



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

A Joint Powers Public Agency

NOTICE: Pursuant to the Governor's Executive Orders N-25-20 and N-29-20, the Commission 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/85293485602>
- Telephone dial-in: 1(669) 900-6833, meeting ID #852 9348 5602

COMMISSION MEETING AGENDA

Thursday, July 15, 2021

9:30 A.M.

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

1. Call to Order
2. ~~Pledge of Allegiance~~ (Deferred Due to Remote Meeting)
3. Roll Call
4. Public Forum

CONSENT CALENDAR

- | | |
|--------|--|
| MOTION | 5. Commission Meeting Minutes of June 17, 2021 |
| | 6. List of Disbursements for June 2021 – See Item FM4 |
| | 7. Preliminary Treasurer's Report for June 2021 – 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. Presentation on Nature-based Solutions
(The Commission will receive a presentation by Angela Stiegler of U.C. Berkeley, Consultant Ian Wren, and the General Manager on Nature-based Solutions studies underway at Member Agencies' sites.) |
| INFORMATION | 11. Report from the Regulatory Affairs Committee
(The General Manager will report on the meeting.) |

- MOTION 12. Motion Authorizing the General Manager to Execute the Restated and Amended Memorandum of Agreement Between the San Francisco Bay Restoration Authority, Funding Entity/Entities, and the United States Army Corps of Engineers, San Francisco District – See Item RA7**
(The Commission will consider the motion.)
- INFORMATION 13. Report from the Financial Management Committee**
(The General Manager will report on the meeting.)
- MOTION 14. Motion Authorizing the General Manager to Make an Additional Discretionary Payment of \$65,861 to Reduce the Unfunded Accrued Liability of the Authority's Pension Plan – See Item FM8**
(The Commission will consider the motion.)
- INFORMATION 15. Report from the Operations & Maintenance Committee**
(The Operations & Maintenance and General Managers will report on the meeting.)
- MOTION 16. Motion Authorizing the General Manager to Execute a Professional Services Agreement with Beecher Engineering, Inc. in the Amount of \$75,000 for Electrical Engineering Services in Fiscal Years 2021/2022, 2022/2023, and 2023/2024 – See Item OM6**
The Commission will consider the motion.)
- MOTION 17. Motion Authorizing the General Manager to Execute a Professional Services Agreement with Currie Engineers, Inc. in the Amount of \$75,000 for Project and Construction Management Services in Fiscal Years 2021/2022, 2022/2023, and 2023/2024 – See Item OM7**
(The Commission will consider the motion.)
- INFORMATION 18. Bruce Wolfe Memorial**
(The Commission will discuss options for a memorial to the former Regional Water Board Executive Officer.)
- INFORMATION 19. Items from the Commission and Staff**
(The Commission and staff may address items of general interest.)
- 20. 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 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.

Agenda Explanation
East Bay Dischargers Authority
Commission Agenda
July 15, 2021

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, September 23, 2021 at 9:30 a.m.**

GLOSSARY OF ACRONYMS

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

GLOSSARY OF ACRONYMS

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

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 17, 2021

Item No. 6 List of Disbursements for June 2021 – See Item FM4

Item No. 7 Preliminary Treasurer's Report for June 2021 – See Item FM5

Recommendation

Approve Consent Calendar

ITEM NO. 5 COMMISSION MEETING MINUTES OF JUNE 17, 2021

1. Call to Order

Chair Johnson called the telephonic meeting to order pursuant to the Governor's Executive Order N-25-20 at 9:35 A.M. on Thursday, June 17, 2021. Dial-in information for the meeting was provided in the agenda for public attendees.

2. Pledge of Allegiance – Deferred

3. Roll Call

Present:	Jennifer Toy	Union Sanitary District
	Rita Duncan	Oro Loma Sanitary District
	Pauline Russo Cutter	City of San Leandro
	Sara Lamnin	City of Hayward
	Ralph Johnson	Castro Valley Sanitary District

Absent: None

Attendees:	Jacqueline Zipkin	East Bay Dischargers Authority
	Howard Cin	East Bay Dischargers Authority
	Juanita Villaseñor	East Bay Dischargers Authority
	Alex Mog	Legal Counsel
	Anjali Lathi	Union Sanitary District
	Paul Eldredge	Union Sanitary District
	Justin Jenson	City of San Leandro
	Balraj Hehar	City of San Leandro
	Angela Andrews	City of Hayward
	Alex Ameri	City of Hayward
	David Donovan	City of Hayward
	Roland Williams	Castro Valley Sanitary District

4. Public Forum

No members of the public requested to address the Commission.

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

5. Commission Meeting Minutes of May 20, 2021

6. List of Disbursements for May 2021

7. Treasurer's Report for May 2021

Commissioner Cutter moved to approve the consent calendar. The motion was seconded by Commissioner Duncan and carried unanimously 5-0, by roll call vote.

Ayes:	Commissioners Toy, Duncan, Cutter, Lamnin, Chair Johnson
Noes:	None
Absent:	None
Abstain:	None

REGULAR CALENDAR

8. General Manager's Report

The General Manager (GM) provided an update on the Bruce Wolfe memorial options. The GM mentioned a SF Chronicle series regarding sea level rise that will include a story on the Hayward Shoreline. At the July Commission Meeting, Angela Stiegler will give a presentation on the Oro Loma Horizontal Levee project. The Regional Water Board adopted a basin plan amendment removing the requirement to maintain 0.0 mg/L chlorine residual. Regional Water Board staff is currently in the process of developing a blanket NPDES permit amendment to implement this change. When adopted, this will greatly reduce EBDA's SBS dosing. Lastly, the General Manager thanked Commissioner Lamnin for her contributions to the EBDA Commission.

9. Report from the Managers Advisory Committee (MAC)

The GM provided updates on the draft Reserve Policy and the biosolids management discussion.

10. Report from the Financial Management Committee

The GM reported on the Financial Management Committee, which met on June 15, 2021, noting that the Treasurer's Report no longer includes CD data. EBDA has redeemed the last of its ladder CD's, and given the current investment climate there is no intention to invest in CDs at this time. The Committee reviewed the proposed agreements with Meyers Nave and Cropper Accountancy and recommended approval.

11. Motion Authorizing the General Manager to Execute Amendment No. 9 to the Fee Contract By and Between East Bay Dischargers Authority and Meyers Nave, a Professional Corporation

Commissioner Cutter moved to approve the item. The motion was seconded by Commissioner Lamnin and carried unanimously 5-0, by roll call vote.

Ayes: Commissioners Toy, Duncan, Cutter, Lamnin, Chair Johnson
Noes: None
Absent: None
Abstain: None

12. Motion Authorizing the General Manager to Execute an Agreement with Cropper Accountancy Corporation for Financial Audit Services in the Amount of \$36,750

Commissioner Toy moved to approve the item. The motion was seconded by Commissioner Cutter and carried unanimously 5-0, by roll call vote.

Ayes: Commissioners Toy, Duncan, Cutter, Lamnin, Chair Johnson
Noes: None
Absent: None
Abstain: None

13. Report from the Operations and Maintenance Committee

The O&M Manager reported on the Operations and Maintenance Committee, which met on June 15, 2021, and discussed the status of EBDA facilities. The O&M Manager reviewed NPDES compliance data and provided an overview of current projects. The scheduled shutdown for the OLEPS Electrical System Upgrade successfully took place on June 3. Balraj Hehar was congratulated on his upcoming retirement from the City of San Leandro and thanked for his dedication to the EBDA force main. The Committee reviewed the Renewal and Replacement Fund project list for FY 2021/2022 and the proposed purchase order for Univar and recommended approval. Additionally, the Committee reviewed the Ascent Environmental agreement and recommended approval.

14. Motion to Approve the Renewal and Replacement Fund Project List for Fiscal Year 2021/2022

Commissioner Cutter moved to approve the item. The motion was seconded by Commissioner Toy and carried unanimously 5-0, by roll call vote.

Ayes: Commissioners Toy, Duncan, Cutter, Lamnin, Chair Johnson
Noes: None
Absent: None
Abstain: None

15. Motion Authorizing the General Manager to Issue a Purchase Order to Univar Solutions USA, Inc. for Sodium Bisulfite 25% Solution for Fiscal Year 2021/2022 in the Amount of \$235,000

Commissioner Duncan moved to approve the item. The motion was seconded by Commissioner Cutter and carried unanimously 5-0, by roll call vote.

Ayes: Commissioners Toy, Duncan, Cutter, Lamnin, Chair Johnson
Noes: None
Absent: None
Abstain: None

16. Motion Authorizing the General Manager to Execute an Agreement with Ascent Environmental for CEQA Consulting Services for the Cargill Mixed Sea Salt Brine Discharge Project in the Amount of \$54,540

Commissioner Lamnin moved to approve the item. The motion was seconded by Commissioner Toy and carried unanimously 5-0, by roll call vote.

Ayes: Commissioners Toy, Duncan, Cutter, Lamnin, Chair Johnson
Noes: None
Absent: None
Abstain: None

17. Report from the Personnel Committee

The GM reported on the Personnel Committee, which met on June 14, 2021, and provided

an update on the Administrative Support Specialist recruitment. The GM advised that USD reappointed Jennifer Toy to the EBDA Commission for the next fiscal year. Staff provided an updated schedule, reflecting proposed Committee assignments.

18. Motion to Accept Fiscal Year 2021/2022 Committee Appointments and Schedule

Commissioner Cutter moved to approve the item. The motion was seconded by Commissioner Lamnin and carried unanimously 5-0, by roll call vote.

Ayes: Commissioners Toy, Duncan, Cutter, Lamnin, Chair Johnson
Noes: None
Absent: None
Abstain: None

19. Motion to Approve Fiscal Year 2021/2022 Commission Chairperson and Vice Chairperson

Commissioner Cutter moved to approve the item, with Commissioner Cutter as Chair and incoming Commissioner Andrews as Vice Chair. The motion was seconded by Commissioner Toy and carried unanimously 5-0, by roll call vote.

Ayes: Commissioners Toy, Duncan, Cutter, Lamnin, Chair Johnson
Noes: None
Absent: None
Abstain: None

20. Items from Commission and Staff

Commissioner Lamnin expressed her thanks to the Commission and staff and welcomed Angela Andrews as Hayward's incoming Commissioner.

Chair Johnson thanked Balraj Hehar and wished him well in retirement. He also wished Eric Casher and Pauline Cutter the best with their health. Lastly, Chair Johnson welcomed incoming Commissioner Angela Andrews.

21. Adjournment

Chair Johnson adjourned the meeting at 10:34 A.M.

ITEM NO. 8 GENERAL MANAGER'S REPORT

The General Manager will discuss items of interest to EBDA.

ITEM NO. 9 REPORT FROM THE MANAGERS ADVISORY COMMITTEE

**MANAGERS ADVISORY COMMITTEE
AGENDA**

Thursday, July 8, 2021

1:30 P.M.

Via Zoom

- 1. Presentation by M. Connor on Nutrients Science Program**
- 2. Brine Project Updates and Discussion**
- 3. EBDA Commission Package**
 - Regulatory
 - Finance
 - O&M
- 4. COVID Response and Recovery**
- 5. EBDA Managers Information Sharing**

PAGE INTENTIONALLY LEFT BLANK



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

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/86260440932>
- Telephone dial-in: 1(669) 900-6833, meeting ID #862 6044 0932

ITEM NO. 11

REGULATORY AFFAIRS COMMITTEE AGENDA

Monday, July 12, 2021

8:30 A.M.

