



# Executive Board Meeting Minutes

May 21, 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), Amit Mutsuddy (City of San Jose)

### Other Attendees and Guests:

<u>Name</u>	<u>Agency/Company</u>
Aaron Winer	West County Wastewater District
Amanda Roa	Delta Diablo
Dave Richardson	Woodard & Curran
Don Gray	EBMUD
Eric Dunlavey	City of San Jose
Jennie Pang	SFPUC
Jennifer Dymant	BACWA
John Peairs	XIO Controls Company
Justin Irving	Hazen & Sawyer
Lorien Fono	BACWA
Mary Cousins	BACWA
Mary Lou Esparza	CCCSD
Melody Tovar	City of Sunnyvale
Robert Wilson	City of Santa Rosa
Sarah Deslauriers	Carollo Engineers
Talyon Sortor	Fairfield-Suisun Sewer District
Tom Hall	EOA
Vicki Sherman	City of Redwood City

Amit Mutsuddy started meeting at 9:02

**ROLL CALL** - taken

**PUBLIC COMMENT** – John Peairs announced meeting on June 7, 2021 and will share link in chat if BACWA members are interested.

**CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER.** BACWA Executive Director requested that items 15 & 20 be presented together for Sarah A. Deslauriers.

### CONSENT CALENDAR

- 1 April 16, 2021 BACWA Executive Board meeting minutes
- 2 April 27, 2021 NST meeting minutes
- 3 March 2021 Treasurer's Reports

BACWA Executive Director explained items 1, 2 &3.

**Consent Calendar Items 1, 2, and 3:** *A motion to approve was made by Jackie Zipkin (East Bay Dischargers Authority) and seconded by Lori Schectel (Central Contra Costa Sanitary District). The motion was approved unanimously.*

#### **APPROVALS AND AUTHORIZATIONS**

#### **4 Approval: BACWA Chair and Vice-Chair for FY22**

BACWA Executive Director explained item 4.

**Approval Item 4:** *A motion to approve Amit Mutsuddy as BACWA Chair for FY22 was made by Eileen White (East Bay Municipal Utility District) and seconded by Lori Schectel (Central Contra Costa Sanitary District). The motion was approved unanimously.*

**Approval Item 4:** *A motion to approve Eileen White as BACWA Co-Chair for FY22 was made by Amit Mutsuddy (City of San Jose) and seconded by Lori Schectel (Central Contra Costa Sanitary District). The motion was approved unanimously.*

#### **5 Approval: BACWA Staff contract amendments**

BACWA Executive Director explained item 5.

**Approval Item 5:** *A motion to approve was made by Lori Schectel (Central Contra Costa Sanitary District) and seconded by Eileen White (East Bay Municipal Utility District). The motion was approved unanimously.*

#### **6 Authorization: EDAR Stephanie Hughes \$1,500 FY21 contract increase, Amendment #3**

BACWA Executive Director explained item 6.

#### **7 Authorization: EDAR for SGA \$3,000 FY21 contract increase, Amendment #2**

BACWA Executive Director explained item 7.

#### **8 Approval: BAR for Legal and IT support FY22**

BACWA Executive Director explained item 8.

**Action Item:** *BACWA Executive Director to determine the significance (if any) of Downey Brand providing a rate sheet that includes attorneys specializing in contract law in addition to attorneys specializing in regulatory compliance.*

**Approval Item 8:** *A motion to approve was made by Amy Chastain (San Francisco Public Utilities Commission) and seconded by Eileen White (East Bay Municipal Utility District). The motion was approved unanimously.*

**9 Approval: Amendment #2 for Carollo Engineers FY22 AIR committee support**

BACWA Executive Director explained item 9.

**Approval Item 9:** *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.*

**10 Approval: Amendment #4 for Stephanie Hughes for FY22 BAPPG support**

BACWA Executive Director explained item 10.

**Approval Item 10:** *A motion to approve was made by Eileen White (East Bay Municipal Utility District) and seconded by Amy Chastain (San Francisco Public Utilities Commission). The motion was approved unanimously.*

**11 Approval: Livermore membership miscategorization reimbursement**

BACWA Executive Director explained item 11. The City of Livermore has been billed as an associate, although they are an affiliate member under BACWA's 2016 Classes of Membership Policy. They will be reimbursed the difference for Fiscal Years 2018 through 2021.

