



EAST BAY DISCHARGERS AUTHORITY
2651 Grant Avenue
San Lorenzo, CA 94580-1841
(510) 278-5910
FAX (510) 278-6547

A Joint Powers Public Agency

Pursuant to the Governor's Executive Order N-25-20 the Commission Meeting scheduled for July 16, 2020 at 9:30 a.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. # 814 4948 3294. Members of the public are encouraged to dial into the meeting using the same number. <https://us02web.zoom.us/j/81449483294>

COMMISSION MEETING AGENDA

Thursday, July 16, 2020

9:30 A.M.

EAST BAY DISCHARGERS AUTHORITY
2651 Grant Avenue
San Lorenzo, CA 94580

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Forum

CONSENT CALENDAR

- | | |
|--------|----------------------------------------------------------------|
| MOTION | 5. Commission Meeting Minutes of June 18, 2020 |
| | 6. List of Disbursements for June 2020 – See Item FM4 |
| | 7. Preliminary Treasurer's Report for June 2020 – See Item FM5 |

REGULAR CALENDAR

- | | |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| INFORMATION | 8. General Manager's Report
(The General Manager will report on EBDA issues.) |
| INFORMATION | 9. Report From the Managers Advisory Committee
(The General Manager will report on the meeting.) |
| INFORMATION | 10. Report From the Financial Management Committee
(The General Manager will report on the meeting.) |
| RESOLUTION | 11. Resolution Authorizing Closure of the Authority's Construction Fund – See Item No. FM8
(The Commission will consider approving closure of this fund.) |
| RESOLUTION | 12. Resolution Approving the Authority's Brine Policy – See Item No. FM9
(The Commission will consider approval of revisions to the Authority's Brine Policy.) |

Agenda Explanation
East Bay Dischargers Authority
Commission Agenda
July 16, 2020

- MOTION 13. Motion Authorizing the General Manager to Sign a Non-Binding Brine Project Term Sheet with Cargill, Incorporated – See Item No. FM10**
(The Commission will consider approval of the Term Sheet)
- INFORMATION 14. Report From the Regulatory Affairs Committee**
(The General Manager will report on the meeting.)
- RESOLUTION 15. Resolution Committing the Authority to Jointly Funding a Laboratory Information Management System (LIMS) with the City of San Leandro – See Item No. RA7**
(The Commission will consider approval of the resolution.)
- INFORMATION 16. Report From the Operations & Maintenance Committee**
(The General Manager will report on the meeting.)
- INFORMATION 17. Items From the Commission and Staff**
(The Commission and staff may address items of general interest.)
- 18. Adjournment**

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.)

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at the EBDA office at (510) 278-5910 or kyambao@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.)

**The next Commission meeting will be held
Thursday, August 20, 2020 at 9:30 a.m.**

GLOSSARY OF ACRONYMS

ACWA	Association of California Water Agencies	DPR	Department of Pesticide Regulation
AQPI	Advanced Quantitative Precipitation Information	DSRSD	Dublin San Ramon Services District
AEPS	Alvarado Effluent Pump Station	DTSC	Department of Toxic Substances Control
AMP	Asset Management Plan	EBDA	East Bay Dischargers Authority
ANPRM	Advanced Notice of Proposed Rulemaking	EIS/EIR	Environmental Impact Statement/Report
BAAQMD	Bay Area Air Quality Management District	EPA	Environmental Protection Agency
BACC	Bay Area Chemical Consortium	FOG	Fats, Oils and Grease
BACWA	Bay Area Clean Water Agencies	GASB	Government Accounting Standards Board
BPA	Basin Plan Amendment	HEPS	Hayward Effluent Pump Station
BCDC	Bay Conservation and Development Commission	JPA	Joint Powers Agreement
BOD	Biochemical Oxygen Demand	LAVWMA	Livermore-Amador Valley Water Management Agency
CARB	California Air Resources Board	LOCC	League of California Cities
CASA	California Association of Sanitation Agencies	MAC	Managers Advisory Committee
CBOD	Carbonaceous Biochemical Oxygen Demand	MCC	Motor Control Center
CDFA	CA Department of Food & Agriculture	MCL	Maximum Contaminant Level
CEC	Compound of Emerging Concern	MDF	Marina Dechlorination Facility
CEQA	California Environmental Quality Act	MG	Million Gallons
CFR	Code of Federal Regulations	MGD	Million Gallons per Day
CMMS	Computerized Maintenance Management System	MMP	Mandatory Minimum Penalty
COH	City of Hayward	MOU	Memorandum of Understanding
CPUC	California Public Utilities Commission	N	Nitrogen
CSL	City of San Leandro	NACWA	National Association of Clean Water Agencies
CTR	California Toxics Rule	NAS	National Academy of Sciences
CVCWA	Central Valley Clean Water Association	NGO	Non-Governmental Organization
CVSAN	Castro Valley Sanitary District	NOX	Nitrogen Oxides
CWA	Clean Water Act	NPDES	National Pollutant Discharge Elimination System
CWEA	CA Water Environment Association	NPS	Non-Point Source
DO	Dissolved Oxygen	NTR	National Toxics Rule

GLOSSARY OF ACRONYMS

O&M	Operations & Maintenance	SRF	State Revolving Fund
OLEPS	Oro Loma Effluent Pump Station	SSMP	Sewer System Management Plan
OLSD	Oro Loma Sanitary District	SSO	Sanitary Sewer Overflow
OMB	Office of Management and Budget	SWRCB	State Water Resources Control Board
P	Phosphorous	TDS	Total Dissolved Solids
PAHs	Polynuclear Aromatic Hydrocarbons	TMDL	Total Maximum Daily Load
PCBs	Poly Chlorinated Biphenyls	TN	Total Nitrogen
PLC	Programmable Logic Controller	TP	Total Phosphorus
PFAS	Per and Polyflouroalkyl Substances	TRC	Total Residual Chlorine
POTW	Publicly Owned Treatment Works	TSO	Time Schedule Order
PPCPs	Pharmaceutical and Personal Care Products	TSS	Total Suspended Solids
QA/QC	Quality Assurance / Quality Control	USD	Union Sanitary District
Region IX	Western Region of EPA (CA, AZ, NV & HI)	UV	Ultraviolet Treatment
ReNUWit	Re-Inventing the Nation's Urban Water Infrastructure engineering research center	VFD	Variable Frequency Drive
RFP	Request For Proposals	VOCs	Volatile Organic Compounds
RFQ	Request For Qualifications	WAS	Waste Activated Sludge
RMP	Regional Monitoring Program	WDR	Waste Discharge Requirements
RO	Reverse Osmosis	WEF	Water Environment Federation
RWB	Regional Water Board	WET	Whole Effluent Toxicity or Waste Extraction Test
RWQCB	Regional Water Quality Control Board	WIN	Water Infrastructure Network
SBS	Sodium Bisulfite	WLA	Waste Load Allocation (point sources)
SCADA	Supervisory Control and Data Acquisition	WPCF	Water Pollution Control Facility
SCAP	Southern California Alliance of POTWs	WQBEL	Water Quality Based Effluent Limitation
SEP	Supplementary Environmental Project	WQS	Water Quality Standards
SFEI	San Francisco Estuary Institute	WRDA	Water Resource Development Act
SIP	State Implementation Policy (CTR/NTR criteria)	WRF	Water Research Foundation
SLEPS	San Leandro Effluent Pump Station	WWTP	Wastewater Treatment Plant
		WWWIFA	Water and Wastewater Infrastructure Financing Agency

CONSENT CALENDAR

Consent calendar items are typically routine in nature and are considered for approval by the Commission with a single action. The Commission may remove items from the Consent Calendar for discussion. Items on the Consent Calendar are deemed to have been read by title. Members of the public who wish to comment on Consent Calendar items may do so during Public Forum.

Item No. 5 Commission Meeting Minutes of June 18, 2020

Item No. 6 List of Disbursements for June 2020 – See Item FM4

Item No. 7 Preliminary Treasurer’s Report for June 2020 – See Item FM5

Recommendation

Approve Consent Calendar Items No. 5, 6, and 7.

ITEM NO. 5 COMMISSION MEETING MINUTES OF JUNE 18, 2020

**EAST BAY DISCHARGERS AUTHORITY
COMMISSION MEETING MINUTES**

June 18, 2020

1. Call to Order

Chair Cutter called the telephonic meeting to order pursuant to the Governor's Executive Order N-25-20 at 9:35 A.M. on Thursday, June 18, 2020. Dial-in information for the meeting was provided in the agenda for public attendees.

2. Pledge of Allegiance – Deferred

3. Roll Call

PRESENT:	Sara Lamnin	City of Hayward
	Daniel Walters	Oro Loma Sanitary District
	Ralph Johnson	Castro Valley Sanitary District
	Pauline Cutter	City of San Leandro
	Thomas Handley	Union Sanitary District

ABSENT: None

OTHERS

PRESENT:	Jacqueline Zipkin	East Bay Dischargers Authority
	Eric Casher	Legal Counsel
	Howard Cin	East Bay Dischargers Authority
	Kalena Yambao	East Bay Dischargers Authority
	Juanita Villasenor	East Bay Dischargers Authority
	Jason Warner	Oro Loma Sanitary District
	Alex Ameri	City of Hayward
	David Donovan	City of Hayward
	Justin Jenson	City of San Leandro
	Roland Williams	Castro Valley Sanitary District
	Paul Eldredge	Union Sanitary District
	Jennifer Toy	Union Sanitary District

4. Public Forum

No member of the public requested to address the Commission at the meeting.

C O N S E N T C A L E N D A R

- 5. Commission Meeting Minutes of May 21, 2020**
- 6. List of Disbursements for May 2020**
- 7. Treasurer's Report for May 2020**

The Commission minutes of May 21, 2020 were approved with the amendment circulated on June 15, 2020 stating that the Finance Committee also recommended reviewing the Authority's banking practices to evaluate whether any alternative financial institutions, including small local institutions, could meet the Authority's needs. Commissioner Walters moved to approve the consent calendar. The motion was seconded by Commissioner Handley and carried unanimously 5-0, by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter
Noes: None
Absent: None
Abstain: None

REGULAR CALENDAR

8. General Manager's Report

The General Manager (GM) provided an update on the Hayward Area Shoreline Protection Agency (HASPA) Shoreline Master Plan. East Bay Regional Park District staff briefed their Executive Committee on June 4th on design alternatives for the Master Plan, and the HASPA team will be presenting the alternatives to the HASPA board on July 9th. The Master Plan alternatives include a potential Horizontal Levee Project at Oro Loma Marsh, consistent with the "First Mile" project that EBDA has been working on under a grant from EPA. A request for proposals for a design and permitting consultant will be released later this summer for this project. The GM reported she will be part of the Project Implementation Working Group for the Bay Conservation and Development Commission (BCDC)'s BayAdapt program. BayAdapt is an initiative to establish regional agreement on the actions necessary to protect people and the natural and built environment from rising sea levels. The goal of BayAdapt is to develop a regional action plan later this calendar year, and the GM will provide updates to the Commission. The GM will also speak at a workshop sponsored by BCDC and the Regional Water Board on shoreline adaptation funding on July 8th on behalf of the wastewater community.

9. Report from the Managers Advisory Committee (MAC)

The GM reported that at the MAC meeting on June 11, 2020, the managers reviewed the Commission agenda package, discussed the LAVWMA negotiation, and reviewed the brine project opportunity and Brine Policy, including revenue allocation schemes.

10. Report from the Financial Management Committee

The GM reported that the Financial Management Committee met on June 15, 2020 and reviewed the May List of Disbursements and Treasurer's Report, discussed the status and terms for the brine project opportunity, and reviewed the draft Brine Policy. The GM relayed details of the draft Term Sheet for the brine project opportunity. Testing to date has shown that when blended with EBDA's effluent, the brine is unlikely to cause regulatory compliance issues.

The GM reviewed the Brine Policy update, which includes verbiage specifying allocation of any revenue for the member agencies would be determined on a case-by-case basis.

The Committee recommends adding Bay protection to the Brine Policy's purpose. The term sheet for the brine project and the Brine Policy will be brought back for adoption next month.

LAVWMA has agreed to the terms of the six-month extension. The GM will meet with LAVWMA to discuss the term sheet for the new agreement next week.

11. Resolution Extending the Authority's Master Agreement with Livermore-Amador Valley Water Management Agency Until No Later Than January 1, 2021

Chair Cutter moved to approve the Resolution extending the Authority's master agreement with LAVWMA. The motion was seconded by Commissioner Walters and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter
Noes: None
Absent: None
Abstain: None

12. Report from the Regulatory Affairs Committee

The GM reported that the Regulatory Affairs Committee met on June 17, 2020 and discussed key regulatory developments. The GM reviewed NPDES Compliance for April and preliminary data for May. The GM relayed that EBDA is currently working on an RFP for the Disinfection Master Plan to optimize chlorine dosing and prevent bacteria outbreaks. The Committee discussed the status of the Basin Plan Amendment for Total Residual Chlorine, which will greatly reduce EBDA's sodium bisulfite dosing. The GM expects the new requirements to be in place for FY 2020/2021. The Committee also reviewed the Bay Area Clean Water Agencies (BACWA) Key Regulatory Issue Summary, and in particular, issues related to PFAS. Finally, the Committee reviewed data submitted to the State Water Resources Control Board on member agencies' water recycling volumes for 2019.

13. Report from the Operations and Maintenance Committee (O&M)

The Operations and Maintenance Committee met on June 16, 2020 and discussed the status of EBDA facilities. The O&M Manager provided an update on current projects. At HEPS, staff training will take place on the new pump station valves and the equipment inside the MCC building along with thermographic imaging and stress testing of the electrical equipment. SLEPS had an emergency generator failure during routine testing; a new sensor was ordered but failed to fix the issue. A service call is scheduled to trouble shoot the generator failure. A portable generator was ordered and is connected in the meantime. For Skywest, an emergency repair of the bridge approach was completed on June 4th in response to last month's recycled water pipeline leak. An insurance claim is being filed to help recover costs of the repair. Any increase in annual insurance premiums would be paid out of EBDA's current Skywest fund.

The GM gave an update on current COVID-19 safety practices for Authority staff, as well as EBDA's potential involvement in conducting influent testing for the SARS-CoV-2 virus in wastewater. Virus levels in influent could be useful in understanding and predicting community outbreaks of COVID-19. Research and efforts to scale up this practice, known as wastewater-based epidemiology, are underway. Standardization of testing, analysis of data, and the capacity for timely processing of samples will require funding. CASA has sent a letter to the CDC requesting funding and requested member agencies follow suit. The GM will send a letter on behalf of EBDA and the member agencies.

The GM gave an update on the AQPI project. Staff from the Bay Planning Coalition met last week with staff from speaker Pelosi's office regarding potential funding of the AQPI Project as part of an upcoming infrastructure funding package. A letter requesting funding on behalf of EBDA and other local water, wastewater, and flood control partners is being submitted.