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

Committee Members: Cutter (Chair); Johnson

- 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. PFAS Update**
(The Committee will receive an update on the regional study of per- and polyfluoroalkyl substances.)
- RA6. Update on Nature-based Solutions Projects**
(The Committee will receive an update summarizing developments on wetland and horizontal levee projects.)
- RA7. Motion Authorizing the General Manager to Execute the Restated and Amended Memorandum of Agreement between the San Francisco Bay Restoration Authority, Funding Entity/Entities, and the United States Army Corps of Engineers, San Francisco District**
(The Committee will consider the motion.)
- RA8. Adjournment**

Agenda Explanation
East Bay Dischargers Authority
Regulatory Affairs Committee
July 12, 2021

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.

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. 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>.

<p>The next Regulatory Affairs Committee meeting is scheduled on Monday, September 20, 2021 at 8:30 a.m.</p>

ITEM NO. RA5 PFAS UPDATE

Recommendation

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

Background

Per- and polyfluoroalkyl substances made substances (PFAS) are a large group of human-made substances that are very resistant to heat, water, and oil. PFAS have been used extensively in surface coating and protectant formulations; common PFAS-containing products are non-stick cookware, cardboard/paper food packaging, water-resistant clothing, carpets, and fire-fighting foam. All PFAS are persistent in the environment, can accumulate within the human body, and have demonstrated toxicity at relatively low concentrations. PFOA and PFOS, two of the PFAS compounds, were found in the blood of nearly all people tested in several national surveys.

Regulatory efforts to address PFAS have focused on drinking water in order to minimize human ingestion of these chemicals. In Aug 2019, California's Division of Drinking Water (DDW) lowered the drinking water notification levels (NLs) to 6.5 ng/L for PFOS and 5.1 ng/L for PFOA (lowest detection possible at the time). In Feb 2020, DDW also lowered the response levels (RLs) to 10 ng/L for PFOA and 40 ng/L for PFOS. Under AB756 (July 2019), DDW can order public water systems to monitor PFAS, consumers must be notified if NLs/RLs are exceeded, and water sources must be removed from service or blended/ treated if RLs are exceeded (if possible). DDW has requested that public health goals (PHGs) be developed for both PFOA and PFOS, the next step in establishing drinking water maximum contaminant levels (MCLs).

Regulators have also expressed concern about land applied biosolids, including migration of the chemicals into drinking water aquifers and uptake into food.

Discussion

In July 2020, the State Water Resources Control Board issued an investigative order requiring all wastewater treatment plants (WWTPs) to monitor for PFAS in influent, effluent, and biosolids quarterly for one year. The San Francisco Bay Region was exempted from that order in favor of conducting a regional study through the Regional Monitoring Program. In Phase 1 of the study, influent, effluent, and biosolids samples were analyzed at a select number of Bay Area WWTPs, which included Dublin San Ramon Services District, Union Sanitary District, and EBDA's combined outfall. Preliminary results have been provided to study participants, and a call to discuss the results and preliminary conclusions is scheduled for July 13, 2021. Based on the results, San Francisco Estuary Institute (SFEI), which is leading the study in collaboration with the Bay Area Clean Water Agencies (BACWA), will recommend a study plan for Phase 2, which is expected to commence this Fall. In the interim, BACWA will also be working on a set of talking points for wastewater managers and public information professionals to put PFAS results in context and explain the findings in layman's terms.

In parallel, studies are ongoing nationally to investigate PFAS fate and transport in WWTPs, methods for PFAS treatment/destruction, and the potential impacts of PFAS from biosolids land application. A recent [study](#) conducted by University of Arizona investigated the impact of long-term land application of Class B biosolids on PFAS presence in soils. The study was initiated after Pima County (Tucson) had placed a moratorium on land application in January 2020. The study found that even after decades of land application, the concentration and accumulation of PFAS in soils receiving the biosolids was comparatively low, and significant attenuation of PFAS occurred near the soil surface. These results suggest that the potential for groundwater contamination is relatively small. Following this study, the County has now lifted the moratorium, and land application has recommenced.

ITEM NO. RA6 UPDATE ON NATURE-BASED SOLUTIONS PROJECTS

Recommendation

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

Background

Wetlands, horizontal levees, and other "Nature-based Solutions" (NBS) have the potential to provide multiple benefits including water quality improvement through reduction of nutrients and contaminants of emerging concern, creation or restoration of habitat, and protection from sea level rise.

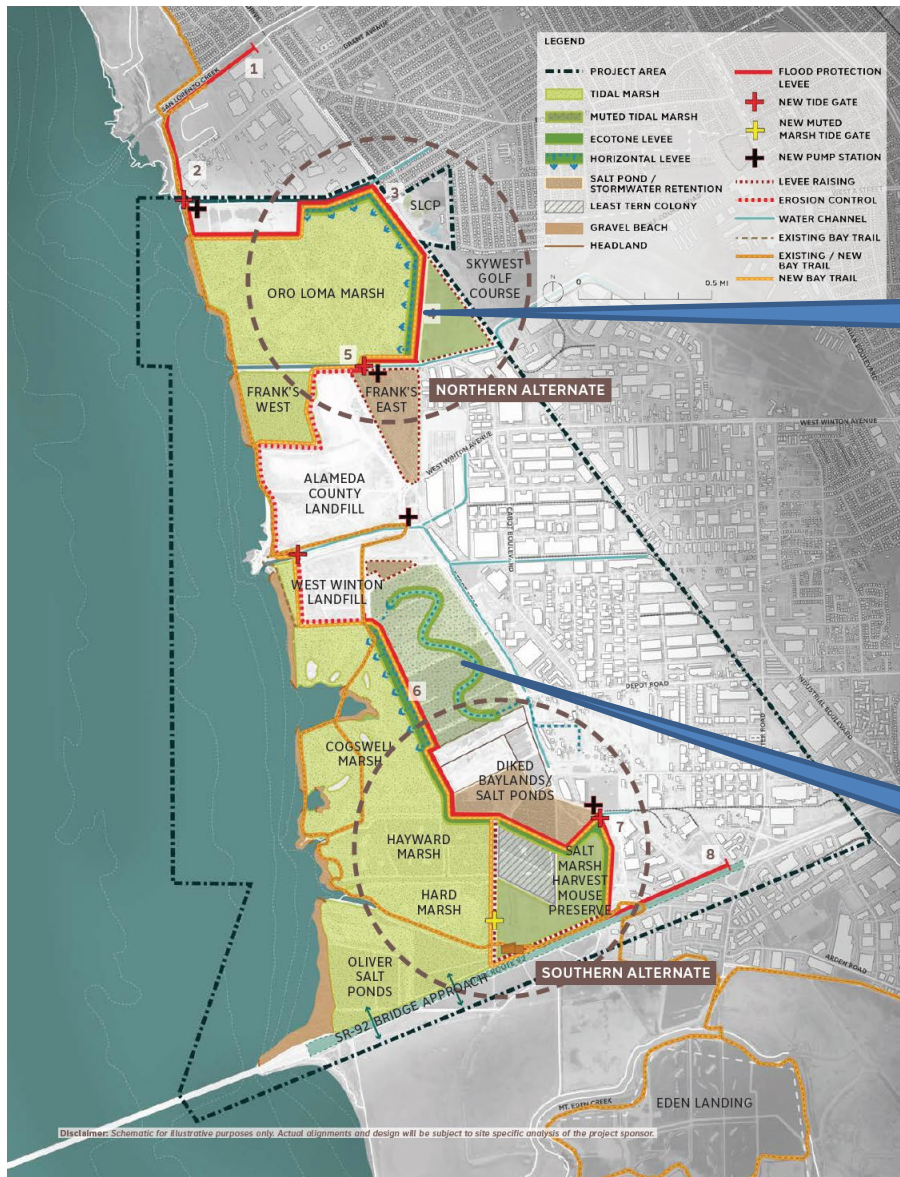
Discussion

At the July 2021 Commission meeting, the Commission will receive a presentation providing status updates on the projects described below.

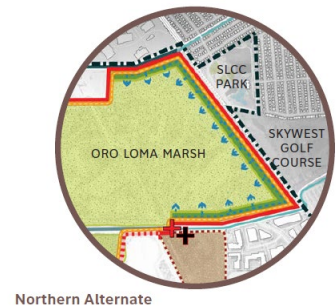
HASPA Shoreline Master Plan

The Hayward Area Shoreline Planning Agency (HASPA) recently completed a [Shoreline Master Plan](#) for the area between Highway 92 and Bockman Canal. EBDA staff worked closely with the HASPA team, and the preferred alternative includes projects planned as part of the Transforming Shorelines project described in the next section. Specifically, the Master Plan includes a horizontal levee south of Bockman Canal consistent with the First Mile project, as well as nature-based features at the oxidation ponds in Hayward (see figure below). The HASPA process provided a helpful head start for these two projects, as the HASPA team has consulted with key stakeholders, including staff from multiple regulatory agencies, to inform the proposed solutions. An interactive article on the Hayward Shoreline was featured in the San Francisco Chronicle on July 2 as part of a four-part series on sea level rise planning around the Bay:

<https://www.sfchronicle.com/projects/2021/san-francisco-bay-area-sea-level-rise-2021/hayward>



First Mile Horizontal
Levee



Northern Alternate

Hayward NBS

Staff is continuing to coordinate with HASPA and its members, City of Hayward, East Bay Regional Park District (EBRPD), and Hayward Area Recreation District (HARD) as implementation of projects identified in the Master Plan proceed. To facilitate implementation, HASPA is looking to expand its membership to other key shoreline stakeholders. In the near-term, formal invitations of membership are expected to be issued to Oro Loma Sanitary District, Alameda County Flood Control and Water Conservation District, and EBDA. EBDA and the other two agencies will be invited to become parties to the HASPA JPA, which will be renegotiated pending its upcoming expiration. The goal is to have a new, expanded JPA in place by July 2022. Representatives from HASPA will present additional details of their proposal to the EBDA Commission with in September 2021.

Transforming Shorelines

The Transforming Shorelines Project, led by San Francisco Estuary Partnership (SFEP) under a grant from EPA, contains a number of components aimed at advancing NBS at wastewater treatment plants (WWTPs). Elements include:

- Establishment and ongoing meetings of the Transforming Shorelines Collaborative, a stakeholder group that will collaborate on challenges and opportunities associated with NBS projects around the Bay, including San Leandro, Hayward, Oro Loma, and others
- Development of a toolkit for NBS at WWTPs
- Continued UC Berkeley research at the Oro Loma Horizontal Levee demonstration project, including study of reverse osmosis (RO) concentrate treatment
- Support for the treatment wetland pilot project at the San Leandro WWTP
- A feasibility study for NBS at the Hayward Ponds
- Design and environmental permitting of the EBDA First Mile horizontal levee project at the Oro Loma Marsh

Status of key projects is as follows:

San Leandro Treatment Wetland

In 2018, San Leandro was a recipient of a \$540k Measure AA grant to develop, design and permit a treatment wetland at an underutilized emergency detention pond. The 6.9-acre pond was originally constructed in the early-1970s and used intermittently over the years for oxidation, sludge storage, and emergency wet weather storage. This project aims to demonstrate a novel strategy for integrating elements of the horizontal levee concept piloted at Oro Loma and shallow open water treatment areas known as unit-cell open water treatment wetlands. The project is currently in the 60% design phase, led by Terraphase, and the City anticipates completing the 100% design and CEQA by early 2022. Designation of a new permanent outfall requires an individual NPDES permit for San Leandro, the application for which is under review by the Regional Water Board and is scheduled for review by the public and Regional Water Board in Spring 2022. In addition, the U.S. Army Corps of Engineers (USACE) has approved San Leandro's Jurisdictional Delineation, and consultation with other resource agencies is ongoing without any major issues.

