



Executive Board Meeting Minutes

May 15, 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); Jennie Pang (SFPUC).

Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Amanda Roa	Delta Diablo
Tom Hall	EOA
Greg Baatrup	FFSD
Teresa Herrera	Silicon Valley
Azalea Mitch	City of San Mateo
Karin North	City of Palo Alto
Angela Andrews	West County Wastewater District
Randy Schmidt	Central San
Colleen Henry	Central San
Ramana Chinnakotla	City of Sunnyvale
Mike Falk	HDR
Hoang Banh	City of Oakland
Mary Cousins	Woodard and Curran
Aaron Winer	West County Wastewater District
Chris Sommers	EOA
Eric Dunlavey	City of San Jose
Lorien Fono	BACWA
Jennifer Dymont	BACWA
Alina Constantinescu	LWA / BACWA

9:03 start

Teleconference Etiquette and procedures - reviewed by Lori Schectel

PUBLIC COMMENT

None.

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER –Ramana Chinnakotla from City of Sunnyvale & Chris Sommers EOA would like to speak by 10am on item 9 .

CONSENT CALENDAR

1. April 17, 2019, BACWA Executive Board Meeting Minutes – The approved minutes will be posted on the BACWA website.

2. March 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 FY18 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 Jackie Zipkin and seconded by Amit Mutsuddy. The motion was approved unanimously.

APPROVALS AND AUTHORIZATIONS

9:06 AM

3 Approval: Amendment #1 for LWA RPM Support FY20 - ED explained that this extends existing RPM contract to the end of FY20 June 30, 2020. New contract for FY21 will be brought before Board at the next month. Amit asked for timeline on hiring a permanent RPM. ED will start the process this after the June meeting.

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

4 Approval: Legal & IT Support Amendments FY20 – ED noted error on agenda, these amendments are for FY21. Contracts are: Cayuga for information systems support, Downy Brand for regulatory legal support, and Day Carter Murphy for executive board legal support.

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

5 Authorization: EDAR for FY20 Downey Brand Contract - ED explained that this was a correction to an invoicing error from earlier this FY. EBMUD recommended that we increase amount and combine to single PO. No fiscal impact.

6 Approval: BACWA Chair and Vice-Chair for FY21- ED and Board members thanked Lori Schectel or her leadership and guidance for the past 2+ years. Asked for Boards nomination for new board chair. Lori Schectel nominated Amit Mutsuddy. Amit Mutsuddy accepted and looks forward to position.

Item 6. A motion to approve was made by Lori Schectel and seconded by Eileen White. The motion was approved unanimously.

Lori Schectel asked for Vice Chair Nomination. Amit Mutsuddy nominated Eileen White. Lori Schectel seconded.

A motion to approve was made by Amit Mutsuddy and seconded by Lori Schectel. The motion was approved unanimously.

POLICY/STRATEGIC

7 Discussion: COVID-19 Response - ED introduced the following topics

a. Round table discussion on agency issues

There was a roundtable discussion where participants responded to the following questions:

Has your agency been impacted by infections or quarantines among staff?

Is your agency doing virus testing for employees?

How is your agency approaching potentially returning to work?

Is PPE availability an ongoing issue?

How are the financial impacts of this crisis evolving at your agency?

b. RWB reporting requests – BACWA engagement with Regional Water Board.

Discussion to date is revolving around keeping pretreatment program requirements to the federal-mandated minimums. Pretreatment Committee will be discussing that the issue. Joint BACWA-Regional Water Board meetings to resume in June, where further COVID-related concerns can be discussed.

c. Study of COVID-19 in wastewater – EBMUD is partnering with a number of universities across the country, but funding & lab capacity remain the major challenges. The vision is to introduce the testing in bay area, increase local testing capacity, and then expand across country in order to get a leading indicator of SARS-CoV-2 infections. ED mentioned CASA is working on spreadsheet of testing providers.

d. Wipes and flushables – ED shared that Regional Water Board understands wipes-related SSOs are an increased challenge to collection systems during shelter-in-place orders. Central San had successful public messaging effort that was recognized by the Water Board. CA bill regarding wipes manufacturing labels is being proposed.

8 Discussion: Nutrients

a. Regulatory

i. NBS Study and RW Evaluation RFI – [Link to RFI](#) - Mike Falk, HDR: information request for nature-based and recycled water will be combined in one RFI and give agencies 5 weeks to reply. Mike also shared that there will be a Nutrient webinar on June 4 11:00am PST. He will send out agenda and URL link.

ii. **Nutrient Trading next steps** [Link to Freshwater Trust White Paper](#) – ED shared that paper is forthcoming and meeting in early June anticipated. Load caps in the 3rd Watershed Permit may result in trading environment. General discussion about complexities of trading.

b. Technical Work

i. **May 5 Dissolved Oxygen in LSB Workshop Debrief** – ED announced that SFEI to hold two workshops on DO in Lower South Bay. The expert group is being asked to balance the Virginian Provice Approach against a multiple lines of evidence approach to assess whether the LSB is impaired for nutrients.

ii. **Cloern review of Nutrient Status of Bay** [Link to article](#)
Synthesis article was partially funded by the NMS.

c. Governance Structure

i. **April 23 Planning Subcommittee Meeting # 45.5**

Meeting summary in packet.

ii. **May 6 Planning Subcommittee Meeting # 46**

Meeting summary in packet. It was noted there will be a Nutrient Technical Workgroup meeting on 5/29.

