



Executive Board Meeting Minutes

Friday, August 15, 2014, 9:00 a.m. – 12:30 p.m.

**SFPUC, Hetch Hetchy Room,
13th Floor, 525 Golden Gate
Ave., San Francisco, CA**

ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Mike Connor, Chair (East Bay Dischargers Authority); Laura Pagano, Vice Chair (San Francisco Public Utilities Commission); Jim Ervin (San Jose); Vince De Lange (East Bay Municipal Utility District); Roger Bailey (Central Contra Costa Sanitary District).

Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Bhavani Yerrapotu	Sunnyvale
Tim Potter	Central Contra Costa Sanitary District
Vince De Lange	East Bay Municipal Utility District
Karin North	Palo Alto
Amanda Roa	Delta Diablo
Holly Kennedy	HDR
David Senn	SFEI
Amy Chastain	SFPUC
Melody LaBella	Central Contra Costa Sanitary District
Phil Trowbridge	SFEI
Sarah Deslaurieres	Carollo
Meg Herston	Fairfield Suisun Sewer District
Dave Richardson	RMC
Tom Hall	EOA
Denise Connors	Larry Walker Associates
Tricia McGovern	PME
David Williams	BACWA
Lorien Fono	BACWA
Sherry Hull	BACWA

PUBLIC COMMENT

None.

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

None.

CONSENT CALENDAR

1. July 18, 2014 BACWA Executive Board Meeting Minutes
2. May 2014 & June 2014 Treasurer's Reports

Consent Calendar items 1 and 2 were approved in a motion made by Tim Potter and seconded by Laura Pagano. The motion carried unanimously.

REPORTS

Committee Reports were included in the handout packet for agenda **item 3**.

AIR Committee – Report given at last month’s Board meeting.

Recycled Water Committee – As part of a discussion on using recycled water for nutrient removal, a question had been raised as to how many agencies were planning on using RO in the future for recycled water projects. Based on a survey of agencies, it was noted that at this time no agencies are planning on doing RO. Landscaping Guide is almost done.

Collections Committee – RPM noted that they did not have a meeting this month.

Lab Committee & Permits Committee – RPM noted that they both met this week and will present reports at the next Executive Board meeting.

Biosolids Committee –It was noted that Alicia Chakrabarti and Karla Guevarra have volunteered to assume the role of Chair and Vice Chair of the Biosolids Committee. Their first meeting date is to be determined.

Executive Board representatives (Board) were given an opportunity to provide updates from each of the Principal agencies under agenda **item 4, Executive Board Reports**. Non-principal members were also given an opportunity to report out on behalf of their agencies. No actions were taken on the report-outs.

Vincent De Lange mentioned the plan to bring 100 tons per day of organics to EBMUD as part of the new Oakland solid waste contract. Initially this would involve a transfer station in Oakland at the EBMUD plant site until.

Laura Pagano noted that no discharge penalties have been levied. She also noted that this was her last day before leave and that Amy Chastain would be taking over for her during her absence.

Jim Ervin mentioned his continuing objections to provisions in the San Jose new NPDES permit for 1) the reporting requirements of the daily max and false positives for chlorine; 2) RMP monitoring – should do 12 vs. 24; 3) lack of designation of Net Environmental Benefits for San Jose as a result of improvements they have made over the years to their plant and the benefits those improvements have had to the receiving waters. He also gave a short presentation with slides of the beach skein program showing a variety of fish.

Roger Bailey spoke about the CCCSD new pilot study for zeolite/anamox testing. \$60k is being spent on a phytoplankton study. It was noted that on this study there had been close coordination with SFEI and the Water Board as part of the overall effort to coordinate all nutrient investigations.

Mike Connor noted that ammonia in their effluent is down. He also said he received a call from the Chair of the Water Board regarding meeting to discuss mutual interests with POTWs and would like feedback by Monday on any issues BACWA feels should be discussed at the meeting.

The **Executive Director's June Report** was included in the handout packet for agenda **item 5** and David Williams highlighted items in the report. He noted that only four action items remain incomplete from fiscal year 2013-14 and four of the six action items from fiscal year 2014-15 have been completed.

