generally fund applied research but the data obtained can be used for other scientific endeavors. They ask for review to ensure project is represented correctly and review manuscripts as a courtesy
- SFCWA: Uses a similar approach as the current NMS
- Regional San: They provide comments on the manuscript before it goes to peer review on any project that they have financially participated

The SC generally felt that media interest should be factored into the decision on review of documents before

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publication such as with the microplastic issue. If funded with tax payer dollars, then may want to show that a product was produced via a publication. If publicly funded, all products need to be available under an open science approach.

***Action Item: the PS will digest the various approaches and comments and come back with a recommended approach.***

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## **11 Other Business**

- **Updates from other activities:** Updates from SC members were provided as follows:
  - Delta Science Program stated that they will be issuing RFPs for upcoming scientific studies
  - EBMUD stated that they were contacted by Philadelphia on interest in the EPA sidestream treatment investigation
  - Delta Stewardship Council has formed an Integrated Delta Modeling Steering Committee which will look at the decision universe of stakeholder agencies and link decisions to various modeling efforts. The Steering Committee will help guide the process. A Delta Nutrient Research Group will assist in developing priorities for what is need in their Science Action Plan.

San Jose will be continuing their monitoring program which currently was set to end in December 2018. Dr. Hobbs may continue if funds are available

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- 12 Action Items and Wrap-up:** Action Items were reviewed along with the next meeting dates.

**Confirm next meeting date: September 14, 2018 @ SFEI**

**Following meeting: December 14, 2018 @ SFEI**

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**Adjourn**

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DRAFT

## Nutrient Management Steering Committee (as of June 8, 2018)

Organization #	Organization	First	Last	Role
1	BASMAA	Adam	Olivieri	Member
		Tom	Hall	Alternate
		Matt	Fabry	Alternate
		Geoff	Brosseau	Alternate
2	BACWA	Eileen	White	Member
		Lori	Schectel	Alternate
3	BACWA	Eric	Dunlavey	Member
		Bhavani	Yerrapotu	Alternate
4	Cal DFW	Becky	Ota	Member
		Bill	Paznokas	Alternate
5	Delta Stewardship Council	Rainer	Hoenicke	Member
6	Napa County Farm Bureau	Jeff	Page	Member
7	U.S. Geological Survey	Joe	Holomuzki	Member
8	NOAA Fisheries	Joe	Dillon	Member
		Melanie	Harrison	Alternate
9	Regional San	Christoph	Dobson	Member
		Lisa	Thompson	Alternate
10	San Francisco Baykeeper	Ian	Wren	Member
11	SFCWA	Lynda	Smith	Member
		Frances	Brewster	Alternate
		Stephanie	Fong	Alternate
12	U.S. EPA	Terry	Fleming	Member
		Luisa	Valiela	Alternate
13	U.S. FWS	Leanna	Zweig	Member
14	WSPA	Kevin	Buchan	Member
		Mike	Armour	Alternate
15	Central Valley Water Board	Adam	Laputz	Member
		Janis	Cooke	Alternate
		Christine	Joab	Alternate
16	SF Bay Water Board	Tom	Mumley	Member
		Naomi	Feger	Alternate
17	SB Salt Pond Restoration Project	John	Bourgeois	Member
		Jared	Underwood	Alternate
18	Interagency Ecological Program	Steve	Culberson	Member

## Joint BACWA/Regional Water Board staff Meeting Summary

March 2, 2018, 10am-12pm

### Attendees:

Eileen White, EBMUD  
Amit Mutsuddy, San Jose  
David Williams, BACWA  
Lorien Fono, BACWA  
Laura Pagano, SFPUC  
Lori Schectel, CCCSD

Jackie Zipkin, EBDA  
Tom Hall, EOA  
Robert Schlipf, Regional Water Board  
Lisa McCann, Regional Water Board  
Tom Mumley, Regional Water Board  
Bruce Wolfe, Regional Water Board  
Bill Johnson, Regional Water Board

### 1. Introductions

### 2. Nutrients

- a. **Optimization/Upgrade Studies** – On May 31, BACWA hosted a workshop for members to review the main body of the Optimization Upgrade study report. The report is being finalized with the comments received, and will be submitted to the Regional Water Board by the July 1 deadline. Some POTWs are uncomfortable signing the certification letters for their facility reports, but BACWA is continuing outreach to explain why the letters are necessary. BACWA will develop a 4-6 page summary of the Optimization and Upgrade studies that can be shared with governing boards, and will also provide this to the Regional Water Board. BACWA will provide a workshop to walk Regional Water Board staff through the report. BACWA offered to provide support to Regional Water Board staff as they prepare a presentation to their Board on the Optimization/Upgrade studies.
- b. **Advance in funding for NMS** - The Science Program Manager has requested an advance of funds in support of scientific studies prior to adoption of the second watershed permit. This will help them hire staff for their projects in time to manage the science plan in a timely manner. BACWA has approved this advance, and will deliver the funds after the Science Program Manager brings a proposal to the Board.
- c. **Second Watershed Permit** – BACWA hosted a Nutrient Strategy Team meeting on May 18. Attendees wanted to pursue the concept of banking credit for early actions that could be used as an offset against their future loads that exceed future limits, or for trading to other POTWs to provide offsets to their load limits. The baseline against which these credits would be measured is still to be determined. Regional Water Board staff were open to this approach, and considered how this could be implemented in the Watershed Permit, and eventually via a Basin Plan amendment. If there was a need for a sharp decrease in nutrient emissions, this would need to be implemented by a CDO or TSO, and credits could be incorporated as part of those concepts. They also considered how use of credits in the future could be curtailed if there was a need to reduce nutrient emissions due to concerns about the health of the Bay. BACWA will provide a write-up of the credit banking concept to Share with the Water Board.

### **3. Climate Change**

The Water Board has asked their staff to identify what can be done with the regulated community. So far the focus has been on short terms steps. Staff plans on documenting all that they are doing to address Climate Change i.e. efforts to ensure shoreline resiliency. The SWRCB may issue 13267 orders to all wastewater entities requesting feedback on what they are doing to address Climate Change. Collection systems may also be asked to provide information.

### **4. Chlorine Residual Basin Plan Amendment**

EOA is refining estimates of sodium bisulfite use and getting a better understanding of how agencies develop their dosing protocols. By the end of the summer, they would like to have an agreement with the Regional Water Board on how to implement new water quality based effluent limits, including averaging periods, and how to use DNQ results in calculating compliance.

### **5. Triennial Review**

BACWA provided a draft comment letter on the Triennial Review for discussion. BACWA asked about the likelihood that the new Beneficial Uses would be designated this cycle. That project will likely not rank highly because of the technical difficulties in implementation. There has been some discussion about designating the uses now and establishing an implementation plan later, but this may not be feasible. Regional Water Board staff have a list of items to improve clarity and consistency in the Basin Plan, and BACWA will incorporate those into their comments.

### **6. SSS WDR**

The State Water Board progress on the SSS WDR update has stalled due to staffing issues. Regional Water Board staff will attend BACWA's next Collection Systems committee meeting to discuss their position.

### **7. Recycled Water Policy**

There was a discussion about the draft amendments to the Recycled Water Policy that would terminate 96-011 one year after the adoption of the Policy. Region 2 does not have resources to review engineering reports to ensure consistency with the State General Order, and would support an automatic transition with engineering report review to take place afterwards. Regional Water Board staff also encouraged BACWA to work with State Water Board staff on a recycled water reporting database that would preferably be integrated with CIWQS.

### **8. Risk Reduction**

BACWA proposes to renew the grants to the two community-based organizations that performed the risk reduction work for the previous permit terms. BACWA will share its request for proposals with the Regional Water Board to make sure there is agreement on milestones.

### **9. CECS**

The Regional Water Board has requested that BACWA develop a White Paper that would help the RMP identify representative POTWs to participate in CECs studies. BACWA will develop an outline to share with the Regional Water Board and RMP staff.

## **ADJOURNMENT**

# Memo

To: FWQC Members  
Cc: B&T Water Team  
From: Fredric P. Andes  
Date: May 15, 2018  
Re: Updated FWQC Issues Matrix – And Scheduling of Matrix Calls

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Well, it's about time for our next set of FWQC matrix calls. We have updated the issues matrix - attached. We would now like to set up the calls, in which we will review and discuss each of the issues in the matrix, as well as any other issues that you all would like to bring up. We are looking to have the calls during the week of May 29 – June 1 or the week of June 4 - 8. If we can find one time that works for most members, we'll do that, but if needed (and it usually is), we will set two times, so you can choose which works best for you. Please click on this Doodle link, to let us know which times are OK: <https://doodle.com/poll/yuxghz568dt7bnks> . (Note: The Doodle poll page should specify the time zone.) Once we review the responses, we will send out another note, with the final dates/times.

As always, please feel free to call or e-mail if you have any questions. Thanks.

P.S. Here is a link to this note on the FWQC web site:  
<http://fwqc.org/members/DocumentLibrary/Updated%20FWQC%20Issues%20Matrix%20%20Scheduling%20of%20Matrix%20Calls.htm> .

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# FEDERAL WATER QUALITY COALITION

## ACTIVE PRIORITY PROJECTS AS OF 5/14/18

	PROJECT	DESCRIPTION	STATUS	TASKS/DEADLINES
<b>STANDARDS ISSUES</b>				
1	<b>Revisions to Selenium Criteria</b>	EPA developing new recommended aquatic life criteria for selenium, and implementation guidance	<ul style="list-style-type: none"> <li>• EPA issued new draft criteria document on 5/14/14 – <a href="http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2004-0019-0247">http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2004-0019-0247</a></li> <li>• FWQC filed comments on 6/13/14 - <a href="http://fwqc.org/members/DocumentLibrary/FWQC%20Comments%20on%20Selenium%20Criteria.htm">http://fwqc.org/members/DocumentLibrary/FWQC%20Comments%20on%20Selenium%20Criteria.htm</a></li> <li>• New draft criteria issued for comment 7/27/15 – <a href="http://www.epa.gov/wqc/aquatic-life-criterion-selenium">http://www.epa.gov/wqc/aquatic-life-criterion-selenium</a></li> <li>• FWQC comments submitted 10/13/15 – <a href="http://fwqc.org/members/DocumentLibrary/fwqcseleiumcomments101315.pdf">http://fwqc.org/members/DocumentLibrary/fwqcseleiumcomments101315.pdf</a></li> <li>• Supplemental FWQC comments submitted 10/30/15 – <a href="http://fwqc.org/members/DocumentLibrary/fwqcseleiumsupplementalcomments103015.pdf">http://fwqc.org/members/DocumentLibrary/fwqcseleiumsupplementalcomments103015.pdf</a></li> <li>• Final criteria issued 7/13/16 - <a href="https://www.gpo.gov/fdsys/pkg/FR-2016-07-13/pdf/2016-16585.pdf">https://www.gpo.gov/fdsys/pkg/FR-2016-07-13/pdf/2016-16585.pdf</a></li> <li>• Draft implementation guidance issued for comment 10/13/16 - <a href="https://www.epa.gov/wqc/draft-technical-support-materials-epas-aquatic-life-ambient-water-quality-criterion-selenium">https://www.epa.gov/wqc/draft-technical-support-materials-epas-aquatic-life-ambient-water-quality-criterion-selenium</a></li> <li>• FWQC comments submitted 2/10/17 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Selenium%20Guidance.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Selenium%20Guidance.htm</a></li> <li>• FWQC met with EPA staff on 3/22/17 to discuss comments</li> <li>• FWQC developed proposed permitting flow charts for new and existing discharges, and presented those in a meeting with EPA staff on 12/13/17 - <a href="http://fwqc.org/members/DocumentLibrary/Details%20for%20Dec.%2013%20EPA%20Meeting%20re%20Selenium%20Permitting%20%20Issues.htm">http://fwqc.org/members/DocumentLibrary/Details%20for%20Dec.%2013%20EPA%20Meeting%20re%20Selenium%20Permitting%20%20Issues.htm</a></li> <li>• FWQC flow charts have been distributed to members, for use in dealing with State agencies on selenium permitting issues</li> <li>• EPA has indicated that finalizing selenium guidance is not a high priority, and is unlikely to occur in near future</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor EPA activity on selenium guidance</li> <li>• Assess State activity on selenium permitting issues, and determine if action needed beyond use of FWQC flow charts by members</li> </ul>

## FEDERAL WATER QUALITY COALITION

### ACTIVE PRIORITY PROJECTS AS OF 5/14/18

2	<b>Human Health Exposure Assessment Guidelines</b>	EPA is updating its Guidelines for Human Exposure Assessment, which affect how EPA develops human health water quality standards	<ul style="list-style-type: none"> <li>• EPA issued draft update of human exposure assessment guidelines on 1/7/16- <a href="http://www.epa.gov/osa/guidelines-human-exposure-assessment">http://www.epa.gov/osa/guidelines-human-exposure-assessment</a></li> <li>• FWQC filed comments on 3/22/16 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Human%20Exposure%20Assessment%20Guidelines.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Human%20Exposure%20Assessment%20Guidelines.htm</a></li> <li>• FWQC met with EPA staff on 6/27/16 to discuss comments</li> </ul>	<ul style="list-style-type: none"> <li>• Review final guidance when issued, and consider next steps</li> </ul>
3	<b>Aluminum Criteria</b>	EPA working on draft revisions to its aquatic life water quality criteria for aluminum	<ul style="list-style-type: none"> <li>• Draft aluminum criteria issued on 7/28/17 - <a href="http://fwqc.org/members/DocumentLibrary/aluminumfedregnotice092817.pdf">http://fwqc.org/members/DocumentLibrary/aluminumfedregnotice092817.pdf</a></li> <li>• FWQC comments filed on 10/26/17- <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20New%20EPA%20Aluminum%20Criteria.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20New%20EPA%20Aluminum%20Criteria.htm</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor EPA activity; assess final criteria if and when issued</li> </ul>
4	<b>Revisions to Water Quality Standard Regulation</b>	EPA considering changes to Federal rules governing development of State water quality standards	<ul style="list-style-type: none"> <li>• EPA proposed rule issued on 9/4/13 – <a href="http://www.gpo.gov/fdsys/pkg/FR-2013-09-04/pdf/2013-21140.pdf">http://www.gpo.gov/fdsys/pkg/FR-2013-09-04/pdf/2013-21140.pdf</a></li> <li>• FWQC filed comments on 1/2/14 - <a href="http://fwqc.org/members/DocumentLibrary/fwqcwaterqualitystandardscomments010214.pdf">http://fwqc.org/members/DocumentLibrary/fwqcwaterqualitystandardscomments010214.pdf</a></li> <li>• Final rule issued 8/21/15 - <a href="http://www.epa.gov/wqs-tech/final-rulemaking-update-national-water-quality-standards-regulation">http://www.epa.gov/wqs-tech/final-rulemaking-update-national-water-quality-standards-regulation</a></li> </ul>	<ul style="list-style-type: none"> <li>• Consider possible responses to final rule</li> <li>• Monitor implementation of final rule in State standards actions</li> </ul>
5	<b>Cadmium Criteria</b>	EPA developing revised aquatic life criteria recommendations for cadmium	<ul style="list-style-type: none"> <li>• EPA draft revised cadmium criteria issued 12/1/15 - <a href="https://www.federalregister.gov/articles/2015/12/01/2015-30493/request-for-scientific-views-on-the-draft-recommended-aquatic-life-ambient-water-quality-criteria">https://www.federalregister.gov/articles/2015/12/01/2015-30493/request-for-scientific-views-on-the-draft-recommended-aquatic-life-ambient-water-quality-criteria</a></li> <li>• Final criteria issued 4/4/16 - <a href="https://www.epa.gov/wqc/aquatic-life-criteria-cadmium#2016">https://www.epa.gov/wqc/aquatic-life-criteria-cadmium#2016</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor State actions adopting criteria, and possible NGO challenges to criteria based on ESA grounds</li> </ul>
6	<b>Biotic Ligand Model Guidance</b>	EPA developing guidance as to default values to use in Biotic Ligand Model to develop water quality standards for metals if data on some parameters not available	<ul style="list-style-type: none"> <li>• Draft guidance issued 2/16/16 - <a href="http://fwqc.org/members/DocumentLibrary/EPA%20Notice%20on%20Draft%20Guidance%20for%20Use%20of%20Biotic%20Ligand%20Model.htm">http://fwqc.org/members/DocumentLibrary/EPA%20Notice%20on%20Draft%20Guidance%20for%20Use%20of%20Biotic%20Ligand%20Model.htm</a></li> <li>• FWQC filed comments on 4/18/16 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20Biotic%20Ligand%20Guidance.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20Biotic%20Ligand%20Guidance.htm</a></li> </ul>	<ul style="list-style-type: none"> <li>• Review final guidance when issued, and consider next steps</li> </ul>

## FEDERAL WATER QUALITY COALITION

### ACTIVE PRIORITY PROJECTS AS OF 5/14/18

7	<b>Conductivity Standards</b>	EPA developing stringent recommended water quality criteria for conductivity, for application nationally	<ul style="list-style-type: none"> <li>• On 4/12/10, EPA issued notice asking for comment on draft technical report concerning conductivity aquatic life benchmark for Appalachian region</li> <li>• FWQC comments submitted 9/3/10 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Conductivity%20Comments.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Conductivity%20Comments.htm</a></li> <li>• SAB review issued on 3/25/11 - <a href="http://yosemite.epa.gov/sab/sabproduct.nsf/c91996cd39a82f648525742400690127/EEDF20B88AD4C6388525785E007331F3/\$File/EPA-SAB-11-006-unsigned.pdf">http://yosemite.epa.gov/sab/sabproduct.nsf/c91996cd39a82f648525742400690127/EEDF20B88AD4C6388525785E007331F3/\$File/EPA-SAB-11-006-unsigned.pdf</a></li> <li>• Final EPA report issued 5/27/11 - <a href="http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=233809">http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=233809</a></li> <li>• On 7/31/12, Federal district court for DC ruled that EPA action in issuing Appalachian conductivity guidance violated the CWA - <a href="http://www.cnsenvironmentallaw.com/2012/08/02/show_public_doc.pdf">http://www.cnsenvironmentallaw.com/2012/08/02/show_public_doc.pdf</a> ; decision was appealed to D.C. Circuit</li> <li>• On 7/11/14, D.C. Circuit ruled that the EPA guidance was not final agency action, so it overturned initial decision and dismissed industry challenge to that guidance - <a href="https://www.cadc.uscourts.gov/internet/opinions.nsf/D5A1E3CCCB95AABC85257D12004EF5D9/\$file/12-5310-1502014.pdf">https://www.cadc.uscourts.gov/internet/opinions.nsf/D5A1E3CCCB95AABC85257D12004EF5D9/\$file/12-5310-1502014.pdf</a></li> <li>• On 12/23/16, EPA issued draft national conductivity guidance - <a href="https://www.epa.gov/wqc/draft-field-based-methods-developing-aquatic-life-criteria-specific-conductivity">https://www.epa.gov/wqc/draft-field-based-methods-developing-aquatic-life-criteria-specific-conductivity</a></li> <li>• FWQC comments submitted on 4/25/17 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Conductivity%20Comments.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Conductivity%20Comments.htm</a></li> <li>• EPA has indicated that taking further action on conductivity guidance is a low priority, and that no action is expected in near future</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor activity at EPA and in States on conductivity issues, including on water quality standards, TMDLs and permits</li> </ul>
8	<b>Chloride Criteria</b>	EPA developing recommended aquatic life criteria for chloride	<ul style="list-style-type: none"> <li>• EPA developing new criteria guidance for chloride, which are expected to be similar to Iowa standards, sulfate and hardness-dependent</li> <li>• Not determined when EPA will issue draft criteria for comment</li> </ul>	<ul style="list-style-type: none"> <li>• Review draft guidance when issued and consider drafting comments</li> <li>• Consider whether to recommend to EPA that it move ahead to issue this guidance for comment</li> </ul>