First Mile Horizontal Levee

In December 2020, the Commission approved a contract with ESA to perform engineering and environmental design services for the two Transforming Shorelines projects that EBDA is leading – the First Mile Project and the Hayward NBS Feasibility Study. All consultant costs are reimbursed through the grant.

ESA has been hard at work gathering data and information to support the First Mile

project, the goal of which is to develop a preliminary design for a horizontal levee project similar to the Oro Loma demonstration, which would be located at the Oro Loma Marsh south of Bockman Canal. Issues that ESA and EBDA staff have been working on, along with EBRPD and SFEP, include land ownership, ongoing obligations in areas previously rehabilitated as mitigation, current and historic habitat, and management of stormwater. This summer, ESA expects to develop several alternative design options.

In the Fall of 2021, the team is planning to bring the design options to the Bay Restoration Regulatory Integration Team ([BRRIT](#)) for pre-application feedback. The BRRIT was established under Measure AA to facilitate coordination among regulatory agencies and streamline the permitting of restoration projects around the Bay. The BRRIT includes dedicated staff representing the following agencies:

- U.S. Army Corps of Engineers (USACE)
- U.S. Fish and Wildlife Service
- NOAA National Marine Fisheries Service
- San Francisco Bay Regional Water Quality Control Board
- California Department of Fish and Wildlife
- San Francisco Bay Conservation and Development Commission

In order to take a project to the BRRIT for permitting, project proponents are required to sign a Memorandum of Agreement (MOA) with the USACE, which provides staff to the BRRIT. A motion to approve the MOA will be considered under Item No. RA7.

Hayward NBS Feasibility Study

The ESA team has also been working on development of concepts for NBS at the Hayward Oxidation Ponds. The goal is to develop a combination of treatment wetlands and horizontal levee that offers protection from sea level rise, reduces nutrients in Hayward's effluent, and allows for continued use of the ponds for wet weather storage. The treatment and storage goals are compatible because under the Nutrients Watershed Permit, the expectation is that only dry season nitrogen loads will be regulated, whereas wet weather storage is needed in the winter.

ESA expects to deliver a memo summarizing project goals, data collected, and preliminary design concepts the week of July 6, 2021, and a call is planned with Hayward staff to review and discuss the following week. EBDA staff and ESA expect to convene an outside Expert Panel to vet the concepts in August.

BACWA Study of Nature-based Solutions for Nutrient Management

As part of the current Nutrients Watershed Permit, which became effective on July 1, 2019, the wastewater agencies around the Bay committed to spending \$500k through BACWA to evaluate opportunities for using NBS to reduce nutrient loads to the Bay while achieving the other benefits related to habitat and climate resilience. This study is intended to be a companion to the regional study of the cost of nutrient reduction through

conventional treatment technology funded by BACWA and developed by HDR under the last permit term. Under the current permit, BACWA is also funding a regional summary of nutrient reductions through water recycling, to complete the menu of options.

BACWA engaged San Francisco Estuary Institute (SFEI) and consultant Ian Wren to implement the Regional Evaluation of Potential Nutrient Discharge Reduction by Natural Systems. To date, a [Scoping and Evaluation Plan](#) for the project was submitted, and a draft Opportunities and Constraints Report has been developed. This report includes a GIS-based evaluation of areas where nature-based solutions may be suitable for achieving multi-benefit solutions for WWTPs and surrounding areas, including nutrient load management, sea level rise adaptation, and habitat enhancement. The project is entering the site-specific evaluation phase, where individual WWTPs are consulted to narrow the opportunities and constraints and develop conceptual alternatives for ~12 facilities. The project will conclude with the development of planning-level designs and cost estimates for preferred alternatives at 3-5 Bay Area WWTPs.

ITEM NO. RA7 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE THE RESTATED AND AMENDED MEMORANDUM OF AGREEMENT BETWEEN THE SAN FRANCISCO BAY RESTORATION AUTHORITY, FUNDING ENTITY/ENTITIES, AND THE UNITED STATES ARMY CORPS OF ENGINEERS, SAN FRANCISCO DISTRICT

Recommendation

Approve a motion authorizing the General Manager to execute the MOA as a Funding Entity.

Background

As discussed under Item No. RA6, the Bay Restoration Regulatory Integration Team ([BRRIT](#)) is an innovative approach designed to streamline and accelerate permitting of restoration projects around the Bay. Staff from multiple regulatory agencies work collaboratively with each other and with project proponents to identify information needs and potential regulatory issues prior to submittal of permit applications, and to improve permit processing timelines.

EBDA was notified on June 29, 2021 that the First Mile Horizontal Levee Project has been added to the BRRIT's priority project list, allowing pre-application consultation to move forward.

Discussion

To take advantage of the BRRIT's services, permit applicants, including EBDA for the First Mile Project, are asked to sign onto a Memorandum of Agreement (MOA) with the U.S. Corps of Engineers (USACE) and the San Francisco Bay Restoration Authority, which oversees Measure AA projects including the BRRIT. Under the MOA, the Restoration Authority provides the funding needed for USACE's staffing of the BRRIT.

USACE entered into the MOA pursuant to Section 214 of the Water Resources Development Act of 2000 (as amended in 2014 and 2016), which allows for USACE to accept funds from public entity permit applicants to expedite the permit review process. Since the Restoration Authority is not a permit applicant, the MOA must also be signed by the public entity permit applicants whose permit applications will be reviewed pursuant to the MOA. Therefore, the Restoration Authority and USACE are requesting that each public entity with a project on the BRRIT's priority project list sign the MOA.

The MOA was first entered into by the Authority and USACE in March 2019 and amended in April 2020 to allow for signature by the permit applicants. In the MOA, which is attached, the permit applicants are referred to as "Funding Entities." The role of the Funding Entities is described in MOA Article I.C., which states:

The Funding Entities enter into this MOA pursuant to their authority to undertake Priority Projects and to accept grant funds from public entities. The Funding

Entities desire for the Authority to enter into this MOA and disburse funds directly to the Corps in lieu of granting funds to the Funding Entities for subsequent disbursement to the Corp pursuant to multiple, separate agreements.

The MOA does not create any obligations, duties, or burdens for EBDA; it simply allows the Restoration Authority to move funds to the USACE to fund the BRRIT on EBDA's behalf. EBDA can withdraw from the Agreement at any time with 10 days notice.



AGREEMENT NUMBER SFB0010-RA009	AM. NO. 1
TAXPAYERS FEDERAL EMPLOYER IDENTIFICATION NO. 62-1642142	

STANDARD AGREEMENT

(RA 3/2018)

THIS AGREEMENT, made and entered into this 10th day of April, 2020 in the State of California, by and between the San Francisco Bay Restoration Authority, a regional public entity, through its duly appointed

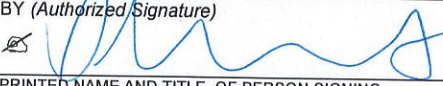
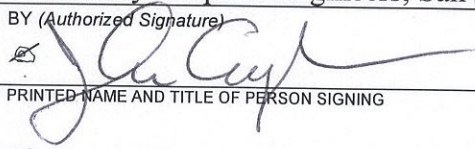
TITLE OF OFFICER ACTING FOR PUBLIC ENTITY Executive Officer	PUBLIC ENTITY San Francisco Bay Restoration Authority	, hereafter called the Authority, and
GRANTEE'S NAME U.S. Army Corps of Engineers, San Francisco District		, hereafter called the Grantee.

The Grantee and the Authority hereby agree as follows:


See attached Restated and Amended Memorandum of Agreement.

(Continued on following pages)

The provisions on the following pages constitute a part of this agreement.
IN WITNESS WHEREOF, this agreement has been executed by the parties hereto, upon the date first above written.

GRANTOR		GRANTEE	
AGENCY San Francisco Bay Restoration Authority		GRANTEE (If other than an individual, state whether a corporation, partnership, etc.) U.S. Army Corps of Engineers, San Francisco District	
BY (Authorized Signature) 		BY (Authorized Signature) 	
PRINTED NAME AND TITLE OF PERSON SIGNING Samuel Schuchat, Executive Officer		PRINTED NAME AND TITLE OF PERSON SIGNING Lieutenant Colonel John D. Cunningham, District Engineer	
ADDRESS & PHONE NUMBER 1515 Clay Street, 10th Floor Oakland, CA 94612		ADDRESS 450 Golden Gate Avenue, 4th Floor, Suite 0134 San Francisco, CA 94102-3406	
	Phone: (510) 286-1015		Phone: (415) 503-6702
AMOUNT ENCUMBERED BY THIS DOCUMENT \$-0-	PROGRAM/CATEGORY (CODE AND TITLE) Measure AA		
PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT \$1,006,102.00	WORK ITEM NUMBER 1768		
TOTAL AMOUNT ENCUMBERED TO DATE \$1,006,102.00	PROJECT NAME Bay Restoration Regulatory Integration Team		

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.

PRINTED NAME AND TITLE OF PERSON SIGNING 	SIGNATURE	DATE
<input type="checkbox"/> GRANTEE <input type="checkbox"/> ACCOUNTING <input type="checkbox"/> PROJECT MANAGER <input checked="" type="checkbox"/> AGREEMENT FILE		

RESTATED AND AMENDED
MEMORANDUM OF AGREEMENT
BETWEEN
THE SAN FRANCISCO BAY RESTORATION AUTHORITY,
FUNDING ENTITY/ENTITIES,
AND
THE UNITED STATES ARMY CORPS OF ENGINEERS,
SAN FRANCISCO DISTRICT

This Memorandum of Agreement ("MOA") is entered into between the San Francisco Bay Restoration Authority (hereinafter "Authority"), Funding Entity/Entities, and the United States Army Corps of Engineers, San Francisco District (hereinafter "Corps"), collectively referred to as the "Parties."

