



Executive Board Meeting Minutes

March 15, 2019

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); Brian Henderson (SFPUC).

Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Amanda Roa	Delta Diablo
Azalea Mitch	San Mateo
Eric Dunlavey	San Jose
Dave Richardson	Woodard & Curran
Karin North	City of Palo Alto
Nirmela Arsem	EBMUD
Sarah Deslaurier	Carollo Engineers
Tom Hall	EOA, Inc.
Andrew Damron	Napa San
YuYun Shang	EBMUD
Mike Falk	HDR
Damien Charley	EBMUD
Alina Constantinescu	Larry Walker & Assoc.
Robert Hoelzel	Mel Leung Treatment Plant, SFO
Crystal Zhu	Mel Leung Treatment Plant, SFO
David Williams	BACWA
Lorien Fono	BACWA
Sherry Hull	BACWA

PUBLIC COMMENT

None.

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER – The Executive Director asked if anyone wished to take an item out of order or if any BACWA Representative wished to present a report or request BACWA direction on an issue out of order. Item #23, Update on BAPPG: O'Rorke Contract, was taken out of order before Item #3.

CONSENT CALENDAR

1. February 15, 2019, BACWA Executive Board Meeting Minutes – The approved minutes will be posted on the BACWA website.

2. January 2019 Treasurer’s Reports and Financial Summary – A Financial Summary Report, along with Treasurer’s Reports for January 2019, were included in the Packet. A copy of the FY18 Budget as of January 31, 2019, (58% of the fiscal year) was included. It, along with the Summary, provides the Board with a concise overview of the Fund Balances and the current status of the Annual Budget and points out any variances in the budget to date.

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

APPROVALS & AUTHORIZATIONS

3. Approval: BACWA Policies – A Board Action Request and three Draft Policies for Succession Planning, Class of Membership, and Budgeting were included in the Packet. The Executive Director gave an overview of the policies noting that the Board had seen the draft policies at the February 15, 2019 meeting.

Item 3. A motion to approve was made by Lori Schectel and seconded by Jacqueline Zipkin. The motion was approved unanimously.

4. Authorization: Chair Authorization of Agreement with Keough Consulting for BAPPG in FY19 – A signed Chair Authorization Request, a signed Agreement, and Scopes of Work were included in the Packet. The Executive Director gave an overview.

OTHER BUSINESS-POLICY/STRATEGIC

Agenda **Item 5** – Discussion: Nutrients

a. Regulatory

- i. Update on Nature Based Solutions Report – The Executive Director gave an update and explained that a scope and budget will be provided by SFEI on March 19, 2019.
- ii. Update on Regional Recycling Report – A Draft Scope of Work, prepared by BACWA, was included in the Packet. The Executive Director and Regulatory Program Manager gave an overview noting that it is expected that the study will summarize existing Master Plans and studies and not include new assessments for the potential recycling opportunities. A Board Member suggested the addition of potable reuse to the SOW, as it should be a part of the discussion.
- iii. Review Comments on Tentative Order – A [LINK](#) to the Tentative Order was included in the Packet. The Executive Director gave an overview of the comments. The Regulatory Program Manger walked the Board through the comments and requested any additional input. Board members provided additional comments. BACWA will prepare a draft comment letter to circulate to the Board prior to the meeting with the Water board on March 22. BACWA will also provide a template for individual agencies to comment.