## FEDERAL WATER QUALITY COALITION

### ACTIVE PRIORITY PROJECTS AS OF 5/14/18

9	<b>EPA Human Health Criteria Guidance</b>	EPA developing revised criteria guidance for use by States in developing human health water quality standards based on fish consumptions	<ul style="list-style-type: none"> <li>FWQC has submitted issue papers to EPA regarding human health criteria issues - <a href="http://fwqc.org/members/DocumentLibrary/%20Details%20on%20Feb.%207%20Meeting%20with%20EPA%20on%20Fish%20Consumption%20Rates.htm">http://fwqc.org/members/DocumentLibrary/%20Details%20on%20Feb.%207%20Meeting%20with%20EPA%20on%20Fish%20Consumption%20Rates.htm</a></li> <li>EPA issued draft revised human health criteria guidance on 5/13/14 – <a href="http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2014-0135-0007">http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2014-0135-0007</a></li> <li>FWQC submitted comments on 8/13/14 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Human%20Health%20Criteria%20Proposal.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Human%20Health%20Criteria%20Proposal.htm</a></li> <li>EPA issued final guidance on 6/29/15 - <a href="http://www.epa.gov/wqc/national-recommended-water-quality-criteria-human-health-criteria-table">http://www.epa.gov/wqc/national-recommended-water-quality-criteria-human-health-criteria-table</a></li> </ul>	<ul style="list-style-type: none"> <li>Monitor State and EPA actions on human health standards, and consider filing FWQC comments when appropriate</li> <li>Continue discussions with ACWA and State agencies about cooperation in addressing concerns re fish consumption standards</li> </ul>
10	<b>State Human Health Standards</b>	States developing revised human health water quality standards based on fish consumption; EPA reviewing State proposals to determine if they will be approved or disapproved under CWA	<ul style="list-style-type: none"> <li>In several States, including Maine, Washington and Idaho, EPA has indicated that the State's human health standards are not stringent enough - <a href="http://fwqc.org/members/DocumentLibrary/State%20Fish%20Consumption%20Standards%20-%20Need%20for%20Call.htm">http://fwqc.org/members/DocumentLibrary/State%20Fish%20Consumption%20Standards%20-%20Need%20for%20Call.htm</a> and <a href="http://fwqc.org/members/DocumentLibrary/idahoepaletter052915.pdf">http://fwqc.org/members/DocumentLibrary/idahoepaletter052915.pdf</a></li> <li>On 6/19/15, FWQC met with EPA staff to discuss concerns about EPA approach on human health standards – summary of meeting at <a href="http://fwqc.org/members/DocumentLibrary/Summary%20of%20Meeting%20with%20EPA%20on%20Human%20Health%20Standards%20-%20and%20July%202%20Call.htm">http://fwqc.org/members/DocumentLibrary/Summary%20of%20Meeting%20with%20EPA%20on%20Human%20Health%20Standards%20-%20and%20July%202%20Call.htm</a></li> <li>On 7/7/15, FWQC sent letter to EPA following up on issues discussed at 6/19/15 meeting - <a href="http://fwqc.org/members/DocumentLibrary/Final%20Letter%20to%20EPA%20re%20Human%20Health%20Standards.htm">http://fwqc.org/members/DocumentLibrary/Final%20Letter%20to%20EPA%20re%20Human%20Health%20Standards.htm</a></li> <li>Further activities listed below for EPA actions in specific States</li> </ul>	<ul style="list-style-type: none"> <li>Continue to monitor State actions on proposed human health standards and EPA actions to approve or disapprove; file comments and consider other actions as appropriate</li> </ul>
11	<b>Guidance on Variances</b>	EPA is developing guidance on issuance of multi-discharger variances based on economic groups	<ul style="list-style-type: none"> <li>EPA has convened a panel of economic experts, to provide assistance in developing guidance on economic variances issued for multiple discharges - <a href="http://fwqc.org/members/DocumentLibrary/ExtendedExpanded%20Opportunity%20for%20FWQC%20Input%20into%20EPA%20Guidance%20on%20Economic%20Variances.htm">http://fwqc.org/members/DocumentLibrary/ExtendedExpanded%20Opportunity%20for%20FWQC%20Input%20into%20EPA%20Guidance%20on%20Economic%20Variances.htm</a></li> <li>On 11/3/16, the FWQC economic work group had a conference call with the EPA expert panel to provide input on variance challenges for dischargers</li> </ul>	<ul style="list-style-type: none"> <li>Review draft guidance if and when issued, and develop comments</li> </ul>

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12	<b>Human Health Standards for Washington State</b>	EPA and State agency developing new human health standards for use in WA State	<ul style="list-style-type: none"> <li>• EPA issued proposed criteria for Washington State on 9/14/15 – <a href="http://www.gpo.gov/fdsys/pkg/FR-2015-09-14/pdf/2015-22592.pdf">http://www.gpo.gov/fdsys/pkg/FR-2015-09-14/pdf/2015-22592.pdf</a></li> <li>• FWQC comments on EPA WA proposal submitted 12/28/15 – <a href="http://fwqc.org/members/DocumentLibrary/fwqcwashcomments122815.pdf">http://fwqc.org/members/DocumentLibrary/fwqcwashcomments122815.pdf</a> and (with other organizations) – <a href="http://fwqc.org/members/DocumentLibrary/groupwashcomments122815.pdf">http://fwqc.org/members/DocumentLibrary/groupwashcomments122815.pdf</a></li> <li>• WA State issued its own proposed human health standards on 2/1/16 – <a href="http://lawfileext.leg.wa.gov/law/wsr/2016/05/16-04-092.htm">http://lawfileext.leg.wa.gov/law/wsr/2016/05/16-04-092.htm</a></li> <li>• FWQC comments on WA State proposal submitted 4/22/16 – <a href="http://fwqc.org/members/DocumentLibrary/fwcqwashecologyfishcomments0422156.pdf">http://fwqc.org/members/DocumentLibrary/fwcqwashecologyfishcomments0422156.pdf</a></li> <li>• This issue was included in FWQC meeting with EPA on 10/14/16 regarding fish consumption issues – <a href="http://fwqc.org/members/DocumentLibrary/Final%20Slides%20and%20MeetingCall%20Details%20for%20Oct.%2014%20EPA%20Meeting%20on%20Fish%20Consumption%20Standards.htm">http://fwqc.org/members/DocumentLibrary/Final%20Slides%20and%20MeetingCall%20Details%20for%20Oct.%2014%20EPA%20Meeting%20on%20Fish%20Consumption%20Standards.htm</a></li> <li>• FWQC sent letter to EPA (with Northwest Pulp &amp; Paper Association) on 11/10/16 – <a href="http://fwqc.org/members/DocumentLibrary/washstateepaletter111016.pdf">http://fwqc.org/members/DocumentLibrary/washstateepaletter111016.pdf</a></li> <li>• EPA issued final standards for WA State on 11/28/16 – <a href="https://www.regulations.gov/document?D=EPA-HQ-OW-2015-0174-0292">https://www.regulations.gov/document?D=EPA-HQ-OW-2015-0174-0292</a></li> <li>• Affected parties in WA State have asked EPA to reconsider decision</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor EPA activity with regard to petition for reconsideration</li> </ul>
13	<b>Human Health Standards for Idaho</b>	State agency developing new human health standards for use in Idaho, and EPA reviewing standards for approval or disapproval	<ul style="list-style-type: none"> <li>• Draft Idaho criteria issued by State DEQ on 10/7/15 – <a href="#">Proposed Rule and Notice</a></li> <li>• FWQC comments on Idaho proposal submitted 11/6/15 – <a href="http://fwqc.org/members/DocumentLibrary/fwqcidahocomments110615.pdf">http://fwqc.org/members/DocumentLibrary/fwqcidahocomments110615.pdf</a></li> <li>• Final Idaho rule adopted, and submitted to EPA 12/13/16 – <a href="http://www.deq.idaho.gov/58-0102-1201">http://www.deq.idaho.gov/58-0102-1201</a></li> <li>• EPA issues letter stating concerns regarding Idaho rule 1/19/17 – <a href="http://fwqc.org/members/DocumentLibrary/idahohumanhealthletterepa011917.pdf">http://fwqc.org/members/DocumentLibrary/idahohumanhealthletterepa011917.pdf</a></li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor EPA activity as to approval of Idaho standards; consider next steps as needed</li> </ul>

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14	<b>Human Health Standards for Maine</b>	EPA developing new human health standards for use in Maine	<ul style="list-style-type: none"> <li>• EPA issued proposed criteria for Maine on 4/20/16 - <a href="https://www.federalregister.gov/articles/2016/04/20/2016-09025/proposal-of-certain-federal-water-quality-standards-applicable-to-maine?utm_campaign=subscription+mailing+list&amp;utm_medium=email&amp;utm_source=federalregister.gov">https://www.federalregister.gov/articles/2016/04/20/2016-09025/proposal-of-certain-federal-water-quality-standards-applicable-to-maine?utm_campaign=subscription+mailing+list&amp;utm_medium=email&amp;utm_source=federalregister.gov</a></li> <li>• FWQC comments on proposed Maine standards submitted 6/20/16 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Proposed%20Fish%20Consumption%20Standards%20for%20Maine.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Proposed%20Fish%20Consumption%20Standards%20for%20Maine.htm</a></li> <li>• On 12/19/16, EPA issued final Maine standards: <a href="https://www.epa.gov/wqs-tech/promulgation-certain-federal-water-quality-standards-applicable-maine">https://www.epa.gov/wqs-tech/promulgation-certain-federal-water-quality-standards-applicable-maine</a></li> <li>• Maine Attorney General filed case challenging EPA disapproval of Maine standards, and FWQC has filed an amicus brief supporting State - <a href="http://fwqc.org/members/DocumentLibrary/fwqcmaineamicusbrief030218.pdf">http://fwqc.org/members/DocumentLibrary/fwqcmaineamicusbrief030218.pdf</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor court action as to State litigation; consider next steps</li> </ul>
15	<b>EPA Fish Consumption Survey Guidance</b>	EPA developing guidance on how States should conduct fish consumption surveys in development of human health standards	<ul style="list-style-type: none"> <li>• Draft guidance issued 7/21/16 - <a href="http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Draft%20Guidance%20on%20Fish%20Consumption%20and%20Suppression%20Effect.htm">http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Draft%20Guidance%20on%20Fish%20Consumption%20and%20Suppression%20Effect.htm</a></li> <li>• FWQC submitted comments 9/13/16 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Guidance%20on%20Fish%20Consumption%20and%20Suppression%20Effect.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Guidance%20on%20Fish%20Consumption%20and%20Suppression%20Effect.htm</a></li> <li>• FWQC met with EPA staff on 10/14/16 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20Slides%20and%20MeetingCall%20Details%20for%20Oct.%202014%20EPA%20Meeting%20on%20Fish%20Consumption%20Standards.htm">http://fwqc.org/members/DocumentLibrary/Final%20Slides%20and%20MeetingCall%20Details%20for%20Oct.%202014%20EPA%20Meeting%20on%20Fish%20Consumption%20Standards.htm</a></li> <li>• Final guidance issued 12/20/16 - <a href="https://www.epa.gov/fish-tech/epa-guidance-developing-fish-advisories">https://www.epa.gov/fish-tech/epa-guidance-developing-fish-advisories</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor EPA and State activity as to fish consumption issues and use of EPA guidance; assess possible next steps</li> </ul>
16	<b>Copper Criteria for Estuarine/Marine Waters</b>	EPA revising copper aquatic life criteria for estuarine and marine waters	<ul style="list-style-type: none"> <li>• Draft criteria issued 8/11/16 - <a href="http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Draft%20Copper%20Criteria%20for%20EstuarineMarine%20Waters.htm">http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Draft%20Copper%20Criteria%20for%20EstuarineMarine%20Waters.htm</a></li> <li>• FWQC comments submitted 9/27/16 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Copper%20Criteria%20for%20EstuarineMarine%20Waters.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Copper%20Criteria%20for%20EstuarineMarine%20Waters.htm</a></li> </ul>	<ul style="list-style-type: none"> <li>• Review final criteria when issued and consider possible responses</li> </ul>

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17	<b>Nutrient Criteria &amp; Guidance</b>	EPA working with States in development of aquatic life criteria for nutrients	<ul style="list-style-type: none"> <li>• EPA has issued guidance on a recommended framework for State nutrient reductions (initially issued in March 2011, updated in Sept 2016) - <a href="https://www.epa.gov/nutrient-policy-data/working-partnership-states-address-phosphorus-and-nitrogen-pollution-through">https://www.epa.gov/nutrient-policy-data/working-partnership-states-address-phosphorus-and-nitrogen-pollution-through</a></li> <li>• In Sept 2013, EPA issued guidance on an approach to numeric nutrient criteria that integrates causal and response parameters - <a href="http://www2.epa.gov/sites/production/files/2013-09/documents/guiding-principles.pdf">http://www2.epa.gov/sites/production/files/2013-09/documents/guiding-principles.pdf</a></li> <li>• EPA has issued toolkit of resources to be used by States in developing numeric nutrient criteria - <a href="http://www2.epa.gov/nutrient-policy-data/toolkit-resources-provide-states-flexibility-adopting-and-implementing-numeric">http://www2.epa.gov/nutrient-policy-data/toolkit-resources-provide-states-flexibility-adopting-and-implementing-numeric</a></li> <li>• Association of Clean Water Administrators (ACWA) has also issued toolkit of nutrient criteria resources - <a href="http://www.acwa-us.org/#!/nutrients-toolkit">http://www.acwa-us.org/#!/nutrients-toolkit</a></li> <li>• FLORIDA: EPA has approved Florida DEP's numeric nutrient standards for some waters - <a href="http://www.dep.state.fl.us/water/wqssp/nutrients/">http://www.dep.state.fl.us/water/wqssp/nutrients/</a>; State and EPA actions have been challenged in court and upheld; appeals pending</li> <li>• MONTANA: State developed a nutrient standards rulemaking package that includes state-wide nutrient variances – <a href="http://deq.mt.gov/Water/WQPB/standards/numericnutrientcriteria">http://deq.mt.gov/Water/WQPB/standards/numericnutrientcriteria</a> ; On 2/26/15 , EPA issued a letter to Montana approving the State actions - <a href="http://deq.mt.gov/Portals/112/Water/WQPB/Standards/PDF/MT_NutrientRulesActionLTR.pdf">http://deq.mt.gov/Portals/112/Water/WQPB/Standards/PDF/MT_NutrientRulesActionLTR.pdf</a> ; NGOs have filed suit challenging EPA approval - <a href="http://www.uppermissouriwaterkeeper.org/lawsuit-challenges-epa-approval-of-weak-montana-pollution-rule/#.WKsKh2eQzIU">http://www.uppermissouriwaterkeeper.org/lawsuit-challenges-epa-approval-of-weak-montana-pollution-rule/#.WKsKh2eQzIU</a></li> <li>• IOWA: On 5/29/13, Iowa DNR issued a final Nutrient Reduction Strategy - <a href="http://www.nutrientstrategy.iastate.edu/">http://www.nutrientstrategy.iastate.edu/</a></li> <li>• OHIO: State has developed Nutrient Strategy, and has formed a Technical Advisory Group to assist in develop water quality standards - <a href="http://epa.ohio.gov/dsw/wqs/NutrientReduction.aspx">http://epa.ohio.gov/dsw/wqs/NutrientReduction.aspx</a></li> <li>• CONNECTICUT: State has convened group to look at phosphorus issues - <a href="http://www.ct.gov/deep/cwp/view.asp?a=2719&amp;q=474130&amp;deepNav_GID=1654">http://www.ct.gov/deep/cwp/view.asp?a=2719&amp;q=474130&amp;deepNav_GID=1654</a> ; group had report prepared by independent science group, Connecticut Academy of Science and Engineering - <a href="http://www.ctcase.org/reports/phosphorus/phosphorus.pdf">http://www.ctcase.org/reports/phosphorus/phosphorus.pdf</a></li> <li>• ILLINOIS: Illinois EPA has issued a final Nutrient Reduction Strategy: <a href="http://www.epa.illinois.gov/topics/water-quality/watershed-management/excess-nutrients/nutrient-loss-reduction-strategy/index">http://www.epa.illinois.gov/topics/water-quality/watershed-management/excess-nutrients/nutrient-loss-reduction-strategy/index</a>; NGOs filing comment letters as to permits, requesting stringent phosphorus limits</li> </ul>	<ul style="list-style-type: none"> <li>• Continue monitoring EPA and State activities on nutrient issues</li> <li>• Assess need for FWQC comments or other steps as appropriate</li> </ul>
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18	<b>Gulf of Mexico / Mississippi River Basin Numeric Nutrient Criteria</b>	Environmental groups seeking to have EPA impose numeric nutrient standards for Gulf of Mexico and Mississippi River basin	<ul style="list-style-type: none"> <li>• On 7/29/11, EPA denied petition by environmental groups requesting Federal nutrient water quality standards and TMDLs for Mississippi River basin and Gulf of Mexico - <a href="http://fwqc.org/members/DocumentLibrary/missnutrientsepaletter072911.pdf">http://fwqc.org/members/DocumentLibrary/missnutrientsepaletter072911.pdf</a></li> <li>• Environmental groups filed suit challenging EPA denial of petition as to setting of nutrient standards; FWQC and other groups intervened in support of EPA</li> <li>• On 9/20/13, court issued decision - <a href="http://fwqc.org/members/DocumentLibrary/gulfnutrientdecision092013.pdf">http://fwqc.org/members/DocumentLibrary/gulfnutrientdecision092013.pdf</a></li> <li>• Court held that EPA has to make a “necessity” determination, but that EPA can base that decision on a broad range of factors; gave EPA 180 days to issue determination</li> <li>• EPA appealed the decision, and on 4/7/15, the Fifth Circuit ruled - <a href="http://fwqc.org/members/DocumentLibrary/gulfnutrientappealsdecision040715.pdf">http://fwqc.org/members/DocumentLibrary/gulfnutrientappealsdecision040715.pdf</a></li> <li>• The Fifth Circuit held that “EPA may decline to make a necessity determination if it provides an adequate explanation, grounded in the statute, for why it has elected not to do so.” The Court of Appeals then remanded the case to the lower court, so that court could decide if EPA has provided that “adequate explanation.”</li> <li>• On 12/15/16, District Court rejected the NGO claims and dismissed the case - <a href="http://fwqc.org/members/DocumentLibrary/Victory%20-%20Finally!%20%20Court%20Dismisses%20NGO%20Claims%20as%20to%20GulfMississippi%20Nutrient%20Criteria.htm">http://fwqc.org/members/DocumentLibrary/Victory%20-%20Finally!%20%20Court%20Dismisses%20NGO%20Claims%20as%20to%20GulfMississippi%20Nutrient%20Criteria.htm</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor developments, to see if NGOs file another petition or suit regarding Gulf/Mississippi nutrient issues</li> </ul>
19	<b>Revisions to Ammonia Criteria</b>	EPA revising ammonia aquatic life criteria to address impacts to freshwater mussels	<ul style="list-style-type: none"> <li>• EPA issued draft revised criteria document on 12/30/09 – <a href="http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2009-0921-0001">http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2009-0921-0001</a></li> <li>• FWQC filed comments on 4/1/10 - <a href="http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2009-0921-0044">http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2009-0921-0044</a></li> <li>• Final criteria issued on 8/22/13, along with implementation guidance - <a href="http://water.epa.gov/scitech/swguidance/standards/criteria/aqlife/ammonia/index.cfm">http://water.epa.gov/scitech/swguidance/standards/criteria/aqlife/ammonia/index.cfm</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor activity in States, to determine whether further FWQC action on ammonia issues needed</li> </ul>



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### PERMIT ISSUES

20	<b>Pinto Creek – Permits for New Sources Issue</b>	Ninth Circuit Court of Appeals issued stringent ruling on issuance of permits for new sources on impaired waters	<ul style="list-style-type: none"> <li>• Ninth Circuit ruling issued on 10/4/07 – <a href="http://www.ca9.uscourts.gov/datastore/opinions/2007/10/03/0570785.pdf">http://www.ca9.uscourts.gov/datastore/opinions/2007/10/03/0570785.pdf</a></li> <li>• FWQC and others filed <i>amicus</i> briefs supporting Carlota Copper’s petition for Supreme Court to take the case</li> <li>• Supreme Court denied <i>cert.</i> on 1/22/09, refusing to take case for review</li> <li>• EPA has indicated that it does not plan to revise Federal rule that was interpreted in Pinto Creek case – 40 CFR 122.4(i)</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor permit developments in States to determine how agencies are addressing permits for new sources to impaired waters</li> <li>• If need arises, consider contacts with EPA about possible proposed rule or guidance to address permitting concerns</li> </ul>
21	<b>Permitting for Discharges to Groundwater</b>	EPA has asked for comment on possible application of NPDES permit program to discharges to groundwater with hydrologic connection to surface waters	<ul style="list-style-type: none"> <li>• On 2/20/18, EPA issued request for comment on Clean Water Act coverage of “discharges of pollutants” to groundwater via a direct hydrologic connection to surface waters - <a href="https://www.gpo.gov/fdsys/pkg/FR-2018-02-20/pdf/2018-03407.pdf">https://www.gpo.gov/fdsys/pkg/FR-2018-02-20/pdf/2018-03407.pdf</a> .</li> <li>• Comments are due 5/21/18</li> </ul>	<ul style="list-style-type: none"> <li>• Submit FWQC comments, and then schedule meeting with EPA staff to discuss</li> </ul>
22	<b>Stormwater Numeric Limit Guidance</b>	EPA issued new guidance on issuance of numeric limits for stormwater discharges in NPDES permits	<ul style="list-style-type: none"> <li>• EPA issued new guidance on 11/12/10 concerning issuance of water quality-based limits in stormwater permits – <a href="http://www.epa.gov/npdes/pubs/establishingtmdlwla_revision.pdf">http://www.epa.gov/npdes/pubs/establishingtmdlwla_revision.pdf</a></li> <li>• Guidance revises elements of previous stormwater guidance issued in 2002 – instead of numeric limits being imposed “only rarely,” they should now be used “where feasible”</li> <li>• EPA decided on 3/17/11 to accept comments on guidance – <a href="http://www.epa.gov/npdes/pubs/sw_tmdlwla_comments.pdf">http://www.epa.gov/npdes/pubs/sw_tmdlwla_comments.pdf</a></li> <li>• FWQC filed comments on 5/16/11 – <a href="http://fwqc.org/members/DocumentLibrary/Stormwater%20Developments%20%20-%20EPA%20Numeric%20Limits%20Memo%20%20New%20Draft%20Co-nstruction%20Permit.htm">http://fwqc.org/members/DocumentLibrary/Stormwater%20Developments%20%20-%20EPA%20Numeric%20Limits%20Memo%20%20New%20Draft%20Co-nstruction%20Permit.htm</a></li> <li>• EPA issued final guidance on 11/26/14 - <a href="http://www.epa.gov/tmdl/establishing-total-maximum-daily-load-tmdl-wasteload-allocations-wlas-storm-water-sources-and">http://www.epa.gov/tmdl/establishing-total-maximum-daily-load-tmdl-wasteload-allocations-wlas-storm-water-sources-and</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor implementation of final guidance in permit actions, and consider further actions on this issue as appropriate</li> </ul>

