



# Executive Board Meeting Minutes

February 21, 2020

## 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>
Lorien Fono	BACWA
Alina Constantinescu	LWA/ BACWA
Tom Hall	EOA
Amanda Roa	Delta Diablo
Dave Richardson	Woodard & Curran
Kelly Moran	TDC Environmental
Jennifer Teerlink	CA Dept of Pesticides Regulation

The Board members expressed congratulations to Lorien Fono, for her new role as ED.

### PUBLIC COMMENT - none

**CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER** – Kelly Moran’s and Jennifer Teerlink’s presentation (item 15) will be taken up around 10:30a.

### CONSENT CALENDAR

1. December 20, 2019 BACWA Executive Board Meeting Minutes – The approved minutes will be posted on the BACWA website.

**Consent Calendar item 1:** A motion to approve was made by Eileen White and seconded by Amit Mutsuddy. The motion was approved unanimously.

2. January 8, 2020 BACWA Special executive Board Meeting Minutes – The approved minutes will be posted on the BACWA website.

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

3. January 27, 2020 BACWA Special executive Board Meeting Minutes – The approved minutes will be posted on the BACWA website.

**Consent Calendar item 3:** *A motion to approve was made by Lori Schectel and seconded by Eileen White. The motion was approved unanimously.*

**4.** February 3, 2020 BACWA Special executive Board Meeting Minutes – The approved minutes will be posted on the BACWA website.

**Consent Calendar item 4:** *A motion to approve was made by Lori Schectel and seconded by Eileen White. The motion was approved unanimously.*

**5.** December 2019 Treasurer’s Reports – No comments on this item.

**Consent Calendar item 5:** *A motion to approve was made by Lori Schectel and seconded by Eileen White. The motion was approved unanimously.*

### **APPROVALS & AUTHORIZATIONS**

**6.** Approval: Assistant Executive Director Contract. Discussion: There was a large pool of applicants for the position, and 5 candidates interviewed. New AED is starting first week of March.

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

**7.** Approval: Payment to SFEI of \$2.4M for support of scientific studies. Discussion: The commitment for the second Watershed Permit is for \$11M total. Rather than making annual \$2.2M payments, the bulk of the funds will be made available sooner to accelerate the rate of scientific studies used to inform management decisions prior to the third watershed permit. For FY20, BACWA has provided a total of \$2.6M; for FY21 BACWA will provided in \$2.8M, etc. The full schedule is available in the meeting packet.

**Item 7:** *A motion to approve was made by Eileen White and seconded by Amy Chastain. The motion was approved unanimously.*

**8.** Approval: Contract amendment with TDC Environmental for additional \$25K. ED Comment: The funds are coming from the miscellaneous committee budget.

**Item 8:** *A motion to approve was made by Amy Chastain and seconded by Jackie Zipkin. The motion was approved unanimously.*

**9.** Chair Authorization - AED recruitment contract with Koff was approved by the Chair.

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

Note: Action Items highlighted in green.

Agenda **Item 10** – Discussion: Nutrients

a. Regulatory

## February 21, 2020 Executive Board Meeting Minutes

- i. Group Annual Report – Trend Analysis. GAR proposed 3 statistical tools for trend analysis because recent trends are not obvious and linear regression is not sufficient. It was proposed that HDR come to a Permits Committee meeting to present the options.
  - ii. Ocean Protection Council 5-Year Plan – On 2/14, OPC released an updated 5-yr plan. Lorien is planning to attend the adoption hearing on 2/26. Lorien will reach out to Regional Water Board executive staff and the NMS Science Manager to attend and support Region 2’s current approach to evaluating the impacts effluent discharges to the Ocean and basing management decisions on the science. Lorien will follow-up and transmit proposed oral comments to the Board prior to the meeting.
  - iii. NBS Meeting Debrief 1/17/20 – Meeting attendees discussed putting out the request for information to the membership and updates on various projects in the Bay Area.
- b. Technical Work
- i. Debrief of Assessment Framework 2.0 Workshop: Among the items discussed was that the science is intended to support future regulatory actions. But anything that doesn’t cause directly constitute impairment (like low DO in itself), cannot be used for establishing a 303(d) listing. As such, instead of WQOs, the group is considering establishing triggers so some measures such as increased monitoring are taken before impairment occurs. DO Expert Panel will likely be formed. The ED will reach out to the Water Board and ask for clarification on the AF 2.0.
  - ii. Nutrient Workshop WRF: A workshop is planned by WRF at the end of March to educate a nation-wide audience on Bay Area nutrient developments. Originally envisioned as a small workshop, but appears that professionals from around the Bay Area are encouraged to attend. The current proposed venue may be limiting attendance. The ED will follow-up with HDR/WRF on possible relocation or different format (it was also suggested to setup a webinar option).
- c. Governance Structure
- i. NMS Planning Committee Meeting #43 Debrief – The Committee revisited its governance and Charter language. The ED to further review and see if it needs any updates so that it is reflective of current practices.
  - ii. NMS Planning Committee #44 Debrief – The Committee is hoping to find out by end of March on the fate of the ship-based monitoring program. NMS wrote a letter of support to USGS on the matter.
  - iii. NMS Steering Committee #22 Debrief – The Committee discussed the FY20 Program Plan and Assessment Framework 2.0.