- iv. Final Nutrient Brochure – HDR gave an overview of the final brochure. The Executive Director is having copies of the Brochure printed. The Board suggested an increase in the number of copies. Distribution of printed copies will be proportional to members’ flow, and some copies will be reserved for regulators, and other stakeholders. A PowerPoint presentation was developed by BACWA and HDR, and provided for adaptation and use by members to educate their Governing Boards on the Optimization/Upgrade Study. BACWA will also collect members’ presentations on a password-protected webpage so that agencies may share information with one another.
 - v. Debrief on the EPA Trading Webinar – A [LINK](#) to the EPA Webinar was included in the Packet. The Executive Director gave an overview and emphasized six points: should be large scale and regional; should be adaptively managed; should use trading ratios, include banking, and lookback credits; must meet baseline with no TMDL; single projects may generate multiple benefits; may utilize financing and other funds. Each EPA Region will identify a trading point person on staff to provide assistance and oversight.
 - vi. No Net Loading Increase Report – A [LINK](#) to the Report, received from HDR, was included in the Packet and is on the BACWA website. It will be updated prior to the 2024 Permit.
- b. Governance Structure –
- i. Debrief on Nutrient Management Strategy Steering Committee Meeting #20 – The Minutes from the March 8, 2019 meeting were included in the Packet. The Executive Director gave an overview noting in particular an update from the Science Manager on the 5 year Science Plan which is targeting 65% of available funds on studies related to chlorophyll a and dissolved oxygen, and 35% on HABs, risks, and coastal effects. He also proposed an expert working group to better understand the nutrient processes within the Bay; gave an update on the Modeling Program; sought and received authorization for two projects; and received approval for an additional three projects following approval by the Planning Subcommittee. The Science Manager gave an update on HABs and toxins; he then presented options, following the loss of the USGS ship, for potential ship-based monitoring alternatives.
 - ii. Estuary News Interview on USGS Bay Monitoring Program – The Executive Director gave an overview of the interview and noted that it emphasized the importance of the USGS Program.

Agenda Item 6 - Discussion: Update on CASA Climate Change Program – Sarah A. Deslauriers, P.E., ENV SP, the CASA Climate Change Program Manager, gave a presentation on the status and priorities of the [Air Quality, Climate Change, & Energy \(ACE\) Workgroup](#), emphasizing the development of the Bay Area Air Quality Management District Methane Regulation 13, and regulations implementing AB 1383, diverting organics from landfills.

Agenda **Item 7** - Discussion: Test of Significant Toxicity Litigation Update – An email, along with the Judgement and Order on the Southern California Alliance of Publicly Owned Treatment Works litigation, were included in the Packet. The Executive Director gave an overview of the history. The Board supports continuing the current form of support for the litigation which is being named as part of the lawsuit but no financial contribution.

Agenda **Item 8** - Discussion: Study of Bacterial Background Levels – An enterococci monitoring proposal, along with a BACWA Comment Letter on the Palo Alto NPDES Tentative Order, were included in the Packet. The Executive Director gave an overview. The Regulatory Program Manager provided more details about potential collaborations, number of sampling days, and samples collected per cruise. BACWA is awaiting an estimate from SFEI for the use of their boat and analysis costs. BACWA will develop a monitoring proposal to discuss with the Water Board at the March 22, 2019 Joint bi-monthly meeting.

Agenda **Item 9** - Discussion: Criteria for BACWA Participation Fees – A Proposal was included in the Packet. The Executive Director gave an overview of the issue and proposed fees for different levels of participation by non-member agencies or other entities, and asked for feedback from the Board. The Board is comfortable with the proposal. This provides guidance to the staff for quoting participation fees when inquiries are made by agencies desiring to participate in BACWA activities but are outside the BACWA geographical region.

Agenda **Item 10 – Discussion:** Senate Bill 241 - Public Agencies Joint Powers Authorities – A copy of the Bill was included in the Packet. The Executive Director gave an overview noting that the concern was around the requirement that any contracts that a JPA enters would need to be approved by the Member Agencies Boards. Further study clarified that the types of contracts affected are restricted to municipal services which would not affect BACWA nor most of its members.

Agenda **Item 11** – Discussion: Water Research Foundation Proposal Support – Two BACWA Letters of Support were included in the Packet. The Executive Director gave an overview.

Agenda **Item 12** – Discussion: Contaminants of Emerging Concern Routine Monitoring – A list of contaminants that may be trending upward was included in the Packet. The Executive Director gave an overview. The Regulatory Program Manager will work with the Emerging Contaminants Group at their April meeting to prioritize CECs and get input on the White Paper that BACWA is developing for representational CEC monitoring.

Agenda **Item 13** – Discussion: SSSWDR Meeting Debrief – An Agenda and Comments on the General Order were included in the Packet. The Regulatory Program Manager gave an overview of the meeting. The take away was that not every agency will need to fulfill all the requirements in the draft SSMP outline provided by the State Water Board. In the future, all stakeholder meetings with State Water Board staff will need to be publicly noticed so that Board members may attend. There will be a follow up on this item at the CASA Regulatory Work Group meeting

later in March.

