



Executive Board Meeting Minutes

July 19, 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>
Eric Dunlavey	San Jose
Alina Constantinescu	LWA
Amanda Roa	Delta Diablo
Azalea Mitch	San Mateo
David Williams	BACWA
Lorien Fono	BACWA
Jeff Carson	DSRSD
Mike Connor	Retired EBDA
David Senn	SFEI
Justin Waples	CCCSD
Greg Kester	CASA
Tom Bruton	Green Science Policy Institute

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. Items 8 and 9 were moved after the consent calendar to accommodate the presenters’ schedules.

CONSENT CALENDAR

1. June 21, 2019, BACWA Executive Board Meeting Minutes – The approved minutes will be posted on the BACWA website.
2. May 2019 Treasurer’s Reports and Financial Summary – A Financial Summary Report, along with Treasurer’s Reports for May, 2019, were included in the Packet. A copy of the FY19 Budget as of May 31, 2019, (91.7% 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 3 and 4: A motion to approve was made by Amit Mutsuddy and seconded by Eileen White. The motion was approved unanimously.

APPROVALS & AUTHORIZATIONS

3. Approval: Amendments to Executive Director and Regulatory Program Manager Contracts. The contract language was updated to accurately describe the functions of the ED and RPM as being performed by independent contractors. There was no change in the contract cost.

Item 3. A motion to approve was made by Amy Chastain and seconded by Amit Mutsuddy. The motion was approved unanimously.

4. Approval: FY20 SGA Contract for BAPPG Support. The \$30,000 contract will allow S. Groner Associates to assist BAPPG in public outreach and education projects and media buys, thereby implementing the FY20 BAPPG Outreach and Media Support for Priority Pollutant Campaigns.

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

5. Approval: FY20 SRT Contract for Support of Bay Area Biosolids Coalition (BABC) Communications. BABC is a project of special benefit of BACWA. The BABC project manager has requested that BACWA approve a contract for Phase II Branding and Communications Strategy, not to exceed \$52,050. Under SFPUC's direction, SRT will develop a regional messaging platform and logo to be used in various communication pieces, a new web presence that is inspiring, transparent and regularly updated with relevant information, and clear, factual, consistently branded communications tools for use in internal and external outreach, market development and educational program.

Item 5. A motion to approve, was made by Amy Chastain and seconded by Amit Mutsuddy. The motion was approved unanimously.

6. Approval: Contract with HDR for Report on Nutrient Discharge Reduction by Recycled Water. The 2nd Nutrient Watershed Permit requires that, individually or in collaboration, the major Dischargers shall develop evaluate options and develop planning-level costs for nutrient discharge reduction by water recycling. BACWA issued a Request for Proposals for consultant support of the evaluation, and selected a team led by HDR. A scope of work was included in the packet with a contract cost of \$154,133. The BACWA Recycled Water Committee will oversee completion of the study and keep the Board apprised on progress.

Item 6. A motion to approve, was made by Lori Schectel and seconded by Amy Chastain. The motion was approved unanimously.

OTHER BUSINESS-POLICY/STRATEGIC

Agenda **Item 7** – Discussion: Nutrients

- a. Regulatory
 - i. Debrief from Nature Based Solutions Study kickoff meeting – BACWA and SFEI held a kickoff meeting on July 16. Slides from the meeting were included in the packet. BACWA plans on submitting scoping and evaluation plan in December, and will have monthly calls until then, and quarterly in person meetings after that. There is coordination happening between Transforming Shoreline projects being run by SFEP, as well as the Operational Landscape Unit projects that SFEI is working on.
 - ii. Update on Recycled Water Report – After executing the contract, BACWA will work with HDR to develop a list of agency contacts. This project will rely heavily on agency participation to identify projects that will be included in the report.
 - iii. Invoice for \$2M for NMS Scientific Investigations – BACWA Received and invoice for \$2.0M, which is \$2.2M less the \$200K that was already advanced. BACWA will pay the invoice in the Fall following receipt of revenues from the annual invoicing process.
- b. Technical Work
 - i. Challenges to be Addressed Prior to Adoption of the 3rd Watershed Permit. – The ED gave a summary of issues that will need to be addressed before the adoption of the 3rd Watershed Permit. See [link](#).
- c. Governance Structure –
 - i. Planning Subcommittee Meeting #39 debrief – Tom M verified that DO is the biggest issue that needs to be addressed in the Scientific Studies, followed by HAB and HAB toxins. The USGS program is going away, but Jim Cloern will be continuing to work. It is possible that USGS’s vessel could continue to be used for sampling. The Science Manager put together five options to continue sampling after the USGS program is discontinued. He will be coordinating with USGS, with assistance from the Water Board, to determine the most feasible option.