14. Resolution Approving the Renewal and Replacement Fund Project List for Fiscal Year 2020/2021

Commissioner Walters moved to adopt the Resolution approving the RRF Project List for FY 2020/2021. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter
Noes: None
Absent: None
Abstain: None

15. Resolution Authorizing the General Manager to Exercise a One-Year Option to Extend the Authority's Purchase Order with Univar Solutions USA, Inc. for Sodium Bisulfite 25% Solution in FY 2020/2021 in the Amount of \$250,000

Chair Cutter moved to adopt the Resolution authorizing the GM to exercise a one-year option to extend the Authority's purchase order with Univar Solutions USA, Inc. in the amount of \$250,000. The motion was seconded by Commissioner Handley and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter
Noes: None
Absent: None
Abstain: None

16. Resolution Authorizing the General Manager to Issue a Purchase Order to Buckles-Smith in the Amount of \$15,372 for a New Variable Frequency Drive Transformer and Field Service for Effluent Pump No. 2 at the Alvarado Effluent Pump Station

Commissioner Walters moved to adopt the Resolution authorizing the GM to issue a purchase order to Buckles-Smith in the amount of \$15,372. The motion was seconded by Commissioner Handley and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter
Noes: None
Absent: None
Abstain: None

17. Resolution Authorizing the General Manager to Execute a Transfer Agreement with the City of San Leandro

Chair Cutter moved to adopt the Resolution authorizing the GM to execute a transfer agreement with the City of San Leandro. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter
Noes: None
Absent: None
Abstain: None

18. Report from the Personnel Committee

The GM reported that the Personnel Committee met on June 15, 2020 and received a briefing from legal counsel on recent changes to the Brown Act, including changes made by Executive Orders in response to shelter in place orders. The Committee discussed the Compensation Plan for Fiscal Year 2020/2021, and in particular, the cost of living adjustment (COLA). The Committee recommends approval of the Compensation Plan including the 2.5% COLA based on the consumer price index (CPI). The Committee further recommends that the Personnel Plan be updated to state that the COLA will be based on CPI with a floor of 0% and a ceiling of 4%. The floor and ceiling would be reevaluated every three years. The Commission recommended verbiage making clear that this stipulation may be revised based on current conditions at any time. The Personnel Plan will be brought forth in August for adoption with the recommended changes.

The Committee also recommends approval of the Rules of the Commission with one addition to note that the Vice Chair generally assumes the Chair position. The GM noted that per the new Rules commencing in July, resolutions will be reserved for Policy related items and motions will serve to approve items previously approved via resolutions.

19. Resolution Adopting Rules of the Commission

Commissioner Handley moved to approve the Resolution adopting Rules of the Commission. The motion was seconded by Commissioner Walters and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter
Noes: None
Absent: None
Abstain: None

20. Motion to Accept Committee Appointments and Calendar for FY 2020/2021

The GM thanked Commissioner Handley for his service and dedication during his term and welcomed incoming Commissioner Toy as this year's Committee appointments conclude. Commissioner Johnson moved to accept the committee appointments and calendar for FY 2020/2021. The motion was seconded by Commissioner Lamnin and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter
Noes: None
Absent: None
Abstain: None

21. Resolution Adopting the Fiscal Year 2020/2021 Compensation Plan

Chair Cutter moved to approve the Resolution adopting the Fiscal Year 2020/2021 Compensation Plan. The motion was seconded by Commission Johnson and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Lamnin, Walters, Handley, Johnson, Chair Cutter
Noes: None
Absent: None
Abstain: None

22. Items from Commission and Staff

Commissioner Johnson provided an update on his grandson, who successfully walked to receive his high school diploma this month, a huge accomplishment given his prior sustained injury.

23. Adjournment

With no further business, Chair Cutter adjourned the meeting at 10:58 A.M.

Jacqueline Zipkin
General Manager

ITEM NO. 8 GENERAL MANAGER'S REPORT

The General Manager will discuss items of interest concerning EBDA.

ITEM NO. 9 REPORT FROM THE MANAGERS ADVISORY COMMITTEE

**MANAGERS ADVISORY COMMITTEE
AGENDA**

Thursday, July 9, 2020

1:30 P.M.

Via Zoom

- 1. LAVWMA Agreement**
- 2. Brine Project Revenue Allocation**
- 3. Storage of 60" Seals**
- 4. SLEPS and UEPS Transitions**
- 5. EBDA Commission Package**
 - Finance
 - O&M
 - Regulatory
- 6. EBDA Managers Round Robin**



EAST BAY DISCHARGERS AUTHORITY

2651 Grant Avenue
San Lorenzo, CA 94580-1841
(510) 278-5910
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A Joint Powers Public Agency

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<https://us02web.zoom.us/j/83767341818>

ITEM NO. 10

**FINANCIAL MANAGEMENT COMMITTEE
AGENDA**

Tuesday, July 14, 2020

10:30 A.M.

**East Bay Dischargers Authority
2651 Grant Avenue, San Lorenzo, CA 94580**

Committee Members: Walters (Chair); Toy

FM1. Call to Order

FM2. Roll Call

FM3. Public Forum

FM4. List of Disbursements for June 2020

(The Committee will review the List of Disbursements for the month of June 2020.)

FM5. Preliminary Treasurer's Report for June 2020

(The Committee will review the Preliminary Treasurer's Report for the month of June 2020.)

FM6. Review of Draft Electronic Signature Policy

(The Committee will review a draft policy.)

FM7. Skywest Golf Course Recycled Water Service

(The Committee will discuss the current status of service and potential pricing changes.)

FM8. Resolution Authorizing Closure of the Authority's Construction Fund

(The Committee will consider approving closure of this fund.)

FM9. Resolution Approving the Authority's Brine Policy

(The Committee will consider approval of revisions to the Authority's Brine Policy.)

FM10. Motion Authorizing the General Manager to Sign a Non-Binding Brine Project Term Sheet with Cargill, Incorporated

(The Committee will consider approval of the Term Sheet.)

Agenda Explanation
East Bay Dischargers Authority
Financial Management Committee
July 14, 2020

FM11. Adjournment

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**The next Financial Management Committee meeting is scheduled on
Tuesday, August 18, 2020 at 10:30 a.m.**

ITEM NO. FM4 LIST OF DISBURSEMENTS FOR JUNE 2020

The itemized List of Disbursements for the month of June 2020 totaled \$473,348.22

Reviewed and Approved by:

Dan Walters, Chair	Date
Financial Management Committee	

Jacqueline T. Zipkin	Date
Treasurer	

EAST BAY DISCHARGERS AUTHORITY
Cash Disbursement
April 2020

CHECKS (SORTED BY AMOUNT)

Check #	Check Date	Invoice #	Vendor Name	Description	Itemized Charges	Invoice Amount	Check Amount
24748	6/30/2020	06301	ORO LOMA SANITARY DISTRICT	O&M - MAY		65,083.00	65,083.00
24728	6/15/2020	377936	CITY OF SAN LEANDRO	O&M - APRIL 2020		36,475.56	64,686.44
24728	6/15/2020	377938	CITY OF SAN LEANDRO	O&M - MARCH 2020		28,210.88	
24737	6/15/2020	3020071	REGIONAL MONITORING PROGRAM	FOURTH QUARTERLY RMP CORE AND AMR YEAR 4		61,082.50	61,082.50
24730	6/15/2020	02581	UNION SANITARY DISTRICT	O&M - APRIL		32,649.12	32,649.12
24769	6/30/2020	249700	MILLER PIPELINE, LLC	FORCE MAIN WEKO-SEALS AND REPAIR SLEEVES		30,927.03	30,927.03
24749	6/30/2020	002586	UNION SANITARY DISTRICT	O&M - MAY		25,049.69	25,049.69
24733	6/15/2020	46740	CALCON	OLEPS ELECTRICAL UPGRADE		19,466.86	24,101.86
24733	6/15/2020	46676	CALCON	HEPS MCC PLC & SCADA SYSTEM UPGRADE		2,136.00	
24733	6/15/2020	46705	CALCON	COMMUNICATION SYSTEM UPGRADE		1,114.50	
24733	6/15/2020	46698	CALCON	MDF REPAIRED CHLOR/DECHLOR VALVES		844.50	
24733	6/15/2020	46704	CALCON	SLEPS PLC DATA ISSUE CORRECTED		540.00	
24762	6/30/2020	48587280	UNIVAR	SODIUM BISULFITE - DELIVERED 05/11/20		5,995.86	11,940.10
24762	6/30/2020	48622930	UNIVAR	SODIUM BISULFITE - DELIVERED 06/17/20		5,944.24	
24742	6/15/2020	48607768	UNIVAR	SODIUM BISULFITE - DELIVERED 06/03/20		5,612.36	11,173.10
24742	6/15/2020	48595280	UNIVAR	SODIUM BISULFITE - DELIVERED 05/21/20		5,560.74	
24741	6/15/2020	2020040447	MEYERS NAVE	LEGAL SERVICES - APRIL		6,500.66	6,500.66
24767	6/30/2020	023	CURRIE ENGINEERS	SKYWEST CONSTRUCTION MANAGEMENT PIPELINE REPAIR		1,967.25	5,160.00
24767	6/30/2020	026	CURRIE ENGINEERS	HEPS MCC CONSTRUCTION MANAGEMENT - JUNE		1,644.75	
24767	6/30/2020	025	CURRIE ENGINEERS	OLEPS CONSTRUCTION MANAGEMENT		1,064.25	
24767	6/30/2020	024	CURRIE ENGINEERS	HEPS MCC CONSTRUCTION MANAGEMENT - MAY		483.75	
24738	6/15/2020	16296	PACIFIC ECORISK	REISSUE CHECK		4,824.00	4,824.00
24757	6/30/2020	16574	PACIFIC ECORISK	TOXICITY TESTING		4,674.00	4,674.00
24740	6/15/2020	4246044555687620	US BANK	OFFICE WINDOWS	2,530.00	3,889.48	3,889.48
24740	6/15/2020	4246044555687620	US BANK	REMOTE DATA BACKUPS	426.00		
24740	6/15/2020	4246044555687620	US BANK	CALIFORNIA WATER ENVIRONMENT ASSOCIATION MEMBERSHIP	192.00		
24740	6/15/2020	4246044555687620	US BANK	OFFICE DEPOT	133.37		
24740	6/15/2020	4246044555687620	US BANK	OFFICE DEPOT	131.56		
24740	6/15/2020	4246044555687620	US BANK	OFFICE THERMOMETERS	113.59		
24740	6/15/2020	4246044555687620	US BANK	OFFICE DEPOT	103.50		
24740	6/15/2020	4246044555687620	US BANK	OFFICE DEPOT	86.41		
24740	6/15/2020	4246044555687620	US BANK	OFFICE DEPOT	54.14		
24740	6/15/2020	4246044555687620	US BANK	76 - GAS EBDA TRUCK	49.28		
24740	6/15/2020	4246044555687620	US BANK	76 - GAS EBDA TRUCK	47.07		
24740	6/15/2020	4246044555687620	US BANK	OFFICE GENORATOR PARTS	13.85		
24740	6/15/2020	4246044555687620	US BANK	OFFICE GENORATOR PARTS	12.00		
24740	6/15/2020	4246044555687620	US BANK	EAST BAY TIMES	9.95		
24740	6/15/2020	4246044555687620	US BANK	USPS	6.95		
24740	6/15/2020	4246044555687620	US BANK	APPLE CLOUD - CELL PHONE BACKUP	0.99		
24740	6/15/2020	4246044555687620	US BANK	OFFICE DEPOT REFUND	(21.18)		
24753	6/30/2020	Mar-20	DEBORAH QUINN	ACCOUNTING SERVICES - MARCH		3,243.75	3,243.75
24734	6/15/2020	Feb-20	DEBORAH QUINN	ACCOUNTING SERVICES - FEBRUARY		3,187.50	3,187.50
24747	6/30/2020	457-303166	VANTAGE POINT	ICMA DEFERRED COMPENSATION FOR PAY PERIOD ENDED 06/30/20		2,566.27	2,566.27
24726	6/15/2020	457-303166	VANTAGEPOINT	ICMA DEFERRED COMPENSATION FOR PAY PERIOD ENDED 06/15/20		2,566.26	2,566.26
24739	6/15/2020	520454	R-COMPUTER	COMPUTER SUPPLIES - UPS REPLACEMENT		2,184.91	2,184.91
24765	6/30/2020	611275	CALTEST	LAB TESTING SERVICES - MAY		1,842.80	1,842.80
24763	6/30/2020	1388510	CUMMINS SALES & SERVICE	EBDA OFFICE GENERATOR SERVICE CALL		1,775.40	1,775.40
24729	6/15/2020	52205712	CITY OF HAYWARD	BENEFIT PREMIUMS - JUNE		1,510.38	1,510.38

EAST BAY DISCHARGERS AUTHORITY
Cash Disbursement
April 2020

Check #	Check Date	Invoice #	Vendor Name	Description	Itemized Charges	Invoice Amount	Check Amount
24760	6/30/2020	520566	R-COMPUTER	COMPUTER SUPPLIES - WIFI SECURITY UPGRADE		1,442.62	1,442.62
24755	6/30/2020	603503	CORRPRO	SEMI - ANNUAL CATHODIC PROTECTION SURVEY OF FORCE MAINS		1,260.00	1,260.00
24745	6/15/2020	1267889	HANSON BRIDGETT	LEGAL SERVICES - MAY		1,115.00	1,115.00
24732	6/15/2020	1746192-19	SCIF	WORKERS COMPENSATION PREMIUM - JUNE		603.25	603.25
24768	6/30/2020	S1948098.001	R&B COMPANY	FORCE MAIN REPAIR COUPLINGS		588.26	588.26
24758	6/30/2020	8196	CAYUGA INFORMATION SYSTEMS	IT SERVICES - MAY		450.00	450.00
24743	6/15/2020	EBD3060	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES - MAY		440.00	440.00
24764	6/30/2020	20-May	EVERARDO OROZCO LANDSCAPE MANAGEMENT	LANDSCAPING SERVICES - MAY		350.00	350.00
24756	6/30/2020	00013.10-3	LARRY WALKER	PROFESSIONAL SERVICES - MAY		332.50	332.50
24731	6/15/2020	5102785910 914 3	AT&T	TELEPHONE SERVICE ADMIN BUILDING - MAY		288.95	288.95
24735	6/15/2020	9855707639	VERIZON WIRELESS	CELLPHONES - MAY		191.40	191.40
24750	6/30/2020	10110000001	EBMUD	WATER & SEWER AT MDF		189.08	189.08
24759	6/30/2020	09846	TOWN & COUNTRY	JANITORIAL SERVICES - JUNE		165.00	165.00
24736	6/15/2020	3103991926	PITNEY BOWES	POSTAGE MACHINE LEASE FEES		162.96	162.96
24744	6/15/2020	01031	KRAFTIC INC.	REISSUE CHECK		150.00	150.00
24761	6/30/2020	2/16/2005	BA MORRISON	HVAC MAINTENANCE		145.00	145.00
24751	6/30/2020	5104830439	AT&T	TELEPHONE SERVICE AT MDF - JUNE		111.52	111.52
24752	6/30/2020	7-043-80226	FEDEX	AGENDA MAILOUT - MAY		71.66	71.66
24766	6/30/2020	3051369	CALTRONICS	COPIER USAGE - MAY - JUN		63.69	63.69
24746	6/15/2020	37492825043	DIRECTV	AT&T BUNDLE DISCOUNT		34.89	34.89
24754	6/30/2020	942039340-00001	VERIZON WIRELESS	MODEM FOR SCADA MAY - JUNE		22.70	22.70
24727	6/15/2020	457-303166	VANTAGEPOINT	ICMA DEFERRED COMPENSATION CORRECTION FOR PAY PERIOD ENDED 04/30/20		15.89	38.24
24727	6/15/2020	457-303166	VANTAGEPOINT	ICMA DEFERRED COMPENSATION CORRECTION FOR PAY PERIOD ENDED 04/15/20		12.35	
24727	6/15/2020	457-303166	VANTAGEPOINT	ICMA DEFERRED COMPENSATION CORRECTION FOR PAY PERIOD ENDED 03/31/20		10.00	
24277	6/15/2020	01031	KRAFTIC INC.	VOID CHECK		(150.00)	(150.00)
24626	6/15/2020	16296	PACIFIC ECORISK	VOID CHECK		(4,824.00)	(4,824.00)
TOTAL CHECK PAYMENTS							373,860.97
ELECTRONIC PAYMENTS							
6/2/2020	5105948980-0	PACIFIC GAS & ELECTRIC	GAS AND ELECTRIC			33,467.63	33,467.63
6/8/2020	05-2020-2	CALPERS	PENSION PAYMENT FOR PERIOD 05/16/20-05/31/20 - PEPRA			496.80	496.80
6/8/2020	05-2020-2	CALPERS	PENSION PAYMENT FOR PERIOD 05/16/20-05/31/20 - CLASSIC			3,890.79	3,890.79
6/9/2020	16044815	PERS HEALTH	HEALTH PREMIUMS - JUNE 2020			7,794.28	7,794.28
6/17/2020	16055375	CALPERS	MONTHLY UNFUNDED LIABILITY - JUNE 2020			3,503.42	3,503.42
6/17/2020	06-2020-1	CALPERS	PENSION PAYMENT FOR PERIOD 06/01/20-06/15/20 - PEPRA			496.80	496.80
6/17/2020	06-2020-1	CALPERS	PENSION PAYMENT FOR PERIOD 06/01/20-06/15/20 - CLASSIC			4,055.06	4,055.06
TOTAL ELECTRONIC PAYMENTS							53,704.78
PAYROLL							
6/29/2020	6/30/2020	PAYROLL	06/16-30/2020			21,367.00	24,247.00
6/29/2020	Jun-20	CUTTER, PAULINE RUSSO	DIRECT DEPOSIT			720.00	
6/29/2020	Jun-20	WALTERS, DAN	DIRECT DEPOSIT			480.00	
6/29/2020	Jun-20	LAMNIN, SARA	DIRECT DEPOSIT			480.00	
6/29/2020	Jun-20	JOHNSON, RALPH	DIRECT DEPOSIT			720.00	
6/29/2020	Jun-20	HANDLEY, THOMAS	DIRECT DEPOSIT			480.00	
6/12/2020	6/15/2020	PAYROLL	06/01-15/2020			21,426.22	21,426.22
6/5/2020	5/31/2020	PAYROLL FEES	05/16-31/2020			60.25	60.25
6/19/2020	6/15/2020	PAYROLL FEES	06/01-15/2020			49.00	49.00
TOTAL PAYROLL							45,782.47
TOTAL DISBURSEMENTS							473,348.22