Agenda Item 14 – Discussion: Update on Bay Area Biosolids Coalition – A BABC Steering Committee meeting Agenda, along with a proposed Scope of Work and estimated BACWA support hours were included in the Packet. The Executive Director gave an overview noting that BABC is a JPA and has had a contract (through its lead agency, Central Marin Sanitation Agency) with CASA for several years to provide administrative support. Since their focus is primarily in the Bay Area, and since the great majority of their members are also BACWA members, they decided to explore moving that support to BACWA. The Executive Director provided estimates to the BABC and a pilot program of BACWA support will begin in FY20. BABC will reassess at the end of FY20. A Board Authorization Request will be on the April 2019 Agenda.

Agenda Item 15 – Discussion: Request for Funding of ReNUWIt Workshops –An email funding request for plan workshops, along with a Draft description of the workshops were included in the Packet. The Executive Director asked the Board for input. The Board indicated general support for the workshops and possible funding in the amount of \$15k for one of the workshops focused on decentralized systems. A request will be made to have a BACWA seat at the table as the agenda for the workshop is being developed and to have ReNUWIt keep BACWA abreast of progress on getting funding commitments for the workshops.

OTHER BUSINESS-OPERATIONAL

Agenda Item 16 – Discussion: Draft BACWA Policy on Website – A Draft Website Policy was included in the Packet. The Executive Director gave an overview and asked the Board if they had input. No changes were suggested.

Agenda Item 17 – Discussion: 2nd BACWA FY20 Draft Budget & Workplan – An updated Draft of the FY20 BACWA Budget and Workplan were included in the Packet. The Executive Director gave an overview of the changes and asked the Board if they had any comments. No changes were suggested. A final FY30 BACWA Budget will be brought to the Board for approval at the April 2019 meeting.

Agenda Item 18 – Discussion: Emergency Preparedness – a Board Member noted a concern about the lack of information available to the public on how to deal with wastewater issues in the event of a disaster. EBMUD volunteered to take the lead on the development of information and share with other BACWA members, potentially through BAPPG.

Agenda Item 19 – Discussion: – Joint Meeting with Water Board Draft Agenda – A Draft Agenda for the March 22, 2019 meeting was included in the Packet. The Executive Director/Regulatory Program Manager gave an overview and gave a short overview of SB 69 which would require the State Board to implement nutrient limits and require agencies to denitrify. This Bill's

passage would obviate the SF Bay Nutrient Management Strategy. Several Board members noted what their agencies are doing to inform the legislature on the bill. There were no changes suggested to the Draft Agenda.

Agenda Item 20 – Discussion: Close out of Prop 84 Round 1 Update – The Assistant Executive Director gave an update on the status of the close of Proposition 84 noting that it should be closed prior to the end of FY19.

Agenda Item 21 - Discussion: Annual Report to the Water Board on BACWA Members – The Executive Director gave an overview noting that it would be worthwhile to, on an annual basis, provide the Water Board staff with a list of BACWA Members. The Board agreed and suggested that the Executive Director send that information to the Water Board along with an overview of BACWA's highlights and accomplishments from the previous year.

Agenda Item 22 – Discussion: Fair Political Practices Commission Requirements – The Assistant Executive Director reminded the Executive Board and Alternates that under State of California law they are required annually to provide a wet-signature Conflict of Interest Form 700 to BACWA by the deadline of April 1st each year or face fines. The Assistant Executive Director will send reminders to those Board members who have not yet provided their Form. The Executive Director reminded the Board members that BACWA is required to report to the FPPC anyone who does not submit their form by the regulatory deadline.

Agenda Item 23 – Discussion: Update on BAPPG: O'Rorke Contract – This item was taken out of order. The Executive Director gave an overview of the status of the BAPPG program and budget following the filing for bankruptcy of a consultant who was contracted to provide services in FY19.

REPORTS

Agenda Item 24 – Committee Reports – BACWA Committee Reports were included in the Packet.

AIR Committee: A report from the January 16, 2019 meeting was included in the Packet.

BAPPG Committee: No meeting.

Biosolids Committee: No meeting.

Collections Committee: No meeting

Lab Committee: A report from the February 13, 2019 meeting was included in the Packet. The Chair of the Lab Committee reported on a March 5, 2019 meeting at SFEI on microplastics noting that one issue is that there is still no definition for microplastics and that the State requires one. But there is difficulty in identifying microplastics, particularly whether dyed microfibers are plastic or natural fibers. Researchers are finding a lot of tire fragments, and the industries that produce microfibers are struggling to determine how to reduce them. The Chair

suggested that wipes should also be included. There will be an RMP Microplastics Stakeholders meeting in May and a workshop in October.