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23	<b>NPDES Update Rule</b>	EPA making changes in procedures for issuance of NPDES permits	<ul style="list-style-type: none"> <li>Proposed rule issued 5/18/16 - <a href="http://fwqc.org/members/DocumentLibrary/npdesupdateruleproposal051716.pdf">http://fwqc.org/members/DocumentLibrary/npdesupdateruleproposal051716.pdf</a></li> <li>FWQC comments submitted 8/2/16 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20Proposed%20NPDES%20Update%20Rule.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20Proposed%20NPDES%20Update%20Rule.htm</a></li> <li>FWQC met with EPA staff regarding comments on 8/30/16</li> <li>EPA has recently indicated that final rule may be issued in several phases; provision on “veto of expired permits” is unlikely to be included</li> </ul>	<ul style="list-style-type: none"> <li>Review final rule when issued and consider possible responses</li> </ul>
24	<b>Multi-Sector General Permit (MSGP)</b>	EPA developing next version of general permit for stormwater discharges from industrial activities	<ul style="list-style-type: none"> <li>Draft of permit issued on 9/27/13 - <a href="http://cfpub.epa.gov/npdes/docs.cfm?document_type_id=9&amp;view=Example%20and%20General%20Permits&amp;program_id=6&amp;sort=name">http://cfpub.epa.gov/npdes/docs.cfm?document_type_id=9&amp;view=Example%20and%20General%20Permits&amp;program_id=6&amp;sort=name</a></li> <li>FWQC filed comments on 12/26/13 - <a href="http://fwqc.org/members/DocumentLibrary/fwqcmmsgpcomments122613.pdf">http://fwqc.org/members/DocumentLibrary/fwqcmmsgpcomments122613.pdf</a></li> <li>Final permit issued on 6/16/15- <a href="http://www.epa.gov/npdes/stormwater-discharges-industrial-activities#msgp">http://www.epa.gov/npdes/stormwater-discharges-industrial-activities#msgp</a></li> <li>Several NGOs filed suits challenging MSGP, which were consolidated in Second Circuit Court of Appeals</li> <li>FWQC and Federal StormWater Association (FSWA) filed motion to intervene in cases, in support of EPA, on 7/30/15 - <a href="http://fwqc.org/members/DocumentLibrary/FILED%20-%20FWQC%20FSWA%20Intervention%20-%20Motion%20to%20Intervene.pdf">http://fwqc.org/members/DocumentLibrary/FILED%20-%20FWQC%20FSWA%20Intervention%20-%20Motion%20to%20Intervene.pdf</a></li> <li>Motion to intervene granted 8/4/15 - <a href="http://fwqc.org/members/DocumentLibrary/msgpinterventionorder.pdf">http://fwqc.org/members/DocumentLibrary/msgpinterventionorder.pdf</a></li> <li>Parties agreed to try mediation process to resolve NGO claims</li> <li>Parties, including FWQC/FSWA, resolved cases through Settlement Agreement on 8/16/16 - <a href="http://fwqc.org/members/DocumentLibrary/Sept.%2030%20Call%20on%20MSGP%20Settlement%20Agreement%20-%20PRIVILEGED%20AND%20CONFIDENTIAL.htm">http://fwqc.org/members/DocumentLibrary/Sept.%2030%20Call%20on%20MSGP%20Settlement%20Agreement%20-%20PRIVILEGED%20AND%20CONFIDENTIAL.htm</a></li> </ul>	<ul style="list-style-type: none"> <li>Participate in EPA activities to implement Settlement Agreement, including National Research Council stormwater study and development of draft version of 2020 MSGP permit</li> </ul>

## FEDERAL WATER QUALITY COALITION

### ACTIVE PRIORITY PROJECTS AS OF 5/14/18

25	<b>NAS Committee on Industrial Stormwater Permitting</b>	Pursuant to settlement in MSGP litigation, EPA asked National Academy of Science to convene panel to study industrial stormwater permitting program	<ul style="list-style-type: none"> <li>• NAS asked for nominations to panel - <a href="http://fwqc.org/members/DocumentLibrary/July%2019%20Call%20on%20Nominations%20for%20Science%20Panel%20on%20Stormwater%20Issue.s.htm">http://fwqc.org/members/DocumentLibrary/July%2019%20Call%20on%20Nominations%20for%20Science%20Panel%20on%20Stormwater%20Issue.s.htm</a></li> <li>• FWQC submitted list of candidates that it supports on 7/21/17 - <a href="http://fwqc.org/members/DocumentLibrary/Nominations%20from%20FWQC%20and%20FSWA%20for%20NAS%20Industrial%20Stormwater%20Committee.htm">http://fwqc.org/members/DocumentLibrary/Nominations%20from%20FWQC%20and%20FSWA%20for%20NAS%20Industrial%20Stormwater%20Committee.htm</a></li> <li>• NAS issued tentative list of panel members, with comments due by 11/6/17 - <a href="http://www8.nationalacademies.org/cp/CommitteeView.aspx?key=49896">http://www8.nationalacademies.org/cp/CommitteeView.aspx?key=49896</a></li> <li>• Final panel members listed at <a href="http://www8.nationalacademies.org/cp/CommitteeView.aspx?key=49896">http://www8.nationalacademies.org/cp/CommitteeView.aspx?key=49896</a></li> <li>• Panel has had a series of meetings – list of meetings, and summaries, at: <a href="http://www8.nationalacademies.org/cp/projectview.aspx?key=49896">http://www8.nationalacademies.org/cp/projectview.aspx?key=49896</a></li> <li>• FWQC has participated in open sessions of panel meetings, and has made several presentations regarding issues of concern to FWQC members</li> <li>• Panel is expected to issue final report by December 2018</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to participate in meetings of NAS panel</li> <li>• Review final report of panel when issued, and consider next steps</li> </ul>
26	<b>E-Reporting Rule</b>	EPA developing proposed rule that would require electronic submittal of DMRs and other reports	<ul style="list-style-type: none"> <li>• Proposed rule issued 7/30/13 – <a href="http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OECA-2009-0274-0097">http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OECA-2009-0274-0097</a></li> <li>• FWQC filed comments on 12/12/13 - <a href="http://fwqc.org/members/DocumentLibrary/fwqcereportingcomments121213.pdf">http://fwqc.org/members/DocumentLibrary/fwqcereportingcomments121213.pdf</a></li> <li>• On 12/1/14, EPA issued notice asking for additional comment on issues related to the e-reporting rule - <a href="http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OECA-2009-0274-0374">http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OECA-2009-0274-0374</a></li> <li>• FWQC filed comments as to EPA notice on 1/30/15 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Notice%20re%20E-Reporting%20Rule.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Notice%20re%20E-Reporting%20Rule.htm</a></li> <li>• Final rule issued 10/22/15 - <a href="http://www.epa.gov/compliance/final-national-pollutant-discharge-elimination-system-npdes-electronic-reporting-rule">http://www.epa.gov/compliance/final-national-pollutant-discharge-elimination-system-npdes-electronic-reporting-rule</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor implementation of final rule in States and consider next steps as needed</li> </ul>

## FEDERAL WATER QUALITY COALITION

### ACTIVE PRIORITY PROJECTS AS OF 5/14/18

27	<b>Whole Effluent Toxicity (WET)</b>	EPA and States including WET testing requirements and limits in permits	<ul style="list-style-type: none"> <li>• Draft WET implementation guidance issued 12/28/04 – at <a href="http://www.epa.gov/npdes/pubs/wet_draft_guidance.pdf">http://www.epa.gov/npdes/pubs/wet_draft_guidance.pdf</a></li> <li>• FWQC comments on draft guidance submitted on 3/31/05</li> <li>• EPA has issued guidance on “Test of Significant Toxicity” (TST) approach to determining if discharges have WET “reasonable potential” and therefore receive permit limits for WET - technical document at <a href="http://www.epa.gov/npdes/pubs/tst-techdoc.pdf">http://www.epa.gov/npdes/pubs/tst-techdoc.pdf</a> , implementation document at <a href="http://www.epa.gov/npdes/pubs/wet_final_tst_implementation2010.pdf">www.epa.gov/npdes/pubs/wet_final_tst_implementation2010.pdf</a></li> <li>• California State Water Resources Control Board has issued draft WET policy, applying EPA’s TST guidance – <a href="http://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml">http://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml</a> ; comments have been submitted, and public hearing held; TST guidance now being applied in permits, and challenges to those permits and to State WET policies are pending</li> <li>• On 5/24/12, EPA issued a WET Spreadsheet, which can be used to determine reasonable potential and to assess permit compliance - <a href="http://cfpub.epa.gov/npdes/docs.cfm?view=allprog&amp;program_id=45&amp;sort=date_published">http://cfpub.epa.gov/npdes/docs.cfm?view=allprog&amp;program_id=45&amp;sort=date_published</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor WET developments in States, and consider filing comments as appropriate</li> <li>• Assess EPA WET Spreadsheet and consider possible steps to address concerns</li> </ul>
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# FEDERAL WATER QUALITY COALITION

## ACTIVE PRIORITY PROJECTS AS OF 5/14/18

### TMDL ISSUES

28	<b>TMDL Vision</b>	EPA developing long-term vision for 303(d) listing and TMDL programs	<ul style="list-style-type: none"> <li>• In June 2012, EPA issued draft document setting forth long-term vision for 303(d)/TMDL program - <a href="http://fwqc.org/members/DocumentLibrary/tmdl%20vision%20document%200612.pdf">http://fwqc.org/members/DocumentLibrary/tmdl%20vision%20document%200612.pdf</a></li> <li>• FWQC comments submitted to EPA 7/22/12 - <a href="http://fwqc.org/members/DocumentLibrary/fwqc%20tmdl%20vision%20comments%20072212.pdf">http://fwqc.org/members/DocumentLibrary/fwqc%20tmdl%20vision%20comments%20072212.pdf</a></li> <li>• FWQC met with EPA regarding comments on 4/29/13</li> <li>• Revised draft “vision document” issued in August 2013 - <a href="http://fwqc.org/members/DocumentLibrary/tmdlvisionplandraft061813.pdf">http://fwqc.org/members/DocumentLibrary/tmdlvisionplandraft061813.pdf</a></li> <li>• Final “vision document” issued on 12/5/13 - <a href="http://www.epa.gov/tmdl/new-vision-cwa-303d-program-updated-framework-implementing-cwa-303d-program-responsibilities">http://www.epa.gov/tmdl/new-vision-cwa-303d-program-updated-framework-implementing-cwa-303d-program-responsibilities</a></li> </ul>	<ul style="list-style-type: none"> <li>• Continue contacts with EPA staff as Agency continues steps in implementing vision document</li> <li>• Schedule call with State agencies to discuss their plans for implementing new TMDL vision in their programs</li> </ul>
29	<b>Guidance on Revision and Withdrawal of TMDLs</b>	EPA developing guidance to States on revising and withdrawing TMDLs	<ul style="list-style-type: none"> <li>• Draft guidance issued by EPA on 3/22/12 – <a href="http://www.epa.gov/tmdl/draft-considerations-revising-and-withdrawing-tmdls">http://www.epa.gov/tmdl/draft-considerations-revising-and-withdrawing-tmdls</a></li> <li>• FWQC filed comments on 5/10/12 – <a href="http://fwqc.org/members/DocumentLibrary/fwqc%20tmdl%20guidance%20comments%20051012.pdf">http://fwqc.org/members/DocumentLibrary/fwqc%20tmdl%20guidance%20comments%20051012.pdf</a></li> <li>• FWQC discussed comments in meeting with EPA on 4/29/13</li> </ul>	<ul style="list-style-type: none"> <li>• Continue contacts with EPA staff regarding comments</li> <li>• Review final guidance when issued, and consider next steps</li> </ul>
30	<b>Guidance on Multijurisdictional TMDLs</b>	EPA developing guidance to States on development of TMDLs that apply to multiple jurisdictions	<ul style="list-style-type: none"> <li>• Draft EPA guidance issued on 3/22/12 – <a href="http://www.epa.gov/tmdl/draft-considerations-development-multijurisdictional-tmdls">http://www.epa.gov/tmdl/draft-considerations-development-multijurisdictional-tmdls</a></li> <li>• FWQC filed comments on 6/5/12 – <a href="http://fwqc.org/members/DocumentLibrary/fwqc%20multi%20tmdl%20comments%20060512.pdf">http://fwqc.org/members/DocumentLibrary/fwqc%20multi%20tmdl%20comments%20060512.pdf</a></li> </ul>	<ul style="list-style-type: none"> <li>• Continue contacts with EPA staff regarding comments</li> <li>• Review final guidance when issued, and consider next steps</li> </ul>
31	<b>Guidance on Antidegradation Listings</b>	EPA developing guidance on application of antidegradation requirements in 303(d) lists	<ul style="list-style-type: none"> <li>• On 9/3/13, EPA issued guidance to States on development of 303(d) lists of impaired waters that are due to EPA in April 2014 - <a href="http://www.epa.gov/sites/production/files/2015-10/documents/final_2014_memo_document.pdf">http://www.epa.gov/sites/production/files/2015-10/documents/final_2014_memo_document.pdf</a></li> <li>• Guidance states that Outstanding National Resource Waters (ONRWs) can be listed if there is any degradation in water quality</li> <li>• EPA is developing additional guidance on how antideg requirements should be applied in making 303(d) listing decisions</li> </ul>	<ul style="list-style-type: none"> <li>• Develop FWQC position paper on use of antideg in listing process</li> <li>• Meet with Agency staff and submit comments as appropriate</li> </ul>

## FEDERAL WATER QUALITY COALITION

### ACTIVE PRIORITY PROJECTS AS OF 5/14/18

#### OTHER ISSUES

32	<b>PCB Test Method</b>	EPA and States are increasing use of Method 1668 to test for presence of PCBs in water discharges	<ul style="list-style-type: none"> <li>On 9/23/10, EPA issued notice proposing to approve Method 1668 – <a href="https://www.federalregister.gov/articles/2010/09/23/2010-20018/guidelines-establishing-test-procedures-for-the-analysis-of-pollutants-under-the-clean-water-act">https://www.federalregister.gov/articles/2010/09/23/2010-20018/guidelines-establishing-test-procedures-for-the-analysis-of-pollutants-under-the-clean-water-act</a></li> <li>FWQC comments submitted 12/22/10 – <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Approval%20of%20Test%20Method%201668C%20for%20PCBs.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Approval%20of%20Test%20Method%201668C%20for%20PCBs.htm</a></li> <li>On 5/18/12, EPA issued final rule approving other methods, which did not approve 1668 - <a href="http://www.gpo.gov/fdsys/pkg/FR-2012-05-18/pdf/2012-10210.pdf">http://www.gpo.gov/fdsys/pkg/FR-2012-05-18/pdf/2012-10210.pdf</a></li> <li>EPA has indicated that it has no plans to issue approval of 1668</li> <li>Some States are requiring use of 1668 in permit monitoring provisions</li> <li>FWQC has submitted comments raising concerns about requiring testing using 1668 in State permits - <a href="http://fwqc.org/members/DocumentLibrary/fwqc%20nygm%20comments%20051812.pdf">http://fwqc.org/members/DocumentLibrary/fwqc%20nygm%20comments%20051812.pdf</a></li> </ul>	<ul style="list-style-type: none"> <li>Monitor status of 1668 at EPA, and if Agency moves forward, engage with EPA staff</li> <li>Monitor actions of States to require use of 1668 in permits, and provide support to FWQC members as appropriate</li> </ul>
33	<b>Methods Update Rule</b>	EPA periodically reviews and updates its approvals of test methods for CWA use	<ul style="list-style-type: none"> <li>On 2/19/15, EPA issued notice proposing updates of some approved methods, addition of new approved methods, and revised Minimum Level (ML) procedure - <a href="http://water.epa.gov/scitech/methods/cwa/mur2015.cfm">http://water.epa.gov/scitech/methods/cwa/mur2015.cfm</a></li> <li>FWQC submitted comments on 5/20/15 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20Comments%20on%20EPA%20Methods%20Update%20Rule.htm">http://fwqc.org/members/DocumentLibrary/Final%20Comments%20on%20EPA%20Methods%20Update%20Rule.htm</a></li> <li>Final rule issued 12/15/16 - <a href="http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20(Then%20Withdraws)%20Final%20Methods%20Update%20Rule%20with%20Revised%20MDL%20Procedure.htm">http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20(Then%20Withdraws)%20Final%20Methods%20Update%20Rule%20with%20Revised%20MDL%20Procedure.htm</a></li> <li>Rule was sent to Federal Register, withdrawn, then issued again on 8/28/17 - <a href="https://www.gpo.gov/fdsys/pkg/FR-2017-08-28/pdf/2017-17271.pdf">https://www.gpo.gov/fdsys/pkg/FR-2017-08-28/pdf/2017-17271.pdf</a></li> </ul>	<ul style="list-style-type: none"> <li>Monitor implementation of final rule in permits, and consider next steps as needed</li> </ul>
34	<b>Review of Regulations</b>	EPA reviewing existing regulations to determine if repeal or modification is appropriate	<ul style="list-style-type: none"> <li>EPA issued notice on 4/13/17 asking for comments on possible changes to, or repeal of, existing rules – <a href="http://fwqc.org/members/DocumentLibrary/regreviewfedregnotice041317.pdf">http://fwqc.org/members/DocumentLibrary/regreviewfedregnotice041317.pdf</a></li> <li>FWQC comments submitted on 5/15/17 - <a href="http://fwqc.org/members/DocumentLibrary/fwqcregreviewcomments051517.pdf">http://fwqc.org/members/DocumentLibrary/fwqcregreviewcomments051517.pdf</a></li> </ul>	<ul style="list-style-type: none"> <li>Consider next steps in engaging with EPA re changes to CWA regulations and policies</li> </ul>