The **Regulatory Program Manager (RPM) Report under agenda item 6** was included in the handout packet. The RPM highlighted the risk reduction issue. DPH's grant application to EPA was not approved so BACWA's proposed participation in that effort in the amount of \$50k over a 5 year permit term will not be moving forward. The ED suggested the board work with the Water Board to identify who to work with on risk reduction. Lorien noted that her last day before leave would be September 24th. Trish McGovern would be taking over for her during her absence.

Other BACWA Representative Reports were given an opportunity to provide updates under **agenda item 7**.

Item 7, Other BACWA Representative Reports. No actions were taken based on the reports.

- a. RMP-TRC: Rod Miller – No meeting.
- b. RMP Steering Committee: Karin North; Jim Ervin - no report.
- c. Summit Partners: Dave Williams – next meeting September 8th, hosted by BACWA. He will distribute the Agenda to Members.
- d. ASC/SFEI: Laura Pagano; Dave Williams – Dave reported that they have been searching for a Director for ten months. Interviews have taken place, they have chosen the top three and negotiations are in progress.
- e. Nutrient Governance Steering Committee: Ben Horenstein; Jim Ervin – see report under Agenda item 10.c.i.
- f. SWRCB Nutrient SAG: Dave Williams – no report.
- g. SWRCB Focus Group – Bacterial Objectives: Lorien Fono; Amy Chastain – Amy noted that her report had been given at last month's meeting. .
- h. SWRCB Focus Group – Mercury Amendments to the State Plan: State Board staff provided a summary of meeting outcomes and action items that looked accurate. New, or reemphasized, beneficial reuses could change the fish consumption rates used to set the standards. Standards using the Least Tern will be limited to current habitat which includes the Bay Area. Staff will be recommending to not apply the new standards where current mercury TMDLs are in effect but as Debbie Webster with CVCWA said their RWQCB plans to reopen their TMDL on a schedule. BACWA should continue communications with our RWQCB staff as this program proceeds.
- i. Nutrient Technical Workgroup – Eric Dunlavy – no report.

OTHER BUSINESS

Agenda **Item 8** - Discussion - Adjustment of scope of work for WBA – ED gave a summary of the issue. *Laura moved to approve the adjustment. Roger seconded the motion, and after discussion it passed unanimously.*

Agenda **Item 9** – Approve - Fiscal Year 2015 Amended Budget – ED gave a summary of the amendments including encumbrances and carry-forwards. *Roger moved to approve the Amended Budget, Vince seconded the motion, and it passed unanimously.*

Agenda **Item 10** - Discussion - Nutrients

a) Technical Work

- i) Update on WS Case Studies Symposium – It was noted that the October 6th Symposium now has six case studies to draw from and that one may be dropped from the Agenda. It was also noted that BACWA is assisting the speakers with their costs. The symposium will be at the State Building, 1515 Clay St., Oakland.
- ii) Draft Scopes of Work for Scientific Studies – ED reported that the Steering Committee approved \$935,000 spending on projects. The Scope and Authorization for Payment can be found under Agenda Item #11.
- iii) New Hampshire Nutrient Investigation (Phil Trowbridge) – ED introduced Phil Trowbridge, the new coordinator for RMP. Phil gave an update on Nutrient regulation. It was noted that two of the lessons learned are that this is a long process and that it will affect land use decisions. Phil expanded on that to say that the cost of science is a fraction of the cost of lawsuits; this is a ten year plus process; and forward progress must be maintained.

b) Regulatory

- i) Update on Consultant Selection Process – Dave commented that the proposals received were all excellent. The top submission came from HDR and negotiations are progressing. Negotiations should be complete by the end of August and there will be a Special Meeting of the BACWA Board scheduled to award the contract.

c) Governance Structure

- i) Steering Committee Governance Workgroup Meeting – ED reported that there have been two meetings of the Steering Committee and that between meetings they plan to have discussions between the Water Board, BayKeeper, BACWA and possibly the EPA. At the first meeting in late July it was agreed that the group needs a driver, either a Program Coordinator or Manager. The questions of who and how to fund remain open. There has been discussion of a pilot period for a 1/3 time position funded half by BACWA and half by the Steering Committee. The next Workgroup meeting will be on August 27th.
- ii) Program Coordinator – this is on the August 27th meeting Agenda.