Operations & Maintenance – InfoShare Group: No meeting.

Permits Committee: A report from the February 19, 2019 meeting was included in the Packet.

Pretreatment Committee: No meeting.

Recycled Water Committee: A report from the March 5, 2019 meeting was included in the Packet along with a Summary of SB 332.

Agenda **Item 25** - 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: A consultant recently began development of a Disaster Cost Recovery Plan to obtain reimbursements from FEMA following a disaster. EBDA will share the results with other BACWA members.

EBMUD: Thanked BACWA for its support for the excellent and very successful Pretreatment Training on March 11th. A video is in production and will be made available. The slides were provided to BACWA to post on the website.

Central Contra Costa County: No report.

San Francisco: To address emergency response they are developing a Lifelines Council which will bring all utilities together. They are just beginning the development and will share what they learn with other BACWA members.

San Jose: No report.

Delta Diablo: No report.

Palo Alto: The State Land Commission held up a pipeline project, and will now be charging extra fees for project review as a cost recovery effort after the Palo Alto project.

San Mateo: They will be starting up their construction, with groundbreaking to begin in September.

Agenda **Item 26** - The **Executive Director's (ED) Report** for February 2019 along with the Board Calendar, and BACWA Action Items, were included in the Packet. It was noted that 81 of 84 action items from FY19 have been completed.

Agenda **Item 27** - The **Regulatory Program Manager (RPM) Report** for February 2019 was included in the Packet.

Agenda **Item 28 - 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 Dunlavey – No report

- c. **Summit Partners:** Dave Williams; Lori Schectel – A Draft Agenda for a March 26, 2019 meeting was included in the Packet. Both representatives will attend. There is a statewide effort to harmonize nutrient regulations.
- d. ASC/SFEI: Eileen White; Dave Williams; Amit Mutsuddy; Karin North – No report.
- e. Nutrient Governance Steering Committee: Eric Dunlavey; Eileen White; Lori Schectel; Jacqueline Zipkin – No report.
 - i. Nutrient Planning Subgroup: Eric Dunlavey
 - ii. NMS Technical Workgroup: Eric Dunlavey
- f. SWRCB Nutrient SAG: Dave Williams – No report.
- g. NACWA Taskforce on Dental Amalgam: Tim Potter – No report.
- h. **BAIRWMP:** Cheryl Munoz, Linda Hu, Dave Williams – An email regarding Prop 1 Implementation was included in the Packet. The Executive Director gave an overview noting that they will begin soliciting project proposals soon.
- i. NACWA Emerging Contaminants: Karin North, Melody La Bella – No report
- j. CASA State Legislative Committee: Lori Schectel – No report.
- k. CASA Regulatory Workgroup – Lorien Fono - No report.
- l. ReNUWI: Jackie Zipkin; Karin North – No report.
- m. RMP Microplastics Liaison: Nirmela Arsem – No report.
- n. AWT Certification Committee: Maura Bonnarens – No report.
- o. Bay Area Regional Reliability Project: Eileen White– No report
- p. WaterReuse Working Group: Cheryl Munoz – No report.
- q. **San Francisco Estuary Partnership** – Eileen White; Dave Williams – The Agenda from the March 6, 2019 meeting was included in the Packet.
- r. CPSC Policy Education Advisory Committee – Doug Dattawalker – No report.
- s. California Ocean Protection Council – Lorien Fono – No report.
- t. Countywide Water Reuse Master Plan - Karin North; Pedro Hernandez – No report.
- u. **BayCAN: Bay Area Climate Adaptation Network** - David R. Williams; Lorien Fono – Links to [Resources for Equitable Adaption Planning](#) and a [List of Projects](#) were included in the Packet.
- v. CHARG: Coastal Hazards Adaptation Resiliency Group – Jacqueline Zipkin – No report.

Agenda **Item 29 - SUGGESTIONS FOR FUTURE AGENDA ITEMS.** None.

ANNOUNCEMENTS: The next regular meeting of the Board is scheduled for **April 19, 2019 from 9:00 am to 12:30 pm at the SFPUC, 13th 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.

The meeting adjourned at 12:40 pm.