## FEDERAL WATER QUALITY COALITION

### ACTIVE PRIORITY PROJECTS AS OF 5/14/18

35	<b>Waters of US Rule</b>	EPA and Corps of Engineers developing regulations defining scope of “waters of the United States” for Clean Water Act regulatory and permitting purposes	<ul style="list-style-type: none"> <li>• EPA/Corps proposed WOTUS rule issued on 4/21/14- <a href="http://www.gpo.gov/fdsys/pkg/FR-2014-04-21/pdf/2014-07142.pdf">http://www.gpo.gov/fdsys/pkg/FR-2014-04-21/pdf/2014-07142.pdf</a></li> <li>• FWQC filed comments on proposal on 11/14/14 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20Waters%20of%20US%20Rule.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20Waters%20of%20US%20Rule.htm</a></li> <li>• EPA/Corps published final rule in Federal Register on 6/29/15 - <a href="http://www2.epa.gov/cleanwaterrule/documents-related-clean-water-rule#the%20final%20rule">http://www2.epa.gov/cleanwaterrule/documents-related-clean-water-rule#the%20final%20rule</a></li> <li>• Numerous legal challenges to final rule filed in Courts of Appeals and District Courts throughout country</li> <li>• All Court of Appeals cases were consolidated in Sixth Circuit, which issued a nationwide stay of the rule</li> <li>• Supreme Court ruled that Sixth Circuit did not have jurisdiction to hear cases – all challenges must be heard in district courts instead</li> <li>• Nationwide stay issued by Sixth Circuit is no longer in effect; stay issued by South Dakota district court is in effect, applying only to 14 States that are involved in that case</li> <li>• Courts are proceeding with these challenges to 2015 rule, but EPA has established extended applicability date for that rule (item 35 below)</li> <li>• This process will also be affected by new EPA/Corps actions (item 36 below) to repeal WOTUS rule and possibly issue a new rule to replace it</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to monitor developments in litigation</li> </ul>
36	<b>Applicability Date for 2015 WOTUS Rule</b>	EPA developed a rule establishing an applicability date for the 2015 WOTUS rule	<ul style="list-style-type: none"> <li>• EPA issued proposed rule on 11/22/17, providing that rule would not be in effect for another 2 years – <a href="https://www.regulations.gov/contentStreamer?documentId=EPA-HQ-OW-2017-0644-0001&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=EPA-HQ-OW-2017-0644-0001&amp;contentType=pdf</a></li> <li>• FWQC filed comments on applicability date proposal on 12/13/17 – <a href="http://fwqc.org/members/DocumentLibrary/fwqcwotuseffectivedatecomments121317.doc">http://fwqc.org/members/DocumentLibrary/fwqcwotuseffectivedatecomments121317.doc</a></li> <li>• EPA issued final applicability date rule on 2/6/18 - <a href="https://www.epa.gov/sites/production/files/2018-02/documents/2018-02429_0.pdf">https://www.epa.gov/sites/production/files/2018-02/documents/2018-02429_0.pdf</a></li> <li>• Several legal challenges have been filed as to the applicability date action</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor developments in litigation</li> </ul>

## FEDERAL WATER QUALITY COALITION

### ACTIVE PRIORITY PROJECTS AS OF 5/14/18

37	<b>Repeal and Replacement of WOTUS Rule</b>	EPA and Corps of Engineers taking action to repeal the WOTUS rule adopted in 2015 and possibly replace it with a new rule	<ul style="list-style-type: none"> <li>• On 7/27/17, EPA and Corps issued proposal to repeal 2016 WOTUS rule and recodify rule that existed previously – <a href="http://fwqc.org/members/DocumentLibrary/wotusfedregnotice072717.pdf">http://fwqc.org/members/DocumentLibrary/wotusfedregnotice072717.pdf</a></li> <li>• FWQC met with EPA staff to discuss “repeal” proposal on 9/15/17</li> <li>• FWQC filed comments on “repeal” proposal on 9/27/17 – <a href="http://fwqc.org/members/DocumentLibrary/WOTUS%20Comments%20Filed%20-%20and%20Next%20WOTUS%20Steps.htm">http://fwqc.org/members/DocumentLibrary/WOTUS%20Comments%20Filed%20-%20and%20Next%20WOTUS%20Steps.htm</a></li> <li>• EPA is expected to issue supplemental notice regarding “repeal” action in May or June of 2018</li> <li>• EPA held teleconferences with different stakeholder sectors to discuss next step (what a new WOTUS rule should look like), and asked for recommendations - <a href="https://www.epa.gov/wotus-rule/outreach-meetings">https://www.epa.gov/wotus-rule/outreach-meetings</a></li> <li>• FWQC filed its recommendations on 11/28/17 – <a href="http://fwqc.org/members/DocumentLibrary/Final%20WOTUS%20Step%202%20Comments.htm">http://fwqc.org/members/DocumentLibrary/Final%20WOTUS%20Step%202%20Comments.htm</a></li> </ul>	<ul style="list-style-type: none"> <li>• Review upcoming supplemental notice regarding repeal, and develop comments</li> <li>• Review final “repeal” rule when issued and consider next steps, including as to expected litigation</li> <li>• Review proposed “replace” rule when issued, and develop comments</li> </ul>
38	<b>Report on Hydrologic Alteration</b>	EPA and USGS are developing a report on how to protect aquatic life from the effects of hydrologic alteration	<ul style="list-style-type: none"> <li>• Draft report issued 3/1/16 - <a href="http://fwqc.org/members/DocumentLibrary/hydroalterationfedregnotice.pdf">http://fwqc.org/members/DocumentLibrary/hydroalterationfedregnotice.pdf</a></li> <li>• FWQC comments submitted 6/17/16 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPAUSGS%20Hydrologic%20Alteration%20Report.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPAUSGS%20Hydrologic%20Alteration%20Report.htm</a></li> <li>• Final report issued 12/21/16 - <a href="http://fwqc.org/members/DocumentLibrary/EPA%20%20USGS%20Issue%20Final%20Hydrologic%20Alteration%20Report.htm">http://fwqc.org/members/DocumentLibrary/EPA%20%20USGS%20Issue%20Final%20Hydrologic%20Alteration%20Report.htm</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor further actions by EPA on hydrologic alteration issues</li> </ul>
39	<b>Sensitive Test Methods Notice</b>	EPA considering requiring of “sufficiently sensitive” test methods in NPDES applications and reports	<ul style="list-style-type: none"> <li>• On 6/23/10, EPA issued a proposed revision to NPDES rules, requiring use of “sufficiently sensitive test methods” - <a href="https://www.gpo.gov/fdsys/pkg/FR-2010-06-23/html/2010-15254.htm">https://www.gpo.gov/fdsys/pkg/FR-2010-06-23/html/2010-15254.htm</a></li> <li>• FWQC submitted comments on 8/9/10 - <a href="http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Sufficiently%20Sensitive%20Method%20Rule.htm">http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Sufficiently%20Sensitive%20Method%20Rule.htm</a></li> <li>• Final rule issued by EPA on 8/19/14 - <a href="https://www.federalregister.gov/articles/2014/08/19/2014-19265/national-pollutant-discharge-elimination-system-npdes-use-of-sufficiently-sensitive-test-methods-for">https://www.federalregister.gov/articles/2014/08/19/2014-19265/national-pollutant-discharge-elimination-system-npdes-use-of-sufficiently-sensitive-test-methods-for</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor implementation of rule in permits, and consider further steps as needed</li> </ul>





June 8, 2018

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VIA EMAIL: [rlooker@waterboards.ca.gov](mailto:rlooker@waterboards.ca.gov)

**Subject:** Comments on the 2018 Triennial Review for the Water Quality Control Plan, San Francisco Bay Basin

Dear Mr. Looker:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to comment on the 2015 Triennial Review of the San Francisco Bay Basin Water Quality Control Plan (Basin Plan). 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.

BACWA supports the triennial review process and applauds the improvements made to the Basin Plan through this process in recent years. The current list of issues proposed for review in the *Brief Issue Descriptions for the 2018 Triennial Review of the San Francisco Bay Basin Water Quality Control Plan* (Issue Descriptions) that was developed by the San Francisco Bay Regional Water Quality Control Board (Water Board) addresses more than two dozen topics that affect broad sections of the residents, businesses, and public agencies of the San Francisco Bay Area. Because the Water Board has limited resources to address each of these issues, BACWA is limiting its substantive comments to six of the issues. The comments below are made with reference to, and in order of the Issue numbers in the Issue Descriptions.

***1. Issue 3.1 – Review and Refine Dissolved Oxygen Objectives for San Francisco Bay***

The Basin Plan includes a minimum water quality objective of 5.0 mg/L for dissolved oxygen in all tidal waters downstream of the Carquinez Bridge and 7.0 mg/L upstream of the Carquinez Bridge and also includes a requirement that the median dissolved oxygen concentration for any three consecutive months shall not be less than 80 percent of the dissolved oxygen content at saturation. These dissolved oxygen water quality objectives have been interpreted to be applicable at all times, at all depths, and in all locations. As described in the Issue Descriptions, this approach does not make sense for shallow habitats on the SF Bay's margins. The objectives also do not account for natural

variability due to diurnal cycling and stratification. Setting a rigid objective that applies throughout the Region fails to consider the beneficial uses attained in a diversity of habitats in the SF Bay's margins.

BACWA and its member agencies support research on appropriate dissolved oxygen levels in the SF Bay through the Nutrient Management Strategy and other initiatives. BACWA agrees with the narrative in the Issue Descriptions that the recently adopted Suisun Marsh TMDL is a good starting point for developing DO objectives throughout the SF Bay. However, the studies informing the Suisun Marsh TMDL used laboratory data, and published literature on laboratory studies of DO sensitivity for individual fish species, rather than actual presence and abundance of fish under various real-world DO scenarios in the Suisun Marsh. There are more extensive DO and wildlife data available for SF Bay margins that could be used to link DO levels with beneficial uses.

Since the 2015 Triennial Review, Dr. Jim Hobbs of UC Davis has continued to conduct monthly trawls at Artesian Slough, Pond A19, and Upper Coyote Creek in the Lower South Bay with the cooperation of staff at the San Jose/Santa Clara Regional Wastewater Facility. The aim of these studies is to determine what levels of dissolved oxygen impact different fish species, and DO levels are measured at the time of fish collection. There are also now DO data via moored sensors deployed in a number of the sloughs in the Lower South Bay which are maintained by SFEI, USGS, and City of San Jose. BACWA recommends using a robust analysis of fish presence and abundance under measured DO conditions to develop site-specific DO Objectives.

**Recommendation: Amend the Basin Plan to identify and implement site-specific dissolved oxygen objectives that are linked to beneficial use attainment for shallow habitats in the SF Bay.**

## **2. *Issue 3.2 - Update the Basin Plan's Toxicity Testing Requirements***

The State Water Board has been working on a Plan to address toxicity testing statewide (State Toxicity Plan). The proposed State Toxicity Plan will establish numeric chronic toxicity limits and require a new statistical approach, the Test of Significant Toxicity (TST), for evaluation of toxicity tests. This new statistical approach is calibrated with a built-in "false positive" rate and the null hypothesis is inverted: instead of testing to see if effluent is "toxic," under the new method, dischargers will be demonstrating that effluent is "not toxic."

In addition to mandating a new statistical test, the State Toxicity Plan is expected to mostly standardize toxicity testing implementation throughout the State. However, previous drafts of the State Toxicity Plan still gave Regional Water Boards some discretion in determining instream waste concentration for toxicity testing, and in determining reasonable potential for acute toxicity testing, assuming the chronic toxicity

tests continue to be performed on a regular basis. These two areas are elements to explore as part of a future Basin Plan modification.

**Recommendation: BACWA has no recommendations at this time since the content of the State Toxicity Plan is still uncertain. When there is clarity, BACWA will engage with Water Board staff to develop a toxicity implementation plan for Region 2 and discuss a future Basin Plan Amendment.**

**3. *Issue 3.6 Incorporate Recreational Water Quality Objectives (RWQC) for Bacteria***

Basin Plan Table 3-1 establishes the water quality objectives for bacterial indicators, and Table 4-2A implements effluent limitations for bacterial indicators. Historically, most NPDES permits implement enterococcus limits as an end-of-pipe limit, irrespective of the fact that contact recreation does not take place within the outfall's mixing zone. This results in overprotective bacterial effluent limits, requiring overuse of chlorine, and therefore sodium bisulfite (SBS) to dechlorinate the effluent (see comments on Issue 4.4, below), with ancillary environmental impacts in terms of chemical production, transport, and disinfection byproduct production.

**Recommendation: When the State Water Board adopts the new bacterial objectives for REC-1 and they are incorporated into the Basin Plan, Table 4-2A should be amended to specify that the limit applies outside the outfall mixing zone, not at end-of-pipe.**

**4. *Issue 4.4 - Revise instantaneous chlorine limit***

In Basin Plan Table 4-2, chlorine is given an instantaneous limit of 0.0 mg/L in effluent, which is an interpretation of the Basin Plan's narrative toxicity objective. POTWs that use chlorine for disinfection dechlorinate using SBS. To avoid violations, operators routinely overdose the effluent with SBS, needlessly costing agencies millions of dollars per year in aggregate, and exerting oxygen demand in the receiving water, with no water quality benefit.

Over the past year, BACWA has been working with the Water Board on an approach to revising the Basin Plan's instantaneous limit. BACWA is providing funding for expert support of this initiative.

**Recommendation: Continue to work with BACWA to develop a strategy for implementing chlorine residual limitations that minimizes the risk of a momentary exceedance and does not compromise receiving water quality.**

**5. *Issue 4.2 - Using Wastewater to Create, Restore, and Enhance Wetlands***

BACWA sees merit in encouraging the use of wetlands to provide additional water quality enhancement of treated effluent while concurrently increasing the amount of wetlands habitat around the Bay. Preliminary monitoring results from treatment wetlands in the Region and beyond suggest that treatment wetlands can remove nutrients from wastewater effluent. Additionally, wetlands are an important piece in developing resiliency to sea level rise.

As part of the Nutrient Watershed Permit, BACWA has begun discussions with its member agencies and Regional stakeholders about what kinds of wetlands projects are foreseen in the future. Having regulatory certainty about the conditions under which these projects may be permitted is a key factor in determining their feasibility, and eventually, design criteria.

**Recommendation: BACWA recommends that Basin Plan revisions be developed and incorporated to recognize that treated wastewater can enhance beneficial uses in wetlands, and to provide implementation language for encouraging and permitting such discharge.**

#### ***6. Issue 5.2 Climate Change and Water Resources Policy***

BACWA supports the incorporation of Climate Change into the Basin Plan. BACWA and its member agencies have already begun to examine the vulnerability of our facilities to sea level rise, as well as our ability to help reduce anthropogenic greenhouse gas emissions with a broad portfolio of waste to energy programs.

The Water Board is reviewing how existing policies regulating wetland fill, ecosystem restoration and flood protection can best incorporate consideration of sea level rise; the need for a new policy to facilitate the use of highly treated wastewater and stormwater as a source of freshwater to nourish tidal marshes; as well as sediment management to enhance flood control, support baylands restoration and promote shoreline resilience. One additional component of these efforts that the Water Board should not overlook is the potential use of biosolids as material to restore, sustain, or develop marshland habitats, in upstream locations such as horizontal levies, or in salt marshes. While the concept needs further study for successful physical implementation and risk management, biosolids are an organic carbon-rich and nutrient-rich resource that is reliably available. Biosolids could be used to promote vegetative growth for stabilizing marshland, or for raising land elevations over time. They may be an important tool to address the sediment deficit around the bay margins for developing natural flood protection. BACWA's member agencies would be pleased to participate in pilot studies to further explore this concept.

**Recommendation: Consider biosolids beneficial reuse when reviewing sediment management policies to enhance flood control, support baylands restoration and promote shoreline resilience.**

In addition to the substantive comments above, BACWA encourages the Regional Water Board to update the Basin Plan with the items identified in the Issue Description that clarify ambiguous areas in the text, or incorporate into the Basin Plan elements that are already in NPDES permits. They could be incorporated into the Basin Plan as time and resources allow. These items are:

- Issue 2.1 - Add Unnamed Water Bodies that Receive Discharges
- Issue 2.3 Align Ocean Plan and Basin Plan for Recreational Contact Use
- Issue 3.13 Clarify Implementation Requirements for Municipal Supply and Agricultural Supply Water Quality Objectives
- Issue 4.3 Update Cyanide Dilution Credits
- Issue 6.1 Clarify Turbidity Water Quality Objective

BACWA appreciates the opportunity to comment on the 2018 Triennial Review and thanks you for considering our input.

Respectfully Submitted,



David R. Williams  
Executive Director  
Bay Area Clean Water Agencies

cc: BACWA Executive Board



**DRAFT** (June 12, 2018)

**Draft Recycled Water Policy  
Major Issues of Concern**

**Minimize wastewater discharges to ocean, bays and estuaries**

The **only goal** of the current RW Policy is to increase water recycling in California. This goal is also contained in the California Water Code. The revised RW Policy would add another goal:

Minimize the direct discharge of treated municipal wastewater to enclosed bays, estuaries and coastal lagoons, and ocean waters, except where necessary to maintain beneficial uses. For the purpose of this goal, treated municipal wastewater does not include brine discharges from recycled water facilities or desalination facilities.

WRCA is against the inclusion of this language for a number of reasons.

- Minimizing wastewater discharges to the ocean/bays is one of a number of ways to reach the current recycled water goal for California – not a goal in and of itself.
- The intent of the Recycled Water Policy should be to create a glide path for successful water recycling in California. Issues of ocean/bay discharges and water quality impacts to these water bodies should be left with the Regional Boards and their NPDESs or waste discharge permit requirements.
- In time this goal is likely to morph into an unfunded mandate. There is no consideration for cost-effectiveness, feasibility or recycled water use needs reflected in the new goal language.
- The draft Policy also requires that agencies report how much wastewater they are discharging to the ocean and bays. WRCA fully support this in that the information can help determine how much additional water recycling may be possible in coastal areas. Antidotal information from agencies indicates that with water conservation, wastewater discharge to the ocean/bays is decreasing.
- If this concept must be included in the policy, it should be recast to encourage water recycling where wastewater is discharged to the ocean/bays and moved to the “intent” or “purpose” section of the RW Policy. In the intent section, the Water Board should consider including other activities that would increase water recycling in California, such as encouraging recycled water for agriculture in inland areas.

### **Annual Recycled Water Reporting**

- WRCA is generally supportive of the annual recycled water tracking requirement included in the draft policy, **as long as**, duplicative and time consuming recycled water tracking from other state entities is stopped.
- WRCA thanks the staff for working closely with the recycled water community on this section.

### **Wastewater Change Petition: Water Code Section 1211 Cumulative Impacts**

There are two issues of major concerns with this section of the policy.

Section 5.3 of the Policy states that the Division of Water Rights (DWR) may cumulatively consider the impacts from “past present and probable future projects with the potential to decrease the streamflow.”

Section 5.1 adds a new requirement that prior to receiving state funding for a recycled water project, a “determination” from DWR must be made that the project is in compliance with Section 1211.

- Overarching message Over the last few years Water Code Section 1211 requirements have slowed or stopped reuse projects in CA. Unfortunately, the changes in the policy in this area appear to create uncertainty rather than clarity and otherwise provides for an unnecessary, duplicative process.

#### Cumulative Impacts

- This is a duplicative requirement. Any CEQA compliant project will already have considered the cumulative impacts of past and present projects.
- It is unclear how the agency or the Water Board can be expected to evaluate “probable future projects” reliably.
- Section 1211 explicitly states what must be considered as part of that process, and cumulative impacts are not included in the statute. Including a cumulative impact analysis is an inappropriate expansion of the Water Board’s statutory authority.

#### Determination

- DWR already has a huge backlog of petitions and each petition could take more than a year to complete.
- We are concerned that even if the process for a “determination” is set up initially as a simple process (i.e., simple request and an email reply) that the process will become more formal and burdensome over time, with DWR preparing extensive forms that have to be completed and expanding the making of any such determination into a complicated and time-consuming process.

### **Salt Nutrient Management Plans (SNMPs)**

The exiting Policy (2009) states that that every groundwater basin/subbasin in California have a SNMP, and set a deadline for these SNMPs of five years from the effective date of the 2009 (i.e., 2014). The Policy allowed the Regional Boards to extend the deadline by two years (2016). Later the Water Board clarified that priority be given to SNMPs in “priority basins” as defined by the USGS. There are 116 priority basins in the state. As of 2018 approximately half (55) of the priority basins have adopted SNMPs. The draft Policy states that Regional Boards can prioritize the development of SNMPs. It also increases the frequency of SNMP reporting from three years to every year.

- WRCA continues to believe that the inclusion of the SNMP within the Recycled Water Policy is misplaced. The SNMPs should be part of a larger stakeholder effort to manage the quantity and quality of groundwater in California. The passage of the Sustainable Groundwater Management Act (SGMA) in 2014 appears to be an opportunity to incorporate SNMPs into SGMA plans and reduce overlapping groundwater/water quality planning efforts.
- WRCA supports the Regional Board prioritization of SNMP development.

### **Permit coverage**

The draft Policy requires that all old engineering reports (before 2000) be reviewed and updated in two years. The draft Policy also states that all recycled water general orders from Regional Boards will expire in one year and agencies are to transition to the 2016 General Order or other permit coverage for non-potable recycled water. In a number of places the draft Policy appears to encourage agencies to seek permit coverage for their existing individual permits under the 2016 General Order

- WRCA is concerned that one year is not enough time to enroll all the regional board permit holders in the 2016 General Order. If engineering reports need to be reviewed or updated, this could potentially take longer than a year and recycled water permittees could be left without coverage for no fault of their own.
- WRCA asks to extend the deadline to two years or to guarantee that recycled water projects can continue while the transition is ongoing.
- Agencies with existing permits that update their engineering reports and comply with all aspects of the Recycled Water Policy should be allowed to maintain permit coverage outside of the 2016 General Order.