Agenda **item 11** –Approve – Watershed Permit Fund Commitment for \$865,000. – David Senn of SFEI gave a presentation of the tools and processes that SFEI has developed to manage the

funds and the conduct of the scientific studies. SFEI envision a Director and Executive Committee in addition to the Steering Committee already in place. He supported Dave Williams being given a more active role in the coordination of the governance effort. He noted that there are three pieces that he will be focused on: 1) strong and detailed science; 2) peer review and 3) program management, reporting and accountability. He unveiled the beta website that provides the nutrient strategy and updates, timelines, links to documents and project tracking which should be available within weeks. Roger moved to approve the payment, Vince seconded the motion and it was unanimously approved.

Agenda item 12 – Discussion: SFEI/RMP (Phil Trowbridge) – Phil discussed their collaboration with the Water Board and Dischargers. Fees for the RMP have increased at or less than inflation and, when combined with inflation, the value of their work has eroded. SFEI believes they have cut in areas that now need to be restored and can continue to cut no longer. They will be adopting the State’s Fiscal Year which is also BACWA’s Fiscal Year and will be going through a budgeting exercise. He asks BACWA to communicate its priorities. Their annual meeting will be on October 14th, 2014 when they will report the results of the RMP Program. Karin North thanked Phil and noted that emerging contaminants will be an issue going forward and they will be coming to BACWA in that regard.

Agenda item 13 – Discussion: Biannual Update from CWCCG (S. Deslaurieres) – Sarah provided a presentation on the work of the Climate Change Group. She noted that mitigation and adaption are key State and Federal issues. The State has adopted a five year mitigation plan and the scope was adopted May 22, 2014. The Climate Change Group’s next meeting is September 17th and she will be at the next AIR Committee meeting. She will also provide a copy of her presentation to BACWA.

Agenda item 14 – Discussion: IT/Web Upgrade – Dave Williams explained the history of the BACWA website expenditures and gave an overview of the current needs. The Board gave support for exploring upgrades to both the website and communication needs with a budget not to exceed the Chair’s authorization.

Agenda item 15 – Discussion: CASA Statewide Pesticide Steering Committee – It was reported that the study had detected pyrethroids in twenty of thirty plants. The Federal strategy seems to be a move away from the Clean Water Act. Identification of source is a problem. Tim noted that at the State Water Board there is support for NPDES Permits. He has concerns about disparate treatment between POTW’s and the Vector Control Agency.

Agenda item 16 – Discussion: Joint Meeting with Water Board – It was noted that the August

meeting had not been held yet but was scheduled for 1 ½ hours on August 18th. The Board agreed to push several items to the bottom of the Agenda since time was short and the Water Board staff felt they had already discussed their positions on most of the issues.

Agenda **item 17** – Discussion: SSO Enforcement Options – The Collections Committee has asked BACWA to use the remainder of contract funds to further expand and develop alternative enforcement approaches. The Board agreed that the Committee should complete the alternatives analyses and present them at the next BACWA Board meeting in September.

Agenda **item 18** – Discussion: JPA Funding Resolution – Dave Williams explained the discrepancies between the 1984 JPA and Board actions over the years. The Resolution represents the changes recommended. The Board requested that the Director provide a report at the September meeting on any fiscal impact of the Resolution to the principals.

Agenda **item 19** – Discussion: Draft Agenda for Pardee Technical Seminar – Dave Williams noted that the Water Board portion of the Agenda has been sent to Tom Mumley. Laura suggested that the Seminar take a more broadly-based approach and look longer than five years. She also suggested a look beyond the Regional Board regarding a broader nutrient strategy. Mike Connor suggested the inclusion of legislative staffers at the Nutrient Watershed Case Studies Symposium on September 6th.

Agenda **item 20** – Board & Committee Meeting Calendar for Jan-Dec 2015 – The Board accepted the suggested dates for Board and Committee Meetings for calendar year 2015.

Suggestions for Future Agenda Items:

- Pardee
- Regulatory Committee Restructuring

The meeting adjourned at 12:28 p.m.

The next regular meeting of the Board is scheduled for **September 26, 2014** from 9:00 am – 12:30 pm at **EBMUD Treatment Plant Lab Library, 2020 Wake Avenue, Oakland**