ITEM NO. FM5 PRELIMINARY TREASURER'S REPORT FOR JUNE 2020

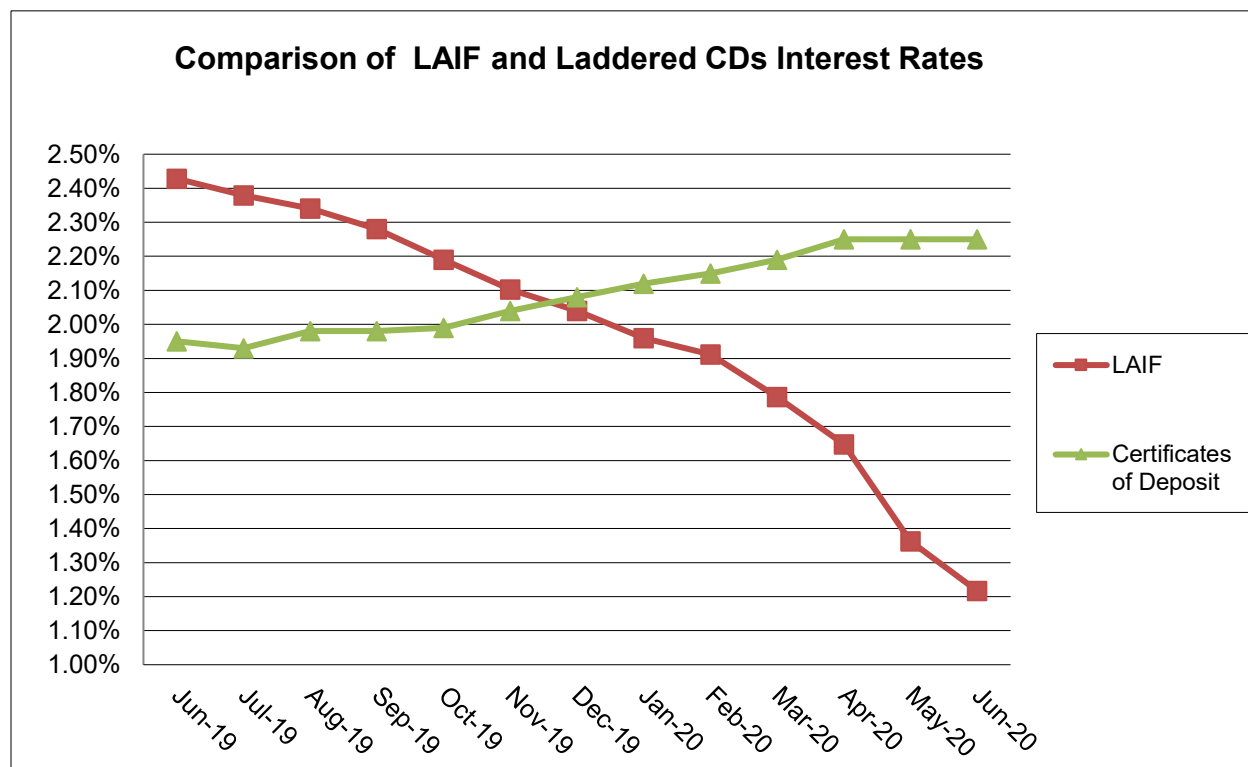
The beginning cash balance on June 1, 2020 was \$3,984,751.78. The ending cash balance on June 30, 2020 was \$ 3,517,505.06. Total receipts for the month were \$6,101.50, and disbursements were \$473,348.22.

EBDA currently has a three-pronged investment approach that includes laddered CDs, Local Agency Investment Fund (LAIF), and Wells Fargo accounts. As directed by the Financial Management Committee, funds are currently being transferred to the Authority's checking account and/or LAIF as CDs mature. Staff will continue to work with the Committee on investment strategy.

Current market value of laddered CD investments is \$357,812.81 The average annual yield of the CDs is 2.25%.

EBDA's LAIF balance beginning June 1, 2020 was \$2,237,610.52. The ending balance on June 30, 2020 remained the same at \$2,237,610.52. The LAIF interest rate for period ending June 30, 2020 is 1.22%.

Approval is recommended.



EAST BAY DISCHARGERS AUTHORITY
PRELIMINARY
TREASURER'S REPORT
JUNE 30, 2020

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,256,951.56	5,911.39	311,058.37	951,804.58
13	PLANNING & SPECIAL STUDIES	310,262.00		62,530.00	247,732.00
14	RECLAMATION O & M (SKYWEST)	176,206.70		15,200.47	161,006.23
31	REPLACEMENT	2,229,562.02	190.11	84,559.38	2,145,192.75
41	CONSTRUCTION	11,769.50			11,769.50
	TOTALS	3,984,751.78	6,101.50	473,348.22	3,517,505.06

Jun-20
7/8/20

SUPPLEMENTAL TREASURERS REPORT

DATE	TRANSACTION	RECEIPT	DISBURSEMENT REGULAR	DISBURSEMENT PAYROLL	PAYROLL TRANSFER	LAIF TRANSFER	CD TRANSFER	CD INTEREST & EXPENSES	WELLS FARGO REGULAR CHECKING BALANCE	WELLS FARGO PAYROLL CHECKING BALANCE	LAIF BALANCE	WELLS FARGO CERTIFICATES OF DEPOSIT	TOTAL CASH
06/01/20	BALANCE								1,350,778.96	40,884.68	2,237,610.52	355,477.62	3,984,751.78
06/02/20	DEPOSIT	328.00							1,351,106.96	40,884.68	2,237,610.52	355,477.62	3,985,079.78
06/02/20	DEPOSIT	83.39							1,351,190.35	40,884.68	2,237,610.52	355,477.62	3,985,163.17
06/02/20	ELECTRONIC BILL PAY		33,467.63						1,317,722.72	40,884.68	2,237,610.52	355,477.62	3,951,695.54
06/05/20	PAYROLL FEES			60.25					1,317,722.72	40,824.43	2,237,610.52	355,477.62	3,951,635.29
06/08/20	ELECTRONIC BILL PAY		3,890.79						1,313,831.93	40,824.43	2,237,610.52	355,477.62	3,947,744.50
06/08/20	ELECTRONIC BILL PAY		496.80						1,313,335.13	40,824.43	2,237,610.52	355,477.62	3,947,247.70
06/09/20	ELECTRONIC BILL PAY		7,794.28						1,305,540.85	40,824.43	2,237,610.52	355,477.62	3,939,453.42
06/12/20	PAYROLL			21,426.22					1,305,540.85	19,398.21	2,237,610.52	355,477.62	3,918,027.20
06/15/20	DISBURSEMENT		221,380.90						1,084,159.95	19,398.21	2,237,610.52	355,477.62	3,696,646.30
06/19/20	VOID CHECK		(150.00)						1,084,309.95	19,398.21	2,237,610.52	355,477.62	3,696,796.30
06/19/20	VOID CHECK		(4,824.00)						1,089,133.95	19,398.21	2,237,610.52	355,477.62	3,701,620.30
06/17/20	ELECTRONIC BILL PAY		4,055.06						1,085,078.89	19,398.21	2,237,610.52	355,477.62	3,697,565.24
06/17/20	ELECTRONIC BILL PAY		496.80						1,084,582.09	19,398.21	2,237,610.52	355,477.62	3,697,068.44
06/17/20	ELECTRONIC BILL PAY		3,503.42						1,081,078.67	19,398.21	2,237,610.52	355,477.62	3,693,565.02
06/19/20	PAYROLL FEES			49.00					1,081,078.67	19,349.21	2,237,610.52	355,477.62	3,693,516.02
06/22/20	INTEREST	28.73						28.73	1,081,078.67	19,349.21	2,237,610.52	355,506.35	3,693,544.75
06/26/20	DEPOSIT	5,500.00							1,086,578.67	19,349.21	2,237,610.52	355,506.35	3,699,044.75
06/29/20	PAYROLL TRANSFER				20,000.00				1,066,578.67	39,349.21	2,237,610.52	355,506.35	3,699,044.75
06/29/20	PAYROLL			24,247.00					1,066,578.67	15,102.21	2,237,610.52	355,506.35	3,674,797.75
06/30/20	DISBURSEMENT		157,454.07						909,124.60	15,102.21	2,237,610.52	355,506.35	3,517,343.68
06/30/20	INTEREST	161.37						161.37	909,124.60	15,102.21	2,237,610.52	355,667.72	3,517,505.05
06/30/20	DIVIDEND	0.01						0.01	909,124.60	15,102.21	2,237,610.52	355,667.73	3,517,505.06
	TOTAL	6,101.50	427,565.75	45,782.47	20,000.00	-	-	190.11					
	CURRENT BALANCE								909,124.60 ^①	15,102.21 ^②	2,237,610.52 ^③	355,667.73 ^④	3,517,505.06

Reconciliation

① Per Bank Statement @06/30/20	\$ 1,134,145.55
Less: Outstanding Checks	225,020.95
	909,124.60
② Per Bank Statement @ 06/30/20	\$ 15,102.21
③ Per LAIF Statement @ 06/30/20	\$ 2,237,610.52
④ Per Treasurer's Report @06/30/20	\$ 355,667.73
Fair Market Value Increase/Decrease	2,145.08
Per Investment Statement @06/30/20	\$ 357,812.81

The Supplemental Treasurer's Report is prepared monthly by the General Manager. It also serves as EBDA's cash and investments reconciliation.

CD PORTFOLIO

Institution	Description	Purchase Date	Maturity Date	Estimated Annual Yield	Quantity	Current Market Value
BARCLAYS BANK	BARCLAYS BANK CD WILMINGTON DE ACT/365 FDIC INSURED CPN 1.950% DUE 09/21/20 DTD 09/20/17 FC 03/20/18 CUSIP 06740KKU0	9/20/2017	9/21/2020	1.94%	50,000	50,211.00
BARCLAYS BANK Total						50,211.00
CAPITAL ONE BK USA NA	CAPITAL ONE BK USA NA CD GLEN ALLEN VA ACT/365 FDIC INSD CPN 2.000% DUE 11/02/20 DTD 11/01/17 FC 05/01/18 CUSIP 1404206A3	11/1/2017	11/2/2020	1.98%	50,000	50,325.50
CAPITAL ONE BK USA NA Total						50,325.50
CITIBANK NA	CITIBANK NA CD SIOUX FALLS SD ACT/365 FDIC INSD CPN 2.900% DUE 05/24/21 DTD 05/23/18 FC 11/23/18 CUSIP 17312QM22	5/23/2018	5/24/2021	2.82%	50,000	51,247.00
CITIBANK NA Total						51,247.00
COMENITY BANK	COMENITY BANK CD WILMINGTON DE ACT/365 JUMBO CD FDIC INSURED CPN 1.900% DUE 8/31/20 DTD 8/30/17 FC 9/30/17 CUSIP 99000PTY2	8/30/2017	8/31/2020	1.89%	100,000	100,216.00
COMENITY BANK Total						100,216.00
MORGAN STANLEY BK NA	MORGAN STANLEY BK NA CD SALT LAKE CTY UT ACT/365 FDIC INSD CPN 2.500% DUE 02/08/21 DTD 02/08/18 FC 08/08/18 CUSIP 61747MJ93	1/30/2018	2/8/2021	2.46%	50,000	50,720.50
MORGAN STANLEY BK NA	MORGAN STANLEY BK NA CD SALT LAKE CTY UT ACT/365 FDIC INSD CPN 2.800% DUE 04/05/21 DTD 04/05/18 FC 10/05/18 CUSIP 61747MS69	4/5/2018	4/5/2021	2.74%	50,000	51,023.50
MORGAN STANLEY BK NA Total						101,744.00
Grand Total						353,743.50
Average Estimated Annual Yield						2.25%
Cash & Sweep Balances						4,069.31
Snapshot Market Value on June 30th 2020						357,812.81

ITEM NO. FM6 REVIEW OF DRAFT ELECTRONIC SIGNATURE POLICY

Recommendation

Review draft policy and provide direction to staff.

Background

Current shelter-in-place orders in response to the COVID-19 pandemic have necessitated new ways of working and accelerated trends that had already begun, with more people working remotely and conducting business digitally. In order for the Authority to conduct business efficiently in a remote-work environment while still ensuring legal requirements are consistently met, staff is recommending that the Authority adopt an electronic signature policy.

Discussion

Staff has received a number of requests recently to electronically sign documents including contracts. These requests have prompted a review of legal requirements as well as best practices for issuance and acceptance of electronic signatures. The attached draft Policy outlines staff's proposed approach, including a summary of situations where an electronic signature is acceptable, and those where by code, it is not.

Following Committee review and input, staff will bring the Policy to the Commission for adoption. In parallel, staff is reviewing state-approved electronic signature services, including DocuSign, HelloSign, Adobe Sign, and others, and will select one that best meets the Authority's needs.

POLICY NUMBER: 3

NAME OF POLICY: Electronic Signature

LAST REVISED: DRAFT July 8, 2020

PREVIOUSLY REVISED: NA

PURPOSE: This Policy establishes the acceptable technologies and procedures for the use of electronic signatures in EBDA-related business.

