



# Executive Board Meeting Minutes

November 16, 2018

## ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Lori Schectel (Central Contra Costa Sanitary District); Amit Mutsuddy (San Jose); Eileen White (East Bay Municipal Utility District); Jacqueline Zipkin (East Bay Dischargers Authority); Greg Norby (SFPUC).

## Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Amanda Roa	Delta Diablo
Azalea Mitch	Representing San Mateo via Call In
Daniela Brandao	Representing San Mateo
David Behar	BayCAN
Greg Baatrup	Fairfield Suisun
Holly Kennedy	HDR
Jay Davis	SFEI
Nirmela Arsem	EBMUD
Nohemy Revilla	SFPUC
Patricia McGovern	McGovern McDonald Engineers
Robert Wilson	City of Petaluma
Steve McDonald	McGovern McDonald Engineers
Andrew Damron	Napa San
Arvin Akela	Representing Silicon Valley
Tess Sprague	Woodard & Curran
Karin North	City of Palo Alto
Carla De Las Casa	Brown & Caldwell
YuYun Shang	EBMUD
Steve Linsley	West County
David Williams	BACWA
Lorien Fono	BACWA
Sherry Hull	BACWA

## **PUBLIC COMMENT**

None.

**CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER** – Item Agenda **Item 28** - Discussion: Bay Area Climate Adaptation Network (BayCAN) Launch was taken out of order.

## **CONSENT CALENDAR**

1. September 21, 2018, BACWA Executive Board Meeting Minutes – The approved minutes will be posted on the BACWA website.

2. August and September 2018 Treasurer's Reports and Financial Summary – A Financial Summary Report, along with Treasurer's Reports for August and September 2018, were included in the Packet. A copy of the FY18 Budget as of September 30, 2018, (25% of the fiscal year) was included. It, along with the Summary, provides the Board with a concise overview of the Fund Balances and the current status of the Annual Budget and points out any variances in the budget to date. 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 is also provided.

**Consent Calendar items 1 and 2:** A motion to approve was made by Jacqueline Zipkin and seconded by Eileen White. The motion was approved unanimously.

### **APPROVALS & AUTHORIZATIONS**

3. Authorization: ED Authorization to Amend the FY19 HDR Agreement– An Executive Director Authorization and Amendment were included in the Packet. The Executive Director noted that the amount of the Amendment was within the Executive Director's contracting authority and there was an urgency to proceed with the work.

4. Approval: Adoption of FY18 Annual Reports – A Board Action Request and links to the [BACWA Annual Report](#), the [Basic Financial Statements](#), and the [Memorandum on Internal Controls](#) were included in the Packet. The Executive Director gave an overview of the documents.

**Item 4:** A motion to approve was made by Eileen White and seconded by Greg Norby. The motion was approved unanimously.

5. Approval: BACWA Resolution R-19-01, Membership – A Board Action Request and Resolution R-19-01 were included in the Packet. The Executive Director gave an overview of the reason for the request in Resolution form.

**Item 5:** A motion to approve was made by Greg Norby and seconded by Lori Schectel. The motion was approved unanimously.

6. Approval: BACWA Aquatic Science Center Representative – A Board Action Request was included in the Packet. The Executive Director gave an overview of Aquatic Science Center bylaws. BACWA currently has one Representative and one Alternate. BACWA may have up to two Representatives and two Alternates.

**Item 6:** A motion to approve Eileen White as the Representative and Amy Chastain as the Alternate was made by Lori Schectel and seconded by Greg Norby. The motion was approved unanimously.

7. Approval: BACWA Nutrient Management Strategy Steering Committee Representative – A Board Action Request was included in the Packet. The Executive Director explained the request for a new Alternate.

**Item 7:** A motion to approve Jacqueline Zipkin as the new Alternate Representative was made by Eileen White and seconded by Lori Schectel. The motion was approved unanimously.

8. Approval: HDR Agreement for Additional Services to Support 2nd Nutrient Watershed Permit Compliance – A Board Action Request, an Amendment, and a new Proposal & Scope were included in the Packet. The Executive Director gave an overview of the work included in the request. There was a discussion that this work may include support for negotiating the third Watershed Permit.

**Item 8:** A motion to approve was made by Eileen White and seconded by Jacqueline Zipkin. The motion was approved unanimously.

