



Executive Board Meeting Minutes

March 20, 2020

ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Lori Schectel (Central Contra Costa Sanitary District); Amit Mutsuddy (City of San Jose); Eileen White (East Bay Municipal Utility District); Jacqueline Zipkin (East Bay Dischargers Authority); Amy Chastain (San Francisco Public Utilities Commission).

Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Lorien Fono	BACWA
Alina Constantinescu	LWA/ BACWA
Jennifer Dymnt	BACWA
Sarah Deslauriers	Carollo Engineers/ BACWA AIR Committee
Tom Hall	EOA
Azalea Mitch	City of San Mateo
Samantha Engelage	City of Palo Alto
Jeff Skinner	Central San
Jim Graydon	Woodward & Curran
Colleen Henry	Central San
Rita Cheng	Central San
Amanda Roa	Delta Diablo
Randy Schmidt	Central San
Dave Smith	EPA
Bahman Sheikh	WateReuse Consultant
Eric Rosenblum	Enviroerspective
Felicia Marcus	State Water Board
Eric Dunlavey	City of San Jose
Greg Fogel	Policy Director for WateReuse

PUBLIC COMMENT - The Board members welcomed AED Jennifer Dymnt to her first BACWA Board meeting.

The Board held a moment of silence to honor the passing of Bruce Wolf

ED asked Board members to send Form 700 to BACWA Mailbox at EBMUD. Forms are due April 1.

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER – Item 17 was discussed early on as it’s a priority given the circumstances. Item 9 and Item 10 were also taken up early to accommodate the presenter’s schedule.

CONSENT CALENDAR

1. February 21, 2020, 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 2020 Treasurer's Reports – No comments on this item.

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

APPROVALS & AUTHORIZATIONS

3. Authorization: EDAR for Maze & Associates Internal Audit. Discussion: There was a clerical error in that there was no authorization in place for them to do their work. They had signed the contract, BACWA had not. Work has already been done.

Item 3: *Less than \$5,000 item; no need to authorize by Board. Informational item only.*

4. Authorization: EDAR for correction for contract for K&A for ED recruitment. Discussion: \$15K with optional another \$5K. Correction needed because final contract was \$16K.

Item 4: *Less than \$5,000 item ; no need to authorize by Board. Informational item only. .*

OTHER BUSINESS-POLICY/STRATEGIC

Agenda **Item 5** – Discussion: Nutrients

a. Regulatory

- i. Group Annual Report data vs planning targets. BACWA ED presented on brief trend analysis: GAR targets vs planning targets. The percent buffer between 2019 loads and planning targets range from 14% to 34%, depending on different locations of the Bay.
- ii. Ocean Protection Council 5-Year Plan – BACWA ED testified at the adoption hearing. ED also spoke with Mike Montgomery and Tom Mumley (Regional Water Board) before the hearing and they felt that the OPC was not a huge concern for our region because we have a good Nutrient Management Strategy in place. However, they do recognize the need to focus on outreach and education to the members of the OPC. To this end, David Senn (SFEI), is in contact with scientists involved in the research provided to the OPC. ED's presentation at the hearing also helped with this effort – the testimony covered science funding, region-wide collaborations, science-based decision making, etc. Steve Jepsen (SCAP) also testified. He brought up that the OPC model had not been validated, which OPC's Chair objected to.

b. Technical Work

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- i. Letter to USGS – See meeting packet for copy of letter. Letter is from Tom Mumley (Regional Water Board) to USGS urging an agreement for partnership for RMP monitoring be reached by March 31. BACWA ED reported that USGS has since responded and expressed confidence that a timely agreement will be reached.
 - ii. Coastal Impact Study Plan – not a new topic, but BACWA following developments. SFEI is beginning to fund a 2-3 year study, at a cost of \$400K to \$600K. This study could potentially have enormous management implications, as other studies have looked only at in-Bay impacts.
- c. Governance Structure
- i. Planning committee meeting #45 Debrief – See notes in meeting packet; however, Board members reported that some things may have shifted since that meeting. SFEI has been holding interviews for the modeling position (as planned), but David Senn is uncertain about making offers to candidates at this time... SFEI also expressed concerns about being able to maintain funding levels and to conduct the planned studies in a timely manner with staff working from home. BACWA ED plans to invite David Senn to a future Board meeting to discuss these matters.