Agenda **Item 8** - Discussion: Biosolids Update – Greg Kester, CASA’s Director of Renewable Resources Program, gave an update on how biosolids are being used around the State. See [link](#) to presentation. Statewide, ADC/landfill is being reduced largely because of changes in practices in San Diego, which is a large enough facility to skew Statewide statistics. SB1383 requires a 40% of methane emissions by increasing organics diversion (50% by 2020 and 75% by 2025). Land applications also helps meet the State’s healthy soils initiative. There is discussion about procurement requirements where jurisdictions would need to buy some biogas derived energy or compost for land application. There is still concern about whether jurisdictions would have the authority to ban land application. There are concerns that the State Water Board General order on land applied biosolids is overly restrictive. EPA disincentivizes accepting food

wastes by how they allocate RIN credits, but there are benefits from LCFS from CARB. There is internal disagreement in EPA on the Office of the Inspector General's Report that indicted EPA's biosolids program. Greg gave an overview of the concerns relating to PFAS with respect to biosolids. Regulators are not making a distinction between high background concentrations and contaminated sites. The biosolids remediation of fire ravaged lands study will go forward at Las Virgenes.

Agenda Item 9 - Discussion: PFAS Policy and Science concerns and legislative Update – Tom Bruton, the Green Science Policy Institute's Lead on PFAS and Research Policy, gave a presentation, and started by summarizing the role of the Green Science Policy Institute, as well as a description of the chemistry of PFAS chemicals. See [link](#). PFAS is ubiquitous in the environment and detectable in most people. Many watersheds are contaminated, serving drinking water to 6M people. Military and firefighting facilities are correlated with higher concentrations. EPA and many states are proposing limits. Sources to wwtps are industrial facilities, landfill leachate, and consumer products. There is partitioning to biosolids, and perhaps air. There was a discussion about how a farm applying biosolids that saw high PFAS in their cows actually were contaminated by applying industrial sludge from a paper mill. New defense bill addresses PFAS use, and may add it to the Superfund program.

Agenda Item 10 – Discussion: Chlorine residual Basin Plan update – BACWA and the Water Board are in agreement on using the EPA objectives and granting dilution for chlorine residual effluent limits. There is still uncertainty about how to apply a reporting limit, since the Regional Water Board wants a lower RL than BACWA does. The ED will work with the Water Board to set up a strategy meeting to agree on how to move forward on this issue.

Agenda Item 11 - Discussion: Debrief from 7/18 meeting with Regional Water Board – The ED gave a verbal update on the meeting with the Water Board taking place on 7/18. The ED of the Regional Water Board passed along the news that there are nine Regional Water Board members Statewide whose approval is being rescinded, and who will be replaced by the new Governor.

Agenda Item 12 - Discussion: Toxicity Update – A [link](#) to the updated schedule was provided in the packet. There was a discussion about the updating timing on the toxicity Provisions. The RMP stands to lose significant funding via the Alternate Monitoring plan if the Toxicity Provisions don't include an exception the requirement that agencies perform a sensitive species screening. The RPM will discuss this further with RMP staff.

Agenda Item 13 – Discussion: Planning for Engagement in Future Microplastics Discussions – A [link](#) to the May 22 Microplastic Workgroup meeting was provided in the packet. There was a discussion about the Board's requests for the content of 5Gyres' presentation at the August meeting.

Agenda **Item 14** - Discussion: Draft agenda for the Pardee Technical Seminar – The ED gave an overview of the draft agenda that was included in the packet, noting that we will probably pare down the Regulatory Hot Topics.

Agenda **Item 15** - Discussion: The sampling plan was included in the packet. Enterococcus Sampling Program Update. The first round of sampling was conducted on July 16 and 17. The second round will be conducted in January 2020, wet weather permitting.

Agenda **Item 16** - Discussion: Next Steps in the Water Board Efforts to Implement Bacterial Objectives – The relevant tables from the SF Basin Plan were included in the packet. The RPM gave a summary of how the Regional Water Board is considering how to implement SHELL when the coliform limits for REC-1 are removed from the Basin Plan. The Board directed the ED to set up strategy meeting with Regional Water Board staff.