9. Discussion: Sunnyvale/Mountain View Exfiltration suits - BayKeeper filed lawsuit against Mountain View and Sunnyvale alleging high levels of fecal matter in creeks. City of Sunnyvale is working on a response. BACWA is evaluating and considering an exfiltration study; goal could be to develop a toolbox, in collaboration with stakeholders, that would benefit many Bay Area agencies and potentially shield them from similar suits. Chris Sommers from EOA explained proposed exfiltration study in southern California/ San Diego and reviewed a conceptual draft proposal for a Bay Area study. Group discussion on legal, confidentiality and scope aspects of study followed. ED will include this item in agenda for special meeting with Water Board in early June to inform next steps.

10. Discussion: Debrief April 23/24 RMP Emerging Contaminants Workgroup meeting [link to meeting packet](#) – Eric Dunlavey (San Jose) noted that there has been significant discussion regarding using persistence to classify contaminants in the moderate concern tier. Proposed studies – predictive toxicology, year three stormwater study, expanding PFAS monitoring in Bay.

11 Discussion: Update on Chlorine Residual Basin Plan Amendment – ED noted that there is a notification for an upcoming CEQA scoping meeting in packet. There will also be a meeting with interested lab committee members to discuss establishment of chlorine ML with Regional Water Board staff. BACWA stakeholders will hold a pre-meeting strategy call on May 19.

12 Informational: BAAQMD SLCP Rule Development update – ED mentioned that BAAQMD is temporarily suspending all rule development, but still gathering information to inform Regulation 13 on Short Lived Climate Pollutants.

13 Informational: Regulatory Issues matrix update – Updated matrix is in the packet, with usual updates and a new entry: PFAS.

14 Informational: ELAP Adoption 5/5 – BACWA RPM reported on the SWRCB hearing where TNI-based regulations were adopted. Tentative effective date is October 2020 followed by a 3-year implementation period. Christine Sotelo (ELAP) to attend Lab Committee meeting in June. RPM will send out Lab invite to BACWA Permits and slides from hearing if received.

OPERATIONAL

15 Discussion: Status of reserves and phasing for FY21 – ED noted the higher SFEI \$2.8million payment for FY21 (Watershed Permit studies), to be made in two payments: Potentially \$1mill payment in early calendar year and \$1.8 million later in calendar year.

16 Discussion: ASC and designation of JPA signatory designee – ED worked to understand which of the Board member agencies has least restrictive restrictions and compared contracting policies in spreadsheet. Central San is the easiest for BACWA to adopt as designated signatory. ED will continue working with our attorney to understand what we need to adopt and propose a resolution and updated contracting policy at the next Board meeting. Discussion on resolution approach vs. re-opening JPA followed.

17 Discussion: Succession Plan for FY21 – ED: People that have moved agencies or positions represent BACWA. Cheryl Munoz (now with City of Hayward) and Florence Weddington will be BACWA representatives to the IRWMP.

REPORTS

18 Committee Reports

19 Member Highlights –Central San Lori Schectel: 9 states are Suing EPA over relaxing of enforcement during COVID. City of San Jose Amit Mutsuddy: operating budget released; expected cuts are significant with more information to be made available over the coming months.

20 Executive Director Report –ED Report in packet.

21 Regulatory Program Manager Report – RPM Report in packet.

22 Other BACWA Representative Reports - Karin North - Lorien to forward ReNUWIt invite for May 19th, 2020. Leah Walker (City of Petaluma) is retiring. BACWA to provide resolution recognizing her contributions at June Board meeting.

a. RMP Technical Committee Mary Lou Esparza, Yuyun Shang, Samantha Engelage

- b. RMP Steering Committee Karin North; Leah Walker; Eric Dunlavey
- c. Summit Partners Lorien Fono; Lori Schectel
- d. ASC/SFEI Lorien Fono; Eileen White
- e. Nutrient Governance Steering Committee Eric Dunlavey; Eileen White; Lori Schectel
- e.i Nutrient Planning Subgroup Eric Dunlavey
- e.ii NMS Technical Workgroup Eric Dunlavey
- f. SWRCB Nutrient SAG Lorien Fono
- g. NACWA Taskforce on Dental Amalgam Tim Potter
- h. BAIRWMP Cheryl Munoz; Linda Hu; Lorien Fono
- i. NACWA Emerging Contaminants Karin North; Melody LaBella
- j. CASA State Legislative Committee Lori Schectel
- k. CASA Regulatory Workgroup Lorien Fono
- l. ReNUWit Jackie Zipkin; Karin North
- m. ReNUWit One Water Jackie Zipkin, Eric Hansen
- n. RMP Microplastics Liaison Artem Dyachenko
- o. Bay Area Regional Reliability Project Eileen White
- p. WateReuse Working Group Cheryl Munoz
- q. San Francisco Estuary Partnership Eileen White; Lorien Fono
- r. CPSC Policy Education Advisory Committee Colleen Henry
- s. California Ocean Protection Council Lorien Fono
- t. Countywide Water Reuse Master Plan Karin North, Pedro Hernandez
- u. CHARG - Coastal Hazards Adaptation Resiliency Group Jackie Zipkin

23 SUGGESTIONS FOR FUTURE AGENDA ITEMS – Action Item - ED organizing joint meeting with Regional Water Board and will circulate agenda.

NEXT MEETING

The next regular meeting of the Board is scheduled for June 19, 2020 from 9:00 am to 12:30 pm at SFPUC, 13th Floor, Hetch Hetchy Room, 525 Golden Gate Ave, San Francisco, CA, or videoconference.

ADJOURNMENT

12:44 PM