EBDA recognizes the need to increase efficiency, reduce waste, and provide members of the public with convenient access to EBDA services. Advances in technology can assist EBDA in achieving these goals while providing security for document management. This policy balances the need for efficient services against the risks of unauthorized activities by providing the approved electronic signature method and guidelines for certain documents and transactions.

This Policy applies to EBDA's acceptance of electronic signatures from parties outside of EBDA, and the use of electronic signatures on documents executed on behalf of EBDA. It does not increase the scope of authority of EBDA's authorized signatories, rather it provides an alternative means to execute EBDA-related documents. These are minimum standards. Nothing in this policy prohibits an EBDA official or employee, with the consent of the of the EBDA General Manager, from requiring a wet signature or higher form of secure electronic signature if he or she believes it is prudent or necessary. The General Manager may accept or authorize the acceptance of an electronic signature when the circumstances surrounding the transaction address authentication and security concerns. This policy does not apply to electronic signatures accepted or utilized before the original effective date, and is intended to provide guidance for electronic signatures accepted thereafter. Any transaction must be analyzed under the facts and circumstances existing at the time a transaction was executed.

DEFINITIONS:

An "**electronic record**" is defined by California's Uniform Electronic Transactions Act ("UETA") (Civil Code section 1633.1, et seq.), as "a record created, generated, sent, communicated, received, or stored by electronic means." An electronic record generally contains information or a data file that was created and stored in digitized form through

the use of computers, machines, and software applications. The format of an electronic record does not change the fact that it is a record subject to applicable public records law, but its electronic form and its dependence on machines for creation and reference do change the way these records must be stored and managed.

An “**electronic signature**” is defined both in the federal Electronic Signatures in Global and National Commerce Act and the UETA. It is defined as “any sound, symbol, or process attached to or associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.” (Civil Code section 1633.2(h).) It is the electronic equivalent of a handwritten, wet, or manual signature on paper, and therefore must have certain characteristics for evidentiary purposes. EBDA divides this broad scope of electronic signatures into categories of documents based upon the level of security needed both to ensure the proper person is conducting the transaction and that the technology for transmission of the signature is adequate.

Under California law, a “**digital signature**” is defined as “an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature.” Government Code section 16.5 states a digital signature shall have the same force and effect as a manual signature if and only if:

1. It is unique to the person using it.
2. It is capable of verification.
3. It is under the sole control of the person using it.
4. It is linked to data in such a manner that if the data are changed, the digital signature is invalidated, and
5. It conforms to regulations adopted by the Secretary of State.

Government Code section 16.5 also states that the use or acceptance of a digital signature is at the option of the parties to the transaction and nothing in the law requires a public entity to use or accept the submission of a document containing a digital signature.

For the purpose of this policy, “digital signature” and “electronic signature” shall have the same meaning.

An “**electronically signed record**” is a record, file, or document that has been electronically signed by means of an electronic signature and that is related to the conduct of the EBDA’s official business.

POLICY:

Requirements for Electronic Signatures

EBDA staff shall establish and maintain a software system to be used by EBDA staff for the purposes of requesting, collecting, and executing digital signatures and electronic records, consistent with the encryption standards established by, and selected from the “Approved List” of digital signature providers, authorized by the State of California.

For electronic signatures and records created and executed using EBDA's Digital Signature System, the criteria below shall be considered met:

1. **Intent to Sign**

Electronic signatures, i.e. not traditional wet ink signatures, are only valid and legally binding if both parties intend to sign and execute the agreement electronically.

2. **Consent of the Signing Party**

EBDA will accept electronic signatures when the parties:

- consent to the transaction,
- consent that the transaction be completed electronically, and
- consent to receive disclosures electronically.

3. **Documentation of Effect of Signature**

The Information Technology Department will maintain the security procedure and audit trails for various electronic signature technologies.

Routing of Electronically Signed Documents

Use of electronic signatures will not change who within EBDA must approve or execute a transaction, nor will it change the routing process for the transaction. Agreements and contracts will continue to require the attestation of the General Manager.

Signed Copies Provided to All Parties

When a document is electronically signed by all parties, EBDA will provide a copy of the electronically signed document to the other parties in an electronic format that is capable of being retained and printed by the other parties.

Storage and Archiving of Electronically Signed Documents

EBDA staff primarily responsible for execution of a transaction shall ensure that a fixed version of the final electronic document, and any supporting documentation, is executed and collected in a manner determined by the General Manager. EBDA staff is responsible for filing and maintaining electronic records in a manner that complies with EBDA's document retention schedule and policies.

For example, the following methods of electronically securing the final version of a document are acceptable, starting with the more secure methods: creating a final PDF that includes an encrypted signature which "breaks" if the document is modified; or saving a native file (Word Document) that is locked to prevent future changes. Storage and archive locations may include EBDA's electronic filing system, a networked drive, or other electronic system, as may be determined by the General Manager.

Classes of Documents Permitted by the General Manager

The security requirements for electronic signatures range from simple to complex, depending on the transaction. A list of the documents for which electronic signatures are approved by the General Manager is available below. This list is not intended to be an exhaustive list, nor does it impose electronic signature as a requirement for any particular transaction.

EBDA staff should work with the General Manager to determine if EBDA's Digital Signature System can be used for specific documents and with EBDA Legal Counsel to determine where applicable law permits an electronic signature be used. Any other document that, by law, requires a wet signature shall not be signed electronically.

A digital signature may be used or accepted on the following documents:

- i. Requests for proposal
- ii. Certificates and Permits (if permitted by law)
- iii. HR-related items, such as Employee Reviews and Personnel Action Forms
- iv. Commission/committee applications
- v. Legal filings such as Declarations
- vi. Service Agreements for Consulting & Professional Services
- vii. Financial Documents (if allowed by law)
- viii. Non-Professional Services Agreements
- ix. Internal and external Memoranda
- x. Letters and other correspondence

EBDA may accept an electronic signature form, and utilize the electronic signature software for the execution of documents for any other public entity, regulatory body, or non-profit public benefit corporation that has adopted electronic signature protocols acceptable to EBDA. Further, EBDA may accept any signature and execute any document using the digital signature technology with a certificate authority as approved by the California Secretary of State.

Classes of Documents for which Electronic Signatures are Prohibited

Civil Code section 1633.3 contains a list of transactions for which electronic signatures are not available. Any other document that, by law, requires a wet signature shall not be signed electronically.

A digital signature may not be used or accepted on the following documents:

- i. Documents or transactions that require a handwritten signature, including but not limited to transfers of interest in real property
- ii. Documents or transactions requiring a signature to be notarized or acknowledged
- iii. Unless the County Recorder issues an order or directive that otherwise permits electronic signatures, Documents that are to be recorded with the County Recorder (including but not limited to Deeds, Conditional Use Permits, and Regulatory Agreements)
- iv. Initiative petitions
- v. Authority Resolutions
- vi. Authority Minutes

ITEM NO. FM7 SKYWEST GOLF COURSE RECYCLED WATER SERVICE

Recommendation

Receive update on project status and provide direction to staff on any changes to recycled water pricing.

Background

EBDA has been providing recycled water to Skywest Golf Course, which is managed by Hayward Area Recreation and Park District (HARD), for irrigation since 1982. EBDA's goal is for Skywest revenues to meet expenses so that the member agencies are not subsidizing HARD. In May 2020, the Commission adopted Resolution 20-07 setting the FY 2020/2021 recycled water rate at \$10,000 per month, consistent with the last several years.

Discussion

Since the FY2020/2021 recycled water rate was adopted, EBDA staff learned that HARD has decided not to reopen the golf course, which has been closed in response to the county shelter-in-place order. In adopting its FY 2020/2021 budget on June 30, 2020, the HARD Board committed to provide weed abatement at the golf course through September 30, 2020 when their contract ends with the City of Hayward. During this period, they have requested only enough water to keep the ponds full for wildlife. They have not budgeted \$10,000 per month for recycled water. At the time of writing, HARD staff was still looking into what budget is available for the minimal water service. Staff is seeking direction on whether the Commission wishes to re-consider its adopted recycled water rate in light of HARD's budget and operational changes.

EBDA staff has also begun discussions with City of Hayward staff on recycled water needs when they take over property management in October. The City anticipates undertaking a master planning exercise to determine future land use for the area. Ultimately, the City may also extend its recycled water project to serve the location. However, the City will likely request to continue receiving recycled water from EBDA for an interim period. EBDA and City staff will continue to discuss recycled water requirements, timing, and pricing.

**ITEM NO. FM8 RESOLUTION AUTHORIZING CLOSURE OF THE AUTHORITY'S
CONSTRUCTION FUND**

Recommendation

Approve the resolution authorizing staff to close the Authority's Construction Fund and move the funds to the Renewal and Replacement Fund.

Background

The Authority was initially formed to oversee construction of wastewater infrastructure, including the pump stations and transport system still operated by the Authority, as well as infrastructure that was turned over to the Member Agencies. State and Federal grants, as well as funds contributed by the Member Agencies, were held by the agency to implement these construction projects. These funds were held in the Authority's Construction Fund, shown as Fund 41 on Authority Treasurer's Reports.

More recently, the Authority has used the Renewal and Replacement Fund (RRF) as its capital fund since new construction has ceased and current work is related to maintaining and extending the useful life of the Authority's existing facilities. The RRF is shown on Authority Treasurer's Reports as Fund 31.

Discussion

Staff is recommending closing Fund 41 and transferring the available funds into Fund 31. Staff does not anticipate any new construction and therefore does not expect to use the Construction Fund. Further, the balance in Fund 41 has been \$11,769.50 for over a decade. Closing this fund makes the Authority's books cleaner and reallocates the remaining funds to a place they can be reasonably used for capital projects. Staff recommends that the fund be closed retroactively as of June 30, 2020 in alignment with the end of the fiscal year. The closure and transfer will be noted in the fiscal year financial statement.

EAST BAY DISCHARGERS COMMISSION
EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 20-20

INTRODUCED BY _____

**RESOLUTION AUTHORIZING CLOSURE OF THE AUTHORITY'S CONSTRUCTION
FUND**

WHEREAS, the East Bay Dischargers Authority (Authority) currently manages five funds: Operations & Maintenance (Fund 12), Planning and Special Studies (Fund 13), Reclamation Operations & Maintenance (Fund 14), Renewal & Replacement (Fund 31), and Construction (Fund 41); and

WHEREAS, the Construction Fund was created for management of funds associated with construction of new facilities; and

WHEREAS, the Authority does not anticipate constructing any new facilities in the foreseeable future; and

WHEREAS, the Authority uses as its capital fund the Renewal & Replacement Fund; and

WHEREAS, staff recommends closing the Construction Fund and transferring the \$11,769.50 to the Renewal & Replacement Fund; and

WHEREAS, the Managers Advisory Committee and the Financial Management Committee have reviewed and support this action.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the Authority hereby authorizes the General Manager to close Fund 41 as of June 30, 2020 and transfer all remaining funds to Fund 31.

SAN LORENZO, CALIFORNIA, JULY 16, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____ CHAIR EAST BAY DISCHARGERS COMMISSION	ATTEST: _____ GENERAL MANAGER EAST BAY DISCHARGERS AUTHORITY EX OFFICIO SECRETARY
-----------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------

ITEM NO. FM9 RESOLUTION APPROVING THE AUTHORITY'S BRINE POLICY

Recommendation

Adopt the resolution approving revisions to the Authority's Brine Policy.

Background

In 2005, the Commission adopted Resolution 05-01 Adopting a Policy for Disposal of Brine in the East Bay Dischargers Authority's System. At the time, the Authority was contemplating accepting brine from a Zone 7 Water Agency demineralization project. The agreement with Zone 7 was not ultimately executed, and brine from the project was discharged through LAVWMA to EBDA under permit from Dublin San Ramon Services District.

It is expected that over the coming years, the need for sustainable brine discharge options will increase as the region initiates more demineralization and water recycling projects to address water scarcity. In addition, as discussed over the past several months, the Authority is currently negotiating terms for accepting brine from a salt processing facility. Authority staff and the MAC are therefore recommending that the Authority's Brine Policy be updated to reflect current conditions and opportunities.

Per the Amended and Restated Joint Powers Agreement (JPA), the Brine Policy must be approved unanimously by the Commission.

Discussion

An updated draft of the Brine Policy was reviewed by the Committee in June 2020. At the Committee's recommendation, the purpose has been expanded to include protection of the Bay.

Based on the recommendation of the MAC, the Policy states that revenue from brine projects will be allocated to the Member Agencies on a case-by-case basis to be determined in the future. Any revenue collected prior to agreement on the allocation would be held by the Authority.

Resolving the question of revenue allocation for a given project will take time and thoughtful dialogue. In order to expeditiously move forward with the specific brine project discussed in Item No. FM10, the MAC recommends that the Commission agree through adoption of this policy to enter into that dialogue. To the extent that the Member Agencies ultimately agree on an allocation that they view as universally acceptable for future projects, this Policy can later be updated to incorporate it.

POLICY NUMBER: 2

NAME OF POLICY: Brine

LAST REVISED: July 16, 2020

PREVIOUSLY REVISED: April 21, 2005

PURPOSE: The purpose of the Brine Policy is to ensure that any disposal of brine through the Authority's outfall system is protective of the Authority's infrastructure and permit compliance, and of San Francisco Bay, and that there is an equitable distribution of access for brine disposal for all Member Agencies and fair distribution of any revenue associated with such disposal.

DEFINITION: For the purposes of this policy, brine is defined as a liquid material containing more than double the typical concentration of salt in municipal wastewater. The source of brine may be the byproduct of tertiary treatment such as reverse osmosis concentrate, concentrated Bay water, or other material.

POLICY: Consistent with its Recycled Water Policy, the Authority aims to support water recycling as a component of a resilient water supply for Bay Area residents. The Authority supports use of its force main and outfall system as a sustainable mechanism for management and disposal of brine, in service of supporting water recycling and other climate resilient projects.

It is the policy of the Authority to accept brine disposal directly into the Authority's force main and outfall system, or into a system connected to the Authority's force main and outfall system, provided that the following conditions are met:

1. The addition of brine will not cause significant degradation of effluent quality or result in permit violations of either the Authority or its Member Agencies.
 - a. Brine must be routinely monitored for key regulated constituents to ensure that there are no negative impacts of the brine on the Authority's combined effluent.
 - b. Water quality and NPDES permit compliance issues must be addressed and resolved at no cost to the Authority.

2. The addition of brine will not negatively impact the Member Agencies' or the Authority's infrastructure.
3. For brine that is generated by an entity other than a Member Agency, a formal agreement must be unanimously approved by the Authority's Commission. The agreement will generally include the following:
 - a. Provision for the Authority to unilaterally discontinue accepting brine into the Authority's system when continued acceptance of brine is not in the best interests of the Authority. Specific conditions around such discontinuation will be outlined in the agreement.
 - b. Indemnification of the Authority against liability resulting from such disposal.

Discharge of Agency-generated brine does not require approval by the Commission and does not require any payment to the Authority. Any discharge of Agency-generated brine to the system downstream of secondary treatment must be consistent with conditions 1 and 2 above.

On a case-by-case basis each time a non-Agency generated brine project is proposed, the Commission shall determine how net revenue (including capacity fees, flow-based charges, and any other revenue associated with the project) will be allocated among the Member Agencies. The Commission has not pre-determined any particular allocation scheme, nor ruled any out. Approval of the revenue allocation scheme(s) by the Commission shall be unanimous. Any revenue collected prior to an allocation scheme being approved shall be held by the Authority until such approval.

Section 23(b) of the Amended and Restated JPA is provided here for reference:

(b) Disposal of Brine.

