



EAST BAY DISCHARGERS AUTHORITY  
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*A Joint Powers Public Agency*

NOTICE: Pursuant to the Governor's Executive Orders N-25-20 and N-29-20, the Regulatory Affairs Committee meeting scheduled below will be accessible via Zoom video conferencing. Members of the public may participate in the meeting through the Zoom platform or phone number below.

- Zoom link: <https://us02web.zoom.us/j/88543752541>
- Telephone dial-in: 1(669) 900-6833, meeting ID #885 4375 2541

**ITEM NO. 18**

**REGULATORY AFFAIRS COMMITTEE AGENDA**

**Wednesday, May 19, 2021**

**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 Compliance – See Item OM4**  
(The Committee will review NPDES Permit compliance data.)
- RA5. Reporting Checklist**  
(The Committee will review a checklist of completed regulatory reporting items.)
- RA6. Nutrients Watershed Permit Update**  
(The Committee will discuss the status of negotiations on the third regional nutrients permit.)
- RA7. Adjournment**

Any member of the public may address the Committee at the commencement of the meeting on any matter within the jurisdiction of the Committee. This should not relate to any item on the agenda. Each person addressing the Committee should 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 Committee on any agenda item should do so at the time the item is considered. Oral comments should be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available and are to be completed prior to speaking.

Agenda Explanation  
East Bay Dischargers Authority  
Regulatory Affairs Committee  
May 19, 2021

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 (510) 278-5910 or [juanita@ebda.org](mailto:juanita@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 also posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.

**The next Regulatory Affairs Committee meeting is scheduled on  
Wednesday, July 14, 2021 at 9:00 a.m.**

**ITEM NO. RA5 REPORTING CHECKLIST**

**Recommendation**

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

**Background**

Authority staff maintains a checklist of all regulatory reporting and related tasks to ensure timely and complete reporting.

**Discussion**

The following checklist is extracted from a complete list of routine regulatory activities addressed throughout the year. The following items were completed during the period of January 1 through April 30, 2021; there are no outstanding activities.

<i>Regulatory Authority</i>	<i>Required Action</i>	<i>Occurrence</i>	<i>Date</i>
			<i>Submitted</i>
ADP Business Payroll	Print Payroll Quarter-End Tax Returns (W-2 will be delivered)	Quarterly	1/27/2021
AICo Environmental Health	CUPA HMBP & Inventory Reporting (CERS ID 10188879)	Annual	1/29/2021
Alliant Insurance Services, Inc	Public Official Bond Renewal - HC	Annual	2/23/2021
Alliant Insurance Services, Inc	CSRMA AMVP Auto Physical Damage Insurance Program	Annual	3/26/2021
Alliant Insurance Services, Inc	CSRMA Property Insurance Program - Program Non-Renewed	Annual	4/16/2021
Bureau of Automotive Repairs	Annual reporting transmittal (ART) 2008 Ford Ranger	Annual	3/23/2021
Bureau of Labor Statistics	Report monthly employment figures	Monthly	4/12/2021
City of San Leandro	CUPA HMBP & Inventory Reporting (CERS)	Annual	1/29/2021
City of San Leandro	HazMat Maintenance Inspection - CSL Inspector will contact EBDA	Triennial	4/29/2021
Department of Industrial Relations	Form 300A Posting	Annual	1/14/2021
Division of Occupational Safety & Health	Crane Inspection/Certification	Annual	1/22/2021
Fair Political Practices Commission	Statement of Economic Interests, Form 700 filing with Alameda County	Annual	3/28/2021
Internal Revenue Service	Distribute W-2 forms to employees	Annual	1/19/2021
Internal Revenue Service	Distribute <i>Form 1099-MISC</i> to vendors/contractors	Annual	1/29/2021
Internal Revenue Service	File Form 1096 w/1099 forms to IRS	Annual	1/29/2021
Regional Monitoring Program % SFEI	Partipant Fee Quarterly Installment (See: annual invoice)	Quarterly	1/29/2021
Regional Monitoring Program % SFEI	Partipant Fee Quarterly Installment (See: annual invoice)	Quarterly	3/31/2021
Regional Water Quality Control Board	Recycled Water monthly reports	Monthly	4/29/2021
State Compensation Insurance Fund	Payroll Report, Semi-Annual Jul 01 - Jan 01	Semi-Annual	1/7/2021
State Controller	Special Districts Financial Transactions Report (FTR)	Annual	1/28/2021
State Controller	Government Compensation in CA Report (GCC)	Annual	3/24/2021
State Water Resources Control Board	NPDES Annual Report	Annual	1/27/2021
State Water Resources Control Board	NPDES Quarterly Report (Oct-Dec)	Quarterly	1/30/2021
State Water Resources Control Board	Grade III Operator Certification Renewal - HC	Triennial	4/15/2021
State Water Resources Control Board	Influent and Recycled Water Volumetric Reporting	Annual	4/28/2021
State Water Resources Control Board	NPDES monthly reports	Monthly	4/30/2021
State Water Resources Control Board	NPDES Quarterly Report (Jan-Mar)	Quarterly	4/30/2021

## ITEM NO. RA6 NUTRIENTS WATERSHED PERMIT UPDATE

### 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, which 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.
- 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 through water recycling.
- Inclusion of load targets for 2024.
- Recognition of agencies implementing early action projects that will reduce nutrient loads during this permit term, which includes Oro Loma and Hayward.

