



Executive Board Meeting Minutes

April 19, 2019

ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Lori Schectel (Central Contra Costa Sanitary District); Eric Dunlavey (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 |
| Eric Dunlavey | San Jose |
| Tom Hall | EOA, Inc. |
| Greg Baatrup | FFSD |
| Dave Richardson | Woodard & Curran |
| Alina Constantinescu | Larry Walker & Assoc. |
| Jim Graydon | Woodard & Curran |
| Eric Sandler | SFPUC |
| Jennie Pang | SFPUC |
| Andrew Damron | Napa San |
| Holly Kennedy | HDR |
| Mike Falk | HDR |
| Brian Henderson | SFPUC |
| 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. There were none.

CONSENT CALENDAR

1. March 15, 2019, BACWA Executive Board Meeting Minutes – The approved minutes will be posted on the BACWA website.
2. February 2019 Treasurer’s Reports and Financial Summary – A Financial Summary Report, along with Treasurer’s Reports for February 2019, were included in the Packet. A copy of the FY18 Budget as of February 28, 2019, (67% 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 Jacqueline Zipkin and seconded by Greg Norby. The motion was approved unanimously.

APPROVALS & AUTHORIZATIONS

3. Approval: FY20 BACWA Budget and Workplan – A Board Action Request and the final FY20 Budget and Workplan were included in the Packet. The Executive Director gave an overview of the request noting that the Board had seen the draft Budget and Workplan at the March 15, 2019 meeting and there were two changes to the Budget from what was presented at the March 15th meeting: an increase to the Annual Meeting budget reflecting higher costs for both venue and catering, and a small increase to the Other Communication line item reflecting an increase to the cost of one software program.

Item 3. A motion to approve was made by Eileen White and seconded by Eric Dunlavy. The motion was approved unanimously.

4. Authorization: BACWA Agreement with Bay Area Biosolids Coalition –A Board Action Request and Support Agreement were included in the Packet. The Executive Director gave an overview of the request.

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

5. Authorization: BACWA Policy on Website – A Board Action Request and Policy were included in the Packet. The Executive Director gave an overview of the request noting that the Board had seen the draft Policy at the March 15, 2019 meeting. The Executive Director also noted that a Board Member has asked about updating photos on the website and asked the Board for input. The Board suggested using other more current photos and obtaining more photos throughout the year. A Board Member noted that there are regulatory requirements for agency websites and suggested that the Policy include a reference to those requirements.

Item 5. A motion to approve, following the inclusion of the above noted reference, was made by Jacqueline Zipkin and seconded by Eileen White. The motion was approved unanimously.

6. Authorization: Executive Director Approval of Agreement with SFEI for Enterococcus Study – A Board Action Request and Consulting Agreement were included in the Packet. The Authorization was pulled from the Agenda. The Executive Director noted that because of an increase to the amount of the agreement it will now be a Chair Approval. The Regulatory

Program Manager gave a status update regarding analytical methods and the Scope of Work. The Authorization will be on a future Executive Board Agenda.

7. Authorization: Chair Approval of Increase to Keough Consulting Agreement for BAPPG Support - A Chair Approval Request, a previously approved Agreement, and an Amendment to the Agreement were included in the Packet. The Executive Director gave an overview of the request.