The Authority and the Agencies acknowledge that use of the Authority's Bay Outfall may provide an environmentally beneficial and cost-effective method of disposing of brine. The Agencies desire that both volume and pollutant loading capacity in the Facilities be available for disposal of brine generated from an Agency's production of recycled water.

(1) Non-Agency Generated Brine

Any project or activity that results in utilization of the Facilities to dispose of brine generated outside the Authority's boundaries or from source water not already treated by an Agency will be conducted in accordance with the Authority's Brine Policy,

as it may be updated from time to time, and any other relevant Policies and Procedures. The Brine Policy will include a provision that the Commission unanimously approve any agreement that results in utilization of the Facilities for disposal of such brine, including any agreement to which the Authority may not be a party. Such approval will not be unreasonably withheld. The purpose of such approval is, among other things, to ensure that acceptance of brine from non-Agency sources does not limit an Agency's right to a share of capacity, both volume and pollutant loading, in the Authority Facilities to develop recycled water projects and dispose of brine. Such agreements may also provide for the Authority to receive appropriate revenue from disposal of brine, assurances that the discharge will not lead to effluent violations, and appropriate indemnification against liability resulting from such disposal.

(2) Agency-generated Brine that is not Treated Through an Agency's Full Secondary Treatment Process

Utilization of the Facilities to discharge brine that is generated by an Agency that is not treated through an Agency's full secondary treatment process will be conducted in accordance with the Authority's Brine Policy, as it may be updated from time to time, and any other relevant Policies and Procedures. The Brine Policy will provide a framework that encourages development of recycled water while addressing the possible impacts of Agency brine discharges on other Agencies, the Facilities, and the Authority's regulatory compliance. The requirement for Commission approval in subsection 23(b)(1) does not apply to brine generated by an Agency.

(3) Agency-generated Brine Treated through an Agency's Full Secondary Treatment Process

Brine generated by an Agency that is treated through an Agency's full secondary treatment process will not be subject to approval by the Authority. The requirement for Commission approval in subsection 23(b)(1) does not apply to wastewater treated by an Agency.

EAST BAY DISCHARGERS COMMISSION
EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 20-21

INTRODUCED BY _____

RESOLUTION APPROVING THE AUTHORITY'S BRINE POLICY

WHEREAS, in 2005, the Commission adopted Resolution 05-01 Adopting a Policy for Disposal of Brine in the East Bay Dischargers Authority's System; and

WHEREAS, as a result of increased water recycling and other measures related to climate adaptation, the Authority expects the need for sustainable brine management solutions to increase in the coming years; and

WHEREAS, the Commission continues to support use of the Authority's system for sustainable discharge of brine for the protection of San Francisco Bay; and

WHEREAS, a Brine Policy is necessary to ensure that such discharges are protective of the Authority's and Member Agencies' infrastructure and that costs and revenues are allocated fairly; and

WHEREAS, the Brine Policy has been updated to reflect Section 23 of the Amended and Restated Joint Powers Agreement, which lays out guidelines for the Authority's Brine Policy; and

WHEREAS, the Managers Advisory Committee and the Financial Management Committee have reviewed and recommend approval of the Policy.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the Authority hereby adopts the attached Brine Policy.

SAN LORENZO, CALIFORNIA, JULY 16, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIR
EAST BAY DISCHARGERS COMMISSION

ATTEST: _____
GENERAL MANAGER
EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY

ITEM NO. FM10 MOTION AUTHORIZING THE GENERAL MANAGER TO SIGN A NON-BINDING BRINE PROJECT TERM SHEET WITH CARGILL, INCORPORATED

Recommendation

Approve a motion authorizing the General Manager to sign a Non-Binding Term Sheet with Cargill, Incorporated for a project to discharge mixed-sea-salt brine through the Authority's system.

Background

As discussed in Item No. FM9, the Authority's system provides a sustainable option for discharge of brine to the San Francisco Bay. Authority staff has been evaluating a proposed project to discharge sea salt brine through the system. Staff briefed the Regulatory Affairs Committee on the project in March 2020 and the Financial Management Committee in June 2020.

Discussion

Authority staff has been approached by Cargill, Incorporated (Cargill), a large agribusiness that operates salt ponds in Newark, regarding a potential discharge of brine through the EBDA system. The brine would be composed of sea salts remaining after salt production, which would be dissolved in with Bay water. The Newark facility is the largest solar sea salt production facility in the country. It takes in Bay water and runs it through a series of evaporation ponds, recovering commercial products and generating residual mixed sea salts. In anticipation of sea level rise, Cargill wishes to proactively accelerate harvest in the mixed sea salt ponds, and they have determined that discharge of residual sea salts to the EBDA system is the most sustainable and cost-effective method to do so.

The project would involve construction of a pipeline from the Newark facility to the EBDA system just north/downstream of USD. It is anticipated that brine would be discharged from the pipeline into the EBDA system at an average rate ranging from 0.86 million gallons per day (MGD) to 2 MGD, as the accelerated salt harvesting and removal project is completed. The expectation is that the discharge would be ceased temporarily for operational reasons, for example during wet weather.

Compensation

In exchange for use of EBDA's system, Cargill would pay a \$5M capacity charge and flow-based fees of approximately \$1.4M/yr (assuming 0.86 MGD) escalated based on the consumer price index. Use of this revenue and/or allocation among the EBDA Member Agencies has not yet been determined; discussions are ongoing.

Due Diligence

Staff has been working with the MAC and Cargill to consider potential issues and impacts to the Authority. This due diligence work will ramp up upon execution of the Term Sheet and will be completed prior to execution of a long-term agreement.

Issues being investigated include the following:

- Regulatory Issues:
 - Toxicity – Because of the salt addition from the brine, the Authority would likely need to change from the freshwater species it currently uses to test for effluent toxicity. Cargill recently commissioned tests of marine species using a blend of the Authority's effluent and the brine, as well as 100% effluent. The tests were conducted by Pacific EcoRisk, the same lab that the Authority uses for routine toxicity testing, and were done in such a way that they could serve as a portion of the required sensitive species screening that the Authority would have to conduct upon permit renewal or a change such as the addition of brine. Preliminary results look positive, with similar toxicity in the brine blend and 100% effluent.
 - Priority pollutants – As the source water for the salt is Bay water, and no additional materials are added during the process, it is unlikely that the brine would contain pollutants at concentrations of concern. In order to confirm this hypothesis, a priority pollutant analysis was conducted by Caltest, the lab the Authority uses for compliance analyses. Results to date show that the brine: effluent blend does not contain pollutants at levels that would cause EBDA to exceed its current effluent limits, nor would it trigger new limits.

Cargill has retained EOA, a local consulting firm with expertise in water quality regulatory issues. Their analysis is being led by Dr. Tom Hall of EOA, who has also been the Authority's primary consultant for NPDES permitting for many years, and whose expertise is valued by Authority staff. In order to ensure the Authority's interests are protected and there are no regulatory surprises, staff has also retained Larry Walker Associates (LWA), another local consulting firm with extensive expertise in water quality regulatory issues, to review project information and advise on regulatory issues. LWA recently advised Delta Diablo, a sanitation district, on regulatory issues as it negotiated an agreement with the City of Antioch for brine disposal through Delta Diablo's system.

- Infrastructure Issues:

Staff is evaluating a proposal from Brown & Caldwell, the consulting firm that performed the Authority's recent Transport System Condition Assessment, to evaluate the potential for sedimentation and corrosion in the system as a result of brine addition. In the Term Sheet, Cargill is committing to address these potential sedimentation impacts, but work is needed to assess the likelihood and thresholds for action. Brown & Caldwell would also assess impacts of the brine on dechlorination effectiveness resulting from changed water chemistry.

Cargill is committing in the Term Sheet to cover EBDA's costs for the due diligence phase, which are expected to include LWA and Brown & Caldwell's work outlined above, as well as scope for Meyers Nave to weigh in on legal issues and EBDA staff time.

California Environmental Quality Act (CEQA)

Per the Term Sheet, staff is recommending that EBDA be the lead agency for CEQA approval. Cargill will reimburse EBDA for associated efforts. Cargill's consultant, AECOM, has begun work on the Initial Study.

Stakeholder Outreach

Cargill has put together a thoughtful approach to stakeholder engagement to ensure that the project addresses any issues and concerns and can thereby move forward with stakeholder support. That effort has included development of the attached one-page flyer describing the project. Cargill has also met with Alameda County labor leaders, with the intent of developing a project labor agreement.

Authority and Cargill staff had a preliminary discussion with Regional Water Quality Control Board (Water Board) staff about the project on June 25. Based on the discussion, Water Board staff indicated that not only did they not see any red flags, they also did not see any yellow flags on the project. Authority staff will continue to work with Water Board staff going forward to ensure that the project is addressed smoothly in the Authority's permit reissuance.

Authority and Cargill staff are scheduled to meet with BayKeeper staff on July 15 to seek their input on the project. Cargill has also been in contact with leaders at the Bay Conservation and Development Commission (BCDC), who will be approving Cargill's facility permit renewal, which is currently moving forward.

Future plans include outreach to additional governmental, non-governmental organizations, elected officials, and other interested parties. Staff will keep the Commission apprised of outreach activities and opportunities for engagement.

Next Steps

Following execution of the Term Sheet, Cargill and Authority staff will proceed with due diligence, begin the CEQA process, and initiate negotiation of a long-term agreement. Per the terms of the new JPA, any agreement between the Authority and the company would be subject to unanimous approval by the Commission and would need to be consistent with the Authority's Brine Policy (see Item No. FM9).

East Bay Dischargers Authority – Cargill, Incorporated
Brine Project
Non-Binding Term Sheet

1. Introduction

The East Bay Dischargers Authority (“EBDA”) manages the discharge of the treated wastewater of five local agencies, as well as treated wastewater from the Livermore Amador Valley Water Management Agency, through a deep water combined outfall into San Francisco Bay.

Cargill, Incorporated (“Cargill”) operates a solar salt facility in Newark, CA, that collects and evaporates San Francisco Bay water through a series of solar evaporation ponds to produce two primary types of commercial products: crystalline salt (sodium chloride) and liquid bittern (concentrated magnesium chloride brine). Mixed sea salts (“MSS”) are naturally occurring salts in sea/Bay water that remain after these commercial salt products have been harvested. Cargill is considering a project to enhance recovery of additional MSS product value. After capturing commercial product, the residual MSS brine could be dissolved in Bay water and transferred through a new pipeline to the EBDA Wastewater System, connecting north of Union Sanitary District’s Alvarado Treatment Facility in Union City. Cargill expects the proposed project to have a duration of approximately 15 to 20 years. Cargill also anticipates value in maintaining a brine discharge to EBDA beyond the project, for as long as their Newark solar salt facility remains operational.

EBDA and Cargill are in discussions for a possible agreement under which Cargill would discharge the MSS brine solution into the EBDA system pursuant to EBDA’s NPDES Permit No. CA0037869 (effective July 1, 2017 – June 30, 2022) and EBDA’s Amended and Restated Joint Powers Agreement (“JPA”) (effective July 1, 2020 – June 30, 2040) and Brine Policy. This non-binding term sheet sets forth certain key terms to be discussed for inclusion in an agreement between EBDA and Cargill. Any such agreement will be approved unanimously by EBDA’s Commission. This term sheet is for discussion purposes only and either party may terminate such discussions at any time in the terminating party’s sole discretion.

2. Term

The definitive agreement would have an initial term through the expiration of the current JPA on June 30, 2040. The parties may develop an approach in the definitive agreement to provide for renewal terms of this agreement beyond 2040, recognizing that the agreement may need to be revised pending the renewal of EBDA’s JPA.

At the latter of the expiration of the agreement, or the point at which Cargill determines it no longer requires use of the pipeline, the definitive agreement could contain a right of first refusal for EBDA to purchase or retain ownership of the pipeline.

East Bay Dischargers Authority – Cargill, Incorporated
Brine Project
Non-Binding Term Sheet

3. Brine Discharge Rates

Cargill anticipates designing its system for brine discharge rates of 0.9 to 1.8 million gallons per day. The definitive agreement would contain upper limits on discharge rates and concentrations to be determined by further analysis of higher ratios of MSS brine blends in EBDA effluent to confirm full compliance with EBDA effluent criteria. This discharge could be interruptible to accommodate short-term constraints on the volumetric or constituent capacity of the EBDA system. Cargill should have the option to recover lost volume by discharging at higher rates when constraints on the EBDA system are resolved.

4. Brine Discharge Fee & Costs

The proposed fee structure for Cargill's discharge into the EBDA system is based on the current fee structure for discharges to the Union Sanitary District:

- A Capacity Fee of \$5 million, made as a series of milestone payments:
 - \$1 million shall be due upon mutual agreement to initiate CEQA;
 - \$1 million shall be due upon full CEQA approval;
 - the other milestones to be agreed.
- Flow-Based Fees of \$4,370 (December 2020 dollars) per million gallons of brine solution discharged, with annual cost of living adjustments based on the December to December CPI-U for San Francisco-Oakland-Hayward.

The definitive agreement would also set forth the allocation of costs between the parties, including the following:

- Project Development:
 - Cargill would pay all reasonable fees and costs, including EBDA labor and consultant costs, related to its direct permitting and regulatory approvals of the pipeline conveyance system it will construct to connect the brine solution effluent with the System.
 - EBDA would serve as the CEQA lead agency, with the assistance of qualified contractor selected by EBDA, in consultation with Cargill, and retained and paid for by Cargill.
 - Cargill would pay EBDA labor and consultant costs associated with EBDA's evaluation of NPDES, stakeholder, and other project development issues during the due diligence phase.
 - Cargill would pay all costs related to designing, constructing and connecting the brine pipeline to the System.
- Project Operation:
 - Cargill would be responsible for any additional monitoring and reporting costs it agrees to perform related to its brine discharge prior to outfall into the System.
 - Cargill would be responsible for operations and maintenance costs associated with delivery of brine to the System.

East Bay Dischargers Authority – Cargill, Incorporated
Brine Project
Non-Binding Term Sheet

All Project Development costs due to EBDA shall be paid in full whether or not the project ultimately is approved and constructed. A milestone schedule for payments will be established by the parties.

5. NPDES Compliance

Analysis of representative samples of the MSS brine solution proposed for discharge via the EBDA system are being conducted to evaluate the physical and chemical composition of the solution, as well as toxicity. All analyses conducted to date on the MSS brine and various blends of the brine with EBDA effluent have shown that addition of the brine would not cause a noncompliance with current regulatory limits for the EBDA effluent relative to their NPDES discharge permit. Cargill will conduct additional analyses during a due diligence phase as necessary or required by EBDA, with consideration for issues including but not limited to priority pollutants, Total Suspended Solids (TSS), toxicity, and nutrients. The parties recognize that if permit requirements or regulatory interpretations change, the agreement may need to be reopened and relevant provisions revised. Treatment of the MSS brine may be required prior to discharge to EBDA if regulations or permit requirements become more stringent.

6. Sedimentation

Questions about the potential risk of brine inducing sedimentation, plugging, or localized corrosion in the EBDA conveyance system should be further evaluated during the due diligence phase. Cargill is committed to remediating sedimentation or localized (within 100' of the point of connection) corrosion if it occurs.

CARGILL, INCORPORATED

EAST BAY DISCHARGERS AUTHORITY

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



Cargill South Bay Stewardship Project

Cargill Solar Salt – Water, Sun, and Wind

Cargill manages a working landscape of over 12,000 acres (20 square miles) of salt ponds and land in the San Francisco Bay Area – the only major solar sea salt facility in the United States. Californians use Cargill sea salts in many commercial products, including salt pellets in water softeners to improve water quality; Diamond Crystal sea salt in restaurants and at home to accentuate the natural flavor of food; and dust management product, produced from mixed sea salts, to keep dust on the ground and out of the air at some of California’s renowned wineries.