### **Bioassays Monitoring for Groundwater/Reservoir Projects**

The draft Policy includes a new requirement to conduct two bioassays for potable reuse projects. Additionally, the draft Policy requires that a number of “response actions” be taken if the bioassays are above prescribed thresholds.

### **Overarching Message**



- Follow the recommendations for the CEC Expert Panel that specifically states that regulatory “response actions” are **premature and not advised** until additional data collection, research, and pilot projects can be preformed.
- There remain issues with standardization of testing for bioassays. The CEC Expert panel recommended the creation of a Bioassay Monitoring Advisory Group to help interpret data and help address standardization issues in the initial phases of the monitoring (3 to 5 years). This is not included in the draft Policy. WRCA strongly supports the creation of this group.
- The Water Board is currently funding a study with Water Research Foundation that involves standardizing and validation of bioanalytical tools for recycled water. This study should help inform the process.
- Response actions are premature until the study is complete.  
(See slides on CEC Monitoring for more information)



June 26, 2018

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

VIA EMAIL: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

**Subject:** Comment Letter – Proposed Recycled Water Policy Amendment.

Dear Ms. Townsend,

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to comment on the proposed Resolution on Climate Change. 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 Area. BACWA. Members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health

**1. Definitions should be updated to reflect tidally influenced streams**

- These streams should be differentiated from those that have potential MUN use.
- The definition for “Estuaries and coastal lagoons” should consider sloughs subject to tidal influence.

**2. Minimizing the direct discharge of treated municipal wastewater is not an appropriate goal for the Policy.**

- This goal fails to account for the feasibility of recycled water implementation across jurisdictions.
- There is also concern that it will eventually evolve into a mandate via legislation.

**3. The Policy should minimize duplicative reporting requirements**

- Reporting should be via CIWQS.
- There should be a recommendation that DWR and other agencies discontinue recycled water or other surveys that request duplicative data upon implementation of these reporting requirements. (maybe use the “request” language that is in 3.4).
- In-plant use should be one of the reporting categories for uses of recycled water.
- The Recycled Water Policy should not supersede monitoring requirements of NPDES permits. Instead the policy should acknowledge that certain data elements are already submitted by NPDES permit holders, and that the State Board will

extract that data from CIWQS, and modify CIWQS as necessary to gather other required information.

- Not all agencies collect influent flow data, and influent data may be misleading

**4. Funding for Recycled Water Projects should be prioritized**

- Section 3.4 should request that other agencies increase the weight given to recycled water projects in funding decisions.
- Funding reviews for recycled water projects should be streamlined and expedited.

**5. Wastewater Change Petitions should be streamlined**

- Improved coordination with the State Water Board's Division of Financial Assistance and other funding agencies, who already review the information required in wastewater change petitions as part of CEQA review or other permitting.
- There should be language about *de minimis* changes that can bypass the 1211 process. This may include recycled water projects that decrease discharges to tidal sloughs or projects that decrease discharges below a certain threshold (such as 10%).
- There should be a streamlined review process for projects that reduce flows to streams or waterways where there is no downstream legal user, and projects where there has already been review of the downstream impacts of the wastewater treatment facility and recycled water program. The streamlined review should consider previous CEQA or other environmental review that evaluated impacts on instream uses at discharge rates that incorporate expected expansions of a facility's recycled water program.
- The State Water Board or Regional Board should identify streams where a cumulative impact analysis will be required for recycled water projects. A cumulative impact analysis should be the exception, not the norm.

**6. Salt nutrient management plans should be incorporated into Groundwater Sustainability Plans where possible**

- Water Board should work to harmonize the salt and nutrient management plan requirement with SGMA to minimize duplicative studies and reporting.
- Water Board should work with DWR to develop a consistent policy for management and reporting

**7. Priority pollutant monitoring should be removed from State General Order**

- We appreciate the shift in focus from priority pollutants to CECs
- State General Order MRP should be amended before the transition deadline to remove priority pollutant requirement

**8. State Water Board should allow blanket transition**

- Regional permittees should be automatically transitioned to the State General Order so that there is not discontinuity in coverage. Enrollment in statewide water

reclamation permit should be automatic for enrollees of 96-011, with paperwork required (such as updated engineering studies, if necessary) to follow within a specified time period after the effective date of the policy.

**9. Other concerns**

- RO concentrate should not be called “brine” since it is significantly less saline than seawater
- In section 8.1.2.5, all GW recharge projects, not just those using surface spreading, should be eligible for expedient permitting

**10. Analytical Issues**

- *To be supplied by BACWA lab committee*

Respectfully Submitted,

David R. Williams  
Executive Director  
Bay Area Clean Water Agencies

cc: BACWA Board  
Rhodora Biagtan, BACWA Recycled Water Committee Co-Chair  
Leah Walker, BACWA Recycled Water Committee Co-Chair

## Sherry Hull

---

**From:** Sherry Hull  
**Sent:** Monday, June 11, 2018 4:16 PM  
**To:** Sherry Hull  
**Subject:** FW: agenda item #13 - Toxicity Litigation Update

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**From:** Thorme, Melissa [<mailto:mthorme@DowneyBrand.com>]  
**Sent:** Tuesday, June 5, 2018 10:01 AM  
**To:** Steve Jepsen ([sjepsen@dudek.com](mailto:sjepsen@dudek.com)) <[sjepsen@dudek.com](mailto:sjepsen@dudek.com)>; David Williams <[dwilliams@bacwa.org](mailto:dwilliams@bacwa.org)>; Debbie Webster ([eofficer@cvcwa.org](mailto:eofficer@cvcwa.org)) <[eofficer@cvcwa.org](mailto:eofficer@cvcwa.org)>  
**Subject:** TST Litigation - ATTORNEY CLIENT PRIVILEGED COMMUNICATION

Good morning – I just got off the phone with EPA’s lawyer and she is amenable to asking EPA Region IX’s new Regional Administrator for a settlement meeting. I told her we do not have a proposal for settlement, but wanted to have a conversation about how we move forward with chronic toxicity testing in California that does not cause people to be in compliance jeopardy on a daily basis. While we are trying to set that meeting, we plan to defer additional briefing on EPA’s motion to dismiss for two months to allow time for a meeting(s). Keep your fingers crossed we have better luck than NACWA did.

Please let me know if there are dates in the next two months that you or another representative of your trade organization are NOT available for a meeting with EPA.

Thank you!  
Melissa

Melissa A. Thorme

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Attorneys for the United States Environmental  
Protection Agency and Mike Stoker, Regional Administrator

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF CALIFORNIA**

SOUTHERN CALIFORNIA ALLIANCE OF  
PUBLICLY OWNED TREATMENT  
WORKS, CENTRAL VALLEY CLEAN  
WATER ASSOCIATION, NATIONAL  
ASSOCIATION OF CLEAN WATER  
AGENCIES, and BAY AREA CLEAN  
WATER AGENCIES,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY; MIKE STOKER,  
REGIONAL ADMINISTRATOR, UNITED  
STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION IX; and  
DOES 1 to 10,

Defendants.

Case No. 2:16-cv-02960-MCE-DB

**EPA'S NOTICE OF MOTION AND  
MOTION TO DISMISS THE  
SECOND AMENDED COMPLAINT**

Date: June 28, 2018

Time: 2:00 p.m.

Place: Courtroom 7, 14th Floor

Judge: Hon. Morrison C. England, Jr.

**NOTICE OF MOTION AND MOTION**

PLEASE TAKE NOTICE that, on June 28, 2018, at 2:00 p.m., or as soon thereafter as the matter may be heard, in the courtroom of the Honorable Morrison C. England, Jr. at 501 I Street, Courtroom 7, 14th Floor, Sacramento, California, Defendants United States Environmental Protection Agency and Regional Administrator Mike Stoker (collectively, “EPA”) will and do respectfully move to dismiss for lack of jurisdiction and for failure to state a claim the Second Amended Complaint filed by Plaintiffs Southern California Alliance of Publicly Owned Treatment Works (“SCAP”), Central Valley Clean Water Association (“CVCWA”), and Bay Area Clean Water Agencies (“BACWA”).

The motion is based on this notice and the accompanying memorandum of points and authorities; any declarations, exhibits, and request for judicial notice filed in support of the motion; together with such oral and/or documentary evidence as may be presented at the hearing on this motion.

Dated: May 30, 2018

Respectfully submitted,  
McGREGOR W. SCOTT  
United States Attorney  
*/s/ Chi Soo Kim*  
\_\_\_\_\_  
CHI SOO KIM  
Assistant United States Attorney

Dated: May 30, 2018

*/s/ Leslie M. Hill*  
\_\_\_\_\_  
LESLIE M. HILL  
Environmental Defense Section

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9 Attorneys for the United States Environmental  
10 Protection Agency and Mike Stoker, Regional Administrator

11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

13 SOUTHERN CALIFORNIA ALLIANCE OF  
14 PUBLICLY OWNED TREATMENT  
15 WORKS, CENTRAL VALLEY CLEAN  
16 WATER ASSOCIATION, and BAY AREA  
17 CLEAN WATER AGENCIES,

18 Plaintiffs,

19 v.

20 UNITED STATES ENVIRONMENTAL  
21 PROTECTION AGENCY; MIKE STOKER,  
22 REGIONAL ADMINISTRATOR, UNITED  
23 STATES ENVIRONMENTAL  
24 PROTECTION AGENCY, REGION IX; and  
25 DOES 1 to 10,

26 Defendants.

Case No. 2:16-cv-02960-MCE-DB

**DECLARATION OF ROBYN  
STUBER IN SUPPORT OF EPA'S  
MOTION TO DISMISS THE  
SECOND AMENDED COMPLAINT**



1 I, Robyn Stuber, declare as follows:

2 1. I am a Physical Scientist in the U.S. Environmental Protection Agency Region 9  
3 ("EPA"), Water Division, National Pollutant Discharge Elimination System ("NPDES")  
4 Permits Section. I have 25 years of experience in the NPDES Permits Section. I hold a Master  
5 of Arts in Paleontology from the University of California, Berkeley, awarded in 1991, and a  
6 Bachelor of Science in Biological Sciences from California Polytechnic State University, San  
7 Luis Obispo, awarded in 1987. In my position, I am familiar with and regularly access, retrieve,  
8 and review NPDES permits issued by the State of California and its Regional Water Boards. I  
9 am also involved in EPA's response, if any, to NPDES permits issued by the State of California  
10 and its Regional Water Boards. I am also familiar with and involved with NPDES permits  
11 issued by EPA, including NPDES permits jointly issued by EPA and the State of California and  
12 its Regional Water Boards. I have personal knowledge as to the following facts and could  
13 testify to them if called as a witness.  
14

15 2. I have reviewed the Second Amended Complaint filed by Plaintiffs Southern  
16 California Alliance of Publicly Owned Treatment Works ("SCAP"), Central Valley Clean  
17 Water Association ("CVCWA"), and Bay Area Clean Water Agencies ("BACWA") in the  
18 above captioned case.

19 3. The Second Amended Complaint refers to the 2012 Orange County Sanitation  
20 District individual NPDES permit jointly issued by EPA and California. SAC ¶¶ 38, 55. The  
21 permit holder, Orange County Sanitation District, is a Plaintiff SCAP member and did not  
22 challenge the use of the Test of Significant Toxicity ("TST") in this permit in the  
23 Environmental Appeals Board ("EAB") or in state proceedings. In addition, this permit uses  
24 West Coast whole effluent toxicity ("WET") marine chronic methods, which are expressly not  
25 incorporated into the Part 136 methods, and uses marine acute methods.  
26

27 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
28

1 knowledge.

2 Robyn Stuber  
3 Robyn Stuber  
4

5 Executed in San Francisco, California on May 30, 2018.  
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## Sherry Hull

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**From:** Sherry Hull  
**Sent:** Monday, June 11, 2018 4:20 PM  
**To:** Sherry Hull  
**Subject:** Coalition of FW: Coalition of Accredited Labs

**From:** Steve Jepsen [<mailto:sjepsen@dudek.com>]  
**Sent:** Monday, May 28, 2018 8:32 PM  
**To:** David Williams <[dwilliams@bacwa.org](mailto:dwilliams@bacwa.org)>; Adam Link <[alink@casaweb.org](mailto:alink@casaweb.org)>; [eoofficer@cvcwa.org](mailto:eoofficer@cvcwa.org); [eallan@cwea.org](mailto:eallan@cwea.org)  
**Subject:** RE: Coalition of Accredited Laboratories Organizing Committee

Hi David,

Your assumption of being able to sign on to the letter up to June 30 is correct. If you are interested in signing on, the sooner the better. The intent is that the letter will be sent prior to the release of the next Draft ELAP regulations. Also, the letter may be presented to State Water Board members and elected officials as the opportunity arises even if it is prior to June 30.

The newest thing that has us concerned is the Recycled Water Policy amendments at pg. A-4 is requiring compliance with "the management and technical requirements applicable to their operations in accordance with The National Environmental Laboratory Accreditation Conference Institute (TNI) 2016 Standard Volume 1, Module 2-7, with the following exceptions: Volume 1, Module 2, Section 4.1.7/2(f) – Technical Manager Qualifications; and Volume 1, Module 2, Section 5.2.6 – Additional Personnel Requirements." So this is happening BEFORE the ELAP regs possibly.

Also, on pg. A-5, it requires "A laboratory providing analysis of CECs shall be accredited by the Environmental Laboratory Accreditation Program (ELAP) for whichever method is selected..."

The comment deadline on the Recycled Water Policy amendment is June 26, 2018 by 12 noon.

Thanks,

**Steve Jepsen**

Executive Director

**Southern California Alliance of POTWs**

605 Third Street, Encinitas, CA 92024

T: (760) 479-4112

M: (760) 415-4332

F: (760) 479-4881



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**From:** David Williams <[dwilliams@bacwa.org](mailto:dwilliams@bacwa.org)>  
**Sent:** Monday, May 28, 2018 4:03 PM  
**To:** Steve Jepsen <[sjepsen@dudek.com](mailto:sjepsen@dudek.com)>; Adam Link <[alink@casaweb.org](mailto:alink@casaweb.org)>; [eoofficer@cvcwa.org](mailto:eoofficer@cvcwa.org); [eallan@cwea.org](mailto:eallan@cwea.org)  
**Subject:** RE: Coalition of Accredited Laboratories Organizing Committee

Thanks Steve, I will discuss with the BACWA Lab Committee and the BACWA Board. I see that SCAP signed onto the letter so association signatures are welcome

as well as individual labs. The letter is dated June 30<sup>th</sup> so I presume that anyone can sign-on up until that date, is that correct?

**David R. Williams**  
**Executive Director**  
**Bay Area Clean Water Agencies (BACWA)**  
**Cell: 925-765-9616**  
**Email: [dwilliams@bacwa.org](mailto:dwilliams@bacwa.org)**

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**From:** Steve Jepsen [<mailto:sjepsen@dudek.com>]  
**Sent:** Monday, May 21, 2018 2:29 PM  
**To:** Adam Link <[alink@casaweb.org](mailto:alink@casaweb.org)>; David Williams <[dwilliams@bacwa.org](mailto:dwilliams@bacwa.org)>; [eofficer@cvcwa.org](mailto:eofficer@cvcwa.org); [eallan@cwewa.org](mailto:eallan@cwewa.org)  
**Subject:** Fwd: Coalition of Accredited Laboratories Organizing Committee

Hi Summit Partners,

Thanks for a great meeting today.

Please find a message below and comment letter from the Coalition of Accredited Laboratories.

After you have had a chance to review let me know if you want to be notified about meetings with Water Board members or elected officials.

Thanks, Steve  
Sent from my iPhone

Begin forwarded message:

**From:** "Kimbrough, David" <[dkimbrough@cityofpasadena.net](mailto:dkimbrough@cityofpasadena.net)>  
**Date:** May 21, 2018 at 10:39:43 AM PDT  
**To:** Steve Jepsen <[sjepsen@dudek.com](mailto:sjepsen@dudek.com)>  
**Subject:** FW: Coalition of Accredited Laboratories Organizing Committee

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**From:** Kimbrough, David  
**Sent:** Monday, May 21, 2018 10:35 AM  
**To:** Kimbrough, David <[dkimbrough@cityofpasadena.net](mailto:dkimbrough@cityofpasadena.net)>  
**Subject:** Coalition of Accredited Laboratories Organizing Committee

Good Morning,

The community of laboratories accredited by ELAP have been facing a number of challenges lately. Our fees have doubled over the last two years, PT samples are not being reviewed, on-site assessments are behind schedule and are taking a great deal more time to complete, certificates are not being issued in a timely fashion, and so on. Further there are proposed changes to include TNI requirements into ELAP's regulations. Most of us have attempted to address these issues by ourselves. As time has gone on, it is increasingly clear that these individual efforts are not being sufficiently effective. To address this, a committee was formed last week to create an on-going organization to address the issues of all accredited laboratories. The Coalition of Accredited Laboratories Organizing Committee had its first meeting. Our provisional mission statement and core principles are listed here:

**Mission Statement: To advocate for and provide technical assistance to California accredited laboratories.**

**Core Principles**

- 1) Safeguarding Public Health and the Environment;**
- 2) Bridging the gap between regulatory agencies and accredited laboratories;**
- 3) Providing Education, Training and Outreach**

We want to have a founding conference before the end of this calendar year. To make this happen we will need the help of everyone can, whether that is a lot or a little. I would encourage as many of you as possible to join with us in this effort.

Before that however we want to meet with the powers that be in Sacramento to work with them to improve the laboratory accreditation process. We are updating the letter that we sent last September and we would like to add as many signatures as possible. If you know of labs who have not signed but might want to, please let me know so we can expand our list.

David Eugene Kimbrough, Ph.D.  
Acting Water Treatment and Operations Manager  
Pasadena Water & Power  
245 W. Mountain  
Pasadena, CA 91101  
626-744-3704

# Coalition of Accredited Laboratories



## VIA EMAIL

June 30, 2018

Christine Sotelo  
California State Water Resources Control Board  
Environmental Laboratory Accreditation Program  
P.O. Box 100  
Sacramento, CA 95814  
[Elapca\\_comments@waterboards.ca.gov](mailto:Elapca_comments@waterboards.ca.gov)

## **Subject: ELAP Preliminary Draft Regulations Comments**

The Coalition of Accredited Laboratories ("CAL") is an organization representing environmental laboratories in the State of California which are accredited by the Environmental Laboratory Accreditation Program ("ELAP"). CAL represents a wide range of laboratories, large and small, publicly and privately owned. We are grateful for the opportunity to submit these comments and look forward to working with the Division of Drinking Water ("DDW") and ELAP to improve laboratory accreditation.

On July 24, 2017, ELAP released preliminary draft regulations and requested public comments before the regulations were submitted to the Office of Administrative Law ("OAL") to begin the formal rule making process. CAL has submitted comments on this topic in the past and believes that they are still relevant. In particular, the members of CAL believe that the provisions in the preliminary draft regulations referencing the thousands of supplemental requirements found in The NELAC Institute ("TNI") are counter-productive and will create an unnecessary burden upon laboratories. We also believe that requiring the use of these supplemental requirements are inconsistent with the Administrative Procedures Act ("APA") by creating record keeping and reporting requirements that do nothing to improve laboratory data quality. We further believe, as documented in our previous letters on this topic, that such an effort is contrary to the legislative intent of the Environmental Laboratory Accreditation Act. CAL is principally concerned about the sheer number of requirements, rather than with any one requirement. Even the smaller laboratories would need to add over 1250 additional requirements and for larger laboratories, the numbers would be much higher. As data from the States of Florida and New York have shown, this enormous number of additional requirements impelled laboratories out of the accreditation programs after adoption of the TNI requirements, especially smaller laboratories and those in more remote locations.

With the release of the preliminary draft regulations, CAL has concerns regarding three topics are listed below.