OTHER BUSINESS-POLICY/STRATEGIC

Agenda Item 8 – Discussion: Nutrients

a. Regulatory

- i. Tentative Order Comment Letter & Submittals – A BACWA Comment Letter to the Regional Water Quality Control Board, along with a [LINK](#) to the Early Actors Template were included in the Packet. The Executive Director gave an overview. The Board thanked the Executive Director for his long term efforts and coordination of Nutrient Watershed Permit negotiations to reach this point.
- ii. Meeting Requirements of the 2nd Watershed Permit
 - (a) Nature Based Solutions Scope of Work – A SOW and proposed budgets from SFEI were included in the Packet. The Executive Director gave an overview noting that the Scoping Plan and Evaluation Plan would be combined into one task item, followed by the project Implementation. Several Board Members, as well as other members, volunteered to provide oversight of the contract when it is established. A Board Member specified that this effort needs to be integrated with the ongoing Operational Landscape Units, project, as well as the recently funded grant work by the San Francisco Estuary Project. A Board Member offered to provide a [LINK](#) to SFEI's Adaptation Atlas.
 - (b) Regional Recycled Water Study Scope of Work & Direction – A proposed Scope of Work was included in the Packet. The Regulatory Program Manager gave an overview noting that consideration of potable reuse projects had been added to the Scoping and Evaluation Plan, as well as recognition that agencies have Recycled Water plans outside of their Master Plans. The Board requested that BACWA choose a consultant via an RFP process. The Recycled Water Committee will provide governance over the project.
 - (c) Group Annual Reporting – The Executive Director gave an overview noting that the 2nd Watershed Permit will require reporting based on a utility's water year vs the fiscal year. In preparation for the next Group Annual Report, previous years of data will need to be recalculated to align with the new water year reporting approach. The reworking of the previous years of data may require a change order with the consultant under contract to

produce the future Group Annual Reports. The Permits Committee will provide governance over the Group Annual Reports.

- iii. Testimony at May 2019 Adoption Hearing – The Executive Director stated that the 2nd Watershed Permit will be scheduled for adoption at the May 8th Water Board meeting. Draft speaking points for the BACWA Chair to deliver at the meeting were provided and input received. Several additional BACWA Members plan to attend and may provide their own comments.
 - iv. Planning Subcommittee Meeting #39 Debrief – The Agenda for the Planning Subcommittee Meeting #38 was included in the Packet. The Executive Director noted that the meeting number is incorrect on the Agenda and gave an overview of the meeting. Highlights included the Science Manger’s updating of the Science Plan and a discussion on the status of negotiations with USGS and others on how to replace the monitoring work previously done by the USGS once funding for the program is decreased. Updates were also provided on the status of several grant proposals that had been submitted by the NMS Program Coordination Team. A Nutrient Technical Workgroup meeting has tentatively been planned for May 24th.
- b. Technical Work – No agenda item.
 - c. Governance Structure –
 - i. Nutrient Strategy Steering Committee Membership Update – A letter from the Regional Water Quality Control Board inviting Deborah Stoliker of the USGS to participate as a Member of the SF Bay Nutrient Management Strategy (NMS) Steering Committee was handed out. The Executive Director gave an overview and noted her acceptance.

Agenda Item 9 - Discussion: Chlorine Residual Basin Plan Amendment Update – Tom Hall of EOA, Inc. gave a presentation noting that during his update on CWIQS there were only twelve MMP’s for the region in the past year, none of which were for chlorine residual violations, illustrating that chlorine should not be a regulatory/enforcement priority. He would like to obtain updates from BACWA Agencies on 2018 purchases of chemicals (SBS usage). He stated that the Water Board is considering applying the EPA’s chlorine residual objective to shallow, as well as deep water dischargers. In response to a Member’s question, he noted that there is currently not a minimum standard for the number of hourly chlorine measurements via SCADA systems that would be averaged for reporting.

Agenda Item 10 – Discussion: Water Board Joint Meeting Debrief – The Agenda and Summary of the March 22, 2019 meeting were included in the Packet. The Executive Director gave an overview.

Agenda Item 11 – Discussion: Water Board Joint Meeting Draft Agenda – The Agenda for the May 20, 2019 meeting was included in the Packet. The Regulatory Program Manager gave an overview and asked the Board for input.

Agenda Item 12 – Discussion: SSS WDR Workshop Debrief – A Save the Date flyer for

Stakeholder Outreach Workshops was included in the Packet. The Regulatory Program Manager gave an overview noting that they are seeking input on 1) cost of compliance; 2) large private sewer systems; 3) data quality in CIWQS; 4) upgrading SSMPs; and 5) incentives for well performing collection systems.

