



# Executive Board Meeting Minutes

April 17, 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>
Eric Dunlavey	City of San Jose
Lorien Fono	BACWA
Alina Constantinescu	LWA/ BACWA
Jennifer Dymont	BACWA
David Senn	SFEI
Tom Hall	EOA
Greg Baatrup	Fairfield Suisun Sanitary District
Karin North	City of Palo Alto
Pedro Hernandez	City of San Jose
Jennie Pang	SFPUC
David Richardson	Woodard & Curran
Mary Lou Esparza	Central San
Amanda Roa	Delta Diablo
Randy Schmidt	Central San
Tim Barr	
Tim Potter	Central San
Bayley Toft-Dupuy	State Water Resources Control Board
Warren Chabot	SFEI
Blake Brown	
Tony Rubio	Sanitary District No.5 of Marin County

Lori Schectel started meeting at 9:05

Review of meeting protocols: ED shared telecommunication rules and voting guidelines, and asked board members using camera through the first few roll-call items, requested meeting feedback

**PUBLIC COMMENT – None**

**CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER – none**

## CONSENT CALENDAR

1. March 20, 2020, BACWA Executive Board Meeting Minutes – The approved minutes will be posted on the BACWA website. One revision made to note Eric Dunlavey presence at 3/20/2020 EB Meeting.
2. February 2020 Treasurer’s Reports – No comments on this item.

*Consent Calendar Items 1 and 2: A motion to approve was made by Jacqueline Zipkin and seconded by Amit Mutsuddy. The motion was approved unanimously.*

## APPROVALS & AUTHORIZATIONS

**3. Approval: FY21 Budget & work plan** –Final budget and workplan in packet, mostly the same as March 20<sup>th</sup> meeting with only a few small corrections. ED highlighted the following: ED not taking CPI next year, BAPPG budget increased to support pesticides work (BACWA and will support BAPPG effort to find funding for additional needs), CECs budget increase of \$50K likely to be used for PFAS study, also \$250K for general technical support. Board members supportive of budget approach and also appreciative of ED not taking CPI next year.

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

## OTHER BUSINESS-POLICY/STRATEGIC

Agenda **Item 4** – Discussion: COVID-19 Response – ED led discussion

- a) Resources – BACWA website has link to CASA COVID-19 resources. CWEA also has additional information and hosted a few recommended webinars which are posted on their You Tube channel. EBMUD and San Jose participated in the webinar recordings. EBDA is coordinating procedure between 6 plants on how to share operators if there is insufficient operating staff at a plant due to outbreak & happy to share these.
- b) Regulatory Engagement – Regarding operator regulations and staffing levels, the EPA, State & Regional Boards stated they were not going to be granting any permit relief or regulatory roll backs; agencies were advised to do their best to comply with permit requirements and document any problems. Group decided against BACWA letter and instead will focus on issue-by-issue communication as each agency has its own response and methods. CASA articulated resources for POTWs on how to continue operations and protect public health. Anticipating more requests from agencies, ED requested direction from Board on most appropriate way for BACWA to respond/assist. Board Members acknowledged all efforts and also noted that BACWA’s goal is consensus and collaboration and group advocacy may be welcomed by smaller agencies. Small agencies

approached BACWA on issues regarding operator certifications, staff shortage situations, and communication with our members.

A discussion on individual agencies' approaches for regulatory compliance and for communication followed. Board members noted that some agencies would prefer to have pro-active communication with regulators, just in case compliance issues arise during the COVID-19 public health emergency. Others noted that their governing boards instructed that no regulatory exemptions be requested ahead of time. In one instance, when relief was requested, the regulatory agency denied relaxing the requirement.

An approach that was agreed upon across the board seemed to be that, in case non-compliance is inevitable, every effort needs to be made to document and build a record that demonstrates the agency took a prudent and defensible approach. A recent message recently issued by CAL EPA emphasizes the same approach: documenting what needs to be done and why, letting the regulators know beforehand to the extent that you can. The group discussed sending a letter to the Regional Board with examples of agencies' response to the emergency and their successes, even in time of crisis. ED will follow-up with board to reiterate plans.

- c) Study of COVID 19 in wastewater – EBMUD is engaged with Stanford lab to study sewage as indicator of virus prevalence in a community and also with Bio-BOT a private firm out of Boston and with University of South Carolina. There is also a small study with UC Berkeley. EBMUD would like to engage with University of Arizona, but their lab is more costly. There is a possibility to engage the Governor's office to support testing and to develop statewide network of monitoring. Warner Chabot (SFEI) recommended gathering samples now, even if they may not be tested for a while but hopefully in the future a statewide system would be developed. SFEI is in touch with senior State Water Board officials on the matter. There are instructions in the packet on how sample can be preserved for later testing. Pedro Hernandez (San Jose) and Eileen White (EBMUD) offered to provide more information in sample collection. Karin North (Palo Alto) offered to get collection protocol from Stanford contacts. There was also a discussion around any results received to date. A couple of members noted that their agencies results show 'presence', but no quantification, yet. If the results are meant to help assess the rate/ trend of infection in the community, quantification will be necessary.
- d) Wipes and Flushables – BAPPG has been working with consultant on public messaging about what to flush now & always; message was captured in Mercury News article and press release was to be published today. Members also noted that they are doing a lot of media outreach – explaining, among other issues, the impacts of blockages on the health of wastewater operators.