Agenda **Item 6** – Discussion: Exfiltration – Potential Regional Strategy

BACWA ED met with Sejal Choksi, SF Bay keeper ED to discuss intent behind recent NOIs issued to two Bay Area agencies. They agreed that lawsuits are not necessarily the best way to set regulation. Also – it would be unfortunate to spend massive resources on fixes that may or may not make a difference to water quality. EDs have broadly discussed the possibility of a regional effort, with involvement of the Regional Water Board. Starting point may be a joint ‘best practices manual/ sampling plan’ to better identify anthropogenic bacteria sources to the Bay. BACWA ED will follow-up with Mountain View and Sunnyvale and will also approach the stormwater community.

Agenda **Item 7** – Discussion: EPA Reuse Action Plan. Board received presentation by Eric Rosenblum, with support from Dave Smith (EPA), Felicia Marcus (former State Water Board Chair), Greg Fogel (WaterReuse) , Bahman Sheikh (consultant). Eric’s presentation is available [here](#). The project team is working on Scope of Work, to be made available in the next week. Team is hoping to execute agreement in the next month. Would like support from BACWA and other associations around the country, if possible, but recognize that issues with COVID-19 may slow things down. BACWA Board will discuss further; no decision made at this time. See also Item 16: Draft FY21 BACWA Budget.

Agenda **Item 8** – Discussion: Update on SWRCB’s Plans for PFAS and Impact on Wastewater Facilities. ED reported that the most recent communication from the State Water Board indicated that they intend for every facility over 1 MGD to conduct quarterly monitoring of influent, effluent, and biosolids. CASA is working on a counter proposal that would cover only large agencies with potential PFAS sources in the service area. ED will continue to track and report developments.

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Agenda **Item 9** – Discussion: Statewide collaboration on monitoring per AB617. Sarah Deslauriers, Carollo Engineers (BACWA AIR Committee) presented on potential statewide collaboration opportunities for required monitoring under AB617 as well as other air-related updates. Sarah’s presentation is available [here](#). BACWA is considering participating in this effort, but the process is not sufficiently defined at this point to make a specific commitment in the FY21 budget. For now, considering funding it through a \$250,000 “General Technical Support” line item. Sarah will get feedback from the AIR committee regarding direction on this topic.

Agenda **Item 10** – Information: 13267 letter on vulnerability assessments. The survey response will be mandatory for all agencies that receive it. The intent was to release it in March but it has been delayed.

Agenda **Item 11** – Discussion: Update on Chlorine Residual Basin Plan Amendment. Tom Hall reported that meeting with Tong Yin (Regional Water Board) was postponed that still needs to be rescheduled. Tom understands that the issues is moving forward; a BPA draft staff report was circulated internally with Regional Water Board staff. The required minimum reporting level for residual chlorine continues to be an issue; Tom Hall sent Tong Yin research supporting 0.1 mg/L RL. Tom will follow-up and report developments to BACWA.

Agenda **Item 12** – Discussion: BACWA Strategic Plan Update. BACWA ED has met with BACWA Board members individually to request feedback, but effort is on hold for now due to priorities involving the response to COVID-19.

Agenda **Item 13** – Discussion: Revised ELAP Regulations. The Revised regulations were slated to be adopted at the State Water Board March 17 meeting. The meeting was cancelled due to COVID-19 concerns and this item is yet to be rescheduled.

Agenda **Item 14** – Discussion: Engagement with Summit Partners on Pesticides. Because engagement with DPR on pesticide inputs to sewers is a Statewide issue, BACWA will reach out to Summit Partners to garner participation from the other entities.

Agenda **Item 15** – Discussion: Invitation to speak to BAWAC about recycled water drivers. This is an item related to BACWA’s efforts to reach out/ collaborate with other regional organization. ED reported that she will participate at the BAWAC’s upcoming 4/13 meeting.

