



# Executive Board Meeting Minutes

May 17, 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); Amy Chastain (SFPUC).

## Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Amanda Roa	Delta Diablo
Eric Dunlavey	San Jose
Alina Constantinescu	LWA
Mike Falk	HDR
Dave Richardson	Woodard & Curran
Azalea Mitch	City of San Mateo
Nirmela Arsem	EBMUD
Yuyun Shang	EBMUD
David Williams	BACWA
Lorien Fono	BACWA
Sarah Deslauriers	Carollo
David Senn	SFEI

## **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.

## **CONSENT CALENDAR**

1. Item 1 - Public Employee Discipline/Dismissal/Release Gov't Code 94957(b)(1). The Executive Board met in closed session. There was no report-out.
2. April 19, 2017, BACWA Executive Board Meeting Minutes – The approved minutes will be posted on the BACWA website.
3. February 2019 Treasurer's Reports and Financial Summary – A Financial Summary Report, along with Treasurer's Reports for March 2019, were included in the Packet. A copy of the FY19 Budget as of March 31, 2019, (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.

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

#### **APPROVALS & AUTHORIZATIONS**

**4.** Approval: BACW Policy on Committee Responsibilities – The Executive Director gave an overview of the Proposed Policy, noting that a draft had been included in the April 19, 2019, Executive Board meeting packet.

**Item 4.** A motion to approve was made by Amy Chastain and seconded by Eileen White. The motion was approved unanimously.

**5.** Approval: Contract with SFEI for Nature Based Solutions Study for Nutrient Reductions – A Board Action Request and Contract, including Scope of Work, were included in the Packet. The Executive Director gave an overview of the proposed contract, and explained that BACWA is sole sourcing this contract with SFEI due to the value added by leveraging their existing, ongoing, work on operational landscape units. He stated that the funds would be paid under a lump sum contract, with quarterly progress reporting and tracking of percent complete. SFEI plans on using some the \$500K for subcontracting with an engineering firm that will provide engineering and cost estimation services for identified projects.

**Item 5.** A motion to approve was made by Jackie Zipkin and seconded by Amit Mutsuddy. The motion was approved unanimously.

**6.** Approval: Amendment to TDC Environmental Contract – A Board Action Request and Contract Amendment were included in the Packet. The Executive Director gave an overview of the request noting that there would be no change to BAPPG’s overall budget.

**Item 6.** A motion to approve, following the inclusion of the above noted reference, was made by Jackie Zipkin and seconded by Amit Mutsuddy. The motion was approved unanimously.

**7.** Authorization: Executive Director Approval of Legal and IT Amendments for FY 20. The Executive Director noted that he has authorized amended contracts for FY1 20 with BACWA’s IT provider, Cayuga Systems, as well as with Regulatory legal support with Downey Brand, and with Executive Board legal support with Day Carter Murphy.

**8.** Authorization: Chair Approval of Agreement with SFEI for Enterococcus Study – A Chair Approval Request and Consulting Agreement were included in the Packet to authorize SFEI to complete work on the Enterococcus Monitoring Plan.

## OTHER BUSINESS-POLICY/STRATEGIC

### Agenda Item 9 – Discussion: Nutrients

#### a. Regulatory

- i. Debrief on San Francisco Water Board meeting – Three BACWA Board members attended and provided testimony at the 2<sup>nd</sup> Nutrient Watershed Permit adoption hearing on May 8, 2019. There were no objections raised to the Permit with all comments by the Water Board members and staff being very complimentary of the Permit negotiation process and the relationship with BACWA and its members. The Water Board thanked the members for their constructive comments at the hearing.
- ii. Review of Request for Proposals for Recycled Water Study – A draft RFP soliciting proposals for consultant support of the Nutrient Load Reduction by Water Recycling was included in the packet. A selection committee made up of one Board member, the ED, the RPM and two Recycled Water Committee members will be assembled to evaluate proposals. They will review and issue the RFP by May 31. The first permit deadline for the study is December 1, 2019 for the Scoping Plan submission to the Regional Water Board. BACWA intends that the Evaluation Plan be combined with the Scoping Plan and submitted at the same time.
- iii. Approach to Contract Management of the Nature Based Solutions (NBS) Study – There was a discussion about how to provide oversight for the NBS study. The ED proposed that a scaled back contract management group be convened who would oversee the project at quarterly in-person meetings. The Executive Director has put together a list of potential participants in this group from all the subembayments, but is still waiting to hear back from potential participants from San Pablo Bay.