RECITALS

WHEREAS, the United States Army Corps of Engineers has regulatory jurisdiction over certain activities occurring in waters of the United States, including wetlands, pursuant to section 404 of the Clean Water Act of 1972 ("CWA"), as amended, and navigable waters of the United States pursuant to section 10 of the Rivers and Harbors Act of 1899 ("RHA"), as amended; and

WHEREAS, section 214 of the Federal Water Resources Development Act ("WRDA") of 2000, 33 U.S.C § 2352, authorizes the Secretary of the Army, after public notice, to accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit application of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army; and

WHEREAS, the Secretary of the Army has delegated the responsibility of carrying out section 214 of the WRDA 2000, as amended, to the Chief of Engineers and his delegated representatives; and

WHEREAS, the Chief of Engineers, by memorandum dated April 18, 2018, SUBJECT: Redelegation of Authority to Accept and Expend Funds Contributed by Non-Federal Public Entities, Public-Utility Companies, Natural Gas Companies, or Railroad Carriers to Expedite the Evaluation of Department of the Army Permit Applications, has authorized the U.S. Army Corps of Engineers to accept and expend funds contributed by non-Federal public entities subject to certain limitations; and

WHEREAS, California Government Code Sections 66700-66706 establishes the Authority as a non-Federal public entity with authority to grant funds for all phases of eligible projects, which are those projects that restore, protect or enhance tidal wetlands, managed ponds, or natural habitats on the shoreline of San Francisco Bay, which projects may include features that provide public access or flood management; and

WHEREAS, on June 1, 2018, the Authority authorized the disbursement of funds to the Corps for purposes of expediting evaluation of permit applications for projects that are eligible for grants from the Authority; and

WHEREAS, the Authority provides funds to the Corps on behalf of a Funding Entity (collectively "Funding Entities") and each Funding Entity is a non-Federal public entity that is seeking permits for a project eligible for Authority grant funds and that desires for the Authority to disburse funds to the Corps directly in lieu of granting funds to each Funding Entity to subsequently disburse to the Corps pursuant to Section 214 of the WRDA 2000. WHEREAS, the Corps has indicated it is not able, without additional resources, to expedite the evaluation of permit applications for projects that the Authority has designated as eligible for Authority grants ("Priority Projects"); and

WHEREAS, the Corps issued an initial public notice dated September 14, 2018, regarding its intent to accept and expend funds contributed by the Authority; and

WHEREAS, the Corps has determined that expenditures of funds received from the Authority on behalf of Funding Entities to expedite evaluation of permit applications submitted by Funding Entities is appropriate; and

WHEREAS, it is understood and acknowledged by all Parties that the Corps' review of Authority's Priority Project list permit applications will be completely impartial and in accordance with all Federal laws and regulations; and

WHEREAS, this Agreement establishes the responsibilities and operating procedures of the Parties with respect to expedited reviews and other activities covered in this Agreement; and

WHEREAS, this Agreement is intended to: (1) enable the Parties to fully consider, address, and protect environmental resources early in the development of proposed actions; (2) avoid conflicts late in project development through close coordination during early planning and development stages; (3) provide sufficient information to the Corps for timely analysis of project effects and to assist the Priority Project permit applicants in developing appropriate mitigation measures; (4) maximize the effective use of limited Corps' staff resources by focusing attention on projects that would benefit aquatic resources; (5) provide a mechanism for expediting project coordination when necessary and feasible; and (6) provide procedures for resolving disputes in this resource partnering effort; and

WHEREAS, the term of this Agreement is based upon the amount of funding available to the Authority and the Corps and Authority anticipate that if additional funding is made available to the Authority, the Agreement will be amended to extend the term; and

NOW, THEREFORE, the Parties hereby agree as follows:

Article I - PURPOSE AND AUTHORITIES

- A. Pursuant to Section 214 of WRDA 2000, as amended, this MOA is entered into by the Parties for the purpose of establishing a mutual framework governing the respective responsibilities of the Parties for the Corps' acceptance and expenditure of funds contributed by the Authority on behalf of Funding Entities to provide expedited and coordinated permit application evaluation-related services for the Authority's list of Priority Projects requiring Corps' approval pursuant to section 404 of the CWA and section 10 of the RHA. This MOA is not intended as the exclusive means of obtaining review of Priority Projects, it is a vehicle by which Priority Projects will obtain expedited and coordinated permit evaluation related services outside of the ordinary Corps standard review process. Priority Projects are defined as the list of projects identified in accordance with Article IV.A.1.
- B. The Authority enters into this MOA pursuant to its authority to grant funds for all phases of projects that restore, protect or enhance tidal wetlands and other wildlife habitat in and surrounding the San Francisco Bay as set forth in Government Code Sections 66700-66706 and pursuant to the June 1, 2018 authorization to disburse funds to the Corps for Priority Projects.
- C. The Funding Entities enter into this MOA pursuant to their authority to undertake Priority Projects and to accept grant funds from public entities. The Funding Entities desire for the Authority to enter into this MOA and disburse funds directly to the Corps in lieu of granting funds to the Funding Entities for subsequent disbursement to the Corp pursuant to multiple, separate agreements.

Article II - SCOPE OF WORK

- A. The Authority will provide funds to the Corps on behalf of Funding Entities (hereinafter "Authority funds") to provide permit application evaluation-related services as more particularly described in Appendix A. The Corps' regulatory program is funded as a congressionally appropriated line item in the annual Federal Budget. Authority funds will be added to the Corps' regulatory budget in accordance with the provisions of section 214 of WRDA 2000, as amended.
- B. The Funding Entity associated with each project will be the applicant and permittee for the project.
- C. The Corps will provide staffing resources dedicated to the permit evaluation-related services as described in Article II.C below.
- D. The Corps will establish a separate internal financial account to track receipt and expenditure of the funds associated with permit evaluation-related services and review of permit applications for Priority Projects. The Corps will assign one member of regulatory personnel ("Project Manager" or other Authority-funded staff) to work full-time on applications for Priority Projects, and additional Corps personnel to work part-time on the coordination described in this agreement. The Corps assigned staff members will charge time and expenses against the account

when they perform permit evaluation-related services for the Authority. The Corps will focus on the work as prioritized by the Authority.

- E. The Corps will expend Authority funds to defray the costs of regulatory staff (including salary, associated benefits, and overhead and travel expenses) to expedite and coordinate the evaluation of Priority Project permit applications. Staff activities will include, but are not limited to, the following: jurisdictional determinations, project site visits, travel, federal register preparation, public notice preparation and distribution, attendance at public hearings, preparation of correspondence, public interest review, preparation and review of environmental documentation, timeline tracking, and meetings with the Authority and resource agencies.
- F. The Corps will not expend Authority funds for costs associated with the review of the project manager's work by supervisors or other persons of the Corps in the decision-making chain of command. However, if a supervisor is performing staff work and not supervisory oversight, funds may be used.
- G. The Corps will not expend Authority funds to defray the costs of activities related to the Corps' enforcement functions, but *may* use Authority funds to defray costs of activities related to assisting Priority Project permit applicants with permit compliance.
- H. In accordance with the Chief of Engineers' memorandum, dated April 18, 2018, Authority funds may not be used to continue activities under this agreement should a lapse of federal appropriations result in shutdown or furlough for the Corps.
- I. If Authority funds are expended in accordance with this agreement and not replenished, any remaining Priority Project permit applications will be handled like those of any permit applicant.

Article III - INTERAGENCY COMMUNICATIONS

To provide for consistent and effective communication between the Corps and the Authority, each will appoint a Principal Representative to serve as its central point of contact on matters relating to this MOA. Additional representatives may also be appointed to serve as points of contact on specific actions or issues. The Corps and the Authority will issue a letter to the other designating the Principal Representative within fifteen (15) days of MOA execution. The Principal Representative for may be changed upon written notification to the other party.

Article IV - RESPONSIBILITIES OF THE PARTIES

- A. The Authority will provide adequate resources to fund Corps staff for the purpose of permit application-related services set forth below, including timely review of

Priority Projects and other identified activities as set forth in the Scope of Work (Appendix A).

B. To facilitate the Corps' reviews and activities, the Authority will:

1. Provide the Corps with the Priority Projects list. The Priority Projects list will be provided at an initial meeting between the Corps and the Authority. The Authority and the Corps will review the list and revise it on an as-needed basis. Changes to the list will be submitted by the Authority to the Corps in writing and will be effective upon receipt thereof.
2. Provide the Corps with the list of other resource and regulatory agencies that are participating in the coordinated review of Priority Projects, which agencies are referred to as the Bay Restoration Regulatory Integration Team ("BRRIT").
3. Encourage Funding Entity applicants to actively engage Corps personnel in early coordination, consultation, scoping, planning, and development of Priority Projects through various means including, but not limited to, meetings, field visits, conference calls, video teleconferencing, and electronic correspondence.
4. Encourage Funding Entity applicants to provide adequate information regarding projects and other specific activities to initiate permit application evaluation. Information required for the Corps to deem a permit application complete thereby allowing initiation of the permit review process can be found in Corps regulations at 33 C.F.R. §§ 325.1 (d), § 325.3(a), General Condition 31 of the Nationwide Permit Program as published in the Federal Register (82 Fed. Reg. 1,860, dated January 6, 2017), and the Corps' Final Nationwide Permit Regional Conditions for Sacramento, San Francisco, and Los Angeles Districts (effective March 18, 2017). Upon request, Authority shall encourage Funding Entity applicants to provide additional information necessary to complete the application and/or pre-construction notification. If additional information, pursuant to 33 C.F.R. § 325.1(e) is requested by the Corps, Authority shall encourage Funding Entity applicants to provide such additional information necessary to ensure the Corps can effectively accomplish the required review.
5. In consultation with the Corps, establish realistic schedules for the Corps' involvement in Priority Projects. Work closely with the Corps to resolve workload conflicts and adjust priorities and schedules in order to make optimal use of available Regulatory Program staff resources. If overlaps or conflicts occur in the schedules for Priority Projects, the Authority will work with the Corps to resolve such overlaps or schedule conflicts.
6. Request meetings in writing to the Corps by mail or email. Meeting requests must provide sufficient lead-time for scheduling. Such requests must include

an agenda that clearly characterizes the purpose of the meeting and what is expected from the Corps' participation. Written materials attached to the request must contain sufficient information to enable the Corps staff to prepare for and actively participate in the meeting.

7. Inform all applicants for Priority Projects that Department of the Army Engineering Form ENG-4346, or Form ENG-6082, and/or a PCN form or letter containing the same information must be used for permit applications.
 8. Inform all Funding Entity applicants that the lack of active engagement in the expedited permit process and/or failure to provide adequate information requested by the Corps may result in the project's removal from the Authority's Priority Projects List.
- C. The Corps shall supplement or reassign its existing Regulatory Program personnel within projected funding levels provided under this MOA. The Corps shall use the Authority funds to defray the costs of salaries and associated benefits and to reimburse travel expenses. Additionally:
1. The Corps shall provide quarterly status updates on permit applications for Priority Projects and promptly notify the Funding Entity applicants on additional information requests arising from consultations with resources agencies requiring Authority response in order to timely process the project permits. The Corps shall strive to meet the performance metrics provided in Appendix B.
 2. The Corps shall provide the Authority an annual report documenting work conducted under this MOA.
 3. At the conclusion of the services under this MOA, the Corps shall provide a final statement of expenditures for the MOA including a summary report of progress made under this MOA to the Authority. This summary report will be submitted no later than sixty (60) days after the MOA expires or is terminated. The summary report will also identify any recommendations for improving consultation and coordination between the Corps and the Authority. To avoid duplicative reporting, the Corps may use the final statement of expenditures and summary report to meet its quarterly progress reporting requirement for the final quarter of the period covered by this MOA.
 4. The Corps shall meet with staff and management representatives from the Authority on a quarterly or other mutually agreed upon schedule to review commitments, to collaborate on issues, to remedy outstanding concerns, to consider revisions to the provisions of this MOA, and to monitor activities under this MOA.

