



# Executive Board Meeting Minutes

March 19, 2021

## ROLL CALL AND INTRODUCTIONS

**Executive Board Representatives:** Amy Chastain (San Francisco Public Utilities Commission); Eileen White (East Bay Municipal Utility District); Jackie Zipkin (East Bay Dischargers Authority); Lori Schectel (Central Contra Costa Sanitary District), Eric Dunlavey (City of San Jose)

### Other Attendees and Guests:

<u>Name</u>	<u>Agency/Company</u>
Amanda Roa	Delta Diablo
Autumn Cleave	SFPUC
Bob Hulsmann	West Bay Sanitary District
Dave Richardson	Woodard & Curran
Don Gray	EBMUD
Irene Chu	Hazen & Sawyer
Jed Beyer	West Bay Sanitary District
Jennifer Dymont	BACWA
JT Teerlink	California Department of Pesticide Regulation
Kelly Moran	TDC/SFEI
Lorien Fono	BACWA
Mallika Ramanathan	HDR
Mary Cousins	BACWA
Melody LaBella	Central Contra Costa Sanitary District
Sergio Ramirez	West Bay Sanitary District
Tammy Qualls	Qualls Environmental Consulting
Talyon Sortor	Fairfield-Suisun Sewer District
Tom Hall	EOA

Eileen White started meeting at 9:03

### ROLL CALL - taken

### PUBLIC COMMENT – None

### CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER - Item 8 before Item 7

### CONSENT CALENDAR

- 1 January 15, 2021 BACWA Executive Board meeting minutes
- 2 January 2021 Treasurer's Reports

**Consent Calendar Items 1 and 2:** A motion to approve was made by Lori Schectel (Central Contra Costa Sanitary District) and seconded by Jackie Zipkin (East Bay Dischargers Authority). The motion was approved unanimously.

### **APPROVALS AND AUTHORIZATIONS**

**3 Authorization:** Executive Director Authorization for Downey Brand support of BACC – ED explained agreement for Downey Brand to provide a legal review of Bay Area Chemical Consortium bid documents to avoid potential BACWA liability for administering the program. Does not impact BACWA’s budget since it is funded through the BACC fund.

### **POLICY/STRATEGIC**

**4 Discussion: Interim Staff Draft SSS-WDR update** – BACWA RPM summarized important points in sanitary sewer order update. A recent informal draft was released by the State Water Board as a discussion-starter but, but it proposes significant changes such as prohibiting exfiltration from sewer systems. A lot of new requirements for Sanitary Sewer Management Plans (SSMPs). Update asks sewer agencies to identify their high-risk components and resiliency plans. Update introduces notification requirements for spills. BACWA RPM, CASA and State Water Board are meeting to discuss top concerns. Also meeting with SF Regional Water Board staff to understand enforcement implications. General discussion followed. Several stated that the 3-page summary document was extremely helpful.

**5 Discussion: Update on R2 Climate Change survey** - BAWCA RPM said that Regional Water Board provided a draft version of the survey in January. Five BACWA members performed a test drive of the survey and made suggestions for improving the questions. A revised version of the survey is in the packet. Compared to the first draft, sea level rise assumptions are more open-ended and it deemphasizes the reference to a paper on ground water level rise. Regional Board is not in a hurry to complete this, but we do expect this survey to be distributed in the near future for all agencies to respond to.

**6 Discussion: BAAQMD engagement - debrief from 3/5 meeting on BACT** - BACWA ED summarized meeting with BACWA AIR Committee & BACWA members, and a meeting summary was in the packet. Air District staff did not budge from their position that Tier 4 engines are BACT, dating back to January 2020, although they did offer to work with agencies impacted by this decision. AIR committee consultants will continue to follow up on how BACT is established.

**7 Discussion: Draft agenda for April 2 joint meeting with R2** - BACWA ED shared proposed agenda that is in the packet. Seeking feedback on the agenda. The Board directed the ED to rearrange some agenda items to better facilitate discussion.

**Action item:** BACWA ED to update agenda and send out to BACWA group before posting on website.

**8 Discussion: Pesticides Update - Presentation on Priorities and Planning for FY22** – Item 8 was taken before item 7. Dr. Kelly Moran introduced and Dr. Jennifer Teerlink (JT) discussed DPR’s Pesticides Monitoring program update and provided historical background. JT summarized that she has been monitoring urban & stormwater irrigation run off since 2008 and wastewater effluent since 2019. All JT activities are geared towards monitoring water quality

and working on pollution prevention through pesticide registration. Discussed partnerships in state and nationwide, laboratory improvements, as well as phases and chemical levels in effluent \ influent. JT Teerlink is hoping to set up a network of long-term (at least 3 years) POTW monitoring sites and she plans to prepare a project proposal identifying sampling needs and how the data would be used. Once she sends to BACWA ED, ED will share with BACWA members.

**Action Item:** BACWA ED to work with JT Teerlink to identify a way to confirm operational flow and discharge flow rates from POTWs for DPR Project #19-C0031, "Quantifying California Municipal Wastewater Discharge Contributions to Streams for Pesticide Source Modeling." BACWA ED to review and/or distribute proposal to be provided by DPR for establishing long-term (approx. 3-year) sampling sites at POTWs for pesticide monitoring.