- b. Technical Work – Science Manager Update – The Science Manager gave a presentation on the Science Plan Update. He showed slides demonstrating good correlation between model outputs for chlorophyll a, and observed data for model validation. Models show large variability within small geographical regions for both nitrate and chlorophyll a. The Science Manager showed proposed sites for new moored sensors to get the greatest benefit. He showed slides of relative abundance of *Alexandrium*, a harmful algal toxin, and described how there may have been previous errors in taxonomy classification, explaining discontinuities in the data over time. There was a discussion about how these tools could be used to help regulators evaluate the need for management actions.

#### c. Governance Structure –

- i. Update on Alternatives for Continuation of the USGS Monitoring Program – The Science Plan Manager gave some updates on potential options for replacement of the USGS monitoring program. He posted slides on the Status of the Program and the timeline for potential continued involvement by USGS. BACWA and its members have submitted letters to Congress urging continued funding for the program. He showed a range of funding scenarios to split costs between the RMP, USGS and

NMS, as well as potential costs of working with other collaborators than the USGS.

**Agenda Item 10** – Planning for Annual Meeting with BAAQMD - Sarah Deslauriers, consultant support for the AIR Committee, a proposal for potential topics for the annual meeting between BACWA and the Air District, as well as key staff at the Air District. [See slides](#). A Board Member suggested leaving a section of the Agenda for the Air District to report on upcoming items that they're working on.

**Agenda Item 11** – Discussion: Chlorine Residual Basin Plan Amendment Update – The ED gave an update on the progress of the Chlorine Residual BPA work. EOA has asked the Board for feedback on whether there is interest in also amending the Basin Plan to implement the new bacterial objectives, as well as removing oil and grease as a POTW monitoring parameter at the same time. The Board agreed to discuss these issues with Regional Water Board staff at the 5/20 joint meeting.

**Agenda Item 12** – Discussion: Water Board Joint Meeting on 5/20/19 Draft Agenda – The Agenda for the May 20, 2019 meeting was included in the Packet. PFAS monitoring will be added to the CEC portion of the agenda. A Board member suggested that the wetland item be moved to directly after the nutrient item.

**Agenda Item 13** – Discussion: Collection System Requirements in NPDES Permits. A sample from a member's NPDES permit reissuance letter was included in the packet. The Regional Water Board is requesting that agencies submit information on their collection systems that is already provided in their SSMPs. This issue will be raised with the Regional Water Board staff at the 5/20 meeting.

**Agenda Item 14** – Discussion: Key legislation updates. SB332 was held in suspense, but will probably reappear during the next legislative cycle. SB69, the Ocean Acidification Bill, passed out of Appropriations with amendments, likely without denitrification requirements. The language will be available around 5/21/19. SB1672, the CASA-sponsored wipes bill was held over to be a two-year bill.

**Agenda Item 15** – Discussion: Preparation for the Upcoming Microplastics Workshop. The microplastics strategy is being discussed at an all-day workshop on May 22 at SFEI. The packet for that meeting was included in as a [link](#) in the BACWA Executive Board packet. Microplastics may be moved to moderate concern on the tiered risk framework. They have found that stormwater is a very significant source of microplastics to the San Francisco Bay, with higher loads than municipal wastewater. Nirmela Arsem, BACWA's representative to the microplastics workgroup, gave an update on the method-related problems quantifying microplastics and differentiating them from natural materials. There will be a workshop in October at the David Brower center where SFEI will invite the media. A Board member noted that they feel that end-of-pipe treatment isn't the answer and we should be considering source

control. BACWA will put together a Fact Sheet outlining POTWs' position on microplastics.

**Agenda Item 16** – Discussion: Update on the SWRCB Toxicity Provisions. The RPM gave an update. POTW representatives from around the State met with State Water Board staff to discuss concerns with the proposed provisions. State Water Board staff said that they are considering allowing agencies to use the reduced monitoring frequency based on historical toxicity data. However, they generally do not want to make significant changes to the October 19, 2018 draft. A revised draft will be available May 31, followed by two staff workshops this summer.

