



Executive Board Meeting Minutes

April 16, 2021

ROLL CALL AND INTRODUCTIONS

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

Other Attendees and Guests:

<u>Name</u>	<u>Agency/Company</u>
Amanda Roa	Delta Diablo
Armando Lopez	Union Sanitary District
Don Gray	EBMUD
Elisa Lee	Woodard & Curran
Eric Dunlavey	City of San Jose
Jeff Carson	DSRSD
Jennie Pang	SFPUC
Jennifer Dymant	BACWA
Kevin Cesar	City of Millbrae
Karin North	City of Palo Alto
Lorien Fono	BACWA
Mary Cousins	BACWA
Melody Tovar	City of Sunnyvale
Mike Connor	Consultant
Mike Falk	HDR
Noel Enoki	City of San Jose
Talyon Sortor	Fairfield-Suisun Sewer District
Teresa Herrera	Silicon Valley Clean Water
Tom Hall	EOA
Rion Merlo	Hazen & Sawyer
Vicki Sherman	City of Redwood City

Amit Mutsuddy started meeting at 9:02

ROLL CALL - taken

PUBLIC COMMENT – None

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER - Item 10 will be taken at 11am.

CONSENT CALENDAR

- 1 March 19, 2021 BACWA Executive Board meeting minutes

- 2 **March 15, 2021 NST meeting minutes**
- 3 **April 2, 2021 Special joint BACWA/RWB meeting minutes**
- 4 **February 2021 Treasurer's Reports**

Consent Calendar Items 1, 2, 3 and 4: A motion to approve was made by Jackie Zipkin (East Bay Dischargers Authority) and seconded by Amy Chastain (San Francisco Public Utilities Commission). The motion was approved unanimously.

APPROVALS AND AUTHORIZATIONS

- 5 **Approval: BAR to adopt FY22 budget and workplan**

Approvals and Authorizations Item 5: A motion to approve was made by Lori Schectel (Central Contra Costa Sanitary District) and seconded by Amit Mutsuddy (City of San Jose). The motion was approved unanimously.

- 6 **Approval: BAR to establish BACC legal reserve fund** Executive Director explained background and reasoning for establishing a BACCA legal reserve fund. Taking on BACC administration as a Project of Special Benefit introduces new potential liability to BACWA. Establishing a legal reserve fund would support the cost of attorney fees in the unlikely event that a bid protest goes to litigation. General discussion and questions followed.

Approvals and Authorizations Item 6: A motion to approve was made by Jackie Zipkin (East Bay Municipal Utility District) and seconded by Amit Mutsuddy (City of San Jose). The motion was approved unanimously.

POLICY/STRATEGIC

- 7 **Discussion: Nutrients**

- a. **Regulatory**

- i. **Nutrient Strategy Team meeting agenda** Executive Director shared the agenda for the April 28th Nutrient Strategy Team (NST) meeting. The April meeting will be followed by another meeting in late May. Discussion ensued that BACWA should develop a position on implementation details for an antidegradation-based permit, such as how to implement load caps. BACWA has an opportunity to be creative and explore ways of determining compliance with load caps. These details will be discussed further at the NST meeting.

- ii. **HDR data analysis Scope of Work** Executive Director summarized proposed scope of work for HDR. Collected information on early actions at last NST meeting. Discussed

framework to consider different subembayment configurations. HDR will consider 3 subembayment configurations and several averaging periods. Consensus was to give HDR notice to proceed with the current scope of work plus an as-needed task to be defined at a later date. Group decided to establish a steering committee to provide input on the work and propose future tasks.

b. Technical Work

i. NMS Review - Task 1 Executive Director provided the background that Mike Connor was contracted to perform to NMS review. Mike [presented](#) model & monitoring findings that highlight our improved understanding around light, grazing and nutrient limitations in the Bay. Discussion followed regarding future needs to better understand these limitations. Mike also shared technical recommendations and possible priorities for BACWA's Nutrient Technical Team. Discussion followed. A meeting has been planned for 4/27 to discuss the recommendations with the SFEI Science Manager.

ii. Modeling uncertainty webinars and workshop Executive Director shared the SCCWRP series of 4 webinars and workshop on modeling uncertainty. Executive Director asked for feedback on how to conduct future workshops \ meetings. Group suggest fewer slides, more Q&A time, and breaks to allow for discussion.