OTHER BUSINESS-OPERATIONAL

Agenda **Item 17**- Discussion: Alternatives for Funding the 5 Year Plan – The ED gave a range of options for drawing down BACWA reserves to pay for different front loading approaches for paying for support of the NMS science program. There was general support for frontloading support for the science. All options included continuing with the previously projected Nutrient Surcharge for FY 20 of \$1.7M. The Board can revisit the question of final fund reserve level in future 5 Year Plans..

Agenda **Item 18** - Discussion: California Water Quality Monitoring Council Representatives. The California Water Quality Monitoring Council develops recommendations to the Secretaries of Cal/EPA and the Natural Resources Agency to improve the coordination and cost-effectiveness of water quality and ecosystem monitoring and assessment, enhance the integration of monitoring data across departments and agencies, and increase public access to monitoring data. CASA would like to make sure there are POTW representatives on all applicable committees. Right now, Northern California is underrepresented. BACWA staff will help identify possible volunteers for the Council, and will participate in some meetings to get a sense of what level of engagement is needed.

Agenda **Item 19** - Discussion: Update on Assistant Executive Director Recruitment. A request for proposals was posted to various career sites as listed in the packet. The goal is to have the AED get started by the beginning of September.

Agenda **Item 20** - Discussion: Updating the Sewer Rate Survey. A [link](#) to the Sewer Rate Survey data was provided in the packet. The ED asked the Board for direction on the level of effort to update the Sewer Rate survey. The Board was in agreement that the next update will be conducted via Google Sheets, where respondents can more easily update their information on

their own. The RPM will work to publicize the new system.

Agenda **Item 21** – Discussion: Administrative Support for the Bay Area Chemical Consortium – There was a discussion about how BACWA would deal with the administrative load. The Executive Board agreed to move forward with administrative support for the Consortium.

Agenda **Item 22** - Discussion: State of the Estuary Biannual Conference Update – The ED gave an update on the conference program and asked who would like free passes to the conference. Several participants requested passes.

Agenda **Item 23** - Discussion: BACWA Participation in Envision – A [link](#) to Envision’s promotional video was provided in the packet. Justin Waples from CCCSD gave an introduction to Envision, which is a framework providing guidance for sustainable and resilient infrastructure. The Board agreed to add this as an item to the Annual meeting.

Agenda **Item 24** - Discussion: Update on Audit of Internal Controls – An update was included in the packet.

REPORTS

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

AIR Committee: No meeting

BAPPG Committee: An email soliciting GIS shape files for creating a jurisdictional map was included in the packet.

Biosolids Committee: No meeting

Collections Committee: No meeting.

Lab Committee: No meeting.

Operations & Maintenance – InfoShare Group: No meeting

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 :

EBMUD: The Health and Safety code needs to be passed by the District’s Board.

SFPUC: SFPUC is involved with the adoption of the OSP permit.

DSRSD: California Voting Rights act – several Cities and Special Districts have been sued. DSRSD has decided to make the change voluntarily. This means that more than 50% of the Board will need to change over the next few years to reflect new ward boundaries.

EBDA: There was piece on Marketplace on NPR – can natural systems be a solution for climate change. See [link](#).

SJ: Expecting draft TO from Water Board in Early August. Following the results of the sensitive species screening SJ will likely switch to fathead minnow as their test species.

Agenda **Item 27** - The **Executive Director's (ED) Report** for June 2019 along with the Board Calendar, and BACWA Action Items, were included in the Packet. It was noted that 109 of 110 action items from FY19 have been completed.

Agenda **Item 28** - The **Regulatory Program Manager (RPM) Report** for June 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 – A [link](#) was provided in the packet.
- 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.
- i. NACWA Emerging Contaminants: Karin North, Melody La Bella – No report
- j. CASA State Legislative Committee: Lori Schectel – See [link](#) to June RWB packet.
- k. CASA Regulatory Workgroup – Lorien Fono – No report
- 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— A [link](#) to the July 11, 2019 meeting agenda was included in the packet.
- v. CHARG: Coastal Hazards Adaptation Resiliency Group – Jacqueline Zipkin – No report.

Agenda **Item 30 - SUGGESTIONS FOR FUTURE AGENDA ITEMS.** None.

ANNOUNCEMENTS: The next regular meeting of the Board is scheduled for August 16, 2019 from 9:00 am to 2:00 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.

The meeting adjourned at. 1:04pm