**Agenda Item 17** – Discussion: Participation in the Ethoxylated Surfactants Investigation. The ED gave an update, noting that SFEI is seeking POTW participants for a study on ethoxylated surfactants. BACWA is working with them to identify potential volunteers, but would like to understand their needs better to avoid always sampling for CECs at the same, largest POTWs.

**Agenda Item 18** – Discussion: Approach for Completing Analyses Needed for the Enterococcus Investigation. The ED noted that BACWA is developing a sampling plan with SFEI, then will work to put together a contract with Cel Analytical to do the analyses via the membrane filtration method. SFPUC has volunteered the use of their boat and crew for sample collection.

#### **OTHER BUSINESS-OPERATIONAL**

**Agenda Item 19** – Discussion: History of Wastewater Treatment in the Bay. A [link](#) to the 2007 article was provided in the packet.

**Agenda Item 20** – Discussion: TIN as the basis of the nutrient surcharge. The ED proposed continuing the higher rate of nutrient surcharge for this one last fiscal year. The RPM added that there are other timing issues to consider when switching from TN to TIN as the basis for the surcharge, as well as the time lag between the data and the invoicing year. A board member expressed concerns about changing the timing. This will be reagendaized to discuss further at the June Executive Board meeting.

**Agenda Item 21** – Discussion: Review of the Regulatory Matrix. A [link](#) was provided in the packet to the updated Regulatory issues matrix.

**Agenda Item 22** – Discussion: Interface of Biosolids Committee with Bay Area Biosolids Coalition – The Executive Director described the overlap of personnel and activity between BABC and BACWA's Biosolids committee. Because BABC's long term future is uncertain, it was recommended that BACWA's Biosolids committee be maintained, but put on the backburner. There will not be regularly scheduled meetings, but it will continue to develop the Solano County Generators Report and the BACWA Biosolids Survey.

Agenda **Item 23** – Discussion: Responses to the Request for Qualifications/Proposals for Committee Supporting in FY20 – The RPM reported that BACWA received two proposals for AIR committee support, and a consultant was chosen by the selection committee. Four qualifications submittals were received by BAPPG in response to the RFQ for outreach support, and the selection committee decided to issue a full RFP to the top two firms.

Agenda **Item 24** – Discussion: Planning for Recognition at the CASA Executive Director’s Retirement – The ED proposed that BACWA develop a plaque and resolution in support of the CASA ED’s service, to be presented at a CASA meeting later this year.

## REPORTS

Agenda **Item 25** – Committee Reports – BACWA Committee Reports were included in the Packet.

AIR Committee: No meeting

BAPPG Committee: No meeting

Biosolids Committee: No meeting.

Collections Committee: A report from the April 25, 2019 meeting was included in the packet.

Lab Committee: A report from the April 17, 2019 meeting was included in the Packet.

Operations & Maintenance – InfoShare Group: A report from the April 24, 2019 meeting was included in the packet.

Permits Committee: No meeting.

Pretreatment Committee: No meeting.

Recycled Water Committee: No meeting.

Agenda **Item 26** - 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.

### Members :

**San Jose** - They did a sensitive species screening, and fathead minnow (not *Ceriodaphnia*) was identified as the most sensitive species.

**San Mateo** – They have awarded the first phase of their expansion project and expect groundbreaking in September.

**EBMUD** – There will be a conference call for the California QMS workgroup. CAL and CVCWA are considering litigation on the proposed ELAP updates.

Agenda **Item 27** - The **Executive Director's (ED) Report** for April 2019 along with the Board Calendar, and BACWA Action Items, were included in the Packet. It was noted that 97 of 99 action items from FY19 have been completed.

Agenda **Item 28** - The **Regulatory Program Manager (RPM) Report** for April 2019 was included in the Packet.

Agenda **Item 29 - 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 – The Board meeting packet was included as a [link](#).
- 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.
- 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 – A [link](#) to the May meeting packet was included.
- l. ReNUWIt: 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 30 - SUGGESTIONS FOR FUTURE AGENDA ITEMS**. It was proposed that a speaker on the PFAS issue be invited.

**ANNOUNCEMENTS:** The next regular meeting of the Board is scheduled for June 21, 2019 from 9:00 am to 12:30 pm at 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 Lorien Fono at [lfono@bacwa.org](mailto:lfono@bacwa.org).

The meeting adjourned at 12:51 pm.