**Approval Item 11:** *A motion to approve was made by Jackie Zipkin (East Bay Dischargers Authority) and seconded by Eileen White (East Bay Municipal Utility District). The motion was approved unanimously.*

**POLICY/STRATEGIC**

**12 Informational: Update on BAPPG Pesticides support and collaboration**

Autumn Cleave shared that Kelly Moran, principal at TDC Environmental and current BAPPG pesticides contractor, is moving to SFEI and closing her consulting firm. BAPPG committee put out an RFQ and received one proposal from Stephanie Hughes, Tammy Quails and Armand Ruby. Their contract will include less pesticide science as this will be performed by a second contract with SFEI. They are currently working on a scope of work and contract will be brought to the executive board meeting in June 2021 for approval. BACWA Executive Director shared a coordinated effort between CASQA and CVCWA regarding pesticide regulatory work. Autumn asked BACWA members to contact her with any questions about the contract or SOW.

**Action item:** *FY22 BAPPG pesticides support contract will be presented at the June 2021 Executive Board Meeting for approval.*

**13 Discussion: Nutrients**

**a. Regulatory**

**i. NST meeting agenda and recap**

BACWA Executive Director summarized key consideration from NST meeting on April 28, 2021. All TIN should be treated equally from a policy/permitting standpoint to create fairness between agencies and their ratepayers. Also, support for phasing between exceeding cap/trigger and starting implementation for adequate planning and financing. NST group to explore trading concepts and whether we want to fund work to further investigate trading alternatives. Group discussion followed. Next NST meeting is May 24, 2021 and the meeting agenda was reviewed.

**ii. HDR Data Analysis update**

BACWA Executive Director briefly summarized the status of the HDR data analysis project.

**b. Technical Work**

**i. NTW Debrief**

BACWA Executive Director shared that NTW was hosted by SFEI. It was a more technical meeting than the steering committee meetings, and was aimed at assessing program priorities for FY22. They recommended collaborating with the Delta efforts. There was a discussion of the importance of mechanistic field studies around salt pond management and how salt pond management could affect conditions in the Lower South Bay. BACWA Executive Director shared slides from Dave Senn in response to feedback from BACWA's technical consultant, Mike Connor.

**ii. Modeling uncertainty webinar debrief and May 28 workshop**

BACWA Executive Director shared that the 4 webinars are complete, and a workshop is planned for May 28. Workshop will be dealing with modelling uncertainty and BACWA ED recommended members attend. A link to register for the workshop was shared with attendees.

**iii. Assessment Framework Update - Deep Subtidal**

BACWA Executive Director shared the timing of a list of projects and products for the deep subtidal area assessment framework.

**iv. NMS Reviewer for FY22**

BACWA Executive Director asked for direction from the Board on the future of the NMS reviewer contract. There was agreement that a contract amendment for Mike Connor that will be brought to the June 2021 Executive Board meeting for FY22.

**Action item:** *BACWA Executive Director to bring contract amendment for Mike Connor for FY22*

**c. Governance Structure**

**i. April 23, 2021 PSC Meeting Notes**

BACWA Executive Director shared Lisa Hunt was hired at SFEI as the NMS program manager. Eric Dunlavy shared there was a deeper discussion at the May 18 meeting for the program plan for next FY.

**14 Discussion: SSS WDR - debrief from discussions with SWB staff**

BACWA RPM shared that SWRCB has verbally agreed to make substantive changes to the informal staff draft before the public comment period. RPM is developing a mark-up of staff draft on reporting requirements, SSM requirements, exfiltration and many other issues. Will continue to develop internal consensus prior to holding more meetings with State Water Board staff and NGOs.

**BREAK (10min) 10:35 AM**

**15 Discussion: Engagement with Air District - Comments on Regulation 2**

Sarah Deslauriers shared a slide that summarized AIR activities, issues and regulations including a description and action timeframe. The AIR committee recently provided testimony regarding BAAQMD's proposed Regulation 2, which proposes no new sources of air pollution in overburdened communities. Group also discussed new BACT for large emergency diesel engines and were briefed on process, communication issues and POTW planning process considerations. BAAQMD and BACWA leadership engagement on this issue began in December 2020. BACT related meetings were held in February and March 2021. The next proposed meeting is mid-late June with a focus on Regulation 2, air toxics risk reduction, the BACT determination process, and the lengthy permitting process in general.

**Action item:** *BACWA AIR Committee consultants to schedule meeting with BAAQMD staff*

**16 Discussion: RMP funding levels for FY22**

Eric Dunlavy shared that the steering committee met on April 28, 2021 and the items that were discussed were the annual meeting, which is on October 14, 2021, and moving microplastics into the Emerging Contaminants Workgroup. Eric shared the historical fee chart. This FY and in FY22 the committee decided to keep fees flat but revenues for 2023 and 2024 assume a 3% increase. General discussion followed, including concerns from agencies that they still face an uncertain financial future due to the lingering impacts of COVID. BACWA's input will be shared with the RMP Steering Committee.