- 1. The Letter and Spirit of the APA are compromised with Adoption of ELAP Regulations as Written.**



One of the proposed changes in the definitions section, Title 22. Social Security, Division 4. Environmental Health, Chapter 19. Certification of Environmental Laboratories, Article 1. Definitions, which states:

*“§ 64801. Definitions. The relevant definitions listed in the 2016 TNI Standard, Volume 1 apply throughout this regulation except as otherwise defined in this section.”*

This seems contrary to both the letter and spirit of the APA. Under the APA, it is written that; *“The proposed adoption, amendment, or repeal of a regulation shall be based on adequate information concerning the need for, and consequences of, proposed governmental action.”* (Government Code, § 11346.3 (a) (1))

Additionally, in the APA states that *“Analyses conducted pursuant to this section are intended to provide agencies and the public with tools to determine whether the regulatory proposal is an efficient and effective means of implementing the policy decisions enacted in statute or by other provisions of law in the least burdensome manner. Regulatory impact analyses shall inform the agencies and the public of the economic consequences of regulatory choices, not reassess statutory policy. The baseline for the regulatory analysis shall be the most cost-effective set of regulatory measures that are equally effective in achieving the purpose of the regulation in a manner that ensures full compliance with the authorizing statute or other law being implemented or made specific by the proposed regulation.”* (Government Code § 11346.3. (e))

As currently written, the regulation incorporates almost the entirety of The NELAC Institute’s (“TNI”) 2016 Standard documents, which constitute 180 pages, thus becoming the overwhelming majority of the text of this proposed regulation. However, the TNI documents are not publicly available. They can only be reviewed by purchasing the documents from TNI. Licensing requirements of TNI preclude parties that have purchased these documents from sharing them, and they are not available in public libraries or other similar venues. This means that parties wishing to review the proposed regulations and assess the impact of those regulations on themselves and others must buy a copy of the regulations from a third party. The goal of the APA is to achieve the best possible regulations through means of openness and transparency, and the requirement to purchase a copy of the regulations seems contrary to that objective. CAL believes that if the entirety of the TNI Volume 1 is to be used for regulatory compliance, it should be available in its entirety for public comment and review without having to purchase it.

## **2. Application, Fees, and On-Site Assessments.**

Under current regulations, the certificate of accreditation is active for 24 months. During that period, each laboratory must undergo an On-Site Assessment (“OSA”) before accreditation is awarded. This clearly establishes a requirement that OSAs occur every 24 months. ELAP’s fees are supposed to support a staff who can regularly visit the approximately 660 laboratories accredited by ELAP. Since December 2015, ELAP’s fees have

approximately doubled but to date they have been unable to keep to a 24 month OSA cycle. In the preliminary draft regulations, it appears that ELAP is proposing that the OSA cycle be increased to 36 months, although the language is rather unclear in part because the certificate life remains at 24 months. The confusion arises from the fact that the OSA provisions of the proposed regulations are scattered about in several different sections and seem to contradict each other. For example, §64802.00 (a) (4) says that an OSA needs to be completed “*when required*” but it does not explain when that might be. In §64802.05 (a)(3) says that an OSA must occur within a “*three year interval*” but does not explain when that interval begins or ends or how it is associated with the issuance or termination of a certificate of accreditation. However, if the draft regulations mean the OSA cycle to be 36 months, this seems to be a problem for two reasons. First, it seems inequitable for ELAP to raise fees to support staff for a 24 month OSA cycle and then reduce their workload to a 36 month cycle. If ELAP wants to reduce the frequency of OSAs, the regulations need to state that clearly and their fees need to decrease accordingly. Second, the entire rationale for requiring TNI provisions was to improve laboratory performance. Reducing the frequency of OSAs seems to accomplish the opposite effect.

### **3. Fields of Accreditation (FOA) and Units of Accreditation (UOA).**

Preliminary draft ELAP regulations §64802.15 states that FOAs and UOAs will not be defined in statute or regulation but only by listing them on their website. The stated goal is to keep the list of methods and analytes regulated current with the needs of the various regulatory agencies requiring accreditation. While that goal is certainly desirable, the method seems unsound. This allows ELAP to change FOAs and UOAs without any due process or following the APA. ELAP can add or subtract methods, analytes, and FOAs at any time. Fees are tied to the FOAs and UOAs so fees can change whenever the webpage is changed. For example, inorganic tests for Safe Drinking Water Act compliance monitoring are grouped into FOA 2 / 102. Included in this FOA are methods for inorganic chemicals by Ion Chromatography (“IC”) but there are many other methods as well. ELAP could, with a few keystrokes, remove IC from this FOA and create an entirely new FOA. Fees for laboratories with this FOA could increase significantly. FOAs and UOA can impact other parts of accreditation. It is a very bad idea for them to be changed on the fly without due process. It is also of questionable legal basis, it is hard to see how FOAs and UOAs found on this webpage and nowhere else can be held up as legally defensible.

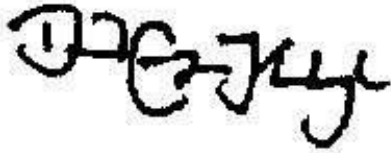
ELAP is currently struggling to do their job in a consistent and timely fashion as evidenced in the number of laboratories which have not had an OSA. We certainly agree that the current regulations are badly out of date and need to be overhauled but the current proposal only makes matters worse rather than better. It will require a great deal more work for ELAP staff, for the community of accredited laboratories, while providing less protection to public health, instead of more. Effective regulations can be developed which will not overly burden the laboratory community and create a more efficient accreditation program.

We recommend that the State Board allow ELAP to take its existing program and budget, develop better regulations, and make that work before considering taking on vastly more complex efforts



that will cost the laboratory community a great deal of money while providing no benefit to public health, no additional protection to the environment, and no sustained improvement to the quality of data being produced by accredited laboratories in California.

We thank you for your attention.



David Eugene Kimbrough, Ph.D. Chair, CAL

Concurrences:



Neal B. Allen, District Manager, Mt. View Sanitary District (ELAP# 2011)



Rojert G. Araghi, Laboratory Director, American Scientific Laboratories, LLC (ELAP# 2200)



Veronica Astells, Environmental Program Manager, Town of Windsor (ELAP# 2942)

A handwritten signature in black ink, appearing to read "Dale Armstrong".

Dale Armstrong, Laboratory Supervisor, Goleta Water District (ELAP# 1374)

A handwritten signature in black ink, appearing to read "Timothy Bailey".

Timothy Bailey, Laboratory Supervisor, Santa Fe Irrigation District (ELAP# 1553)

A handwritten signature in blue ink, appearing to read "Thomas Barkhurst".

Thomas Barkhurst, Laboratory Supervisor, Marina Coast Water District, (ELAP# 1617)

A handwritten signature in blue ink, appearing to read "Zenda L. Berrada".

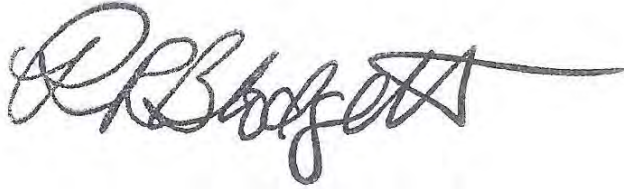
Zenda L. Berrada, Laboratory Director, San Mateo County Public Health Laboratory (ELAP# 1591)

A handwritten signature in black ink, appearing to read "Samantha Bialorucki".

Samantha Bialorucki, Laboratory Manager, City of Palo Alto (ELAP # 1087).

A handwritten signature in black ink, appearing to read 'S. Bigley'.

Steve Bigley, Director of Environmental Services, Coachella Valley Water District (ELAP# 2472)

A handwritten signature in black ink, appearing to read 'R. Blodgett'.

Richard R. Blodgett, Laboratory Director, Water Environmental Testing Laboratory (WET Lab) (ELAP# 2082)

A handwritten signature in black ink, appearing to read 'Lloyd Bracewell'.

Lloyd Bracewell, Laboratory Director, Bracewell Engineering Inc. - Hollister Laboratory (ELAP# 1520)

A handwritten signature in blue ink, appearing to read 'Nicki Branch'.

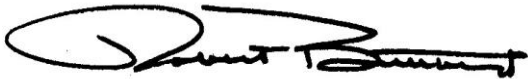
Nicki Branch, Laboratory Superintendent, City of Escondido (ELAP# 1625)

A handwritten signature in black ink, appearing to read 'B. Burnett'.

Betty Burnett, General Manager, South Orange County Wastewater Authority (ELAP# 1280)

A handwritten signature in black ink, featuring a large, stylized 'S' that loops around and extends into a long horizontal line.

Sara Burke, Plant Chemist, Oro Loma Sanitary District (ELAP# 1764)

A handwritten signature in black ink, appearing to read 'Robert Butterfield' with a stylized, cursive script.

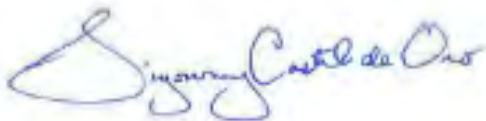
Robert Butterfield, President and Laboratory Director, A & L Western Agricultural Laboratories, Inc. (ELAP# 1657)

A handwritten signature in black ink, appearing to read 'S. Campbell' in a cursive style.

Sharon Campbell, Laboratory Director, City of Placerville (ELAP# 2285)

A handwritten signature in blue ink, appearing to read 'Allen Carlisle' in a cursive style.

Allen Carlisle, CEO/General Manager Padre Dam MWD (ELAP# 1045)

A handwritten signature in blue ink, appearing to read 'Sigourney Castel de Oro' in a cursive style.

Sigourney Castel de Oro, Laboratory Director, American Water Services (ELAP# 2817)



Kevin Cesar, Laboratory Source Control Supervisor, WPCP, City of Millbrae (ELAP# 1219)



Tom Chism, Wastewater Treatment Superintendent, City of Shasta Lake



Commodore Collins, Laboratory Supervisor, Valley Sanitary District, (ELAP# 1053)



Greg Coons, Chief Operating Officer, MobiLab Environmental Determinations USA LLC (ELAP# 2822)



Jeremy Corrigan, MS, PHM II, ELAP Director/Laboratory Manager, Humboldt County Public Health Laboratory (ELAP# 2033)



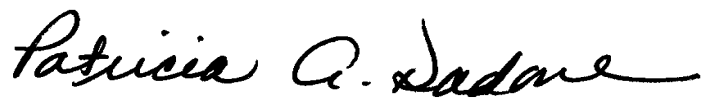
Ana Corti, Water Quality Analyst/Laboratory Director, City of Pittsburg (ELAP# 1479)



Lena Cox, Laboratory Supervisor, Goleta Sanitary District (ELAP# 1374)



Nikki Crumpler, Laboratory Analyst, Big Bear Area Regional Wastewater Agency (ELAP #1828)



Patricia A. Dadone, Director, Public Health Laboratory County of Santa Clara (ELAP# 1905)



Pete Dalla-Betta, PhD, Laboratory Supervisor, City of San Mateo WWTP (ELAP# 1151)



Bradley Davis, Laboratory Manager, Burbank Water Reclamation Plant (ELAP# 1819)




Ray De Ocampo, Laboratory/ Environmental Compliance Supervisor, Carmel Area Wastewater District (ELAP# 1804)



Yeggie Dearborn, Ph.D., Principle-Laboratory Director, Cel Analytical Inc. (ELAP# 2647)



Gustavo A. Delgado, Ph.D., Chief Executive Officer, Forensic Analytical Laboratories, Inc. (ELAP# 1202)



Erich Delmas, Laboratory Supervisor, City of Tracy, (ELAP # 1481)



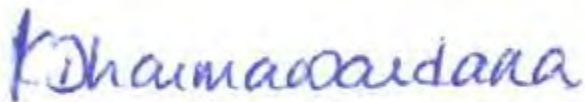
Gurpal Deol, Water Quality Manager, Zone 7 Water Agency (ELAP # 1403)

*Curtis B. Desilets*

Curtis B. Desilets, Laboratory Director, Enviro-Chem, Inc (ELAP# 1555)



Hojabr Dezfulian, Ph.D., President & Laboratory Director of Applied Industrial Microbiology, Inc.(ELAP# 2952)



Kumudini Dharmawardana, Laboratory Supervisor, Water Resources Division, City of Livermore (ELAP# 2198)



Mark Dysert, Laboratory Director, Dysert Environmental, Inc. (ELAP# 2764)



Mary Erland

Mary Erland, Chemist, City of Lompoc, Water Division (ELAP# 1064)

A handwritten signature in black ink, appearing to read "Elizabeth H. Falejczyk".

Liz Falejczyk, Environmental Services Supervisor, For Veolia Water at Novato Sanitary District (ELAP# 1092)

A handwritten signature in blue ink, appearing to read "Gaylen Fair".

Gaylen Fair, Laboratory Supervisor, City of Santa Barbara, PWD Water Resources Laboratories (ELAP# 1504)

A handwritten signature in black ink, appearing to read "Anne C. Fairchild".

Anne Fairchild, Laboratory Manager, City of San Luis Obispo (ELAP# 1498)

A handwritten signature in black ink, appearing to read "Donna Ferguson".

Donna Ferguson, Ph.D., Laboratory Director, Monterey County Health Department, Consolidated Chemistry Laboratory (ELAP# 1395)



Emilio Flores, Laboratory Supervisor, City of Yuba City Water/Wastewater Laboratory, ELAP# 1250



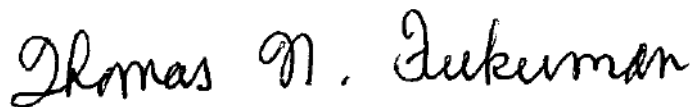
Christopher Francis, Interim Regulatory Compliance Manager, Napa Sanitation District, (ELAP# 2334)



Melinda Freitas, Laboratory Manager, Sierra Dairy Laboratory (ELAP# 1384)



Scott Fridlund, Laboratory Director, Dellavalle Laboratory, Inc (ELAP# 1595)



Thomas N. Fukuman, Manager of Analytical Services, Chem Pro Laboratory, Inc. (ELAP# 1265)



Scott Furnas, President, California Laboratory Services, (ELAP# 1233)



Diane Griffin, Laboratory Supervisor, Dublin San Ramon Services District (ELAP# 1272)



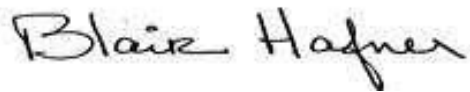
Heather Grove, Wastewater System Superintendent, City of Manteca WQCF (ELAP# 1098)



Michael Hansen, Deputy Public Works Director-Utility Operations, City of Eureka Public Works (ELAP# 1360)



Richard Hansen, General Manager, Three Valleys Municipal Water District (ELAP# 1581)

A handwritten signature in black ink that reads "Blair Hafner". The letters are cursive and fluid.

Blair Hafner, Laboratory Director, Mammoth Community Water District (ELAP# 1453)

A handwritten signature in black ink that reads "Tom F. Hashemi". The letters are cursive and fluid.

Tom F. Hashemi, Director, Reference Laboratories (ELAP# 2809)

A handwritten signature in blue ink that reads "Andrew Hata". The letters are cursive and fluid.

Andrew Hata, Laboratory Manager, JMR Environmental Services, Inc. (ELAP# 2468)

A handwritten signature in blue ink that reads "David Huff". The letters are cursive and fluid.

David Huff, Laboratory Director, City of Turlock, (ELAP# 2150)

A handwritten signature in black ink that reads "Giti Heravian". The letters are cursive and fluid.

Giti Heravian, Laboratory Manager, Fairfield-Suisun Sewer District, (ELAP# 2067)



Florence B. Jay, Laboratory Supervisor, Ventura Water (ELAP# 1193)



Julie Jeleti, Laboratory Coordinator, South San Joaquin Irrigation District (ELAP# 2646)



Steve Jepsen, Executive Director, Southern California Alliance of Publically Owned Treatment Works



Mark Jerpbak, Laboratory Director, TEG-Northern California (ELAP# 1671 & 2012)



Jayne Joy, Director of Environmental and Regulatory Compliance, Eastern Municipal Water District, (ELAP# 1379)

A handwritten signature in blue ink that reads "Erin Kebbas". The script is cursive and fluid.

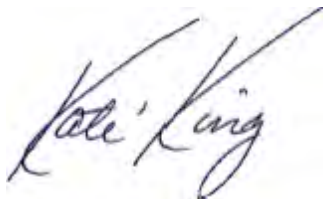
Erin Kebbas, Water Quality Manager, City of Napa, (ELAP# 2413)

A handwritten signature in blue ink that reads "Joan Kelly". The script is cursive and clear.

Joan Kelly, Laboratory Director, City of Ukiah WWTP, (ELAP# 4263)

A handwritten signature in blue ink that reads "Jina Ryu Kim". The script is cursive and somewhat stylized.

Jina Ryu Kim, Laboratory Director, JK Bioscience, Inc. (ELAP# 2968)

A handwritten signature in blue ink that reads "Kati King". The script is cursive and elegant.

Kati King, Laboratory Director, City of Scotts Valley Wastewater Reclamation Facility (ELAP# 1062)

A handwritten signature in black ink that reads "Olga Kist". The script is cursive and bold.

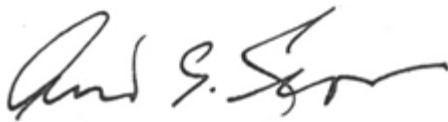
Olga Kist, President and Laboratory Director, Analytical Labs San Francisco, Inc. (ELAP# 1050)



Jeff Koelewyn, Laboratory/Regulatory Affairs Supervisor, Castaic Lake Water Agency (ELAP# 2104)



Angie Koski, Laboratory Technician III, City of Healdsburg Water Reclamation Facility (ELAP# 2726)



Arnold Leff, M.D., REHS, Environmental Health Director/Health Officer, County of Santa Cruz (ELAP#, 2394)



Kim Lim, CEO, Ultimate Labs, (ELAP# 2783)



Stephen Linsley, Environmental Compliance Supervisor, West County Wastewater District (ELAP# 2537)



Justin Livesay, Laboratory Director, Antelope Valley-East Kern Water Agency (ELAP# 1460)



Ty Maddux, Water Quality Technician, Walnut Valley Water District (ELAP# 1460)

***Timea Marsalko Majoros***

Timea Marsalko Majoros Ph.D., President/Laboratory Director, Delta Environmental Laboratories, (ELAP# 57)



Santos Marquez, Laboratory Supervisor, City of Thousand Oaks, (ELAP# 1158)

***Beverli A. Marshall***

Beverli A. Marshall, General Manager, Sewer Authority Mid-Coastside, (ELAP# 1306)

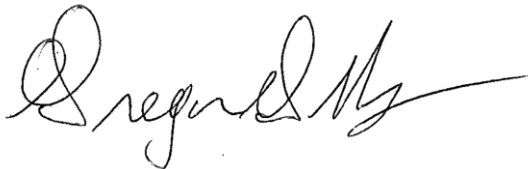




Susan McMahon, Water Quality Supervisor, Casitas Municipal Water District, (ELAP# 1696)



Cheryl McMillien, Laboratory Director, CERCO Analytical, Inc. (ELAP# 2153)



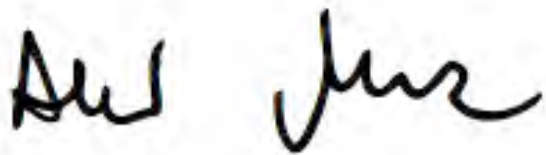
Gregor G. Meyer, Public Works Director, City of Woodland , (ELAP# 2464)



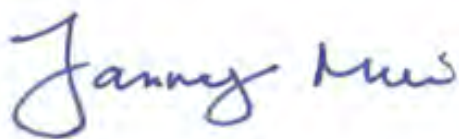
Rod Miller, Laboratory Director, Water Quality Division Laboratories, San Francisco Public Utilities Commission (ELAP # 1449, # 1721, # 1720, # 2207, # 2341, # 2335)



Jack Miyamoto, Chemist, City of Santa Monica (ELAP# 2975)

A handwritten signature in black ink, appearing to read "Andrew Moroz".

Andrew Moroz, Laboratory Director, Analytical Chemical Labs Inc., (ELAP# 2505)

A handwritten signature in blue ink, appearing to read "Fanny Mui".

Fanny Mui, Superintendent/Chief Plant Operator, South San Luis Obispo County Sanitation District (ELAP Cert # 1413)

A handwritten signature in black ink, appearing to read "Salam Nael".

Salam Nael, Laboratory Supervisor, City of Redlands, (ELAP # 1513)

A handwritten signature in black ink, appearing to read "Mary Pedersen".

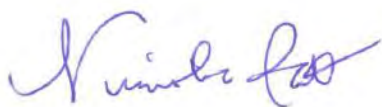
Mary Pedersen, Laboratory Analyst, Lake Arrowhead CSD Laboratory (ELAP# 1415)

A handwritten signature in black ink, appearing to read "Mark Noorani".

Mark Noorani, Laboratory Director, Orange Coast Analytical, Inc. (ELAP# 2576)

A handwritten signature in black ink that reads "Debra Palacio". The script is cursive and fluid.

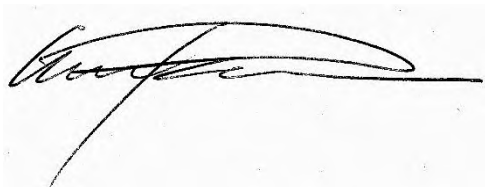
Debra Ann Palacio, Director, Santa Barbara County Public Health Laboratory (ELAP# 1818)

A handwritten signature in blue ink that reads "Nimisha Patel". The script is cursive and fluid.

Nimisha Patel, Laboratory Director/Environmental Compliance Manager, Sewerage Agency of Southern Marin (ELAP# 1538)

A handwritten signature in black ink that reads "Ryan P. Peralta". The script is cursive and fluid.