This report contains an update on discussions regarding the next Watershed Permit.

### Discussion

In preparation for negotiation of the next Watershed Permit, BACWA has reconstituted its Nutrient Strategy Team, made up of representatives from wastewater plants around the Bay. The focus of current efforts is developing key tenets that BACWA will present to Water Board staff to advance negotiations on the next permit.

The current Watershed Permit states the following:

***Based on the most up-to-date scientific findings, the Regional Water Board will consider establishing effluent limitations when reissuing this Order in 2024 to prevent further increases in nutrient loads from municipal wastewater treatment plants...As a precursor to potential effluent limitations, this Fact Sheet includes estimates of nutrient load targets that major Dischargers***

*may be expected to meet by 2024 based on their current nutrient discharge performance and future population growth. The load targets are intended to forecast nutrient discharge performance in 2024 and to alert Dischargers of potential future effluent limitations so that they can implement necessary early actions to reduce nutrients in their current or future facility planning efforts.*

At the core of BACWA's internal discussions is how load caps might be implemented. As a first step, BACWA conducted a survey of members regarding the status of their nutrient reduction projects and planning. The survey showed that ten treatment plants have projects completed or currently in progress, including all of EBDA's Member Agencies. These projects will remove around 5000 kg/day of total inorganic nitrogen (TIN), which is about 10% of current loads to the Bay. This data provides a basis for projecting future compliance with load targets.

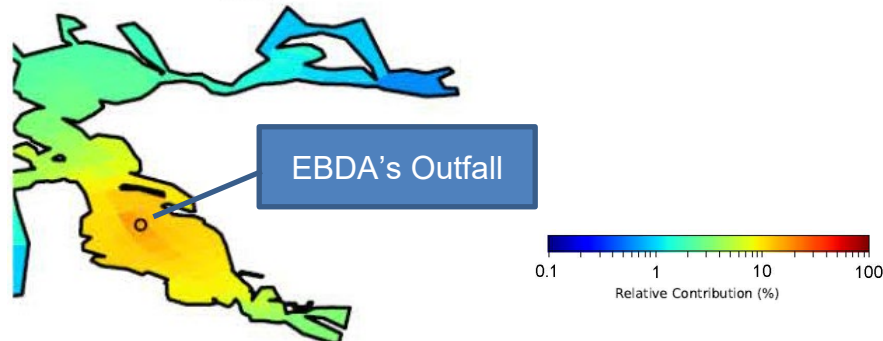
As a next step, BACWA has engaged engineering consultant HDR to evaluate the impact of different compliance approaches and calculation schemes. Load caps could be implemented with different time-scales, averaging periods and statistical methods, triggers, and agency groupings. HDR will complete an evaluation of historic data to look at which compliance frameworks are most favorable to the agencies, given historic trends and data variability.

HDR will also evaluate the impacts of different subembayment groupings. Historically, the Bay has been divided into subembayments for the purposes of study and regulation, as shown below:



These boundaries, however, were based on bridges and not on actual watershed characteristics. Recent modeling has shown that the subembayments do not function as bathtubs, and the loads from each wastewater plant have varying impacts across the

wider Bay. EBDA's zone of influence is shown in the graphic below.



HDR's analysis will therefore also be looking at the advantages and disadvantages of different agency groupings, including two or four subembayments, or one Bay-wide load cap. These groupings also set up the potential for a future water quality trading program.

BACWA is also reviewing ways to ensure that projects like codigestion of organic wastes, that assist the state in meeting climate goals, are not disincentivized through this permit. Also under discussion are ways to incentivize multi-benefit projects such as water recycling and nature-based solutions (e.g., treatment wetlands and horizontal levees).

BACWA's Nutrient Strategy Team is also grappling with how to continue to incentivize and reward early actors, including EBDA's members, who are moving nutrient reduction projects forward in advance of permit limits. Options under discussion include:

- Assurance in the permit Fact Sheet that the early acting agency will not be prioritized for further nutrient reductions until other agencies have also completed upgrades
- Establishment of a nutrient credit trading program
- Different, less robust response required for reaching a trigger (or no trigger required)
- Funding assistance

Following these analyses and discussions, BACWA will put forward a key tenets document that lays out a favorable yet statistically and scientifically-based vision for the third Watershed Permit. In addition to methodologies for implementing load caps and incentives, the key tenets will also likely address the agencies' contribution to the science program over the next permit term.

Though the current Watershed Permit expires in 2024, the Water Board has expressed intent to extend it to allow the science program to progress a bit further. Therefore, the third Watershed Permit will likely take effect in 2025 or later.