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

Agenda **Item 9** – Discussion: Nutrients

a. Regulatory

- i. Nutrient Strategy Team Future Meeting Schedule – A list of possible dates for future NST meetings following BACWA Executive Board meetings was included in the Packet. The Executive Director explained that more NST meetings will likely be needed since the NST will respond to the Admin Draft of the Watershed Permit in January, and continue negotiations with the Regional Water Board until the permit is adopted in May or June.
- ii. Nutrient Strategy Team November Agenda – The posted Agenda was included in the Packet. The Executive Director noted that the meeting will immediately follow the Board meeting.

b. Governance Structure –

- i. Debrief on Nutrient Management Strategy Planning Subcommittee #35 – The Summary of the November 9, 2018 meeting was included in the Packet. The Executive Director gave an overview noting that the facilitator in the SFEI Program Coordination team will be leaving SFEI. Until SFEI decides how they will fill that position, the Planning Subcommittee decided they would self-facilitate in the short term. The next meeting of the Planning Subcommittee is at the end of November with the Steering Committee meeting being held in December. It was noted that

- SFEI will be requesting advanced funding of \$200k for the coastal study; and that the USGS will discontinue their ship-based monitoring program due to loss of key personnel and reallocation of federal funds.
- ii. Debrief on August 17, 2018 Nutrient Strategy Team Meeting – The minutes of the August 17, 2018 meeting were included in the Packet.

Agenda **Item 10** – Discussion: Pardee Technical Seminar Debrief & Participant Survey – A [LINK](#) to the results of the participant Survey was included in the Packet. The Executive Director gave an overview noting comments and the general approval of the venue and catering. A Board Member thanked the BACWA Staff for their work in putting the Seminar together.

Agenda **Item 11** – Discussion: ReNUWIt Industrial Advisory Board Meeting Debrief – A Presentation on the ReNUWIt program was included in the Packet. The BACWA Representative to ReNUWIt gave an overview of the meeting noting that they have not been as engaged with the industry as they should have been, suggesting ways to increase that engagement. They include identifying plants that are interested in running pilot projects that would be complimentary to the research. When ReNUIt expires in two years, it is expected that BACWA Members would desire continued engagement with the researchers, and should develop a framework for this purpose. It was suggested that BACWA facilitate an informal dialog with the Codiga Center.

Agenda **Item 12** – Discussion: Regional Monitoring Program Update –The Executive Director introduced Jay Davis from SFEI who gave an overview of the program. The presentation can be seen [HERE](#). There was a discussion about potential decrease in funding for nutrient special studies by the RMP. The BACWA Executive Board expressed its appreciation to SFEI and the RMP for its work. It was suggested that BACWA facilitate a conference call on POTW participation in CEC studies that would include the Water Board Staff and SFEI.

Agenda **Item 13** – Discussion: Toxicity Litigation Update – Links to the [Legal Filing](#) and the [EPA Response](#) were included in the Packet. The Executive Director gave an update noting that the litigation is ongoing.

Agenda **Item 14** – Discussion: Toxicity Provisions – A Clean Water Summit Partners letter, along with a [LINK](#) to the Statewide Toxicity Provisions were included in the Packet. The Regulatory Program Manager gave a [Presentation](#) that highlighted the issues and suggested comments. There is a State Water Board hearing on Toxicity on November 28, 2018. The Regulatory Program Manager will develop a Comment Letter and circulate it to the Executive Board. Comments are due December 7, 2018.

Agenda **Item 15** – Discussion: SSS WDR CASA Redlines –Links to the [Final WDR Redlines](#) and to the [Final MRP Redlines](#) was included in the Packet. The Regulatory Program Manager gave an overview of the CASA Redlines and noted that the next meeting with State Water Board staff is

on November 29, 2018.

**Agenda Item 16** – Discussion: Strategy To Work with Bay Area Air Quality Management District – A copy of the August 6, 2018 Meeting Summary was included in the Packet. The Regulatory Program Manager gave an overview noting that the AIR Committee plans to develop recommendations at their next meeting. A Member noted that Air District staff will be observing the kickoff of their food waste program. The Executive Director asked that BACWA be apprised of the outcome.

**Agenda Item 17** – Discussion: BACWA Policies & Procedures – A schedule for updating BACWA Policies was included in the Packet. The Executive Director gave an overview and noted that discussions on two new draft policies will follow.