OPERATIONAL

Agenda **Item 16** – Discussion: Draft FY21 BACWA Budget. Board discussed draft budget presented at the February Board meeting. Board did not vote on the budget; the vote is scheduled in April. Items discussed now: EPA Reuse Action Plan – Board generally in favor of providing some support, but would need to review Scope of Work before making a commitment. There was a general concern among Board members about spending right now

considering the health crisis and potential economic crisis. Discretionary spending needs to be more sensitive right now. After some discussion, there was a preliminary agreement to approve a budget that is generally consistent with how BACWA would proceed if there wasn't a state of emergency with the understanding that budgeting is one thing, but spending is another because things may shift as the year progresses. The budget assumptions (both revenue and spending needs) will need to be reviewed and potentially modified throughout the year because of the very dynamic situation.

Agenda Item 17 – Discussion: COVID-19 Contingency Planning for BACWA. BACWA ED discussed a draft letter for the RWB regarding BACWA members' regulatory needs around COVID-19 challengers. ED noted that, through discussions with CASA, there may be an opportunity to elevate this issue to the State Water Board. BACWA/CASA joint call on the issue is planned. Board members noted that they are most interested in mutual aid agreements, defining essential vs. non-essential staff, seeking relief for any potential/future issues that agency may face due to short staffing, disruption in supplies, reduced revenues, and other COVID-19 potential issues. Board member also proposed that BACWA compiles some resources for member agencies – like a folder to share staff rotation procedures or other modified work procedures, emergency/contingency plans, etc.

Agenda Item 18 – Discussion: ASC and designation of JPA signatory agency designee. BACWA has not designated a signatory per the California Joint Exercise of Powers Act. The JPA has come under scrutiny, since BACWA is the designated signatory to ASC's JPA. ED informed the Board that next steps will be considered at the next meeting.

Agenda Item 19 – Discussion: Update on Regulatory Program Manager recruitment. Effort put on hold for now; may opt to extend LWA contract, as needed.

Agenda Item 20 – Discussion: FWQC membership. Board agreed to put on hold for now; BACWA is more mindful of discretionary spending, plus there are other efforts that may be prioritized (EPA Reuse Action Plan, Pesticides, etc.)

REPORTS

Agenda Item 21 – Committee Reports: included in the packet.

Agenda Item 22 - Member highlights: City of Palo Alto thanked the Board for support on their Horizontal Levee Project. The City may reach out in the near future to request letter of support for their next grant request (from EPA).

Agenda Item 23 – Executive Director Report: included in the packet.

Agenda Item 24 – Regulatory Program Manager Report: included in the packet.

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Agenda **Item 25** – Other BACWA Representative Reports. BACWA Representatives were given an opportunity to provide updates. There were no reports given and no actions taken.

- a. RMP-TRC: Mary Lou Esparza, Yuyun Shang, Samantha Engelage – No report.
- b. RMP Steering Committee: Karin North; Leah Walker; Eric Dunlavey – No report.
- c. Summit Partners: Lorien Fono; Lori Schectel – No report.
- d. ASC/SFEI: Lorien Fono; Eileen White – No report.
- e. Nutrient Governance Steering Committee: Eric Dunlavey; Eileen White; Lori Schectel - No report.
 - i. Nutrient Planning Subgroup: Eric Dunlavey – No report.
 - ii. NMS Technical Workgroup: Eric Dunlavey – No report.
- f. SWRCB Nutrient SAG: Lorien Fono – No report.
- g. NACWA Taskforce on Dental Amalgam: Tim Potter – No report
- h. BAIRWMP: Cheryl Munoz; Linda Hu; Lorien Fono – 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 – No report.
- n. RMP Microplastics Liaison: Artem Dyachenko – No report.
- o. Bay Area Regional Reliability Project: Eileen White– No report.
- p. WateReuse Working Group: Cheryl Munoz – No report.
- q. San Francisco Estuary Partnership: Eileen White; Lorien Fono – No report.
- r. CPSC Policy Education Advisory Committee Colleen Henry – 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 – No report.

Agenda **Item 26** - SUGGESTIONS FOR FUTURE AGENDA ITEMS. None.

ANNOUNCEMENTS: The next regular meeting of the Board is scheduled for April 17, 2020 to take place over conference call. Call-in information will be posted with the agenda.

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 12:30pm.