Environmental Stewardship

Cargill and its predecessors have been stewards of the Newark salt ponds for more than 70 years, contributing to the Bay Area’s environmental, economic and social prosperity. Since acquiring the ponds, Cargill has reduced its operational footprint and transferred over 40,000 acres of salt ponds to public agencies for marshland restoration.

Climate change – and the accompanying sea level rise – is an issue that impacts everyone, especially for the nine counties and over 40 cities that have shoreline along the San Francisco Bay. Cargill’s sea salts in production are managed within a vast network of ponds separated from the Bay by a system of berms. *Mixed sea salts* are what remains after most of the sodium chloride has been harvested from sea water. Cargill manages an inventory of mixed sea salts in ponds in its Newark facility. The ponds where the mixed sea salts are stored and harvested are adjacent to the Bay and could be impacted in the future by significant storms and King Tides coupled with sea level rise.

Cargill will continue to protect its ponds with its system of berms; and put into action an updated long-term resiliency plan.

As sea levels rise, communities, businesses and ecosystems in and around the Bay Area must adapt. Cargill is taking a proactive approach to protecting the Bay for future generations through enhanced processing and accelerating the removal of its inventory of mixed sea salts. Significantly reducing the mixed sea salt inventory in ponds adjacent to the Bay will make Cargill’s Newark facility more resilient and better prepared for the impact of sea level rise.

What Cargill Proposes

As Cargill continues to harvest mixed sea salt products, it proposes to work with the East Bay Dischargers Authority (EBDA) to build a pipeline from the Newark facility to EBDA’s conveyance system. The remaining mixed sea salts will be transferred through the pipeline and blended with treated wastewater to responsibly return the sea salts back to the Bay through EBDA’s deep-water outfall.

EBDA’s conveyance system was chosen after a thorough evaluation of alternatives and was determined to be the most environmentally preferable option. The pipeline will be routed to be mindful of people, property and the environment.

Removing the mixed sea salts from their existing location will allow Cargill to complete the safe and sustainable processing of commercial product – a necessary first step in the potential conversion of refuge land to marshland. Cargill will continue to engage with public agencies and other stakeholders to ensure the success of this project and the protection of the San Francisco Bay.



EAST BAY DISCHARGERS AUTHORITY
2651 Grant Avenue
San Lorenzo, CA 94580-1841
(510) 278-5910
FAX (510) 278-6547

A Joint Powers Public Agency

Pursuant to the Governor's Executive Order N-25-20 the Regulatory Affairs Committee meeting scheduled for July 15, 2020 at 9:00 a.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. #836 9006 5654. Members of the public are encouraged to dial-in to the meeting using the same number. <https://us02web.zoom.us/j/83690065654>

ITEM NO. 14

REGULATORY AFFAIRS COMMITTEE AGENDA

**Wednesday, July 15, 2020
9:00 a.m.**

**East Bay Dischargers Authority
2651 Grant Avenue, San Lorenzo, CA 94580**

Committee Members: Johnson (Chair); Lamnin

RA1. Call to Order

RA2. Roll Call

RA3. Public Forum

RA4. EBDA NPDES Performance – See Item OM4
(The Committee will review NPDES Permit compliance data.)

RA5. Update on Nutrients
(The Committee will discuss the latest developments on permitting.)

RA6. BayAdapt Process
(The Committee will discuss this regional climate adaptation planning process.)

RA7. Resolution Committing the Authority to Jointly Funding a Laboratory Information Management System (LIMS) with the City of San Leandro
(The Committee will consider approval of the Resolution.)

RA8. Adjournment

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.)

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at the EBDA office at (510) 278-5910 or kyambao@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.)

**The next Regulatory Affairs Committee meeting is scheduled for
Wednesday, September 16, 2020 at 9:00 a.m.**

ITEM NO. RA4 EBDA NPDES PERFORMANCE – NPDES PERMIT

Please see the Operations and Maintenance Committee agenda, Item No. OM4 for permit compliance data.

ITEM NO. RA5 UPDATE ON NUTRIENTS

Recommendation

For the Committee's information only; no action is required.

Background

While the loads of nutrients such as nitrogen and phosphorus to San Francisco Bay are higher than other estuaries, the Bay has historically been very resilient, and negative impacts of nutrient enrichment such as eutrophication have not occurred. Over the last decade, concerning trends caused the scientific and regulatory community to question whether the Bay's resilience is weakening. Bay Area wastewater agencies, through the Bay Area Clean Water Agencies (BACWA), have participated in a positive collaboration with a wide variety of stakeholders to implement a Nutrient Management Strategy that focuses on conducting scientific research and modeling to determine the effects of nutrients on the Bay ecosystem and protective levels of nutrient loading going forward.

BACWA worked closely with staff of the San Francisco Bay Regional Water Quality Control Board (Water Board) to negotiate a second Watershed Permit for nutrients. The permit went into effect on July 1, 2019 and includes the following key elements:

- Influent and effluent monitoring and continued annual regional reporting.
- Increased funding for scientific research on the fate and effects of nutrients in the Bay.
- A regional assessment of the feasibility and cost for reducing nutrients through multi-benefit nature-based solutions, including wetlands and horizontal levees.
- A regional assessment of nutrient reductions that will be achieved through water recycling.
- Establishment of a baseline nutrient load based on current nitrogen discharges over the dry season.
- Inclusion of load targets for 2024 that may be used as effluent limits if supported by scientific research.
- Recognition of agencies implementing early action projects that will reduce nutrient loads during this permit term, which includes Oro Loma and Hayward.

Discussion

As compliance efforts continue under the second Watershed Permit, planning for the third has already begun. Water Board staff developed the attached document outlining their approach to the next Watershed Permit. As expected, the Water Board expressed their intent to implement precautionary limits on total inorganic nitrogen loads based on previous performance. They also state that a regional planning process would be required on a subembayment basis to develop action plans should nutrient reductions be warranted. That regional planning process appears to leave it up to the dischargers to determine how early actors would be credited, and how a trading program might work?

This initial document has raised a number of questions, including:

- If we agree that scientific research and results should drive management action on nutrients, why are precautionary load caps necessary?
- What level of investment in monitoring and modeling is appropriate for the third

Watershed Permit?

- How will agencies that took early action be recognized and appropriately credited?
- What opportunities might a trading program offer and how could it be structured?

To further flesh out BACWA's questions and positions in response to the initial white paper, BACWA is reconvening its Nutrient Strategy Team. This team, made up of representatives from large and small wastewater agencies around the Bay, will be working to coalesce the wastewater community's perspectives and share them with the Water Board as we begin informal negotiations on the next Watershed Permit.

It should be noted that although the current Watershed Permit expires in 2024, the Water Board has expressed openness to administratively continuing it in order to allow more time for the scientific studies to proceed and yield actionable information. This extension may become even more necessary as a result of delays in field work stemming from shelter-in-place orders.

NUTRIENT WATERSHED PERMIT 3.0

In the third Nutrient Watershed Permit (NWP 3.0), scheduled for reissuance in 2024 or 2025, we propose to establish water quality based effluent limitations and related requirements based on an antidegradation approach to ensure that water quality standards are met. We envision effluent limitations will be based on load caps to specific embayments, or subembayments. Related requirements would include participation in an ongoing surveillance monitoring and modeling program to track trends in nutrient water quality degradation indicators in the subembayments and to conduct cause-and-response analyses. In addition, there would be requirements to maintain and enhance, as necessary, regional plans and possibly plant-specific plans to offset future loads to comply with load caps, and to possibly reduce loads if the surveillance program determines there is degradation due to nutrient loads.

Antidegradation

Clean Water Act section 301(b)(1)(C) and federal regulations [40 C.F.R. § 122.44(d)] require that permits include water quality based effluent limitations necessary to meet water quality standards. Water quality standards include three parts: (1) beneficial uses, (2) numeric and/or narrative water quality criteria (objectives), and (3) antidegradation policies. To ensure NPDES permits are protective of water quality, we evaluate if a discharge has a reasonable potential to exceed water quality standards in the receiving water. For nutrients discharges to San Francisco Bay, this has been difficult because the Water Board has not established numeric water quality objectives for use in conventional reasonable potential analyses, and interpretation of narrative water quality objects is complicated and difficult.

To assess nutrient impacts on water quality and options for nutrients water quality standards, the Water Board, along with interested stakeholders, developed a Nutrient Management Strategy, dated November 2012, that outlined the science needed to make informed decisions about assessing nutrient impacts on water quality and managing nutrient loads to the Bay. The Nutrient Management Strategy considered an approach that included developing numeric water quality objectives for nutrients; however, it concluded that the assimilative capacity of different habitat types within the Bay likely differ because physical factors often control nutrient bioavailability. Therefore, the Nutrient Management Strategy proposed the concept of Nutrient Numeric Endpoints, which would be indicators of nutrient over-enrichment, such as chlorophyll a (chl-a). These indicators would be used as part of an assessment framework that could establish the ecological conditions throughout the Bay, ranging from supporting to impairing beneficial uses.

However, conducting reasonable potential analysis and developing water quality-based effluent limitations based on Nutrient Numeric Endpoints has its own complications and difficulties, and would likely result in conservative, stringent limits. Therefore, we propose to base water quality effluent limitations on the antidegradation component of water quality standards. State Water Board Resolution 68-16 (“Statement of Policy with Respect to Maintaining High Quality of Waters in California”) incorporates the federal antidegradation policy set forth in 40 C.F.R. §131.12, which states that existing water quality must be maintained and protected. To comply with the antidegradation policy, NWP 3.0 will require dischargers to maintain existing performance for total inorganic nitrogen and provide for more stringent requirements (e.g., nutrient load reductions) if nutrient-related water quality degradation is observed in receiving waters.

Background

Existing nutrient concentrations in the Bay can easily support eutrophic conditions when environmental circumstances are favorable (e.g., stratified water column, less turbid waters, decreased clam grazing), suggesting that physical factors are more important than nutrient loads in determining the Bay's assimilative capacity. For example, in the Lower South Bay Synthesis Report, researchers documented that, from 1995 through 2010, total nitrogen and total phosphorus loads from wastewater treatment plants decreased by about 30 percent; however, summertime chl-a concentrations in deep subtidal channels increased nearly three-fold. The fact that other factors appear to drive changes in phytoplankton biomass highlights the need to seek additional information to forecast ecosystem response under future conditions. To better understand the Bay's responses to changing conditions and to allow the Water Board to take a measured approach to nutrient load reductions, Order Nos. R2-2014-0014 (NWP 1.0) and R2-2019-0017 (NWP 2.0) required monetary support for monitoring, modeling, and subembayment studies.

While long-term monitoring by USGS in the deep subtidal channels shows that physical factors typically control eutrophication intensity, more recent monitoring by the San Francisco Estuary Institute conducted in the Bay margins (e.g., mudflats and sloughs) indicates that phytoplankton blooms have, at times, been nutrient limited. In the Lower South Bay, continuous monitoring in the margins showed that chl-a levels peaked as nitrogen levels were depleted to below the detection limit. This suggests that physical factors may not necessarily limit eutrophication intensity in the margins. If modeling and monitoring indicate that total inorganic nitrogen is, in fact, a limiting factor in the margins, it may be necessary to reduce municipal wastewater discharge to these areas more (or sooner) than those that contribute to areas of the Bay that have more assimilative capacity, such as deep subtidal channels.

Assessing Bay Conditions

Because physical factors often control eutrophication intensity in the Bay (at least in the deep subtidal channels), nutrient concentrations will not always be reliable benchmarks to predict the attainment of beneficial uses. For this reason, the Water Board is developing a framework to assess whether Bay segments are trending toward nutrient impairment. This effort, known as the Assessment Framework, will evaluate whether nutrients are causing excessive algal growth or other adverse effects, such as low dissolved oxygen. We expect the Assessment Framework to establish indicators for whether beneficial uses are protected, such as thresholds for chl-a based on duration and magnitude. Those indicators and thresholds will likely be tiered to enable determination of an early indication of change in condition at a low tier threshold that would trigger assessment of what factors may be the cause of the change and potential sources and the relevance of nutrients as a factor or source. Further observations of change to a higher tier level might trigger more comprehensive assessments and consideration of nutrient load reductions, and certain high tier indicator thresholds might trigger an immediate need for load reductions. The Assessment Framework will be the basis of an ongoing monitoring and modeling program to track and assess nutrient levels, dissolved oxygen, other indicators, and other factors that affect the Bay.

Permitting Approach

Antidegradation requirements in NWP 3.0 will include four components: (1) precautionary load caps; (2) a monitoring and modeling program; (3) regional planning initiatives; and (4) corrective action plans.

Monitoring and Modeling

The antidegradation approach depends on a sufficiently robust monitoring and modeling program to track and assess nutrient levels, dissolved oxygen, other indicators, and other factors that affect the capacity of the Bay to assimilate nutrients (see discussion above on Assessing Bay Conditions, and the Assessment Framework). NWP 2.0 required support for monitoring and modeling studies to address many questions regarding nutrient bioavailability and the Bay's response to changes in nutrient loads and co-factors. This includes the design and development of an ongoing monitoring and modeling program. NWP 3.0 will require implementation of the monitoring and modeling program developed during NWP 2.0 and possibly further improvements, which may require more resources than available through the Regional Monitoring Program.

Precautionary Load Caps

We expect to include effluent limitations in NWP 3.0 based on "existing" nutrient discharge performance (similar to the NWP 2.0 planning level targets for nutrient discharge loads), unless scientific conclusions from monitoring and load response modeling indicate more stringent effluent limitations are necessary. Limitations based on "existing" performance would be based on performance data collected between May 1, 2014, and September 30, 2017, to account for Dischargers who have taken early actions to reduce nutrient discharges so they are not penalized for their improved performance. Precautionary load caps will likely be established for each subembayment or possibly combined subembayments. We will use the nutrient model under development to evaluate options for delineating subembayments.

Regional Planning

Treatment improvements may be needed to maintain "existing" performance and offset load increases. Moreover, if the Bay were to become degraded as a result of nutrient discharges, more improvements could be necessary, including further load reductions. Therefore, NWP 3.0 will require treatment plants to proceed with regional planning for each subembayment. Regional planning should be used to manage future nutrient load increases, ensure compliance with the subembayment load caps, and inform corrective action plans for further reductions if indicator criteria are triggered by the monitoring and modeling program. Such planning should explore concepts to minimize the chances of municipal wastewater treatment plants causing degradation. Regional planning could require dischargers to do the following:

- 1) Evaluate a range of nutrient reduction options to meet potential load reductions for total inorganic nitrogen in the most cost-effective manner possible. For each discharger, the evaluation should consider the bioavailability of nutrients and the potential for nutrients to promote algal growth. It should also consider, in part, the conclusions of the three studies required by NWP 1.0 and NWP 2.0:
 - Nutrient Reduction Study – Potential Nutrient Reduction by Treatment Optimization, Sidestream Treatment, Treatment Upgrades, and Other Means;

- Regional Evaluation of Potential Nutrient Discharge Reduction by Natural Systems; and
 - Regional Evaluation of Potential Nutrient Discharge Reduction by Water Recycling.
- 2) Consider nature-based adaptation measures, such as those identified in the San Francisco Bay Shoreline Adaptation Atlas, that could offer protection against sea level rise and improve the Bay's resilience to nutrients. Some restoration work could cost effectively decrease the bioavailability of nutrients, increase denitrification rates, or improve phytoplankton biomass uptake.
 - 3) Recognize early actors that have implemented treatment plant upgrades or other multi-benefit projects to reduce nutrient loads to the Bay.
 - 4) Establish a framework for nutrient load trading to comply with subembayment load caps.