Ryan Peralta, Laboratory Coordinator. City of San Clemente, (ELAP# 1703)

A handwritten signature in black ink that reads "Tony Pirondini". The script is cursive and fluid.

Tony Pirondini, Water Quality Manager, City of Vacaville Utilities Department (ELAP# 1952)

A handwritten signature in black ink, appearing to read "Mike Pittman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mike Pittman, Senior Analyst, City of Redding, Stillwater WWTP (ELAP# 1962)

A handwritten signature in black ink, appearing to read "Terry Powers". The signature is cursive and somewhat stylized.

Terry Powers, Laboratory Director, South Tahoe Public Utility District (ELAP# 1569)

*Cassandra Prudhel*

Cassandra Prudhel , Laboratory Director, City of Calistoga (ELAP # 2766)

A handwritten signature in blue ink, appearing to read "Marc Oliver D. Quijano". The signature is cursive and has a distinctive loop at the end.

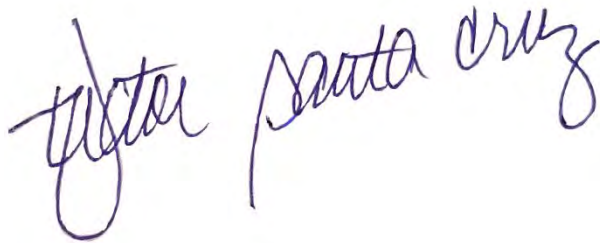
Marc Oliver D. Quijano, Laboratory Manager, West Basin Water Quality Laboratory (ELAP# 2111)

*Carol Reilly*

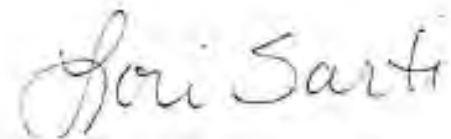
Carol Reilly, Laboratory Supervisor, City of Chico (ELAP #1476)



Pablo Ramudo, Laboratory Director/Water Quality Supervisor, North Marin Water District (ELAP# 1574)



Victor Santa Cruz, Biologist, Inland Empire Utilities Agency (ELAP# 1808)



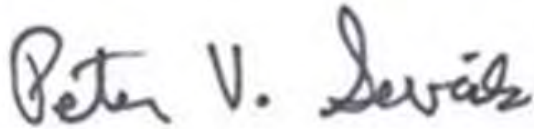
Lori Sarti, Water Quality Analyst, City of Antioch (ELAP# 1383)



Mark W. Scandalis, Laboratory Director, City of Paso Robles (ELAP# 2972)



John Seo, Interim Laboratory Director, Union Sanitary District (ELAP# 1324)

A handwritten signature in black ink that reads "Peter V. Sevcik". The script is cursive and fluid.

Peter V. Sevcik, PE, Director of Engineering and Operations, Nipomo Community Services District (ELAP# 2797)

A handwritten signature in black ink that reads "Al Sexton". The letters are stylized and cursive.

Al Sexton, Laboratory Supervisor, City of Simi Valley WQCP (ELAP# 1337)

A handwritten signature in blue ink that reads "Peter Shen". The signature is cursive and includes a long horizontal stroke at the end.

Peter Shen, Laboratory Director, Carlsbad Desalination Plant Laboratory (ELAP# 6170)

A handwritten signature in black ink that reads "Hyrum Slade". The signature is cursive and somewhat compact.

Hyrum Slade, Laboratory Supervisor, GeoAnalytical Laboratories, Inc. (ELAP # 2585)

A handwritten signature in blue ink that reads "Ellen Simm". The signature is cursive and elegant.

Ellen Simm, Water Agency Coordinator – Laboratory Services, Sonoma County Water Agency (ELAP# 2292 & 2293)



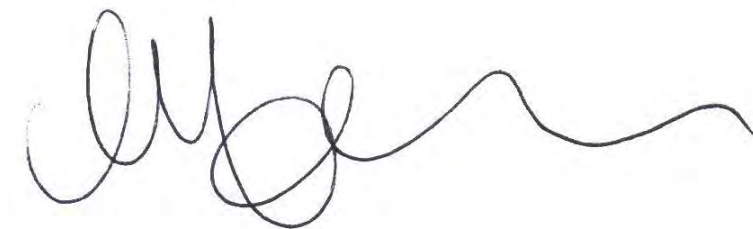
Sharon Simoni, Laboratory Manager, Clean Earth Environmental Laboratory (ELAP# 2622)



Angie Smigelski, Environmental & Water Quality Lab Supervisor, City of Modesto (ELAP# 1362 and 2674)



Justin Stepanian, President - Laboratory Director, Strata-Analysts Group, Inc (ELAP #2052)



Marie Stillway, ATL Laboratory Manager, Aquatic Health Program Laboratory (ELAP# 2243)



Josie Tellers, Water Quality Coordinator, City of Davis (ELAP# 2645)



Amanda Thompson, Water Quality / Regulatory Affairs Supervisor, Palmdale Water District, (ELAP# 1776)



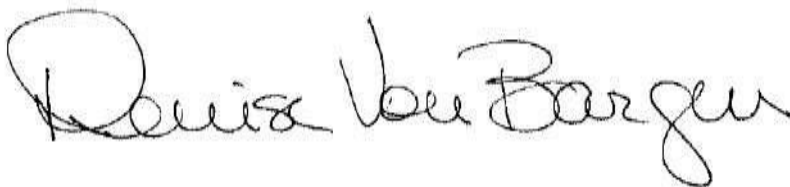
Tai Tseng, Operations Manager, Long Beach Water Department, (ELAP# 4206)



Tony Umphenour, Laboratory Director, Burbank Water and Power, (ELAP# 1464)



Dan Verdon, Laboratory Director, EnviroMatrix Analytical, Inc. (ELAP# 2564)



Denise Von Bargen, Laboratory Director, Ventura County Public Health Laboratory (ELAP# 1910)




A handwritten signature in black ink that reads "MWaKabongo". The letters are somewhat stylized and connected.

Musau WaKabongo, Ph.D., PHM, HCLD/CC(ABB), Laboratory Director, Placer County Public Health Laboratory, (ELAP# 2004)

A handwritten signature in blue ink that reads "Bob Wandro". The signature is fluid and cursive.

Bob Wandro, Laboratory Director, Silicon Valley Clean Water (ELAP# 1688)

A handwritten signature in black ink that reads "Daniel Webster". The signature is written in a cursive style.

Daniel Webster, Senior Laboratory Technician, City of Redding (ELAP# 1401)

A handwritten signature in blue ink that appears to read "Janet Williams-Harmon". The signature is very stylized and cursive.

Janet Williams-Harmon, Laboratory Director, Veolia - Rialto Water Services (ELAP# 1751)

A handwritten signature in black ink that appears to read "Roger A. Westergard". The signature is highly stylized and cursive.

Roger A. Westergard, Water Quality Laboratory Supervisor, City of Anaheim Public Utilities (ELAP# 1514)

A handwritten signature in black ink that reads "Tara Wood". The letters are cursive and fluid.

Tara Wood, Laboratory Director, City of Crescent City (ELAP #1465\_

A handwritten signature in black ink that reads "Lee Yoo". The signature is written in a cursive style.

Lee Yoo, Laboratory Director, Orange County Water District (ELAP# 1114)

A handwritten signature in black ink that reads "Larry Zhang". The signature is written in a cursive style.

Larry Zhang, Ph.D., President and Laboratory Director, C&E Laboratories, Inc. (ELAP# 2268)

A handwritten signature in black ink that reads "Ken Zheng". The signature is written in a cursive style.

Ken Zheng, Laboratory Director, A & R Laboratories, Inc. ( ELAP# 2789 and 2790)

A handwritten signature in black ink that reads "Zhongrui Zhou". The signature is written in a cursive style.

Zhongrui Zhou, Laboratory Director, Elite Analytical (ELAP # 2416)



Cindy Ziernicki, Senior Chemist, Helix Water District (ELAP# 1610)



William Zolan, Supervising Chemist, Mel Leong Treatment Plant, San Francisco International Airport Commission (ELAP# 1705)



## Annual BACWA AIR Committee-BAAQMD Meeting Draft Agenda

**Date:** August 6, 2018  
**Time:** 10 AM - 2 PM  
**Location:** BAAQMD Headquarters - 375 Beale Street, San Francisco, CA 94105

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- 1) 10:00 - 10:15 **Welcome and Introductions**
- 2) 10:15 - 10:45 **Issues Overview**  
Presentation by BACWA to set the stage for the discussion/working session - to touch on state and local goals.
- 3) 10:45 - 11:30 **Basin-Wide Methane Strategy Update**  
Updates from BAAQMD staff on rulemaking to support this effort.
  - a) Large Methane Releases (New Rule 13-1)
  - b) Composting & Organic Waste Recovery Operations (including Anaerobic Digestion) - Post Regional Discussion Forum. Potential for BACWA member (CMSA) to provide a brief success story regarding organics recovery.
- 4) Lunch
- 5) 12:00 - 12:30 **Rule 11-18: Reduction of Risk from Air Toxic Emissions at Existing Facilities Health Risk Screening & Assessments Update**  
Update from BAAQMD/Carol Allen on where we are at in the "flow diagram" and what BACWA members can expect going forward. BACWA members to provide a summary update on CCCSD efforts and costs, as well as feedback on practical issues related to implementation when large CIP projects are already underway.
- 6) 12:30 - 1:00 **AB 617 Implementation Update**  
Update from BAAQMD on their involvement to date. BACWA members to provide feedback on ARB workshops held in May (reference CASA comment letter, to be submitted June 29th).
- 7) 1:00 - 1:30 **Standard Permit Conditions and Permits for Temporary Pilot Test Projects**  
BACWA to provide the specific items to discuss under this topic, such as standard monitoring, biogas production limits, etc.
- 8) 1:30 - 1:45 **Particulate Matter Rule Development (Regulation 6, Rule 6.1)**  
BAAQMD to address future decreases in allowable PM.
- 9) 1:45 - 2:00 **Closing**

**Commented [SD1]:** Historically, this topic applied primarily to agencies with incinerators. It may be good to leave more time for the Standard Permit Conditions topic since that is impacting so many members and we can set up a separate meeting with Guy Gemlin. Let me know what you think.

## Sherry Hull

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**From:** Sherry Hull  
**Sent:** Monday, June 11, 2018 3:52 PM  
**To:** Sherry Hull  
**Subject:** PPIC's Water Quality project

**From:** Caitrin Phillips Chappelle [<mailto:chappelle@ppic.org>]  
**Sent:** Friday, May 25, 2018 9:07 AM  
**To:** David Williams <[dwilliams@bacwa.org](mailto:dwilliams@bacwa.org)>  
**Cc:** Henry McCann <[mccann@ppic.org](mailto:mccann@ppic.org)>; Theresa Dang <[dang@ppic.org](mailto:dang@ppic.org)>  
**Subject:** PPIC's Water Quality project

Greetings David,

I hope all is well with you.

As you may recall, we are working on a research project about wastewater management challenges in light of drought, changing regulations, and a changing climate. Thank you again for including notice of our survey in your BACWA Bulletin back in December, this was helpful to getting a good response rate from the Bay Area wastewater community.

We are pleased with our survey sample and are currently looking over the responses. We could also benefit from some additional conversations with wastewater managers. The roundtable discussion would focus on three overarching themes:

- Planning for and adapting to long-term water use efficiency
- Future plans for water recycling and reuse
- Changes in effluent flows as related to the environment and other downstream users

In particular, we are interested in hearing agency perspectives on:

- Challenges dealing with the cost of adaptation, water conservation regulation, and water recycling and quality regulations
- The role of public policy in helping agencies overcome challenges and continue to be resilient in the future

We are holding a short discussion at the CUWA board meeting in Sacramento in June 22<sup>th</sup>. In addition to your members that are also part of CUWA, do you think it would be beneficial to hold a roundtable discussion with other wastewater managers in the Bay Area? Our goal is to assemble agencies of different sizes, representing different parts of the Bay Area and wastewater challenges.

We would like to shoot for June, and can work on the details of scheduling if you are interested in the opportunity.

Please let me know if you are interested and we can continue the conversation.

Very best,  
Caitrin

**Caitrin Chappelle**  
*Associate Center Director*  
*PPIC Water Policy Center*

PUBLIC POLICY

**Committee Request for Board Action: None**

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

**19 attendees (including 3 on phone) representing 9 member agencies**

**Water Infrastructure Improvements for the Nation (WIIN) Act Update**

The US Bureau of Reclamation (USBR) has a target date of May 23rd for release of the combined Funding Opportunity Announcement. Application deadline will be 60 days after release. Congress is going through the appropriation process, but it seems unrealistic that they will pass all 12 Appropriation bills prior to the end of the federal fiscal year (esp. in an election year), so we're likely to see a Continuing Resolution at that time.

**Recycled Water Policy Update**

The proposed amendment to the Recycled Water Policy was released for public comment in early May. The committee hosted a conference call on May 30 to discuss developing a BACWA comment letter, due June 26, and Laura McClellan from the State Water Board joined the conference call. There will be a public hearing on June 19. The amendment includes new goals to minimize discharges to Bays, Ocean, Estuaries and Coastal Lagoons except where the discharge is needed to protect beneficial uses. There was a discussion at the meeting about how, although the amendment recognizes that recycled water is not the only contributor of salt and nutrients to groundwater basins, there are pages of material detailing the requirements for SN Management Plans. Coordination with SGMA is described. There is also a one-year deadline to transition Regional permittees to the State General Order, and a three-year deadline to ensure that engineering reports are consistent with the requirements of the State General Order.

**BAIRWMP Update**

The committee reviewed the [slides](#) from the May 4 DWR and IRWM Round table of Regions meeting, giving details of the solicitation process. Compared to previous rounds, DWR is planning for more engagement with applicant during the solicitation process, providing opportunity for clarification. They will maintain competition in the process, and provide opportunity for projects developed through the DACI program to receive funding. Only two rounds are expected; \$47.4M total for SF Bay region; \$23M for first round maximum; some will be set aside specifically for DAC projects. The tentative schedule for the next IRWM Round is:

- Late June 2018 – DRAFT PSP and Guidelines
- August 2018 – 3 Public Meetings
- Fall 2018 – FINAL PSP and Guidelines
- November 2018-April 2019 –Pre-Application Workshops
- January 2019 – First Application Submitted
- Early 2019 – Final Award and Grant Agreement Execution following set time period after Pre-Application Workshop

**CWSRF IUP Workshop Report-out**

The State Water Board plans to develop a list of fundable projects, which will be the only projects eligible to receive support. They plan to provide a partial funding option for the first time, as well as retroactive funding for projects that have begun construction. They have included Regional Water Board support as a selection criterion, and WaterReuse has submitted a [comment letter](#) recommending that they remove this criterion, since it creates a problem of transparency in how Regional Water Board select projects to support. There will also be a clause to allow dropping a project from the fundable list if the proponent is unresponsive.

**Next Meeting** – Tuesday, July 17, 2018, 10:30 am to 12:30 pm, EBMUD Small Admin Training Room

## **InfoShare Asset Management – Report to BACWA Board**

InfoShare Asset Management Committee meeting on: 05/16/18

Executive Board Meeting Date: 06/15/18

Committee Chairs: Dana Lawson and Aaron Johnson

### **Committee Request for Board Action:** None

**Attendees:** Aaron Johnson (DSRSD); Dana Lawson, Neil Meyer, PJ Turnham, Ian Morales (Central San); Andy Hall (City of Livermore); Robin Gamble Holley (Napa San)

<b>Introductions</b> <ul style="list-style-type: none"><li>▪ See Above</li></ul>
<b>Announcements</b> <ul style="list-style-type: none"><li>▪ BayWork is hosting an Asset Management Workshop on May 30 at the Napa Marriot. Robin Gamble Holley and Dana Lawson are both presenting.</li><li>▪ Robin said that new NPDES permits are including language regarding asset management plans.</li></ul>
<b>Presentations</b> <ul style="list-style-type: none"><li>▪ Ian Morales (GIS Analyst) gave a presentation on Central San's implementation of Cityworks Asset Management System (AMS), which was also presented at the Cityworks conference in Salt Lake City May 9-11. The presentation covered the challenges, successes, and goals for the Treatment Plant's asset management program.</li></ul>
<b>Discussion</b> <ul style="list-style-type: none"><li>• Asset replacement lifecycle cost table</li><li>• Ideas to engage more members? Future presentation or discussion topics? Aaron and Dana will discuss later and may create a survey to poll the membership.</li></ul>
<b>Future Meetings</b> <ul style="list-style-type: none"><li>• 2018 Meeting Schedule: August 15, November 14</li><li>• Please e-mail <a href="mailto:dlawson@centralsan.org">dlawson@centralsan.org</a> or <a href="mailto:johnson@dsrsd.com">johnson@dsrsd.com</a> if you can present at either meeting.</li></ul>
<b>Next BACWA Asset Management InfoShare Group Meeting:</b> August 15 at City of Livermore

ASSET MANAGEMENT IN THE VERTICAL WORLD

**Special Training – 55 attendees**  
**Committee Notes are available [online](#).**

***Regional Water Board Update***

The Regional Water is accepting nominations for the 2018 Pollution Prevention Award. Please email Debbie Phan with nominations by July 13.

***OWOW Presentation***

Stephen Groner, SGA Marketing, provided a [presentation](#) targeting how to craft campaigns to change public behavior. The 4-hour training drew on elements of psychology to help understand the impact of different kinds of messaging. It was organized as follows:

- Introduction: It's not what you say...?
- Part I: Communication Strategies & Behavior Change
- Part II: Elements of Persuasion
- Part III: Why Environmental Communication is So Hard
- Bonus: Narrative and Storytelling (A Template for Reaching Your Audience)

***Next meetings***

The August meeting will be the annual pollutant prioritization meeting, which will guide how resources are allocated for FY18/19.

***Budget***

The committee budget is \$ 91,992, or approximately 92%, spent.

***BAPPG Leadership***

Autumn Cleave (SFPUC) will be the new Chair of BAPPG for FY19.

**Next BAPPG Meeting**

**BAPPG General Meeting**

August 1, 2018: 9:00am-1:00pm  
 1515 Clay Street, Second Floor, Room 2  
 Oakland, CA



**Committee Request for Board Action: None**

**21 Participants representing 13 member agencies**

**Regional Water Board and SFEP Staff in Attendance**

**Upcoming Permits**

**June** – *Sausalito*- No issues, satellite agencies have not been included in permit.

*Burlingame* – No issues, satellite agencies have not been included in permit.

**August** – *SASM* - No issues, satellite agencies have not been included in permit. *SASM* does not frequently blend, and owns part of its collection system. Its satellite systems also have private sewer lateral ordinances.

*Tiburon* – No known issues.

**Regional Water Board Report-out**

Because of the adoption of the Statewide Sediment Quality Objectives, there may need to be some non-substantive changes to the language in permits about SQOs.

The Regional Water Board is developing changes to the Standard Provision under “Effluent Characterization”. They would like all priority pollutant monitoring conducted for the Effluent Characterization be reported in CIWQS. To make this happen, they propose to move the priority pollutant monitoring and reporting requirements back into the Monitoring and Reporting Program in future permits. This will allow the Regional Board to access the data more easily for conducting a reasonable potential analysis. These changes could impact the language in the Alternate Monitoring Plan Order as well. New language would require dischargers to review priority pollutant concentrations and evaluate whether their concentrations are significantly increasing so there are no surprises during Reasonable Potential Analyses. They must also notify the Regional Water Board within 45 days if any pollutant exceeds water quality objectives.

There was a discussion about the list of items that could be incorporated into the Basin Plan through the Triennial Review Process that would improve clarity. Referring to the [Issue Descriptions](#), these items are:

- Issue 2.1 - Add Unnamed Water Bodies that Receive Discharges
- Issue 2.3 Align Ocean Plan and Basin Plan for Recreational Contact Use
- Issue 3.13 Clarify Implementation Requirements for Municipal Supply and Agricultural Supply Water Quality Objectives
- Issue 4.3 Update Cyanide Dilution Credits
- Issue 6.1 Clarify Turbidity Water Quality Objective

**State Recycled Water Policy**

The draft amendment to the State Recycled Water Policy includes a provision that will terminate Regional orders one year after its adoption. There was a discussion about how the new General Order does not include coverage for recycled water production, only distribution. The committee recommends that BACWA’s comments to the State Water Board request that the State General Order be amended before 96-011 is terminated to include recycled water production.

**Mercury methods for influent and biosolids**

The ultraclean mercury method that is required in permits is generally not suitable for influent or biosolids because it is impossible to get a clean equipment blank. In permits moving forward, the Regional Water Board will move the method footnote to indicate that the method applies to just effluent, and not influent and biosolids.