Article V – TERM OF AGREEMENT

- A. This MOA became effective on March 5, 2019, when it was signed by both the Authority and the Corps. The amendments to the MOA will become effective when this amended and restated MOA is signed by both the Authority and the Corps. The Corps shall not receive payment for work performed prior to the effective date of the MOA and before the start date identified in the Authority's notice to proceed. Work performed pursuant to this MOA shall terminate on March 31, 2022; and this MOA shall expire on June 30, 2022. The Parties may amend this MOA or terminate the MOA prior to the expiration date pursuant to Article XII.
- B. The Authority shall send a notice to proceed to the Corps, which notice shall include a start date for the Corps obligations under this MOA and will include the Priority Projects list for the first six-month funding period.
- C. This MOA will become effective as to each Funding Entity upon signing by the Funding Entity. Signing by a Funding Entity will not affect the rights and obligations of any other Party under the MOA.

Article VI – FUNDING

Within thirty (30) days of receipt of an invoice from the Corps, the Authority shall pay the anticipated FY costs expected to be incurred each year following MOA execution date in one lump sum each year, at the level specified in the Corps' budget estimate, which is included as Appendix C to this MOA and incorporated herein by reference. The total not to exceed budget for three years of work is one million, six thousand one hundred and two dollars (\$1,006,102.00). If the term of this agreement is extended, the total not to exceed budget for five years of work is one million, seven hundred fifty thousand, five hundred sixty-one dollars (\$1,750,561.00). Work is expected to be performed from approximately, March 31, 2019 through March 31, 2022; or if this agreement is extended, work will be performed through March 31, 2024.

- A. The Corps shall submit an invoice for full advance payment of the total annual amount. The invoice shall be provided on Corps letterhead, and include (1) the Corps' name and address, (2) Corps' remittance address, if different, (or electronic transfer information) and (3) total amount.

Invoices shall be submitted by the Corps to:

San Francisco Bay Restoration Authority
1515 Clay Street, Suite 1000
Oakland, California 94612-1401
Attention: Amy Hutzel

- B. Revisions agreed to by the Corps and Authority will be incorporated into a revised budget estimate to reflect costs for subsequent years that this MOA remains in effect without necessitating a formal revision or amendment to the MOA. The Corps will carry-over any unobligated funds from year to year, which will be

credited to the Authority or will refund such unobligated funds if this MOA is terminated or expires in accordance with Article XII.

- C. If the Corps' actual costs for providing the agreed upon level of service will exceed the amount of funds available, it will promptly notify the Authority of the amount of funds needed to defray the costs. The Authority will either initiate an increase to the funding amount, or agree to a reduced level of service.
- D. The Corps will provide a quarterly expenditure summary to the Authority.
- E. The Corps will expedite the evaluation of permit applications as specified in this MOA only after funds have been transferred to the Corps. Payments by the Authority are to be made to "F&A Officer" and mailed to:

U. S. Army Corps of Engineers
San Francisco District
450 Golden Gate, 4th Floor
San Francisco, CA 94102-9523
Attention: Theresa Story, Finance & Accounting Officer

Article VII - APPLICABLE LAWS

The applicable statutes, regulations, policies, directives, and procedures of the United States will govern this MOA and all documents and actions pursuant to it. The Corps and Authority shall comply with all relevant law. Expediting of permit applications undertaken by the Corps will be governed by all applicable Corps laws, regulations, policies, and procedures.

Article VIII - DISPUTE RESOLUTION

In the event of a dispute, the Parties agree to use their best efforts to resolve the dispute in an informal fashion through consultation and communication, or other forms of non-binding alternative dispute resolution mutually acceptable to the Parties.

Article IX - PUBLIC INFORMATION

Justification and explanation of the Authority's programs or projects before other agencies, departments, and offices will not be the responsibility of the Corps. The Corps may provide, upon request from the Authority, any assistance necessary to support justification or explanations of activities conducted under this MOA. In general, the Corps is responsible only for public information regarding Corps regulatory activities. The Authority will give the Corps advance notice before making formal, official statements regarding Corps activities funded under this MOA.

Article X - CONFIDENTIAL INFORMATION

Except as required under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 as amended by Pub. Law No. 104-231:

- A. Should the Corps receive a FOIA request regarding information designated as confidential by the Authority, the Corps shall notify the Authority's Principal Representative of such request and forward a copy of the request to the Authority's Principal Representative.

Article XI – MISCELLANEOUS

A. Other Relationships or Obligations

- 1. This MOA will not affect any pre-existing or independent relationships or obligations between the Parties.
- 2. The Corps' participation in this MOA does not imply endorsement of the Priority Projects, nor does it diminish, modify, or otherwise affect Corps statutory or regulatory authorities.
- 3. This MOA, including any documents incorporated by reference or attachments thereto, but excluding the pre-existing relationships or obligations between the Parties referenced in subparagraph A1 above, constitutes the entire agreement between the Parties. All prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein and shall be of no further force or effect.

B. Severability

If any provision of this MOA is determined to be invalid or unenforceable, the remaining provisions will remain in force and unaffected to the fullest extent permitted by law and regulation.

C. Advance Payment for Federal Agreements

As required by OMB Circular A-97, Authority certifies that the services being requested pursuant to this agreement cannot be procured reasonably and expeditiously through ordinary business channels.

Article XII - AMENDMENT, MODIFICATION, AND TERMINATION

- A. This MOA may be modified or amended only by written mutual agreement of the Parties. The Authority and the Corps each has the right to terminate this MOA without cause upon thirty (30) days written notice to the other Parties, or sooner by mutual written agreement, or immediately in the event of a material breach. In the event of termination, the Authority will continue to be responsible for all costs

incurred by the Corps in performing expedited environmental permit review services up to the time of notice.

- B. Each Funding Entity has the right to withdraw from the MOA upon ten (10) days written notice to the Authority and the Corps. Withdrawal by a Funding Entity will not affect any other Party's rights or obligations under the MOA.
- C. Within ninety days (90) days of termination, or expiration of the MOA, the Corps shall conduct an accounting to determine the actual costs of the work. Within sixty (60) days of completion of this accounting, the Corps shall return to the Authority any funds advanced in excess of the actual costs, subject to compliance with the Anti-Deficiency Act, 31 U.S.C. § 1341 *et seq.* Funds may be provided to the Authority either by check or by electronic funds transfer.

Article XIII – NOTICES

All notices required under this Agreement shall be effective only if in writing and sent by mail or email to the following contacts for each party, except that contacts for Funding Entities are identified on Funding Entity signature page:

Authority: Executive Officer
San Francisco Bay Restoration Authority
1515 Clay Street, Suite 1000
Oakland, California 94612-1401

Corps: District Engineer
San Francisco District of the U. S. Army Corps of Engineers
450 Golden Gate Avenue, 4th Floor
San Francisco, CA 94102-9523

With copy to: Regulatory Division Chief
San Francisco District of the U. S. Army Corps of Engineers
450 Golden Gate Avenue, 4th Floor
San Francisco, CA 94102-9523

Article XIV – EXECUTION IN COUNTERPARTS

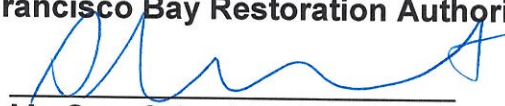
This Agreement may be executed in Counterparts each of which shall be deemed an original but of which together constitute one and the same executed instrument.

[Signature on following page]

IN WITNESS WHEREOF, this Agreement is executed by the San Francisco Bay Restoration Authority acting by and through its authorized officers, and by the U.S. Army Corps of Engineers' San Francisco District, through its authorized officers.

San Francisco Bay Restoration Authority

By:



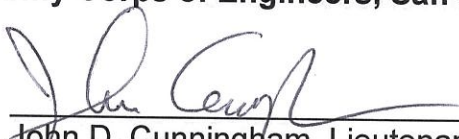
Mr. Sam Schuchat
Executive Officer

3/6/20

Date

U.S. Army Corps of Engineers, San Francisco District

By:



John D. Cunningham, Lieutenant Colonel
San Francisco District Commander
U.S. Army Corps of Engineers

1/16/2020

Date

Funding Entity Signatures are on separate pages

City of San Leandro

By: _____
Signature

Date

Print Name and Title

California Department of Fish and Wildlife

By: Gregg Erickson
Signature
Gregg Erickson, Regional Manager

10/6/2020

Date

Print Name and Title

Santa Clara Valley Water District

By: _____
Signature

Date

Print Name and Title

San Francisquito Creek Joint Powers Authority

By: _____
Signature

Date

Print Name and Title

FUNDING ENTITIES SIGNATURE PAGES

This Agreement is executed by each Funding Entity as follows:

Port of San Francisco

By: [Signature] 10/13/20
Signature Date

Carol Bach, Assist. Deputy Director, Environmental Affairs Mnggr.
Print Name and Title

Contra Costa County Flood Control and Water Conservation District

By: _____
Signature Date

Print Name and Title

San Francisco Recreation and Parks Department

By: _____
Signature Date

Print Name and Title

Marin County Parks

By: _____
Signature Date

Print Name and Title

Palo Alto Regional Water Quality Control Plant

By: _____ Date _____
Signature

Print Name and Title

East Bay Regional Park District

By:  _____ Date Jan 11, 2021
Carol Victor (Jan 11, 2021 17:05 PST)
Signature

Carol Victor and Interim District Counsel

Print Name and Title

County of Marin Department of Public Works

By: _____ Date _____
Signature

Print Name and Title

State Coastal Conservancy

By: _____ Date _____
Signature

Print Name and Title

Palo Alto Regional Water Quality Control Plant

By: _____
Signature Date

Print Name and Title

East Bay Regional Park District

By: _____
Signature Date

Print Name and Title

County of Marin Department of Public Works

By: Roger Leventhal 10/8/2020
Signature Date

Roger Leventhal, Project Manager

Print Name and Title

State Coastal Conservancy

By: _____
Signature Date

Print Name and Title

FUNDING ENTITIES SIGNATURE PAGES

This Agreement is executed by each Funding Entity as follows:

Port of San Francisco

By: _____
Signature Date

Print Name and Title

Contra Costa County Flood Control and Water Conservation District

By: _____
Signature Date

Print Name and Title

San Francisco Recreation and Parks Department

By: _____
Signature Date

Print Name and Title

Marin County Parks

By:  _____
Signature Date 9/17/2020

Max Kortan

Print Name and Title

Palo Alto Regional Water Quality Control Plant

DocuSigned by:
Ed Shikada
By: E2DCA19CCC8D4F8... 11/13/2020
Signature Date

Ed Shikada Ed Shikada, City Manager

Print Name and Title

East Bay Regional Park District

By: _____ Date _____
Signature

Print Name and Title

County of Marin Department of Public Works

By: _____ Date _____
Signature

Print Name and Title

State Coastal Conservancy

By: _____ Date _____
Signature

Print Name and Title

City of San Leandro

By: _____
Signature

Date

Print Name and Title

California Department of Fish and Wildlife

By: _____
Signature

Date

Print Name and Title

Santa Clara Valley Water District

By: _____
Signature

Date

Print Name and Title

San Francisquito Creek Joint Powers Authority

By: Margaret Bruce
Signature
Margaret Bruce, Executive Director

8/31/2020

Date

Print Name and Title

FUNDING ENTITIES SIGNATURE PAGES

This Agreement is executed by each Funding Entity as follows:

Port of San Francisco

By: _____
Signature Date

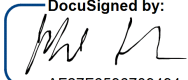
Print Name and Title

Contra Costa County Flood Control and Water Conservation District

By: _____
Signature Date


Print Name and Title

San Francisco Recreation and Parks Department

By:  10/30/2020
Signature Date

Phil Ginsburg, General Manager

Print Name and Title

Approved as to form
Office of the City Attorney

DCA Manu Pradhan

Marin County Parks

By: _____
Signature Date

Print Name and Title

City of San Leandro

By: _____
Signature Date

Print Name and Title

California Department of Fish and Wildlife

By: _____
Signature Date

Print Name and Title

Santa Clara Valley Water District

DocuSigned by:
By: Rick Callender 10/20/2020
Signature Date

Rick L. Callender, Esq, Chief Executive Officer
Print Name and Title

San Francisquito Creek Joint Powers Authority

By: _____
Signature Date

Print Name and Title

APPENDIX A SCOPE OF WORK

WORK TASK 1: AGENCY PARTICIPATION

Schedule	The Corps will consult with the Authority in order to prepare a schedule for Priority Project deliverables.
Meetings, conference calls, field reviews	The Corps will participate actively in permit evaluation-related services by attending meetings and field reviews, when requested, and identifying critical issues, key decision points, and potential conflicts as early as possible. Participation includes sharing, when appropriate, the most current regulatory and aquatic resources information.
Responses to requests for information	The Corps will provide timely responses to requests from the Priority Project permit applicants and BRRIT members for information either verbally, via email, or by letter as necessary.
Coordination	The Corps will coordinate with BRRIT members and other federal, state, and local agencies to facilitate early coordination of Priority Projects.
Projected Workload	The Corps will consult with the Authority regarding an adjustment of priorities if the current and/or projected workload for Priority Projects exceeds the Corps' ability to provide the services specified herein or negotiate additional funding in accordance with paragraph VI.C. of the MOA.

WORK TASK 2: PERMIT APPLICATION REVIEWS AND COORDINATION

Jurisdictional Determinations	When requested by Priority Project permit applicants, the BRRIT, or as determined necessary by the Corps, the Corps will conduct site visits and/or review of information provided by the permit applicants. The Corps may request additional information if necessary to aid in the Corps' review of jurisdiction.
Pre-Application Coordination	The Corps will meet with the BRRIT to perform coordinated pre-application review of Priority Projects for which a permit applicant has requested pre-application review. The Corps will participate in up to two pre-application review meetings.
Department of the Army (DA) Permit Application Completeness Review	The Corps will stamp each permit application with the date of receipt and notify the BRRIT members of the date of receipt. The Corps will contact the permit applicant within thirty (30) days of the date of receipt of the application and request additional information if there is any incomplete, missing, or incorrect information necessary for the Corps to deem applications complete.
Issuance of Public Notice	After receipt of each complete DA permit application from a Priority Project permit applicant, the Corps will issue a public notice if necessary pertaining to the activities requiring Corps authorization.
Coordination	Following submittal of a permit application, to the extent necessary, the Corps will perform external coordination duties with the BRRIT and with other Federal, state, and local agencies, as required by Federal regulation and policies, regarding the DA permit evaluation process(es).
Permit Decision	For each project permit application, the Corps will evaluate the permit application when all information provided by the permit applicant is deemed complete. The Corps will provide to the permit applicant a DA permit decision pursuant to Section 404/10, including general and proposed special permit conditions, if any.

Post-permit issuance activities	The Corps will reasonably coordinate with the permit applicants regarding permit modifications, including but not limited to: extensions, review of mitigation monitoring reports, and compliance inspection.
Additional necessary permitting tasks	The Corps will reasonably coordinate with the permit applicant regarding any additional tasks associated with the issuance of permits.

WORK TASK 3: PROJECT MANAGEMENT

Progress Reports	The Corps will provide quarterly progress reports to the Authority documenting all updates regarding the permit evaluation-related services completed during the quarter. For the list of completed actions, the processing time for each permit application will also be included. In addition, these progress reports shall include a summary of the expenditures under this MOA, for the period covered by the progress report and cumulatively for both the current federal fiscal year and for the life of the MOA.
Policy and Management Team	Corps personnel will promote coordination between the Policy Management Team and the BRRIT including coordination for resolution of policy issues, and coordination for processing elevated project decisions.

APPENDIX A-1

Preliminary Authority Priority Projects

The List will be updated/revised in accordance to Article IV.A of the MOA.

AUTHORITY PROJECT NAME	Location Coordinate	Job Number	Corps #	Priority Ranking	Anticipated Construction Year

APPENDIX B

Performance Metrics¹

Objective	Measure
Upon initial receipt of an application for an individual permit or general permit, the Corps will notify the permit applicant (via telephone or email) within 15 calendar days if the application is Federally-complete. If the application is complete, the Corps will notify the participating agencies of the initial date received stamped on the application.	The Corps shall provide such notification within the stated time frame at least 90% of the time.
The Corps will request in writing (via email or letter) specific additional information needed to complete an individual permit or general permit application within thirty (30) calendar days of initial receipt. Once sufficient information is received, the Corps will notify permit applicant (via telephone or email) within fifteen (15) calendar days of the date received stamped on the last piece of information needed to complete the application.	The Corps shall provide such notifications within the stated time frame at least 90% of the time.
Letters of Permission will be processed within sixty (60) calendar days of receiving a Federally-complete application, with the exception of those that require longer periods of time per Corps regulations at 33 CFR section 325.2(d)(3).	The Corps shall meet the stated objective at least 50% of the time.
Standard Individual permits will be processed within one hundred twenty (120) calendar days of receiving a Federally-complete application, with the exception of those that require longer periods of time per Corps regulations at 33 CFR section 325.2(d)(3).	The Corps shall meet the stated objective at least 80% of the time.
General permits, including nationwide permits and regional general permits, will be processed within forty-five (45) calendar days of receiving a Federally-complete application. ²	The Corps shall meet the stated objective at least 80% of the time.

¹ Appendix B Performance Metrics determined by FY19 USACE Regulatory Performance Metrics

² Projects requiring Section 7 and Section 106 consultation will exclude those calendar days during which the project is under consultation with another agency, i.e. time from when the consultation letter is sent until consultation response is received.

Jurisdictional Determinations (JDs), including Approved JDs, will be processed within sixty (60) calendar days of receiving a complete jurisdictional determination request.	The Corps shall meet the stated objective at least 90% of the time.
Endangered Species Act Section 7 consultation initiation request letters and Section 106 consultation initiation request letters will be sent within fifteen (15) days of receiving adequate information from Authority to make a determination of effect and initiate consultation.	The Corps shall meet the stated objective at least 90% of the time.

**APPENDIX C
CORPS BUDGET ESTIMATE**

Regulatory Rate Calculations

	Federal FY19 GS12 Step 1	Federal FY20 GS12 Step 2	Federal FY21 GS12 Step 3	Federal FY22 GS12 Step 4	Federal FY23 GS12 Step 5
Basic Hourly Rate	42.44	43.86	45.27	46.69	48.10
Daily Rate (hourly @ 8 hours)	339.52	350.88	362.16	373.52	384.80
Effective Daily rate (w/benefits at 64%)	556.81	575.44	593.94	612.57	631.07
Overhead (Departmental 45% and District 23.5%)	381.42	394.18	406.85	419.61	432.28
Total Daily Rate (Effective Daily Rate + OH)	938.23	969.62	1000.79	1032.19	1063.36

3-YEAR TOTAL NOT TO EXCEED AMOUNT = \$1,006,102.00

**Dependent on Funding, 5-YEAR TOTAL NOT TO EXCEED AMOUNT =
\$1,750,561.00**

Year 1

FY19 (1 Oct 2018- 30 Sept 2019)			
Labor Costs	Staff Days	Rate	Cost
GS -12 Regulatory Support	218	\$938.23	\$204,534.05
GS-12 Regulatory – part-time	109	\$938.23	\$102,267
In house Support Service (e.g. legal, engineering)	20	\$938.23	\$ 18764.59
Other Direct Costs			
Travel & per Diem (20 days @ \$125 average)	20	\$125.00	\$ 2,500
TOTAL FY 2019			\$328,065.66

YEAR 2

FY 2020 (1 October 2019 -30 Sept 2020)			
Labor Costs	Staff Days	Rate	Cost
GS -12 Regulatory Support	218	\$969.62	\$211,377.55
GS-12 Regulatory – part-time	109	\$969.62	\$105688.80
In house Support Service (e.g. legal, engineering)	20	\$969.62	\$ 19,392.44
Other Direct Costs			
Travel & per Diem (20 days @ \$125 average)	20	\$125.00	\$ 2,500
TOTAL FY 2020			\$338,958.76

YEAR 3

FY 2021 (1 October 2020 -30 Sept 2021)			
Labor Costs	Staff Days	Rate	Cost
GS -12 Regulatory Support	218	\$ 1000.79	\$ 218,172.86
GS-12 Regulatory – part-time	109	\$ 1000.79	\$ 109,086.40
In house Support Service (e.g., legal engineering)	20	\$ 1000.79	\$ 20,015.86
Other Direct Costs			
Travel & per Diem (20 days @ \$125 average)	20	\$125.00	\$ 2,500
TOTAL 2021			\$349,775.15

YEAR 4

FY 2022 (1 October 2021-30 Sept 2022)			
Labor Costs	Staff Days	Rate	Cost
GS-12 Regulatory Support	218	\$ 1032.19	\$ 225,016.37
GS-12 Regulatory – part-time	109	\$ 1032.19	\$112,508.20
In house Direct Cost	20	\$ 1032.19	\$ 20,643.70
Other Direct Costs			
Travel & per Diem (20 days @ \$125 average)	20	\$125.00	\$ 2,500
TOTAL FY 2022			\$360,668.25

YEAR 5

FY 2023 (1 October 2022 -30 Sept 2023)			
Labor Costs	Staff Days	Rate	Cost
GS -12 Regulatory Support	218	\$1063.36	\$231,811.68
GS-12 Regulatory – part-time	109	\$1063.36	\$115,905.80
In house Direct Cost	20	\$1063.36	\$ 21,267.13
Other Direct Costs			
Travel & per Diem (20 days @ \$125 average)	20	\$125.00	\$ 2,500
TOTAL FY 2023			\$371,484.64

PAGE INTENTIONALLY LEFT BLANK



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

A Joint Powers Public Agency

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

- Zoom link: <https://us02web.zoom.us/j/82261534447>
- Telephone dial-in: 1(669) 900-6833, meeting ID #822 6153 4447

ITEM NO. 13

FINANCIAL MANAGEMENT COMMITTEE AGENDA

Monday, July 12, 2021

10:00 A.M.

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

Committee Members: Duncan (Chair); Andrews

FM1. Call to Order

FM2. Roll Call

FM3. Public Forum

FM4. List of Disbursements for June 2021

(The Committee will review the List of Disbursements for the month of June 2021.)

FM5. Preliminary Treasurer's Report for June 2021

(The Committee will review the Treasurer's Report for the month of June 2021.)

FM6. Draft Emergency Reserve Policy

(The Committee will review and provide feedback on the draft policy.)