**Agenda Item 5** – Discussion: Nutrients

- a) Regulatory – ED stated link for Request for Information on Recycled Water Studies is in packet and HDR is currently collecting comments from Recycled Water Committee.
- b) Technical Work – Update was provided by David Senn, the NMS science manager at SFEI. David shared work status and mentioned that field and lab work has been paused and some field studies are delayed. But to the extent that work can be done from home, research is moving forward. The presentation provided updates on the different program areas as well as funding (revenue estimates). In a follow-up from attendees, David also summarized the NMS contingency decision making process. Under current guidelines, steering committee has to make decisions in in-person meetings; the steering committee will change these rules to be able to make decisions using teleconference meetings.
- c) Governance Structure – ED mentioned March 13 steering committee notes are in packet. A Nutrient Technical Workgroup meeting (in May) will focus on review of science plan for 2021. David Senn summarized assessment framework effort. An expert panel meeting on May 5<sup>th</sup> and May 21<sup>st</sup> will focus on DO in the Lower South Bay. A couple of attendees had comments about the 2016 Limnotech Assessment Framework review.

**Agenda Item 6** – Microplastics Working Group Meeting Debrief – Eric Dunlavey (San Jose) reported the workgroup met on April 9. The meeting included an update on storm water pathway conceptual model program, microplastics in storm water runoff study for year one and year two. The State Water Board proposed a definition for “microplastics in drinking water”. ED reviewed the definition. RPM attended a State Water Board workshop on proposed definition and noted that definition will probably be used for water & wastewater as well. Eric Dunlavey (San Jose) noted that Bay Area has focused on counting and categorizing of microplastics but understanding of effects/toxicity of microplastics are needed. Four proposed topics for 2021 studies are participation in an ecotoxicity workshop; analysis of microplastics in sport fish; continuation of stormwater conceptual model – looking at tires & fibers; and looking at sediment cores.

**Agenda Item 7** – Discussion: Update on SWRCB’s Plans for PFAS and Impact on Wastewater Facilities – State Water Board is working on a proposal for WWTP quarterly monitoring, but ED pointed out that now may not be an appropriate time to be collecting PFAS samples (industrial contributions may not be representative). Emerging contaminants workgroup meeting next week, after that we will come up with a proposed Regional Study to present to State Water Board in lieu of a 13267 data gathering approach.

**Agenda Item 8** – Discussion: Statewide collaboration on Monitoring per AB617 – ED mentioned Sarah Deslauriers presented on these issues at the March Board meeting. The AIR committee recommended that BACWA fund participation in a future pooled emissions estimate program. If funding is requested in FY21, it will be fairly low figure, and much later in the Fiscal Year.

Agenda **Item 9** – Discussion: Update on Chlorine Residual Basin Plan Amendment – ED reported that BPA is slated to move forward with CEQA Scoping meeting scheduled for May 15, 2020. Draft BPA is expected in July 2020 and adoption in November 2020. ED is working on estimate of cost savings to deliver to Regional Water Board and will be seeking agencies to speak at adoption hearing in November –EBDA and EBMUD volunteered to speak about their planned change in SBS dosing in response to the amendment. ED is also seeking feedback from labs on minimum analytical levels to chlorine residual. Several members expressed appreciation for ED and Tom Hall dedication in moving this matter forward.

Agenda **Item 10** – Discussion: Transition to State General Order for Recycled Water. Link to Notice of Applicability (NOA) is available in packet. RPM has been supporting Recycled Water Committee and mentioned regional agencies have transitioned to the Statewide Order from 96-011 per the requirements of the State Recycled Water Policy.

## **OPERATIONAL**

Agenda **Item 11** – Discussion: BACC Bid withdrawn for FY21 – Due to the Shelter-in-Place order, ED noted that a decision was made to withdraw the FY21 bid. Participating agencies have the option to extend contract with current suppliers. BACC is working to get FY21 prices from suppliers to distribute to BACC participating agencies. BACWA AED to take over administration from DSRSD in FY21.

Agenda **Item 12** – Information: 5-yr plan w/ contracting approval considerations for FY21 – ED provided two funding scenarios and summarized packet information. Reviewed NMS funding and top priorities for BACWA. Summarized proposed FY21 contracts to be approved at May meeting.

Agenda **Item 13** – Discussion: ASC and designation of JPA signatory designee. JPA law requires a JPA to adopt the policies of one of the governing entities. BACWA needs to adopt a governing agency's policy; legal counsel suggested San Jose might be best agency. However, issue is still under discussion with City attorneys and city council would need to make the final decision. BACWA needs to consider which of its members have the least restrictive policies. Item in progress.

## **REPORTS**

Agenda **Item 14** – Discussion: Committee Reports

ED noted committee reports are in the packet.

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Biosolids – Jacqueline Zipkin would like to coordinate a response to recent email inquiries from Regional Water Board staff regarding biosolids management in the region. Karin North to share a biosolids in COVID-19 article with the group.

Agenda **Item 15** – Discussion: Member Highlights –Karin North (Palo Alto) asked if anyone having issues getting parts/supplies during the shelter-in-place order. Principal members will share operations strategies off line.

Agenda **Item 16** – Executive Director Report: included in the packet.

Agenda **Item 17** – Regulatory Program Manager Report: included in the packet.

Agenda **Item 18** – 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 19** - SUGGESTIONS FOR FUTURE AGENDA ITEMS. None.

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**ANNOUNCEMENTS:** The next regular meeting of the Board is scheduled for May 15, 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 Jennifer Dymont at [jdymont@bacwa.org](mailto:jdymont@bacwa.org).

The meeting adjourned at 12:48pm.