**Agenda Item 18** – Discussion: Draft Policy on Reserves – A Draft Policy on Financial Reserves was included in the Packet. The Executive Director gave an overview of the policy and requested Board input. The Policy on Reserves will be brought to the Board for Approval in December, 2018.

**Agenda Item 19** – Discussion: Draft Policy on Representation – A Draft Policy on BACWA Representation was included in the Packet. The Executive Director gave an overview of the policy and requested Board input. The Policy on Representation will be brought to the Board for Approval in December, 2018.

**Agenda Item 20** – Discussion: Draft Agenda Joint Meeting with Water Board Staff – A Draft Agenda for the December 3, 2018 scheduled meeting was included in the Packet. The Regulatory Program Manager gave an overview of the Agenda.

**Agenda Item 21** - Discussion: Support for Dual Track Lab Certification – Two emails from SCAP along with a draft letter to the SWRCB recommending dual track lab certification were included in the Packet. The Executive Director thanked the Lab Committee and others for their work on this issue. The Chair of the BACWA Lab Committee gave an overview of the current status and agreed to provide modifications to the comment letter for review. But it was suggested that BACWA may want to reconsider its overall strategy and decide what would be the best approach to get an implementable accreditation system for our members. The Lab Committee Chair will invite Christine Sotelo of ELAP to attend a future BACWA Executive Board Meeting.

**Agenda Item 22** - Discussion: Support for San Francisco Estuary Partnership's Grant Proposal on Transforming Shorelines, that will include using OLSA's expansion of its horizontal levee as a case study for overcoming permitting hurdles for wetlands projects – A BACWA support letter, along with the proposal, were included in the Packet. A Board Member summarized the proposal. The Board indicated support for the program and submission of the support letter. It

was suggested that BACWA set up a conference call with the stakeholders to discuss coordination.

## **OTHER BUSINESS-OPERATIONAL**

Agenda **Item 23** - Discussion: BACWA Annual Meeting Planning – A copy of the 2018 BACWA Annual Meeting Agenda, along with a list of suggested topics for the 2019 BACWA Annual Meeting, were included in the Packet. The Executive Director asked for input from the Board on the list of topics. It was suggested that Climate Adaptation Resiliency be highlighted as part of the presentations at the meeting.

Agenda **Item 24** - Discussion: Pardee Technical Seminar Dates in 2019 – A document showing possible dates and conflicts for the 2019 BACWA Pardee Technical Seminar was included in the Packet. The Executive Director explained that the facility may not be available to BACWA on the usual Thursday and Friday in October and asked the Board to give input on possible other dates. The Board suggested September 26-27, 2019 with the Pre-Pardee Seminar following the August 16, 2019 Executive Board Meeting.

Agenda **Item 25** - Discussion: BACWA Bulletin - Member News Section Pilot– A [LINK](#) to the CASA Newsletter showing a Member News section was included in the Packet. The Regulatory Program Manager gave an overview of the possible change to the BACWA Bulletin and asked the Board for input. The Regulatory Program Manager will request member news and set up a Member News section in the Bulletin.

Agenda **Item 26** - Discussion: Exfiltration Workshop – An email from CASA regarding an October 1, 2018 Workshop on Exfiltration was included in the Packet. The Executive Director gave an overview of what is occurring in southern California on this issue.

Agenda **Item 27** - Discussion: Options for Supporting the Bay Area Biosolids Coalition – a Proposal and Guidance Budget were included in the Packet. The Executive Director gave an overview of the options for providing support to BABC. The Executive Director will attend the next BABC meeting and come back to the Board with suggestions on how to proceed.

Agenda **Item 28** - Discussion: Bay Area Climate Adaptation Network (BayCAN) Launch – This item was taken out of order before Item #14 . David Behar from SFPUC gave a presentation on the launch of the Bay Area Climate Adaptation Network. A website will be up and running soon. The alliance will be membership-based with reasonable annual dues. The Executive Director asked the Board for input on participation and the Board agreed that BACWA should consider joining. The Executive Director will proceed under his expenditure authorization authority.

Agenda **Item 29** - Discussion: Bay Area Chemical Consortium – This item was moved to the

December 21, 2018 BACWA Executive Board Meeting Agenda.