**SFEP Presentation**

Staff from the San Francisco Estuary Partnership provided a presentation on wetlands opportunities in the SF Bay margins. These include treatment wetlands, with a focus on horizontal levies, as well as marshlands supported by wastewater effluent. So far, work has been funded via an EPA grant and conducted in partnership with the Regional Water Board, who have been looking at permitting concerns. They are developing a proposal for SRF funding that would allow them to further their research on contaminant removal, provide designs for projects at EBDA, Palo Alto, and San Leandro, and continue capacity building on the project in terms of collaboration and information exchange. The Regional Water Board is interested in a test case for a wetlands project, which will likely be Palo Alto’s ecotone project. Collaboration with SFEP could be part of fulfilling the Regional Study that will be part of the next watershed permit, since the projects under consideration are candidates for nutrient removal.

**Nutrients**

- a. *Optimization/Upgrade Studies* – BACWA hosted a workshop on May 31 to review the main body of the Optimization and Upgrade Studies Report. Comments from the workshop are being incorporated, and the report is expected to be submitted to the Regional Water Board by the July 1 2018 deadline. Certification letters have been received from all but two agencies.
- b. *NST meeting* – The Nutrient Strategy Team met on May 18 to discuss elements of the second watershed permit - the Regional Study as well as concepts for encouraging early actions and reducing the risk of agencies that plan to implement Capital Projects to reduce nutrients. There was some consensus on a concept where early actions could lead to credits that would allow agencies to exceed baseline concentrations for some amount of time in a nutrient load cap scenario.

**CECs**

- a. *BACWA White Paper on CECs participation*- BACWA is developing a White Paper detailing POTW participation in RMP studies. This will be provided to the Water Boards to demonstrate that Region 2 has a robust CECs program, where POTWs participate in studies when needed. The alternative would be requirements for monitoring from the State Water Board. The White Paper will provide a menu of POTW characteristics that would allow the RMP to select representative POTWs to provide effluent studies for any given sample.
- b. RMP CEC Workgroup meeting April 12-13 – [see agenda](#). The group reviewed a series of proposals and selected mostly stormwater studies for recommended funding. There will also likely be a study looking at sunscreen in POTW effluent.
- c. RMP Microplastics Workgroup meeting May 15. There was a methods review, and there will be a workgroup to determine how to develop representative analysis techniques to cut down on labor due to particle counting. The group recommended that the RMP fund studies looking at microplastics in fish guts, and tissues, if funds are available.

**Triennial Review**

BACWA submitted [comments](#) on the Triennial review. (See RWB Report-out)

**Announcements**

- a. RWB soliciting nominations for 2018 P2 Award – email [Debbie Phan](#) by July 13
- b. BAAQMD hosting organics recovery Workshop June 25 - [RSVP](#)

**Succession Planning**

The committee is seeking a new vice-chair for FY19.

**Next BACWA Permits Committee Meeting:** Tuesday July 10, 12 to 2pm, EBMUD Lab Library



## **Executive Director's May 2018 Report**

### **NUTRIENTS:**

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

- Coordinated with the OP/Upgrade consulting team on administrative issues.
- Coordinated with the NMS Science Manager on presentations, meetings, and key issues on nutrients.
- Developed the agenda for the monthly CMG conference call and chaired the call.
- Held a Nutrient Strategy Team meeting to discuss approaches on watershed permit language to incentivize early actions to reduce nutrients.
- Planned for and participated in the 31<sup>st</sup> meeting of the NMS Planning Subcommittee and provided BACWA in-kind services by serving as scribe. Following the meeting prepared detailed meeting minutes and summary of action items.
- Coordinated with the HDR Project Manager on the schedule and budget for the Op/Upgrade Report.
- Organized a member Workshop to review the narrative summary of the final draft of the Optimization/Upgrade Report
- Interviewed by a reporter from the Estuary News magazine on the sea level rise analyses to be included in the Optimization/Upgrade Report.

### **BACWA BOARD MEETING AND CONFERENCES:**

- Worked with staff in preparing for the May Board Meeting including review of the final agenda with the BACWA Chair and coordination with presenters.
- Organized and participated in the May Board Meeting.
- Continued to track all action items to completion.
- Planned for the bi-monthly Joint Meeting with the Water Board staff.

### **ASC/SFEI:**

- As the Chair of the Governance Committee coordinated with the SFEI Executive Director on committee activities.
- Participated in discussions on the approach to updating the organization's strategic plan.
- Participated in discussions of a new policy for Board member donations as part of the strategy to pursue Foundation funding.
- Attended the RMP Microplastics Workshop where recent investigations and findings were presented.

### **COLLECTION SYSTEM COMMITTEE:**

- Coordinated with the RPM on planning for the next Collection System Committee meeting.

### **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 18 member invoices.
- Coordinated with the AED in preparation for sending the FY 19 annual invoices to the BACWA membership.

### **PERMIT COMMITTEE:**

- Coordinated with the RPM for items to agendaize for the next Permit Committee meeting.

### **COLLABORATIONS:**

- Coordinated with CASA Regulatory Program Manager and Executive Director on regulatory issues of mutual concern.
- Coordinated with the Bay Area Biosolids Coalition to discuss a potential role for BACWA in assisting with the administration of the Coalition's activities. Serving as contract administrator for a research effort with UC Merced.
- Attended the semiannual joint meeting of the CASA Regulatory Workgroup and the BACWA Permit Committee.
- Represented BACWA at the May Summit Partners meeting.
- Attended the quarterly meeting of the SFEP and provided input on the update of their strategic planning process.

### **AIR COMMITTEE:**

- Coordinated with the AIR Committee leadership on current regulatory issues.

### **WOT:**

- Communicated with the BACWWE Executive Committee on how the Spring Semester was progressing.

- Coordinated with Solano Community College is planning for the Fall 2018 BACWWE classes.
- Represented BACWA/BACWWE on the newly formed EPA Workforce Convening effort to foster collaboration among public agencies in preparing to meet the workforce challenges of the future.

#### **ADMINISTRATION:**

- Planned for and conducted the monthly BACWA staff meetings to coordinate and prioritize activities.
- Signed off on invoices, reviewed correspondence, prepared for upcoming Board meetings, 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.

#### **MISCELLANEOUS MEETINGS/CALLS:**

- 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 for information



## BACWA ACTION ITEMS

Number	Subject	Task	Deadline	Status
<b>Action Items from May 18, 2018 BACWA Executive Board Meeting</b>				
2018.5-60	Joint WB Meeting Agendas/Materials	Share well in advance of meeting (ED/AED)	5/25/2018	Completed
2018.5-59	ASC/SFEI Board	Notify of Laura Pagano continuing as Board Member for next 3 years (ED)	6/30/2018	Completed
2018.5-58	Final Opt/Upgrade Sign-Off Letters	Contact remaining Agencies (ED)	5/30/2018	Completed
2018.4-57	AQPI	Coordinate with Jennifer Krebs on what, if any, role for BACWA (ED)	5/18/2018	Pending
2018.3-49	TNI InfoShare Workshop	In about 6 months (RPM)	12/15/2018	Pending
2018.2-43	Committee Meeting Audio	Research cost of providing audio of meetings (RPM)	6/30/2018	Pending
<b>Action Items Remaining from Previous BACWA Executive Board Meetings</b>				
2016.3-61	Membership Policy	Develop policy for out of region agency membership (ED)	6/30/2017	Pending

FY18 57 of 60 Action Items completed

FY17: 90 of 90 Action Items completed.

FY16: 96 of 97 Action Items completed.



DATE	AGENDA
<p><b>7/20/2018</b></p> <p><b>Monthly Board Mtg</b> Items due: 7/13 Schectel, Mitsuddy, Pagano, White, Zipkin Williams; Fono; Hull</p>	<p><b>Consent</b> Previous Board Meeting Minutes (AED) Monthly Financial Report</p> <p><b>Authorizations &amp; Approvals</b> Approval: Annual Nutrient WS Payment Approval: FY19 Agreements</p> <p><b>Other Business - POLICY/STRATEGIC</b> Discussion: Water Board Jt Mtg Draft Agenda Discussion: Draft Agenda Pre-Pardee Technical Seminar Discussion: Risk Reduction Update Discussion: HDR Final Update on Optimization/ Upgrade studies</p> <p><b>Other Business - OPERATIONAL</b> Discussion:</p> <p><b>Reports</b> Committee Reports (Committee Chairs) Board Reports (Executive Board) ED Report (ED) RPM Report (RPM) Other BACWA Representative Reports</p>
<p><b>7/?/2018</b></p> <p><b>Joint Meeting - Water Board</b> Schectel, Mitsuddy, Pagano, White, Zipkin Williams; Fono</p>	<p><b>Other Business: Discussions</b></p>
<p><b>8/17/2018</b></p> <p><b>Monthly Board Mtg</b> Items due: 8/10 Schectel, Mitsuddy, Pagano, White, Zipkin Williams; Fono; Hull</p>	<p><b>Consent</b> Previous Board Meeting Minutes (AED) Monthly Financial Report</p> <p><b>Authorizations &amp; Approvals</b> Approval:</p> <p><b>Other Business - POLICY/STRATEGIC</b> Discussion: Draft Agenda &amp; Schedule Pre &amp; Pardee Technical Seminar Discussion: RMP &amp; NMS Update (Phil Trowbridge/David Senn)</p> <p><b>Other Business - OPERATIONAL</b> Discussion:</p> <p><b>Reports</b> Committee Reports (Committee Chairs) Board Reports (Executive Board) ED Report (ED) RPM Report (RPM) Other BACWA Representative Reports</p>

<p><b>9/21/2018</b></p> <p><b>Monthly Board Mtg</b></p> <p>Items due: 9/14</p> <p>Schectel, Mitsuddy, Pagano, White, Zipkin</p> <p>Williams; Fono; Hull</p>	<p><u><b>Consent</b></u></p> <p>Previous Board Meeting Minutes (AED)</p> <p>Monthly Financial Report</p> <p><u><b>Authorizations &amp; Approvals</b></u></p> <p>Approval:</p> <p><u><b>Other Business - POLICY/STRATEGIC</b></u></p> <p>Discussion: Draft Agenda Pardee Technical Seminar</p> <p>Discussion: Annual Meeting Planning</p> <p>Discussion: Biannual Update on CASA Climate Change Prog? Short Meeting?</p> <p><u><b>Other Business - OPERATIONAL</b></u></p> <p><u><b>Reports</b></u></p> <p>Committee Reports (Committee Chairs)</p> <p>Board Reports (Executive Board)</p> <p>ED Report (ED)</p> <p>RPM Report (RPM)</p> <p>Other BACWA Representative Reports</p>
<p><b>9/21/2018 No Board Actions Permitted</b></p> <p><b>Pre-Pardee Seminar</b></p> <p>Schectel, Mitsuddy, Pagano, White, Zipkin</p> <p>Williams; Fono; Hull</p>	
<p><b>10/25-26/2018 No Board Actions Permitted</b></p> <p><b>Pardee Technical Seminar</b></p> <p>Schectel, Mitsuddy, Pagano, White, Zipkin</p> <p>Williams; Fono; Hull</p>	
<p><b>11/16/2018</b></p> <p><b>Monthly Board Mtg</b></p> <p>Items due: 11/9</p> <p>Schectel, Mitsuddy, Pagano, White, Zipkin</p> <p>Williams; Fono; Hull</p>	<p><u><b>Consent</b></u></p> <p>Previous Board Meeting Minutes (AED)</p> <p>Monthly Financial Report</p> <p><u><b>Authorizations &amp; Approvals</b></u></p> <p>Approval: Adoption of FY18 Annual Reports</p> <p><u><b>Other Business - POLICY/STRATEGIC</b></u></p> <p>Discussion: Pardee Debrief &amp; Survey</p> <p>Discussion: Draft Agenda Joint Meeting with WB</p> <p>Discussion: ReNEWIt Industrial Advisory Board Meeting Debrief</p> <p>Discussion: Climate Change Update</p> <p><u><b>Other Business - OPERATIONAL</b></u></p> <p>Discussion: Annual Meeting Planning</p> <p><u><b>Reports</b></u></p> <p>Committee Reports (Committee Chairs)</p> <p>Board Reports (Executive Board)</p> <p>ED Report (ED)</p> <p>RPM Report (RPM)</p> <p>Other BACWA Representative Reports</p>
<p><b>12/?/2018</b></p> <p><b>Joint Meeting - Water Board</b></p> <p>Schectel, Mitsuddy, Pagano, White, Zipkin</p>	
<p><u><b>Other Business: Discussions</b></u></p>	



<p><b>12/21/2018</b></p> <p><b>Monthly Board Mtg</b> Items due: 12/14 Schectel, Mitsuddy, Pagano, White, Zipkin Williams; Fono; Hull</p> <p><b>HOLIDAY LUNCH</b> <b>COMMITTEE APPRECIATION LUNCH</b></p>	<p><b>Consent</b> Previous Board Meeting Minutes (AED) Monthly Financial Report</p> <p><b>Authorizations &amp; Approvals</b> <b>Other Business - POLICY/STRATEGIC</b> Discussion: WB Joint Meeting Debrief</p> <p><b>Other Business - OPERATIONAL</b> Discussion: Annual Meeting Agenda Discussion: Budget Schedule &amp; Key Issues</p> <p><b>Reports</b> Committee Reports (Committee Chairs) Board Reports (Executive Board) ED Report (ED) RPM Report (RPM) Other BACWA Representative Reports</p>
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<p><b>1/25/2019</b></p> <p><b>Annual Members Mtg</b> Schectel, Mitsuddy, Pagano, White, Zipkin Williams; Fono; Hull</p>	<p>Service &amp; Leadership Recognition RMP &amp; NMS Update EPA, CWRCB, RWCB, Air Dist,</p>
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<p><b>2/15/2019</b></p> <p><b>Monthly Board Mtg</b> Items due: 2/? Schectel, Mitsuddy, Pagano, White, Zipkin Williams; Fono; Hull</p>	<p><b>Consent</b> Previous Board Meeting Minutes (AED) Monthly Financial Report</p> <p><b>Authorizations &amp; Approvals</b> Approval: <b>Other Business - POLICY/STRATEGIC</b> Discussion: Draft Agenda Joint Meeting with WB</p> <p><b>Other Business - OPERATIONAL</b> Discussion: FY2019 Budget Planning - 1st Draft of FY19 Budget Discussion: Annual Meeting Debrief</p> <p><b>Reports</b> Committee Reports (Committee Chairs) Board Reports (Executive Board) ED Report (ED) RPM Report (RPM) Other BACWA Representative Reports</p>
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<p><b>3/?/2019</b></p> <p><b>Joint Meeting</b> Schectel, Mitsuddy, Pagano, White, Zipkin Williams; Fono</p>	<p><b>Other Business: Discussions</b></p>
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<p><b>3/15/2019</b></p> <p><b>Monthly Board Mtg</b> Items due: 3/9 Schectel, Mitsuddy, Pagano, White, Zipkin</p>	<p><b>Consent</b> Previous Board Meeting Minutes (AED) Monthly Financial Report</p> <p><b>Authorizations &amp; Approvals</b></p>
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Williams; Fono; Hull

**Other Business - POLICY/STRATEGIC**

Discussion: WB Joint Meeting Debrief

**Other Business - OPERATIONAL**

Discussion: Second Draft of FY20 Budget

Discussion: Biannual Update on CASA Climate Change Program

**Reports**

Committee Reports (Committee Chairs)

Board Reports (Executive Board)

ED Report (ED)

RPM Report (RPM)

Other BACWA Representative Reports

**4/19/2019**

**Consent**

**Monthly Board Mtg**

Items due: 4/12

Schectel, Mitsuddy, Pagano, White, Zipkin

Williams; Fono; Hull

Previous Board Meeting Minutes (AED)

Monthly Financial Report

**Authorizations & Approvals**

Approval: FY20 Budget

**Other Business - POLICY/STRATEGIC**

Discussion: Draft Agenda Joint Meeting with WB

**Other Business - OPERATIONAL**

Discussion: Update on BAAQMD Regulations

Discussion: Update on regional and statewide biosolids issues

Discussion: NBWA Conference Debrief

**Reports**

Committee Reports (Committee Chairs)

Board Reports (Executive Board)

ED Report (ED)

RPM Report (RPM)

Other BACWA Representative Reports

**5/?/2019**

**Joint Meeting - Water Board**

Schectel, Mitsuddy, Pagano, White, Zipkin

Williams; Fono

**Other Business: Discussions**

**5/17/2019**

**Consent**

**Monthly Board Mtg**

Items due: 5/10

Schectel, Mitsuddy, Pagano, White, Zipkin

Williams; Fono; Hull

Previous Board Meeting Minutes (AED)

Monthly Financial Report

**Authorizations & Approvals**

Approval: FY19 Staff Consulting Amendments/Agreements

Approval: Officers: Chair & Vice-Chair FY19

Authorization (ED): Legal & IT Support Amendments FY19

**Other Business - POLICY/STRATEGIC**

Discussion: Water Board Jt Mtg Draft Agenda

Discussion: CEC Update

Discussion: Update on regional and statewide biosolids issues

**Other Business - OPERATIONAL**

**Reports**

	Committee Reports (Committee Chairs) Board Reports (Executive Board) ED Report (ED) RPM Report (RPM) Other BACWA Representative Reports
<b>6/21/2019</b> <b>Monthly Board Mtg</b> Items due: 6/8 Schectel, Mitsuddy, Pagano, White, Zipkin Williams; Fono; Hull	<b><u>Consent</u></b> Previous Board Meeting Minutes (AED) Monthly Financial Report <b><u>Authorizations &amp; Approvals</u></b> Approval: FY19 Agreements Approval: Confirm BACWA Rep to ASC/SFEI Jt Board <b><u>Other Business - POLICY/STRATEGIC</u></b> Discussion: WB Joint Meeting Debrief <b><u>Other Business - OPERATIONAL</u></b> Discussion: BAAQMD Annual Meeting Draft Agenda Discussion: CPSC Update <b><u>Reports</u></b> Committee Reports (Committee Chairs) Board Reports (Executive Board) ED Report (ED) RPM Report (RPM) Other BACWA Representative Reports

**CURRENTLY**

**UNSCHEDULED  
& SIGNIFICANT**

\* Suggestions for Monthly Meeting Guest Speakers/Presenters: i.e. Jim McGrath, State Water Board



# Regulatory Program Manager's Report to the Board

May 2018

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**NUTRIENTS:** Discussed timing of report and advance funding for the science with Water Board staff. Reviewed Optimization and Upgrade Studies and attended workshop. Discussed certification letters with member agencies. Discussed getting annual reporting data with consultant.

**BACWA BULLETIN:** Drafted June Bulletin.

**CECs:** Attended RMP Microplastics Workshop and reviewed associated materials. Reviewed Scientific Advisory Panel for CECs in Recycled Water final report.

**NEAR SHORE DISCHARGE PERMITTING:** Collected information on members' planned wetlands projects. Discussed wetlands study with SFEP staff.

**RECYCLED WATER POLICY AMENDMENT:** Participated in conference call to develop comments, and reviewed WaterReuse position. Developed draft outline of BACWA comment letter.

**TRIENNIAL REVIEW:** Reviewed Regional Water Board Issue Descriptions and communicated with Water Board staff. Developed draft BACWA comments and distributed to Permits Committee for review.

**HG/PCBs:** Discussed risk reduction compliance with Regional Water Board staff.

**COALITIONS:** Participated in NACWA regulatory conference call focusing on EPA Transparency Rule. Participated in FWQC Matrix call.

**COMMITTEE SUPPORT:**

**AIR –** Reviewed invoices. Discussed meeting planning, and future joint meeting with Water Board and Air District.

**BAPPG –** Distributed invitation to June training to members. Discussed veterinary info for baywise.org with consultant.

**Biosolids –** Discussed biosolids survey with SCAP and CASA to ensure consistency with other data requests.

**Collection Systems –** Planned next meeting with committee chairs and Water Board staff.

**O&M Infoshare –** Prepared Board report.

**Permits –** Sent material for next meeting to committee chairs.

**Recycled Water –** Attended meeting and drafted meeting notes.

**Executive Board –** Prepared for and attended Executive Board meeting. Edited action items and meeting minutes. Updated agenda for 6/1 joint meeting with Regional Water Board.

**ADMINISTRATION/STAFF MEETING –** Managed committee Google Groups. Updated documents on website.

**MEETINGS ATTENDED:** Recycled Water Committee (5/15), RMP Microplastics Workshop (5/15), NACWA Call (5/16), Executive Board meeting (5/18), Triennial Review Workshop (5/21), Biosolids survey conference call with SCAP (5/23); FWQC Matrix call (5/29), Optimization and Upgrade Studies Workshop (5/31).