Corrective Action Plans

As described above under Assessing Bay Conditions, ongoing monitoring and modeling may trigger need for consideration of — and an immediate need for — load reductions to certain subembayments or areas of subembayments. NWP 3.0 will require dischargers to submit Corrective Action Plans individually or through a regional plan if certain indicator thresholds are exceeded. NWP 3.0 may also contain reopener provisions, triggered by certain circumstances or scenarios, to establish revised nutrient load caps and time schedules for implementation.

ITEM NO. RA6 BAYADAPT PROCESS

Recommendation

For the Committee's information only; no action is required.

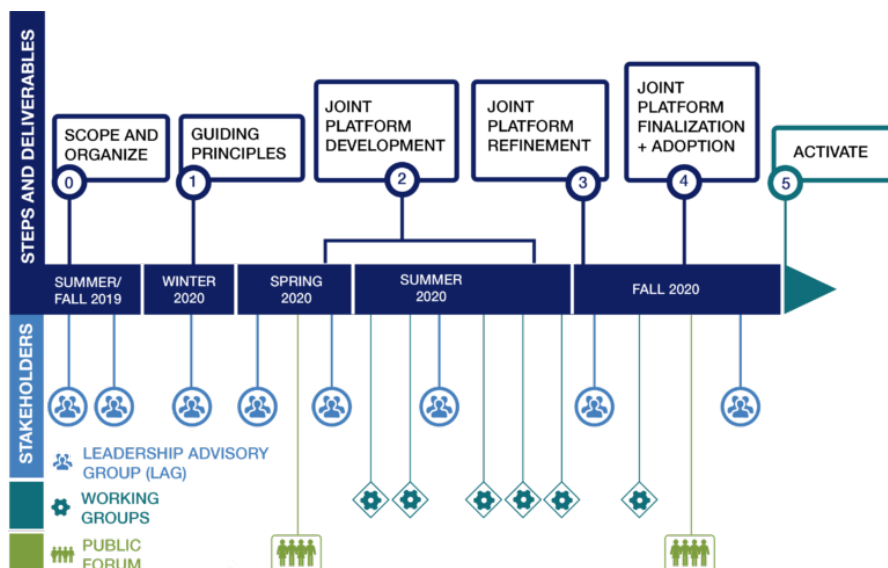
Background

As has been discussed with the Commission, there are multiple efforts underway to develop climate adaptation measures in the Bay Area. The Bay Conservation and Development Commission (BCDC) has been working on adaptation issues for a decade, having launched their Adapting to Rising Tides Program in 2010. BCDC's latest effort to facilitate regional collaboration and planning is the BayAdapt Program. <https://www.bayadapt.org/>

Discussion

It is widely acknowledged that regional planning and coordination will be necessary for the Bay Area to effectively adapt to sea level rise, since actions to adapt in one part of the Bay can directly impact others. Yet one of the greatest identified challenges to regional planning has been the dispersed responsibilities and a lack of regional leadership. The stated goal of BayAdapt is "to establish regional agreement on the actions necessary to protect people and the natural and built environment from rising sea levels." The six-month initiative aims to identify a common set of principles and actions that will guide agencies in their adaptation planning efforts going forward.

The structure of the BayAdapt initiative is outlined in the graphic below. The Leadership Advisory Group is made up of agency and community leaders. Further informing the process are three working groups focused on Regional Consistency, Local Planning, and Project Implementation. The EBDA General Manager is serving on the Project Implementation Working Group, which is currently focusing on identifying key barriers to project implementation, and prioritizing actions to address those barriers. The actions will then be woven into the ultimate BayAdapt platform. Staff will continue to update the Commission as the initiative proceeds.



ITEM NO. RA7 RESOLUTION COMMITTING THE AUTHORITY TO JOINTLY FUNDING A LABORATORY INFORMATION MANAGEMENT SYSTEM (LIMS) WITH THE CITY OF SAN LEANDRO

Recommendation

Approve the resolution committing the Authority to funding half of the contract between the City of San Leandro and EthoSoft for the X-LIMS product.

Background

The Authority holds the National Pollutant Discharge Elimination System (NPDES) Permit with the state for discharge of treated wastewater to San Francisco Bay. As such, the Authority is responsible for managing compliance data associated with the permit. Currently, the Authority uses a system called Hach WIMS Online to manage water quality compliance data. The product is not designed for use as a data repository and therefore does not function optimally for that purpose. WIMS is more commonly used to manage wastewater process data.

In order to facilitate compliance with recently adopted quality management standards, the City of San Leandro (San Leandro) began a process to procure a new Laboratory Information Management System (LIMS) for its laboratory. San Leandro currently generates much of the Authority's compliance data through its sampling and analysis of the EBDA common outfall in addition to its own plant effluent. San Leandro approached Authority staff regarding jointly procuring the LIMS to take advantage of synergies and lower the costs for both agencies.

Discussion

San Leandro staff managed a competitive procurement process for a LIMS. Six proposals were received, and Authority staff participated in proposal review as well as demonstrations by the proponents. Ethosoft, Inc. was selected to provide its X-LIMS product. X-LIMS was also recently selected and is being implemented by Union Sanitary District and East Bay Municipal Utility District. The product will be hosted in the cloud.

In reviewing the scope and proposals, San Leandro and Authority staff agreed that approximately half of the product setup and usage is attributable to EBDA compliance, and half to San Leandro compliance. Therefore, San Leandro and Authority staff propose to split the initial project cost as well as the ongoing annual fees. In the Authority's FY 2020/2021 budget, the Commission approved up to \$40,000 for this project. Per the attached quote, staff expects to pay \$21,532.50 for initial set-up and \$5620 annually. Currently, the Authority pays \$6344 for its annual WIMS license. This license will be discontinued when X-LIMS is fully implemented.

The contract will be between Ethosoft, Inc. and the City of San Leandro, and the Authority will reimburse San Leandro for its share. If approved, Authority staff will work with San Leandro staff to configure the new LIMS. This will include rolling over historic data from WIMS, and setting up a process to upload Member Agency data on a monthly basis.

Addendum A: X-LIMS Revised Cloud Pricing

Please find below revised pricing for X-LIMS Cloud proposal featuring discounted annual costs. This document serves as an addendum to Ethosoft's response submitted for San Leandro's RFP 58205.

Initial Project Cost

Quantity	Description	Unit Price	Line Total
1	Configuration of Custom Reports - Up To 5 Days of Work	\$ 5,000.00	\$ 5,000.00
	9.2.2 Chain of Custody for transfer of samples to contract labs 9.2.4 Lab Report by Project 9.2.5 Lab Report by Method/Parameter 9.2.6 Lab Report for Pretreatment Annual & Semi-annual data for metals and organics with Influent Effluent, and Biosolids samples		
1	Configuration of Custom CIWQS Reports - San Leandro and EBDA CIWQS	\$ 4,500.00	\$ 4,500.00
1	Migration of 5 Years of Historical EBDA Data from WIMS -- Migration of location and sample data from existing system to XLIMS assuming data is in consistent format	\$ 5,500.00	\$ 5,500.00
1	Integration of EBDA Data into X-LIMS -- Upload Excel data from the following 5 sources: 1 subcontractor lab, EBDA, USD, OLSD, COH. assuming data is in consistent format	\$ 6,500.00	\$ 6,500.00
2	Instruments Integration -- instruments with RS-232 serial ports requiring wedge software	\$ 350.00	\$ 700.00
1	Integration with SCADA system - OSISoft PI Historian	\$ 5,500.00	\$ 5,500.00

1	Insurance Requirement - Waiver of Subrogation	\$	300.00	\$	300.00
1	Initial 3-Day On-Site Requirement's Analysis	\$	4,900.00	\$	4,900.00
1	Travel for On-Site Requirement's Analysis -- Includes Flight, Hotel, and Car Rental	\$	1,840.00	\$	1,840.00
1	Total Per Diem for On-Site Requirement's Analysis	\$	300.00	\$	300.00
1	4-Day On-Site Installation and Training -- Includes End-User and Administrator Training	\$	5,500.00	\$	5,500.00
1	Travel for Installation and Training -- Includes Flight, Hotel, and Car Rental	\$	2,150.00	\$	2,150.00
1	Total Per Diem for Installation and Training	\$	375.00	\$	375.00
SUBTOTAL				\$	43,065.00
SALES TAX					
TOTAL				\$	43,065.00

Annual Cloud Cost

Please note a 10.36% discount has been applied on the annual cost from the original proposal pricing.

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
5	XLIMS - Laboratory Inf. Mgmt. System, 1-Cloud Concurrent User (\$115/month - \$1380 annually)	\$ 1,380.00	\$ 6,900.00
	License delivers all functionality included with X-LIMS such as:		

	<ul style="list-style-type: none"> • Audit Anywhere • Alerting • Custody Tracking • DocumentXChange • Inventory Tracking • Excelerator • Quality Control • Workflow Management • Scheduler • Instrument Management • Invoicing • Ad-Hoc Reporting Tool • Dynamic Dashboard 		
1	Instrument Integration to X-LIMS [\$40/ month -- \$480 annually]	\$ 480.00	\$ 480.00
1	XLIMS - Laboratory Inf. Mgmt. System Yearly Cloud Bandwidth Fee (Including Support & Maintenance)	\$ 3,860.00	\$ 3,860.00
SUBTOTAL			\$ 11,240.00
SALES TAX			
TOTAL			\$ 11,240.00

EAST BAY DISCHARGERS COMMISSION
EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 20-22

INTRODUCED BY _____

**RESOLUTION COMMITTING THE AUTHORITY TO JOINTLY FUNDING A LABORATORY
INFORMATION MANAGEMENT SYSTEM (LIMS) WITH THE CITY OF SAN LEANDRO**

WHEREAS, the East Bay Dischargers Authority requires a data management system to ensure compliance with its National Pollutant Discharge Elimination System (NPDES) Permit; and

WHEREAS, Authority staff has determined that joint implementation of a Laboratory Information Management System (LIMS) with the City of San Leandro is an efficient and cost-effective approach to compliance data management; and

WHEREAS, Authority and City of San Leandro staff have agreed that half of the cost for setup and maintenance of the LIMS is in support of Authority compliance; and

WHEREAS, the City of San Leandro selected Ethosoft, Inc. to supply its X-LIMS product through a competitive procurement process; and

WHEREAS, the City of San Leandro will be entering into a contract with Ethosoft, Inc. and desires assurance that the Authority will share in the cost; and

WHEREAS, the Managers Advisory Committee and the Regulatory Affairs Committee have reviewed options and support the Authority's commitment of funds for this purpose; and

WHEREAS, funds for this purpose were included in the Authority's Fiscal Year 2020/2021 Budget, approved in May 2020.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby commits to reimbursing the City of San Leandro for half of the initial project cost for the LIMS as well as half of the annual cloud cost.

SAN LORENZO, CALIFORNIA, JULY 16, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

**CHAIR
EAST BAY DISCHARGERS COMMISSION**

ATTEST: _____
**GENERAL MANAGER
EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY**



EAST BAY DISCHARGERS AUTHORITY
2651 Grant Avenue
San Lorenzo, CA 94580-1841
(510) 278-5910
FAX (510) 278-6547

A Joint Powers Public Agency

Pursuant to the Governor's Executive Order N-25-20 the Operations & Maintenance Meeting scheduled for July 14th at 9:00 a.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. #873 5394 5284. Members of the public are encouraged to dial in to the meeting using the same number. <https://us02web.zoom.us/j/87353945284>

ITEM NO. 16

OPERATIONS & MAINTENANCE COMMITTEE AGENDA

Tuesday, July 14, 2020

9:00 A.M.

**East Bay Dischargers Authority
2651 Grant Avenue, San Lorenzo, CA 94580**

Committee Members: Cutter (Chair); Johnson

OM1. Call to Order

OM2. Roll Call

OM3. Public Forum

OM4. EBDA Performance

(The Committee will be updated on EBDA's NPDES report.)

OM5. Status Report

(The Committee will be updated on EBDA's O&M activities.)

OM6. Adjournment

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.)

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at the EBDA office at (510) 278-5910 or kyambao@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.)