Action item: ED to share link to recording of most recent workshop when it becomes available, as well as link to sign up sheet.

c. Governance Structure Executive Director summarized Planning Subcommittee meeting. BACWA needs to discuss what we need out of science plan for the next permit.

i. March 3, 2021 PSC Meeting Notes

8 Discussion: SSS WDR - debrief from discussions with SWB staff BACWA RPM shared informal staff draft sanitary sewer system order. Substantial changes from 2006 version of order. RPM seeking feedback on redline version of document with key changes by end of April. General discussion followed.

9 Informational: Update on R2 Climate Change survey BACWA RPM shared [link](#) to final climate change survey that the regional board sent out on this week. RPM will be completing survey for 5 agencies early next week. General discussion followed. Assistance in completing survey is available via BACWA staff.

BREAK (10min) 10:40 AM

10 Discussion: BAAQMD engagement - next steps Item 10 was moved prior to item 9 due to scheduling constraints. Summarized new BACT for large emergency diesel engines.

Summarized timeline of BAAQMD engagement on issue with AIR district. Central Contra Costa Sanitary District shared their experience and plans to move forward with engine purchase. General discussion followed. Board member suggested that BACWA write a letter to air district highlighting our asks to make the process of establishing BACWA fair and transparent in the future.

Action item – Prepare draft letter for BAAQMD Board of Directors.

11 Informational: Alternative monitoring/CEC funding BACWA RPM summarized 2016 alternative monitoring & reporting order – which needs to evolve since the major cost saving therein, the sensitive species screening waiver, is superseded by the new Toxicity Provisions. RPM is developing a new list of proposed monitoring reductions. The Water Board plans to adopt a blanket permit amendment which would codify monitoring reductions while requiring funding to the RMP for CEC studies. There was a discussion about providing a sustainable funding source for RMP CECs projects.

Action item – RPM to share document with BACWA committees once complete for review.

12 Discussion: PFAS Phase I results and discussion of Phase II Executive Director shared that effluent concentrations were higher than influent concentrations due to transformation of precursors during secondary treatment. Unlike agencies operating under the 13267 Order to monitoring PFAS, Region 2 agencies are analyzing influent using the total organic precursor analysis, which will help quantify this observation. No problems with sample contamination. More details presentation at our May meeting when we start to think about Phase II.

Action item – Executive Director working on getting timeline for agencies getting their data.

OPERATIONAL

13 Discussion: Annual meeting schedule for 2022 BACWA Executive Director shared Friday January 28, 2022 as the proposed date for the 2022 Annual meeting at Scottish Rite Center in Oakland. There were concerns that this date conflicts with reporting deadlines. ED will send out a survey to choose an alternate date.

Action item – Executive Director to send out a survey on date of annual meeting in 2022.

14 Informational: Update on FY22 BACC Bid BACWA AED shared summary of BACC bid, website, billing summary and final steps.

15 Discussion: Discontinuation of sewer rate survey BACWA RPM shared that a document in packet provides sewer rate information from State Waterboard which is done every two years. Recommended that BACWA discontinue our own sewer rate survey as it is

duplicative with the State's efforts. The Board did not offer feedback that BACWA should continue to update the survey, so staff will not invest further resources in it.

REPORTS

16 Committee Reports BACWA Executive Director shared a recycled water committee update that a recycled water landscape guide that BACWA contributed to in 2011 is almost done.

17 Member highlights and emergency response roundtable Nothing to share.

18 Executive Director Report Executive Director shared report is in the packet.

19 Board Calendar and Action Items Executive Director shared document is in the packet.

20 Regulatory Program Manager Report RPM shared report is in the packet.

21 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; Florence Wedington

i. NACWA Emerging Contaminants Karin North; Melody LaBella

j. CASA State Legislative Committee Lori Schectel

k. CASA Regulatory Workgroup Lorien Fono; Mary Cousins

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. WaterReuse 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

22 SUGGESTIONS FOR FUTURE AGENDA ITEMS

NEXT MEETING

The next meeting of the Board is scheduled for May 21, 2021

ADJOURNMENT 12:46 PM