Agenda **Item 13** – Discussion: Compounds of Emerging Concern Monitoring Plan – A presentation on the White Paper, along with a [LINK](#) to an Ethoxylated Surfactants RMP Study, were included in the Packet. The Regulatory Program Manager gave an overview of the status of the White Paper and the outstanding issues. She noted that Water Board staff is seeking volunteers to participate in the ethoxylated surfactants study. Since the Water Board’s intent is to have on-going monitoring of POTW effluent of certain CECs that are trending upward, a decision will need to be made on how to allocate the monitoring and pay for the analyses and data compilation. It was suggested that the best approach might be to have BACWA pay SFEI for the data compilation and assessment as well as pay a private lab for the sample analyses with the POTW workload being only to collect the samples and send the samples to the contract lab in sample kit containers provided by SFEI. Comments received seemed to support this approach. For the FY21 budget, the Board will need to decide whether it wants to provide a budget for ongoing CECs monitoring.

Agenda **Item 14** – Discussion: Summit Partners Meeting Debrief – A [LINK](#) to the Meeting Packet, along with the Meeting Notes, were included in the Packet. The Executive Director gave an overview noting that Sean McGuire, a new State Water Board member attended, and noted that the biggest issue in front of the State Water Board right now is the Water Fix.

Agenda **Item 15** – Discussion: Key Legislation Update – A list of key legislation was included in the Packet, including SB69 and SB332. The Executive Director gave an overview and Board Members noted where CASA and other associations have established “oppose” or “oppose unless amended” position. Board members expressed a desire to carefully watch SB69. There was a discussion that the cost estimates being considered by legislators (\$20B) for with compliance with SB332 are likely low.

Agenda **Item 16** – Discussion: BAPPG Legislation Comment Letters – A letter with sixteen signatories in support of AB 1672 (Bloom) Preventing Labeling of Plastic Wipes as Flushable, signed by many stakeholders including the Bay Area Pollution Prevention Group, was included in the Packet. The Executive Director gave an overview.

Agenda **Item 17** – Discussion: Toxicity Provisions Update – A [LINK](#) to the Statewide Toxicity Provision was included in the Packet. The Regulatory Program Manager gave an overview noting a September timeframe for adoption. The State Water Board sent a survey to toxicity labs to get a better sense of the problems with requiring three tests to be initiated within 30 days for compliance with the median monthly effluent limit.

Agenda **Item 18** – Discussion: Toxicity Litigation Update – An Email and Memo on the briefing schedule for the SCAP et al vs EPA litigation was included in the Packet. The Executive Director gave an overview noting the appeal is with the Ninth Circuit.

Agenda **Item 19** – Discussion: – Manager's Roundtable Meeting Debrief – The Agenda from the April 5, 2019 meeting was included in the Packet. The Executive Director gave an overview noting that the new Executive Officer, Michael Montgomery, attended the meeting. His priorities are recycling, sea level rise, and climate adaptation.

OTHER BUSINESS-OPERATIONAL

Agenda **Item 20** – Discussion: BACWA Policy on Committees – A Draft Policy on Committees was handed out. The Executive Director gave an overview. The Board asked BACWA staff to consider how the Committee Leadership might provide more updates to the Executive Board.

Agenda **Item 21** - Discussion: BACWA Policy on Conflict of Interest – The Executive Director gave an overview and noted that he found that rather than having a separate Conflict of Interest Policy, many agencies utilize the Code as their policy as it contains all the key issues a policy would touch on. He proposed that to the Board and they agreed.

Agenda **Item 22** – Discussion: Pulse Article on Municipal Wastewater – An email noting the theme and outline for the article was included in the Packet. The Regulatory Program Manager gave an overview of a previous article describing the history of wastewater Treatment in the Bay. BACWA will provide a link to the history in the May Executive Board Handout. The Regulatory Program Manager has provided input on the outline regarding POTWs as resource recovery agencies and the corollary cross media issues.

Agenda **Item 23** – Discussion: PPIC Presentation on Wastewater & Climate – A [LINK](#) to the presentation was included in the Packet. The Executive Director gave an overview of BACWA's involvement. A webcast on the report was scheduled for April 22.