FM7. CERBT Disbursement

(The Committee will receive an update on planned disbursements from the Authority's trust for other post-employment benefits.)

FM8. Motion Authorizing the General Manager to Make an Additional Discretionary Payment to Reduce the Unfunded Accrued Liability of the Authority's Pension Plan

(The Committee will consider the motion.)

FM9. Adjournment

Agenda Explanation
East Bay Dischargers Authority
Financial Management Committee
July 12, 2021

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.

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 Juanita Villasenor at juanita@ebda.org or (510) 278-5910. 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>.

<p>The next Financial Management Committee meeting is scheduled on Monday, September 20, 2021 at 10:00 a.m.</p>
--

ITEM NO. FM4 LIST OF DISBURSEMENTS FOR JUNE 2021

The itemized List of Disbursements for the month of June 2021 totaled \$437,792.39.

Reviewed and Approved by:

Rita Duncan, Chair	Date
Financial Management Committee	

Jacqueline T. Zipkin	Date
Treasurer	

EAST BAY DISCHARGERS AUTHORITY
Cash Disbursement
June 2021

CHECKS (SORTED BY AMOUNT)

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
25245	06/30/2021	11412010	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT	64,865.60	64,865.60
25210	06/15/2021	382764	CITY OF SAN LEANDRO	O&M - APR	33,262.87	33,262.87
25232	06/30/2021	382917	CITY OF SAN LEANDRO	O&M - MAY	33,087.44	33,087.44
25233	06/30/2021	002736	UNION SANITARY DISTRICT	O&M - MAY	31,378.51	31,378.51
25246	06/30/2021	165142	ENVIRONMENTAL SCIENCE ASSOCIATES	FIRST MILE PROJECT WORK ORDER NO. 1	21,375.41	28,387.14
25246	06/30/2021	165153	ENVIRONMENTAL SCIENCE ASSOCIATES	HAYWARD FEASIBILITY STUDY WORK ORDER NO. 2	7,011.73	
25214	06/15/2021	0002723	UNION SANITARY DISTRICT	O&M - APR	27,277.55	27,277.55
25211	06/15/2021	6460	ORO LOMA SANITARY DISTRICT	O&M - MAY	18,466.27	18,466.27
25226	06/15/2021	11410519	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT	9,348.37	16,558.33
25226	06/15/2021	11410551	BROWN & CALDWELL	ENGINEERING SERVICES - TRANSPORT SYSTEM	7,209.96	
25238	06/30/2021	FB11171	CAROLLO ENGINEERS	ENGINEERING SERVICES - WORK ORDER NO. 3	15,325.00	15,325.00
25247	06/30/2021	6/29/2021	AZYURA	WATERBITS CUSTOMIZATION SERVICES	7,500.00	7,500.00
25250	06/30/2021	032	CURRIE ENGINEERS	HEPS MCC CONSTRUCTION MANAGEMENT	7,348.25	7,348.25
25242	06/30/2021	EA06-0421	EOA, INC	NPDES PERMIT REISSUANCE ASSISTANCE	6,913.86	6,913.86
25243	06/30/2021	49250403	UNIVAR	SODIUM BISULFITE - DELIVERED 06/24/2021	3,689.09	6,852.57
25243	06/30/2021	49227166	UNIVAR	SODIUM BISULFITE - DELIVERED 06/15/2021	3,163.48	
25224	06/15/2021	49198475	UNIVAR	SODIUM BISULFITE - DELIVERED 06/01/2021	5,781.70	5,781.70
25220	06/15/2021	FB10102	CAROLLO ENGINEERS	ENGINEERING SERVICES - WORK ORDER NO. 3	5,506.00	5,506.00
25235	06/30/2021	Mar-21	DEBORAH QUINN	ACCOUNTING SERVICES - MAR	4,970.63	4,970.63
25217	06/15/2021	48888	CALCON	HEPS WET WEATHER PROGRAMMING	2,800.80	4,947.66
25217	06/15/2021	48887	CALCON	OLEPS PROGRAMMING AND SERVICE CALL	1,201.86	
25217	06/15/2021	49100	CALCON	OPS CENTER CORRECTED HISTORIAN ISSUES	540.00	
25217	06/15/2021	48886	CALCON	OPS CENTER SCADA PROGRAMMING	405.00	
25218	06/15/2021	Feb-21	DEBORAH QUINN	ACCOUNTING SERVICES - FEB	4,826.25	4,826.25
25222	06/15/2021	17463	PACIFIC ECORISK	CHRONIC AND ACUTE TOXICITY TESTING	4,726.00	4,726.00
25252	06/30/2021	751040	SOUTHERN COUNTIES LUBRICANTS LLC	DYED DIESEL FUEL FOR OLEPS	4,334.73	4,334.73
25241	06/30/2021	2021050465	MEYERS NAVE	LEGAL SERVICES - MAY	2,997.30	2,777.30
25241	06/30/2021	2021050233	MEYERS NAVE	LEGAL SERVICES - APR	(220.00)	
25209	06/15/2021	551988	VANTAGEPOINT	ICMA DEFERRED COMPENSATION FOR PAY PERIOD ENDED 06/15/	2,025.24	2,025.24
25231	06/30/2021	559287	VANTAGEPOINT	ICMA DEFERRED COMPENSATION FOR PAY PERIOD ENDED 06/30/	2,025.24	2,025.24
25248	06/30/2021	622278	CALTEST	LAB TESTING SERVICES - MAY	1,842.80	1,842.80
25212	06/15/2021	52205712	CITY OF HAYWARD	BENEFIT PREMIUMS - JUNE	1,340.58	1,370.01
25212	06/15/2021	347619	CITY OF HAYWARD	BENEFIT PREMIUMS - ADJUSTMENT	29.43	

EAST BAY DISCHARGERS AUTHORITY
Cash Disbursement
June 2021

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
25213	06/15/2021	52205711	CITY OF HAYWARD	BENEFIT PREMIUMS - MAY	1,330.77	1,330.77
25237	06/30/2021	00013.11-7	LARRY WALKER ASSOCIATES	PROFESSIONAL SERVICES - WORK ORDER NO. 2	826.25	826.25
25216	06/15/2021	1746192-20	SCIF	WORKERS COMPENSATION PREMIUM - JUN	631.25	631.25
25223	06/15/2021	4246044555687620	US BANK	PURCHASING CARD EXPENSES	594.54	594.54
25239	06/30/2021	8288	CAYUGA INFORMATION SYSTEMS	IT SERVICES	472.50	472.50
25228	06/15/2021	S353002	GSE CONSTRUCTION	REPAIRS & MAINTENANCE - FORCE MAIN	460.00	460.00
25227	06/15/2021	May-21	EVERARDO OROZCO LANDSCAPE MANAGEMEN	LANDSCAPING SERVICES - MAY	375.00	375.00
25229	06/15/2021	O258323	R&B COMPANY	REPAIRS & MAINTENANCE SUPPLIES	216.21	349.74
25229	06/15/2021	O232282	R&B COMPANY	REPAIRS & MAINTENANCE TOOL	71.01	
25229	06/15/2021	O244739	R&B COMPANY	REPAIRS & MAINTENANCE TOOL	62.52	
25215	06/15/2021	510 278-5910	AT&T	TELEPHONE SERVICE - ADMIN BUILDING	339.87	339.87
25244	06/30/2021	1062266	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES FOR SKYWEST	55.00	275.00
25244	06/30/2021	1062802	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES FOR SKYWEST	55.00	
25244	06/30/2021	1063645	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES FOR SKYWEST	55.00	
25244	06/30/2021	1064950	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES FOR SKYWEST	55.00	
25244	06/30/2021	1065265	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES FOR SKYWEST	55.00	
25251	06/30/2021	10110000001	EBMUD	WATER & SEWER, MDF APR-JUN	268.96	268.96
25230	06/15/2021	48046	COMPUTER COURAGE	WEBSITE HOSTING - JUNE	150.00	232.50
25230	06/15/2021	48033	COMPUTER COURAGE	GENERAL WEBSITE UPDATES	82.50	
25225	06/15/2021	0521-20	BEECHER ENGINEERING, INC	OLEPS ELECTRICAL UPGRADE	200.00	200.00
25234	06/30/2021	510-483-0439	AT&T	TELEPHONE SERVICE - MDF	198.11	198.11
25221	06/15/2021	3104764742	PITNEY BOWES INC	QUARTERLY LEASING CHARGE FOR DIGITAL MAILING SYSTEM	177.60	177.60
25240	06/30/2021	15424	TOWN & COUNTRY	JANITORIAL SERVICES - JUNE	165.00	165.00
25219	06/15/2021	9880950048	VERIZON WIRELESS	WIRELESS PHONE SERVICES	157.08	157.08
25249	06/30/2021	3270157	CALTRONICS	COPIER USAGE AND MAINTENANCE	64.80	64.80
25236	06/30/2021	9881734461	VERIZON WIRELESS	MODEM FOR SCADA	22.02	44.74
25236	06/30/2021	9879585829	VERIZON WIRELESS	MODEM FOR SCADA	16.83	
25236	06/30/2021	9879585830	VERIZON WIRELESS	MODEM FOR SCADA	5.89	
TOTAL CHECK PAYMENTS						349,520.66
ELECTRONIC PAYMENTS						
	06/03/2021	5105948980-0	PG&E	GAS & ELECTRIC SERVICE	27,077.53	27,077.53
	06/08/2021	100000016433918	CALPERS	HEALTH PREMIUMS - JUNE	6,907.08	6,907.08
	06/02/2021	100000016391055	CALPERS	PENSION CONTRIBUTION, CLASSIC 05/16 - 31/2021	4,521.26	4,521.26

EAST BAY DISCHARGERS AUTHORITY
Cash Disbursement
June 2021

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
	06/18/2021	100000016430347	CALPERS	PENSION CONTRIBUTION, CLASSIC 06/01 - 15/2021	4,521.26	4,521.26
	06/11/2021		WELLS FARGO	CLIENT ANALYSIS SERVICE CHARGE	23.17	23.17
TOTAL ELECTRONIC PAYMENTS						43,050.30
PAYROLL						
	06/29/2021		ADP, LLC	PAYROLL PERIOD: 06/16-30/2021	25,327.12	25,327.12
	06/14/2021		ADP, LLC	PAYROLL PERIOD: 06/01-15/2021	19,736.36	19,736.36
	06/04/2021	581249691	ADP, LLC	PAYROLL FEES, PERIOD: 05/16-31/2021	85.60	85.60
	06/18/2021	582023443	ADP, LLC	PAYROLL FEES, PERIOD: 06/01-15/2021	72.35	72.35
TOTAL PAYROLL						45,221.43
TOTAL DISBURSEMENTS						437,792.39

ITEM NO. FM5 PRELIMINARY TREASURER'S REPORT FOR JUNE 2021

The beginning cash balance on June 1, 2021 was \$3,698,045.72. The ending cash balance on June 30, 2021 was \$3,393,358.21. Total receipts for the month were \$133,104.88 and disbursements totaled \$437,792.39. EBDA's LAIF balance is \$2,256,901.46 and the interest rate for June was 0.26%.

EBDA currently has a two-pronged investment approach that includes Local Agency Investment Fund (LAIF) and traditional bank accounts. Staff will work with the Committee on investment strategy going forward.

Approval is recommended.