Agenda **Item 30** - Discussion: Language for Award Plaque – Draft language for an award to be presented from BACWA to retiring Executive Officer of the San Francisco Water Board was included in the Packet. The Executive Director asked for input from the Board. The Board suggested some additions and the Executive Director will provide a draft to the Board for review. BACWA staff will procure the Award and it will be presented at the December 12, 2018 meeting of the San Francisco Water Board.

Agenda **Item 31** - Discussion: Continued BACWA Support of Federal Water Quality Coalition – A [LINK](#) to the FWQC Regulatory Matrix was included in the Packet. This item was moved to the December 21, 2018 BACWA Executive Board Meeting Agenda.

## REPORTS

Agenda **Item 32** – Committee Reports – BACWA Committee Reports were included in the Packet. A was included in the Packet.

AIR Committee: A report from the October 17, 2018 meeting was included in the Packet. .

BAPPG Committee: A report from the October 3, 2018 meeting was included in the Packet.

Biosolids Committee: A report from the September 20, 2018 meeting was included in the Packet.

Collections Committee: A report from the September 27, 2018 meeting was included in the Packet.

InfoShare - Asset Management: No meeting.

Lab Committee: Reports from the September 12, and October 10, 2018 meetings were included in the Packet.

Operations & Maintenance – InfoShare Group: A report from the August 29, 2018 meeting was included in the Packet.

Permits Committee: Reports from the September 11, October 9, and November 13, 2018 meetings were included in the Packet.

Pretreatment Committee: A report from the June 14, 2018 meeting was included in the Packet.

Recycled Water Committee: Reports from the September 18, and October 30, 2018 meetings were included in the Packet. It was noted that the State Water Board updated draft Recycled Policy was released November 16, 2018.

Agenda **Item 33** - 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.

**EBMUD:** EPA Office of Inspector General released a report stating that it cannot assess the impacts on pollutants in biosolids.

**Central Contra Costa:** Attended the NACWA Legal Committee conference described recent court cases.

**San Francisco:** No report.

**San Jose:** Currently dealing with the smoke issue, have run out of masks, affecting the interior of buildings.

**Delta Diablo:** No report.

**Fairfield Suisun:** No report.

**San Mateo:** No report.

Agenda **Item 34** - The **Executive Director's (ED) Reports** for September and October 2018, along with the Board Calendar, and BACWA Action Items, were included in the Packet. It was noted that 39 of 40 action items from FY19 have been completed.

Agenda **Item 35** - The **Regulatory Program Manager (RPM) Reports** for September and October 2018 were included in the Packet.

Agenda **Item 36 - 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, Nirmela Arsem – No report.
- b. RMP Steering Committee: Karin North; Leah Walker; Eric Dunlavy – No report
- c. Summit Partners: Dave Williams; Lori Schectel – No report.
- d. **ASC/SFEI:** Laura Pagano; Dave Williams; Amit Mutsuddy; Karin North – An email from the Director of SFEI was included in the Packet along with Links to the [Meeting Packet](#) and the [SFEI Strategic Plan](#).
- e. Nutrient Governance Steering Committee: Eric Dunlavy; Eileen White; Bhavani Yerrapotu; Lori Schectel – No report.
  - i. Nutrient Planning Subgroup: Eric Dunlavy
  - iii. NMS Technical Workgroup: Eric Dunlavy
- f. SWRCB Nutrient SAG: Dave Williams – Links to the [ASCI Webinar](#), the [SAG Webinar](#), and the [Scientific Basis for Biointegrity](#) Goals were 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 - A Draft Project Request Form was included in the Packet.
- 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 – A [LINK](#) to the Estuary Blueprint was included in the Packet.
- s. CPSC Policy Education Advisory Committee – Doug Dattawalker – No report.
- t. California Ocean Protection Council – Lorien Fono – No report.

**Agenda Item 37 - SUGGESTIONS FOR FUTURE AGENDA ITEMS.**

Possible workshop or sharing of information on funding of future Capital Projects.

**ANNOUNCEMENTS:**

The next regular meeting of the Board is scheduled for **December 21, 2018 from 9:00 am – 12:30 pm** at the **EBMUD Headquarters, 2<sup>nd</sup> Floor Large Training Room 375 1th Street, Oakland, CA.** **The BACWA Holiday and Committee Leader Appreciation Lunch will follow the meeting.**

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 12:38 pm.