**Agenda Item 11** – Discussion: Exfiltration NOIs. BayKeeper sent Notices of Intent to file suit against the City of Sunnyvale and the City of Mountain View. Among other issues, the NOIs allege that exfiltration from the agencies’ collection systems are causing bacteria contamination and impairing local waterways. Amit noted that in 2016 San Jose settled with BayKeeper on a similar matter (10-yr agreement). SJ has agreed to expand its green Infrastructure program,

accelerate collection system repairs, etc. Central San had a River Watch agreement which expired in January this year, but subsequently received a new NOI.

This issue was also discussed at the recent BACWA Collection Systems meeting and at the Managers meeting. At Managers meeting, the Managers said they would like to meet with the Water Board on the issue. The next BACWA/Regional Water Board meeting is setup for March 16. The ED will invite GMs to this meeting; The ED also planning to speak with the Baykeeper ED beforehand and get a better understanding as to what Baykeeper is hoping to achieve. A lot of resources could be spent on this, but first we need to ensure that infrastructure projects would make a difference. A Board member pointed out that the Bacteria TMDL (affecting San Mateo/SFPUC) presumes exfiltration. All pipes within a ¼ mile of a beach need to be CCTV-ed, assessed, and fixed.

**Agenda Item 15** - Discussion: Pesticide update from DPR and TDC Environmental. Presentations to be posted to BACWA website.

Jennifer Teerlink, DPR described an ongoing pesticides monitoring program run by DPR. Phase I: 25+ participating plants in CA. Three rounds of sampling complete for influent/effluent with one more round remaining this FY. Biosolids event is forthcoming. Phase II: source sampling. Nurseries, laundromats for farm workers' uniforms, discharges from pet grooming/ board operations.

Kelly Moran, TDC Environmental – EPA seems to be going backwards on pesticide regulation. BACWA efforts have been successful in causing them to consider the down-the-drain pathway of pesticides to surface water. The focus for the future of pesticides is on prevention and thorough analysis before a chemical is approved to come onto the market. This effort is not being funded next year by CASQA, and therefore a budget increase is being requested from BACWA.

**Agenda Item 12** – Discussion: EPA Water Reuse Action Plan, an effort championed by Dave Smith (EPA Region 9). BACWA commented that funding shortfall and intrajurisdictional agreements are biggest impediments. New action proposed: study and report on interagency agreements on recycled water. BACWA is listed as a potential collaborator (maybe host a workshop and the RW Committee could plan). ED will engage with BAWAC to discuss areas where our interests are aligned.

**Agenda Item 13** – Discussion: Update on SWRCB's Plans for PFAS and Impact on Wastewater Facilities. ED participating in related call on Monday 2/24 with State Water Board staff. State Water Board is pushing for quarterly influent, effluent, and biosolids sampling for all POTWs > 1MGD. EBMUD participating in a WERF study with 28 other agencies in the nation. EBMUD will share data with this group when it becomes available. USD also has done effluent sampling on PFAS.

**Agenda Item 14** - Discussion: CECs Update. BACWA members, Water Board staff and RMP staff met on 2/14 to discuss a potential PFAS Regional Study in lieu of mandated sampling and

reporting. RMP staff will develop a proposal to show State Water Board staff.

Agenda **Item 16** – Discussion: Update on Chlorine Residual Basin Plan Amendment – Tom Hall updated the group on his efforts to establish a higher ML (0.1 mg/L, instead of RWB-proposed 0.05 mg/L). There is a new RWB staff person, Tong Yin, working on this project; BACWA will invite them to next Lab Committee meeting to discuss the BP amendments and issues around the ML.