**The next O&M Committee meeting will be held
Tuesday, August 18, 2020, at 9:00 a.m.**

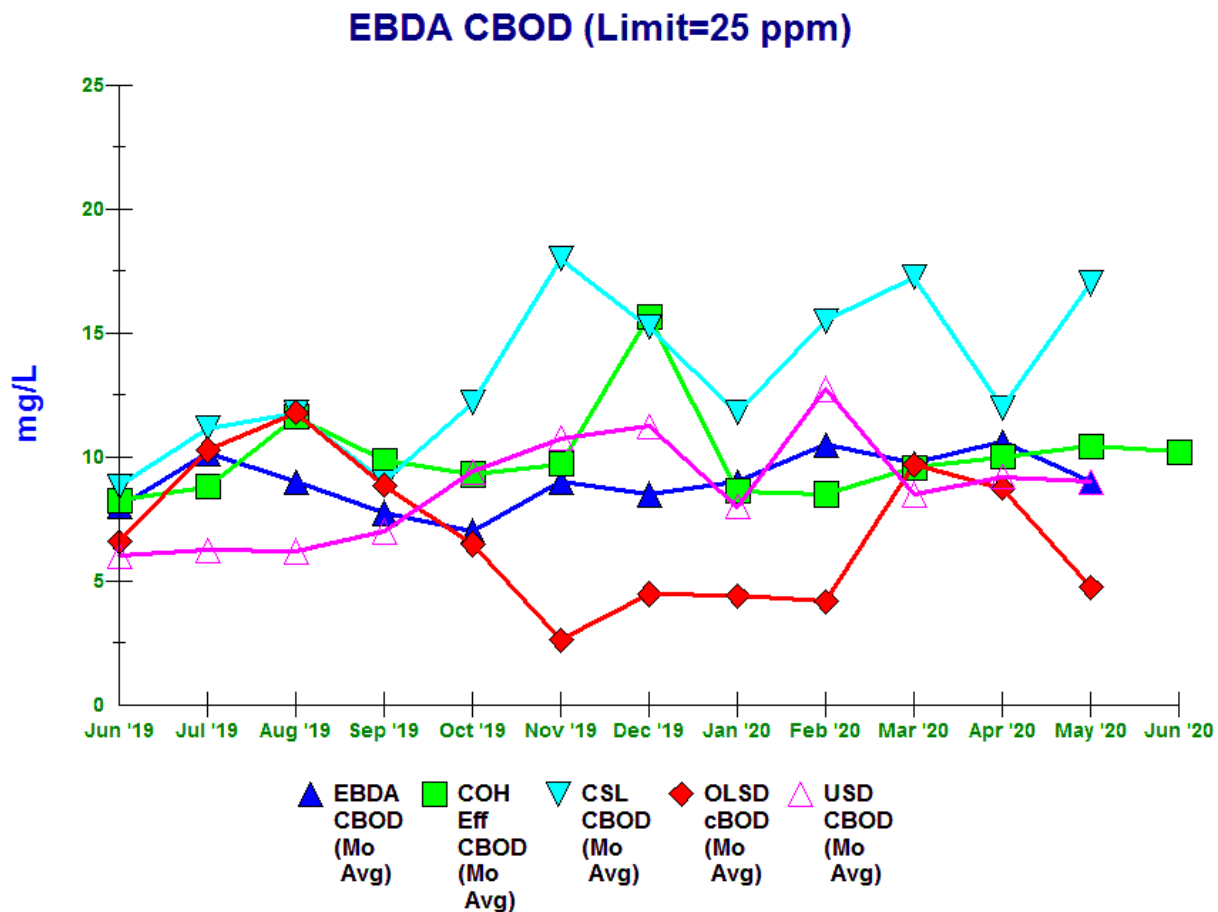
ITEM NO. OM4 EBDA PERFORMANCE

Recommendation

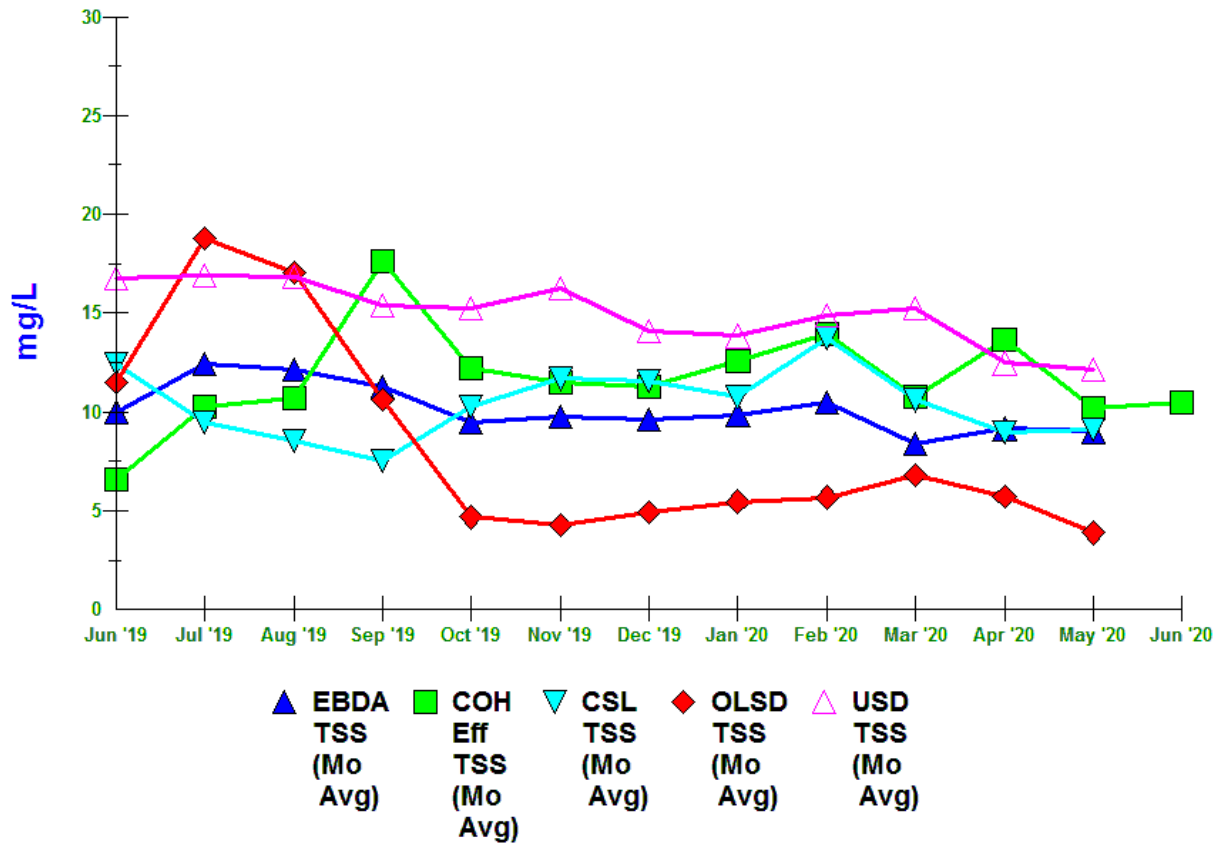
For the Committee's information only; no action is required.

Permit Compliance Issues

There were no NPDES permit violations in May and preliminary data from June are also free of permit exceedances. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators is also included. Sodium hypochlorite dosing has been increased as the temperatures have started to rise to prevent bacterial outbreaks during the summer months. EBDA staff continues to appreciate Member Agency lab staff, and especially San Leandro lab staff for diligently continuing all sampling and analyses during the Shelter-in-Place order to ensure protection of the Bay.



EBDA TSS (Limit 30 ppm)



EBDA EFF TSS

EBDA Bacterial Indicators

	FECAL	ENTERO
Date	MPN/ 100mL	MPN/ 100mL
Limit (90th Percentile)	1100	
Limit (Geomean)	500	240
July 2019, Geomean	9	< 3
August 2019, Geomean	32	< 3
Sept 2019, Geomean	12	3
Oct 2019, Geomean	35	2
Nov 2019, Geomean	32	2
Dec 2019, Geomean	18	< 2
January 2020 Geomean	7	< 2
February 2020 Geomean	5	< 3
March 2020 Geomean	8	< 2
April 2020 Geomean	4	2
5/4/2020	402	4
5/5/2020	11	2
5/6/2020	4	< 2
5/11/2020	244	< 2
5/12/2020	9	3
5/13/2020	8	4
5/18/2020	20	< 2
5/19/2020	350	2
5/20/2020	33	2
5/25/2020	435	2
5/26/2020	13	2
May 2020 Geomean	40	2
6/1/2020	12	2
6/2/2020	13	< 2
6/3/2020	110	2
6/8/2020	40	2
6/9/2020	33	4
6/15/2020	120	6
6/16/2020	17	2
6/22/2020	49	< 2
6/23/2020	8	2
6/29/2020	26	4
6/30/2020	17	2
June 2020 Geomean	28	3

ITEM NO. OM5 STATUS REPORT

Union Effluent Pump Station (UEPS – Formerly AEPS)

Effluent Pump No. 2 Variable Frequency Drive (VFD)

The new VFD transformer for Effluent Pump No. 2 was ordered and is scheduled to arrive in late July.

Effluent Pump No. 6 Impeller

In June, the new replacement impeller for Effluent Pump No. 6 was delivered to USD. USD maintenance staff will install the impeller when time permits, before the start of wet weather.

Hayward Effluent Pump Station (HEPS)

Motor Control Center (MCC) Replacement Project

In June, staff training on the new pump station valves was completed. Additionally, thermographic imaging and stress testing of the electrical equipment inside the MCC building was completed. The training on the MCC building equipment was postponed until late July because the instructor was ill. After completion of the training, only some minor “punch list” items will remain, such as repair of the west end MCC building doors and completion of the as-built plans.

Oro Loma Effluent Pump Station (OLEPS)

Wet Well Hypochlorite System

As part of the Renewal and Replacement Fund (RRF) project list for FY 2020/2021, the Commission approved \$40,000 for the installation of a new hypochlorite (hypo) pump, flow meter, and programmable logic controller (PLC) to allow EBDA to automatically add hypo to the OLEPS wet well for bacteria control. Currently, EBDA staff has to text or call OLSD operations staff to start and stop the hypo to the wet well. The automatic control of hypo to the OLEPS wet well will help to optimize the addition of hypo and reduce the cost of hypo, sodium bisulfite (SBS), and staff time.

For the new hypo pump, EBDA plans to match the SBS pumps at the Marina Dechlorination Facility (MDF). The City of San Leandro (CSL) also currently uses these pumps to pump hypo into their effluent. Initially, EBDA will install an existing spare pump shared by EBDA and CSL in the new OLEPS system. Once the system is operating and the pump is tested, EBDA plans to purchase and install a new pump and return the spare. A Purchase Order for approximately \$13,000 for the new pump will be brought to the Commission for approval.

Staff plans to use Calcon Systems, Inc. (Calcon), EBDA's instrumentation contractor, to complete the design, installation, and programming for the new OLEPS hypo system. In June 2019, the Commission approved Resolution 19-26 authorizing a three-year contract with Calcon for \$150,000 per year. Calcon provided a quote of \$22,300 to complete this project, and staff proposes to authorize the work under the existing contract.

Exterior Painting

In June, the exterior equipment on the east side of OLEPS was painted. This equipment was included as part of a larger OLSD painting project. The cost to EBDA was \$9,640 and included the OLEPS water system pumps, piping, and screen hoists as well as the wet well valve actuator pedestals.



OLEPS Water System Before Painting



OLEPS Water System After Painting

Effluent Pump No. 1 Right Angle Gear Drive Refurbishment

On July 2, 2020, OLSD maintenance staff completed a refurbishment of the Effluent Pump No. 1 right angle gear drive. The output shaft seal had become hard and brittle and started leaking oil. This refurbishment was complex and required the disassembly of the gear drive from the pump shaft and motor. The gear drive was then moved to the maintenance shop and the seals and gaskets were replaced. The refurbishment was completed in seven working days. Later this year, OLSD maintenance staff will refurbish the Effluent Pump No. 4 right angle gear drive.



OLEPS No. 1 Effluent Pump Right Angle Gear Drive & Motor

San Leandro Effluent Pump Station (SLEPS)

Transfer Agreement

The Transfer Agreement for San Leandro Effluent Pump Station and San Leandro Pipeline approved by the Commission in June was executed and went into effect on July 1, 2020. SLEPS is now under the management of City of San Leandro (CSL) staff, and EBDA staff will continue to work collaboratively with them to ensure that ongoing projects are completed and the transition goes smoothly.

Emergency Generator Repair

CSL staff is now coordinating the generator repair per the transfer of the pump station. The Sunbelt Rentals portable generator is still connected to the pump station in the interim, and CSL took responsibility for the rental as of July 1, 2020.

Skywest Pump Station

Recycled Water Production

During the month of June 2020, the Skywest Recycled Water System produced 2.0 million gallons of recycled water.

Recycled Water Pipeline Leak

An insurance claim was filed for reimbursement of the costs associated with the Skywest recycled water pipeline leak and the embankment repair. EBDA and OLSD are in the process of providing additional information requested by the claim's adjuster.

Marina Dechlorination Facility (MDF)

Recently, one of the two sample pumps in the meter vault at MDF failed and was replaced by CSL maintenance staff. These pumps pump the dechlorinated sample from the meter vault near the shore back to MDF. A second pump was ordered and placed in stock as a spare.

Force Main

Transport System Repair Coupling & Seals

Following approval by the Commission in May 2020, EBDA purchased three WEKO-Seals (14.5" wide) and one EPDM Sleeve (48" wide) for each of the different force main sizes: 48-inch, 60-inch and 96-inch. This stockpile of parts will allow EBDA to repair several different combinations of leaks or failures. On June 22, 2020, the seals and sleeves were delivered to OLEPS. The next day, the 48-Inch seals and sleeve were delivered to CSL. The 96-Inch seals and sleeve will be stored at OLEPS, and the storage location of the 60-Inch seals and sleeve will be discussed at the July MAC meeting.

Operations Center

EBDA Office Dry Rot Repair & Window Replacement

On June 12, 2020, the window installer returned to repair the top portion of the window in the General Manager's office. This window was replaced a long time ago, and at that time, some of the weather stripping was missing and replaced with caulk. The caulk was in poor condition, and this repair will ensure that the window is watertight.

The contractor that is repairing the dry rot ordered the flashing for under the windows in the General Manager's and O&M Manager's offices. The contractor removed the rotted window sills and is in the process of fabricating new sills and repairing the rotted subfloor.

Miscellaneous Items

Underground Service Alerts

EBDA received thirty-one (31) Underground Service Alert (USA) tickets during the month of June 2020. Three required field verification.

COVID-19 Response

Authority staff is continuing to implement the Pandemic Response Plan, which includes staff working from home and alternating time in the office to ensure social distancing. Signage regarding closure of the office to the public and the Authority's social distancing measures has been posted on the office door. All meetings are being conducted by phone and web conference until further notice.

Staff is also continuing to track research efforts utilizing data on the prevalence of SARS-CoV-2 virus in wastewater to identify and anticipate COVID-19 community trends, termed wastewater-based epidemiology. Researchers at UC Berkeley, in collaboration with researchers at other universities, are working to scale up lab capabilities and standardize testing methods with a goal of processing 100 samples per day starting in September. They are pursuing foundation grant funding and envision a program that would roll out Bay Area-wide as a model for other regions. Local wastewater agencies would be responsible for sampling, but analysis costs would be covered through the program. Working through the Bay Area Clean Water Agencies, EBDA staff will continue to engage with the coalition of researchers, public health officials, and wastewater professionals who are working to create this program.

Special Projects

Advanced Quantitative Precipitation Information (AQPI) Project

The regional AQPI project, to improve prediction of rainfall events in the Bay Area, continues to move forward. The Cooperative Agreement for installation of the X-band radar in the East Bay has been approved by the East Bay agencies, but approval by Sonoma County Water District, the implementing agency, has slowed due to the COVID-19 emergency. Installation of the X-band at Rocky Ridge is still estimated for September.

Planning is also underway on a regional partnership agreement to fund the O&M of the system beyond 2021, when the original Department of Water Resources grant concludes. The attached letter requesting federal funding was submitted to Speaker Pelosi's office in June. A User Group to discuss format and delivery of data for maximum benefit to wastewater agencies is also being formed.



June 18, 2020

The Honorable Nancy Pelosi
Speaker of the U.S. House of Representatives
1236 Longworth House Office Building
Washington, D.C. 20515

Re: SF Bay Area AQPI Local Participating Agencies Committee (LPAC) Request for Appropriations Funding in Fiscal Year 2021

Dear Speaker Pelosi:

On behalf of the organizations who together form the SF Bay Area Advanced Quantitative Precipitation Information (SF Bay Area AQPI) system Local Partner Agency Committee (LPAC), we write to ask for your support for an FY 2021 appropriation of an additional \$2 million in the NOAA Weather Service account for a critical new weather forecasting tool, known as the San Francisco Bay Area Advanced Quantitative Precipitation Information system (SF Bay Area AQPI).

The SF Bay Area AQPI system consists of improved weather radar data for precipitation estimation; additional surface measurements of precipitation, streamflow and soil moisture; and a suite of forecast modeling systems to improve lead time on precipitation and coastal bay inundation from extreme storms—especially high moisture laden atmospheric rivers.

SF Bay Area AQPI is necessary for the success and growth of our region, particularly because current weather forecasting technology does not meet the current need in the face of climate change. Better forecasting is needed for public safety, and advanced warning of storms can minimize economic costs associated with disaster recovery.

When large atmospheric rivers hit California, our current technology does not provide forecasters with the detailed information needed to inform reservoir operations and combined sewer-stormwater systems and to enhance flood protection and emergency preparedness. Standard weather radars, originally designed to look up into Midwest thunderstorms, are often unable to give an accurate picture of what is happening just above the complex landscape of California's coastal mountain ranges, where precipitation can be heaviest.

Accurate and timely precipitation information is critical for making decisions regarding public safety, infrastructure operations, and resource allocations. Improved precipitation monitoring and

prediction in the San Francisco Bay region can enhance public safety through early warning and storm tracking when hazardous weather events come onshore.

We appreciate your ongoing leadership in supporting our region's economy and we thank you for considering our appropriations request which is critical to ensuring our region can remain safe and vigilant and continue to prosper. The list of the SF Bay Area AQPI Local Partner Agencies Committee (LPAC) making this request is below.

SF Bay Area AQPI Local Partner Agency Committee (LPAC)

Alameda County Flood Control & Water Conservation District
Alameda County Water District
Contra Costa County Flood Control & Conservation District
East Bay Dischargers Authority
East Bay Municipal Utility District
San Francisco Public Utilities Commission
Sonoma Water
Valley Water

Sincerely,



John Coleman, CEO
Bay Planning Coalition

ITEM NO. 17 ITEMS FROM THE COMMISSION AND STAFF

The Commission and staff may comment on items of general interest.

ITEM NO. 18 ADJOURNMENT