Agenda **Item 24** – Discussion: Retirement of CASA Executive Director – A letter from CASA was included in the Packet. The Executive Director gave an overview and asked the Board if they wished to recognize her prior to her retirement. The Board asked the Executive Director to propose some suggestions.

Agenda **Item 25** – Discussion: AIR Committee RFP for FY20 – The RFP to provide support to the BACWA AIR Committee beginning in FY20 was included in the Packet. The Regulatory Program Manager gave an overview noting that the previous agreement had allowed for a maximum of two annual extensions before requiring a new RFP. The new RFP will allow four annual

extensions. She asked for volunteers for a selection committee and a Board Member volunteered.

Agenda **Item 26** – Discussion: BAPPG Committee RFQ for FY20 – The RFQ to provide Public Education and Outreach to the BACWA BAPPG Committee beginning in FY20 was included in the Packet. The Regulatory Program Manager noted that the RFQ was needed due to the bankruptcy of the previous provider. The previous agreement had allowed for four annual extensions. The new agreement will also allow for four annual extensions. She asked for volunteers for a selection committee and a Board Member volunteered.

Agenda **Item 27** – Discussion: BACWWE General Membership Meeting – A Summary of the April 9, 2019 meeting was included in the Packet. The Executive Director gave an overview noting that BACWA supports the group of twenty-two agencies, mostly BACWA Members. Due to a drop off in the attendance at the remotely taught classes offered by BACWWE, several classes have had to be cancelled over the last two semesters. One of the main concerns is that the BACWWE classes need added marketing efforts since they are separate offerings from the main Solano classes. In order to not differentiate BACWWE classes from the normal slate of classes offered by community colleges, BACWWE is looking to move to a scholarship based program which would include additional community colleges and improved marketing since under the scholarship approach, the normal marketing put on by the community college would also include classes for which BACWWE offered scholarships.

REPORTS

Agenda **Item 28** – Committee Reports – BACWA Committee Reports were included in the Packet.

AIR Committee: A report from the March 26, 2019 meeting was included in the Packet.

BAPPG Committee: A report from the April 3, 2019 meeting was included in the Packet.

Biosolids Committee: No meeting.

Collections Committee: No meeting

Lab Committee: A report from the March 13, 2019 meeting was included in the Packet. The Regulatory Program Manager noted that the Committee has decided to change the frequency of the meetings to every other month, preceding the Permits Committee meeting at EBMUD.

Operations & Maintenance – InfoShare Group: No meeting.

Permits Committee: A report from the April 9 19, 2019 meeting was included in the Packet.

Pretreatment Committee: A report from the March 20, 2019 meeting was included in the Packet.

Recycled Water Committee: No meeting.

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: As the BACWA representative to ReNUWit Advisory Board, the Board Member requested BACWA Member input on what is valuable. Other Board Members commented that they would like to see a focus on research that resulted in practical solutions and results.

EBMUD: No report.

Central Contra Costa County: The Board approved a four-year rate increase of 5.25% for 2 years and 4.75% for 2 years. They hold events called Central San Academy and the public response has been very good.

San Francisco: Their capital improvement program is moving forward. They appreciate the work being done by BACWWE and will inform their employees who are involved in BAYWORK of the progress. The Oceanside permit has been released. Requested comments from any agency that uses service contracts to manage the operation and maintenance of more unique facilities found at POTWs.

San Jose: No report.

Delta Diablo: No report.

Agenda **Item 26** - The **Executive Director's (ED) Report** for March 2019 along with the Board Calendar, and BACWA Action Items, were included in the Packet. It was noted that 91 of 91 action items from FY19 have been completed.

Agenda **Item 27** - The **Regulatory Program Manager (RPM) Report** for March 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 – No report.
- 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 – A Committee Meeting Summary Report from March 25, 2019 was included in the Packet. The Executive Director noted the update on Proposition 84, Round 1.
- 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 – No report
- 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 – No report.
- 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 **May 17, 2019 from 9:00 am to 12:30 pm at EBMUD, 2nd Floor Large Training Room, 375 11th St., Oakland, 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 12:17 pm.