Agenda **Item 17** – Discussion: BACWA Strategic Plan Update. Lorien proposed an afternoon workshop (after April Exec Board mtg) dedicated to updating BACWA’s Strategic Plan. The Executive Board was supportive of the idea.

Agenda **Item 18** - Discussion: Toxicity Update and Appendix K comment letter. State Water Board staff conducted a lab survey to better understand the feasibility of initiating 3 chronic tests in one calendar month and, in Dec 2019, released their findings as Appendix K to the staff report. BACWA comments on Appendix K were submitted on 2/10/2020 (letter available on website).

Agenda **Item 19** - Discussion: Agenda for joint meeting with Regional Water Board. The meeting is scheduled for Monday 3/16. ED will invite Managers as opportunity to discuss Exfiltration NOIs. Other items for the agenda: Enterococcus objectives, BP Amendment, CECs Update.

Agenda **Item 20** - Revised ELAP Regulations - Notice for public comment. Small revisions to the proposed regulations were made on 2/14; BACWA Lab Committee reviewed but decided against commenting. TNI-based regulations are expected to be adopted at the March State Water Board meeting. They would become effective July 1, 2020.

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

Agenda **Item 21** – Discussion: 2021 Annual Meeting Confirmation for Scottish Rite Center (Oakland). Group discussed preferred meeting date and settled on February 19, 2021.

Agenda **Item 22** - Discussion: 2020 Annual Meeting Survey. Group discussed feedback from the Annual Meeting. Some repeated comments: agenda too tight, no time for questions. Also: BACWA should put more effort in engaging smaller agencies. ED noted that this latter comment would be good item to pick up at the upcoming meeting on Strategic Planning. Lorien can help connect with GMs that are not usually engaging with the group.

Agenda **Item 23** - Discussion: Draft FY21 BACWA Budget. ED highlighted a few items of interest: Nutrient Surcharge Calculation – invoices are usually sent late August; more funding may be needed for TDC Environmental in the future; long-term budget may be affected if Watershed Permit is extended by another year (for 6 years total). Need to understand how much the 6<sup>th</sup> year payment would be. ED to engage with the science manager on this topic.

Agenda **Item 24** - Discussion: Update on Regulatory Program Manager recruitment. RPM recruitment to be started after AED is on board.

Agenda **Item 25** - Discussion: Succession Planning Update. Lorien to take Dave's place on Nutrient committees, etc. Maybe use the RPM once in a while. Leah Walker (Petaluma) is retiring – Robert Wilson (Petaluma) stepping in for Nutrient Management Strategy Committee.

Agenda **Item 26** – Discussion: North Bay Watershed Association Conference sponsorship. Group supported a \$1500 sponsorship again this year.

## REPORTS

Agenda **Item 27** – Committee Reports – None

Agenda **Item 28** – Member Highlights – San Jose NPDES permit passed on consent. Will Burrell is their case worker. SFPUC NPDES permits – still under discussion with both EPA and Regional Water Board.

Agenda **Item 29** – Executive Director Report – Included in the packet

Agenda **Item 30** – Regulatory Program Manager Report – Included in the packet.

Agenda **Item 31 - Other BACWA Representative Reports** – BACWA Representatives were given an opportunity to provide updates. No actions were taken based on the reports.

- a. RMP-TRC: Mary Lou Esparza – 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 – No report
- 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. ReNUWit – Jackie Zipkin, Karin North – No report.
- m. ReNUWIT OneWater - Jackie Zipkin, Eric Hansen.
  - Planning annual meeting for early June. Hertzberg as keynote speaker (interesting choice – author of bills of interest to BACWA). Trying to raise \$150K for next year;

## February 21, 2020 Executive Board Meeting Minutes

- potentially asking for \$30K from BACWA.
- AQPI - Update from Jackie Zipkin: Effort is moving forward. Radar stations in East Bay, Marin, Santa Clara, etc. are installed. NOAA scientists are excited about obtaining these 'microclimate' data. NOAA looking for feedback from data users; plan to form a subgroup of WW users to get an idea of how they would use the data. Jackie will report back.
- n. RMP Microplastics Liaison: Artem Dyachenko – 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 – 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. CHARG – Coastal Hazards Adaptation Resiliency Group – Jackie Zipkin

Agenda **Item 32 - SUGGESTIONS FOR FUTURE AGENDA ITEMS.** None.

**ANNOUNCEMENTS:** The next regular meeting of the Board is scheduled for March 20, 2020 from 9:00 am to 12:30 pm at EBMUD HQ. Training Room, 375 11th Street, Oakland, 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 1:28 pm and was followed by lunch.