**17 Discussion: Alternative monitoring/CEC funding model and cost sharing**

BACWA RPM share that the 2016 order that established the alternative monitoring program needs to be revised by the time the statewide toxicity rules come into effect. RPM shared a slide that summarized alternative monitoring and CEC funding. Slide summarized a straw man proposal for costs split with weighting based on flat rate per agency, minor vs major discharger, and having pretreatment program. Group discussion followed. This will be discussed at permits committee as well.

**Action item:** *RPM will provide updated report to present to Regional Water Board and updated cost sharing report.*

**18 Discussion: Triennial review - BACWA engagement**

RPM shared that the 3 yr cycle for reviewing the basin plan is in process. The RWB has issued a document that lists the projects they plan on working on for the next 3 years. RPM shared 4 key issues for BACWA plus second tier issues. There will be a workshop with the RWB on the triennial review and comment letters are due on July 5, 2021. RPM will have letter for Board to review around June 21, 2021.

**19 Discussion: Comments on DWR draft Water Use Targets**

BACWA Executive Director shared that DWR and SWRCB performed a study recommending new, lower indoor water use targets to the legislature. Low indoor water use has impacts on collection systems, wastewater treatment processes and recycled water programs. Comments are due June 4<sup>th</sup> and recommendations may be adopted next year. BACWA Executive Director asked for feedback on what should be included in the comment letters. General discussion followed. BACWA's main concern is impact mitigation, not arguing against the water use targets.

*Action item: Executive Director to coordinate with CASA, and share comment letter for consideration by BACWA Executive Board.*

**20 Discussion: Collaboration with Sonoma County Land Trust and BABC on biosolids white paper**

BACWA Executive Director summarized Regional Water Board's concerns about the safety of land application of biosolids. Sarah Deslauriers shared CCDEH sent letters to SWRCB, CalRecycle and CDFA that summarized threats to groundwater, surface water and agriculture lands. This letter requested a moratorium on diversion of biosolids from landfills and land application until additional transport studies are completed and new safety standards are developed. Sarah also shared that the Sonoma County Land Trust and SFEI are preparing a white paper regarding the disposal of biosolids in baylands. Sarah requested BACWA members to review and approve the white paper, and consider adding BACWA's logo to the White Paper. General group discussion followed. Several BACWA members volunteered to review white paper.

**21 Discussion: Draft agenda for meeting with Water Board**

BACWA Executive Director & RPM shared agenda for June 2, 2021 meeting. A variety of topics including: a roundtable about COVID-19 impacts, drought, CECs and alternative monitoring requirements, Chlorine residual blanked permit amendment, nutrients, triennial review and biosolids.

**OPERATIONAL**

**22 Discussion: Annual meeting date for 2022 - Feb 10**

BACWA Executive Director shared that based on the survey the annual meeting will be held on Thursday February 10, 2021. Group agreed.

*Action item: BACWA staff to book venue and add Annual Meeting to online calendar.*

**23 Informational: Update on FY22 BACC Bid**

BACWA AED explained that bid award letters were issued on May 6 and BACC agencies are working with vendors to set up their contracts for next FY.

**24 Discussion: BayCAN support for FY22**

BACWA Executive Director summarized BayCAN and recommended continued support for it.

**Action item:** *BACWA staff to pay BayCAN invoice.*

**25 Discussion: Lab committee request for TNI Training Support**

BACWA Executive Director shared TNI training program support. The lab committee is requesting funding from the miscellaneous committee support budget line item to fund this training in FY22.

**26 Discussion: Agencies' reconstitution plans and impact on future BACWA meetings.**

BACWA Executive Director recommended discussing this issue at July meeting.

**REPORTS**

**27 Committee Reports**

**28 Member highlights**

BACWA Members shared COVID-19 updates at their agencies.

**29 Executive Director Report**

BACWA Executive Director said report is in the packet.

**30 Board Calendar and Action Items**

BACWA Executive Director shared executive board meeting dates from July 2021 through February 2022.

**Action item:** *AED to send out meeting invites for these dates.*

**31 Regulatory Program Manager Report**

BACWA RPM said report is in the packet.

**32 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

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- 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. 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

**33 SUGGESTIONS FOR FUTURE AGENDA ITEMS**

**NEXT MEETING**

The next meeting of the Board is scheduled for June 18, 2021

**ADJOURNMENT**

**12:30 PM**