An update on BAPG's pesticides program was delivered by Tammy Qualls and Kelly Moran. POTW's pesticides challenges was summarized and supported BACWA's proactive position on pesticides and pesticide registration. Summarized successes from comment letters to EPA, and provided highlights from 2020-2021 which included reviewing 100 EPA science assessments and writing 20 comment letters to EPA. Kelly Moran presented her work and recommendations for BACWA in 2021-22. Questions and general discussion followed.

BACWA ED and Autumn Cleave shared that BAPPG putting out a RFQ will go live next week to find a replacement for TDC Environmental for next FY, as Kelly will be closing TDC since she has joined SFEI as staff.

**BREAK (10min)      10:40 AM**

## **9 Discussion: Nutrients**

### **a. Regulatory**

**i. NST meeting debrief** - BACWA ED shared that at the meeting on March 15th they shared results from nutrient implementation & planning survey. They also reviewed HDR's scope of work.

**ii. HDR data analysis SOW** - BACWA ED presented slides outlining a potential procedure for historical data analysis, and general discussion followed. An updated SOW is expected in about a week.

**iii. Strategy for key tenets** – BACWA ED presented next steps to develop alternatives for different watershed permit elements, for discussion with the NST. The NST will consider key tenets, including calculating compliance, endpoint, establish subembayments, protect early adopters, and how to consider small dischargers.

### **b. Technical Work**

**i. NMS Review - Task 1** - BACWA ED shared that Mike Connor reviewed NMS documents and suggested that Mike come to our April meeting to give a presentation. Next steps for Mike

are developing questions for a modeling uncertainty workshop in April & May that is co-hosted by SFEI & the Southern California Coastal Water Research Project (SCCWRP).

**ii. Letter of support for Caliskaner Water Technologies Grant Application** – BACWA ED reported that HDR requested that BACWA write a letter of support for a DOE Grant Application by Caliskaner Water Technologies. BACWA ED submitted a letter of recommendation for this grant, which if funded, will give BACWA agencies access to tour a demonstration facility for advanced primary treatment and nutrient removal.

**c. Governance Structure** - BACWA ED said the meeting notes were in the packet. The March Steering Committee meeting was cancelled. May 4<sup>th</sup> is the Nutrient Technical Workshop to review technical work products.

**i. January 6, 2021 PSC Meeting Notes**

**ii. Feb 3/16, 2021 PSC Meeting Notes**

#### **OPERATIONAL**

**10 Discussion: Proposed FY22 Budget and 5-yr plan** - BACWA ED & AED summarized Proposed FY22 Budget in the packet. ED summarized Nutrient Surcharge levels and allocation. The surcharge allocation model that was implemented in FY20 for 2<sup>nd</sup> WSP is to allocate to all agencies based on TIN load vs. previous model where 2/3 of the surcharge was split equally between principals. There was a discussion about equitable division of the nutrient surcharge between principals. Final budget for approval in April. There were no recommended changes to the proposed budget.

**Action item** – BACWA Staff to prepare final FY22 budget for April meeting.

**11 Discussion: Update on BACC Bid and proposed legal reserve** - BACWA AED shared FY2021-22 BACC bid program. 12 chemical and 61 agencies participated. Shared cost summary & billing summary. Discussed building a legal reserve to protect BACWA should there be a bid protest that goes to court.

**Action item** – BACWA ED to bring BAR to next meeting to direct EBMUD to establish a BACC Legal Reserve.

**12 Discussion: Annual meeting survey results, and schedule for 2022** - BACWA ED referred to packet.

**13 Discussion: Results from MAZE Audit** - BACWA ED shared that MAZE audit is complete. The Board was satisfied with the effort, and directed that it might be worth doing again some number of years in the future to make sure internal controls are well maintained.

**14 Informational: Form 700 e-filing update** – BACWA has recently implemented electronic form 700 filing via Netfile. BACWA AED shared that 10 of the 18 form 700 e-filings have been completed. Form 700 due April 1, 2021.

## REPORTS

### 15 Committee Reports

**16 Member highlights and emergency response roundtable** – Lori Schectel spoke about a new bill AB377 (Hertzberg), which would overhaul enforcement under the Clean Water Act. CASA and many agencies are opposing the bill.

**17 Executive Director Report** - BACWA ED reported it is in the packet.

**18 Board Calendar and Action Items** - BACWA ED reported it is in the packet.

**19 Regulatory Program Manager Report** – BACWA RPM reported it is in the packet.

### 20 Other BACWA Representative Reports

- a. RMP Technical Committee Mary Lou Esparza, Yuyun Shang, Samantha Engelage
- b. RMP Steering Committee Karin North; Amanda Roa; 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

### 21 SUGGESTIONS FOR FUTURE AGENDA ITEMS

**NEXT MEETING** The next meeting of the Board is scheduled for April 16, 2021

**ADJOURNMENT**

**1:00 PM**