EAST BAY DISCHARGERS AUTHORITY
PRELIMINARY
TREASURER'S REPORT
JUNE 30, 2021

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,289,734.51	71,245.59	289,534.33	1,071,445.77
13	PLANNING & SPECIAL STUDIES	357,265.22	61,859.18	139,708.10	279,416.30
14	RECLAMATION O & M (SKYWEST)	38,201.77		1,001.71	37,200.06
31	RENEWAL & REPLACEMENT	2,012,844.22	0.11	7,548.25	2,005,296.08
TOTALS		3,698,045.72	133,104.88	437,792.39	3,393,358.21

Jun-21
7/7/21

SUPPLEMENTAL TREASURERS REPORT

DATE	TRANSACTION	RECEIPT	DISBURSEMENT CHECKING	DISBURSEMENT PAYROLL	PAYROLL TRANSFER	LAIF TRANSFER	CD TRANSFER	CD INTEREST & EXPENSES	WELLS FARGO CHECKING BALANCE	WELLS FARGO PAYROLL BALANCE	LAIF BALANCE	WELLS FARGO CERTIFICATES OF DEPOSIT	TOTAL CASH
06/01/21	BALANCE								1,371,791.91	17,030.25	2,256,901.46	52,322.10	3,698,045.72
06/01/21	DEPOSIT - CARGILL	19,227.02							1,391,018.93	17,030.25	2,256,901.46	52,322.10	3,717,272.74
06/02/21	ELECTRONIC BILL PAY		4,521.26						1,386,497.67	17,030.25	2,256,901.46	52,322.10	3,712,751.48
06/03/21	ELECTRONIC BILL PAY		27,077.53						1,359,420.14	17,030.25	2,256,901.46	52,322.10	3,685,673.95
06/04/21	PAYROLL FEES			85.60					1,359,420.14	16,944.65	2,256,901.46	52,322.10	3,685,588.35
06/08/21	CD TRANSFER						(50,723.78)		1,410,143.92	16,944.65	2,256,901.46	1,598.32	3,685,588.35
06/08/21	ELECTRONIC BILL PAY		6,907.08						1,403,236.84	16,944.65	2,256,901.46	1,598.32	3,678,681.27
06/09/21	DIVIDEND	0.11						0.11	1,403,236.84	16,944.65	2,256,901.46	1,598.43	3,678,681.38
06/10/21	PAYROLL TRANSFER				20,000.00				1,383,236.84	36,944.65	2,256,901.46	1,598.43	3,678,681.38
06/11/21	ANALYSIS FEE		23.17						1,383,213.67	36,944.65	2,256,901.46	1,598.43	3,678,658.21
06/14/21	PAYROLL			19,736.36					1,383,213.67	17,208.29	2,256,901.46	1,598.43	3,658,921.85
06/15/21	DISBURSEMENT		129,596.23						1,253,617.44	17,208.29	2,256,901.46	1,598.43	3,529,325.62
06/18/21	ELECTRONIC BILL PAY		4,521.26						1,249,096.18	17,208.29	2,256,901.46	1,598.43	3,524,804.36
06/18/21	PAYROLL FEES			72.35					1,249,096.18	17,135.94	2,256,901.46	1,598.43	3,524,732.01
06/22/21	PAYROLL TRANSFER				28,000.00				1,221,096.18	45,135.94	2,256,901.46	1,598.43	3,524,732.01
06/29/21	PAYROLL			25,327.12					1,221,096.18	19,808.82	2,256,901.46	1,598.43	3,499,404.89
06/23/21	DEPOSIT - HAYWARD	83,892.58							1,304,988.76	19,808.82	2,256,901.46	1,598.43	3,583,297.47
06/25/21	DEPOSIT - CARGILL	29,985.17							1,334,973.93	19,808.82	2,256,901.46	1,598.43	3,613,282.64
06/30/21	DISBURSEMENT		219,924.43						1,115,049.50	19,808.82	2,256,901.46	1,598.43	3,393,358.21
	TOTAL	133,104.88	392,570.96	45,221.43	48,000.00	-	(50,723.78)	0.11	1,115,049.50	19,808.82	2,256,901.46	1,598.43	3,393,358.21
	CURRENT BALANCE								^①	^②	^③	^④	
Reconciliation													
①	Per Bank Statement @ 06/30/21	\$ 1,339,005.48											
	Less: Outstanding Checks	223,955.98											
		\$ 1,115,049.50											
②	Per Bank Statement @ 06/30/21	\$ 19,808.82											
③	Per LAIF Statement @ 06/30/21	\$ 2,256,901.46											
④	Per Treasurer's Report @ 06/30/21	\$ 1,598.43											
	Fair Market Value Increase/Decrease	(1,598.42)											
	Per Investment Statement @6/30/21	\$ 0.01											

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

ITEM NO. FM6 DRAFT EMERGENCY RESERVE POLICY

Recommendation

Review Draft Authority Emergency Reserve Policy and provide direction to staff.

Background

Over the past several years, the Authority has been going through a process of updating its financial policies. The Authority historically had a comprehensive Financial Management System Policy and Procedures Manual. Each chapter is now being split into policies for consideration and adoption by the Commission, and procedures to be implemented by staff.

The Authority does not currently have a Reserve Policy, and staff had recommended that the Commission consider one, consistent with industry guidelines and best practices. Suggested reserve amounts were calculated based on maintaining three months of operating and maintenance expenses, funds sufficient to cover the Authority's annual NPDES permit fee, and the Authority's responsibility for transport system repairs in the event of a failure. The intent of the Reserve Policy concept as initially proposed was to address several issues – cashflow management, access to funds in an emergency, and rate stabilization (planning for and preventing Member Agency rate impacts associated with emergency funding requests from EBDA).

Several Commissioners noted a preference for retaining funds in the Member Agencies' accounts rather than EBDA's to provide greater flexibility and investment opportunities. After consideration and discussion over several meetings, the Financial Management Committee recommended that the Authority pursue a "hybrid" approach, whereby Member Agencies would have the option to hold reserve funds for EBDA in their own accounts or to deposit those funds with EBDA.

Discussion

As part of the Fiscal Year 2021/2022 Budget, the Commission approved moving from quarterly billing of the Member Agencies to semi-annual billing. This change was intended to address EBDA's cashflow challenges associated with large annual bills. Staff will be monitoring to determine whether semi-annual billing sufficiently resolves the issue and will recommend modifications as needed. The question of reserves, therefore, is now focused on emergency funding access and rate stabilization rather than cashflow.

Staff is proposing the attached draft Emergency Reserve Policy, building on the hybrid model recommended by the Committee. Under the proposed policy, each Member Agency would be required to either hold or deposit a defined amount for use by EBDA in an emergency, when expenses exceed EBDA's available funds. The proposed amount was calculated based on the \$1.25M that the EBDA agencies will share responsibility for in the event of a force main failure, however its use would not be restricted to force main repairs. The allocation is based on the fixed cost allocation

factors from the Amended and Restated Joint Powers Agreement, which are used for the allocation of capital costs.

It is staff's understanding that at the current time, all Member Agencies plan to designate an EBDA line item in their own reserve fund rather than depositing funds into an EBDA reserve fund. This hybrid policy leaves open the possibility of EBDA holding reserve funds in the future if any Member Agency decides it is in their interest. Staff believes that having funds set aside for an EBDA emergency, whether in Agencies' accounts or EBDA's, will streamline request processes during the potentially chaotic aftermath of a disaster and ensure that EBDA has the required funds to perform immediate emergency repairs.

EAST BAY DISCHARGERS AUTHORITY POLICY

POLICY NUMBER: 1.8

NAME OF POLICY: Finance – Emergency Reserves

LAST REVISED: TBD

PREVIOUSLY REVISED: NA

PURPOSE: The purpose of the Finance – Emergency Reserves Policy is to ensure that EBDA will reliably and expeditiously be able to access funds in the event of an emergency.

POLICY: It is the policy of the Authority that each Member Agency and LAVWMA shall retain in its reserves sufficient assets to provide emergency funding to EBDA in the event that the Authority's required expenditures exceed available funds. Such a request may be made, for example, if significant emergency repairs to Authority infrastructure are required as a result of an unforeseen event such as an earthquake.

Section 10(c)(5) of EBDA's Amended and Restated Joint Powers Agreement (JPA) governs "Allocation of Costs of Repairing Failure of the Transport System," and states:

"Depending on the extent of the Failure, it is likely that the Authority will not have sufficient funds in its reserve to pay for the repairs or abandonment and will require funds from the financially responsible Agencies, based on the allocations set forth above, in advance of performing any repair or abandonment. The Authority need not exhaust its reserve before requiring advance payment as described in this subsection."

Similarly, the Amended and Restated Master Agreement with LAVWMA states:

LAVWMA is responsible for its share of costs for any capital project that is intended to replace or repair any EBDA facility, except those costs specifically associated with UEPS, HEPS and their associated force main sections, as well as facilities owned by the City of San Leandro.

To ensure that EBDA can rapidly and effectively address a Failure of the Transport System or any other emergency affecting EBDA infrastructure for which expenses exceed available funds, each Member Agency and LAVWMA commits to providing EBDA with access to the Agency's share of \$1,250,000 within 30 days of the Authority's request.

EAST BAY DISCHARGERS AUTHORITY POLICY

Agencies' shares of the emergency funding shall be derived based on JPA Schedule B (Fixed Costs) as follows:

Agency Allocations					
San Leandro	O.L.S.D.	C.V.S.D.	Hayward	U.S.D.	LAVWMA
13.74%	19.14%	10.30%	14.72%	42.10%	26.10%
\$ 126,923	\$ 176,806	\$ 95,146	\$ 135,976	\$ 388,899	\$ 326,250

The above allocations govern reserve requirements. Actual costs will be allocated per the appropriate schedule, depending on the asset(s) affected. Revenues from federal or state sources, when available, will also be used to offset Member Agencies' obligations during an actual emergency.

Each Member Agency shall have the option to:

- a) deposit its share of funds with EBDA to be managed in an Authority reserve fund, or
- b) to clearly identify within their Agency's capital reserves, a line item for EBDA that is equal to the Agency's allocation.

The Member Agencies and LAVWMA commit to complying with this Policy on an ongoing basis beginning July 1, 2022. On or by August 1 of each year, each Agency retaining funds in its own accounts shall provide EBDA with a statement confirming that an EBDA line item remains allocated in their reserves.

Agencies that do not comply with this Policy are subject to the conflict resolution remedies identified in the JPA and LAVWMA Master Agreement.

ITEM NO. **FM7 CERBT DISBURSEMENT**

Recommendation

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

Background

The Authority participates in the California Public Employees' Retirement System (CalPERS) for its pension benefits. In addition, on April 21, 2011, the EBDA Commission approved an agreement with CalPERS to participate in its California Employers Retiree Benefit Trust (CERBT) Fund to pre-fund other post-employment benefits (OPEB) including retiree health. The fund operates much like the CalPERS pension fund in that it is designed to increase the value of employer contributions through investment earnings.

In 2019, the Authority adopted OPEB and Pension Funding Policies, including target funding levels of 80% and 95%, respectively. The Authority made lump sum pre-payments to both funds in 2020, prior to the effective date of the Amended and Restated Joint Powers Agreement (JPA), with the intention of reaching these targets.

The financial status of the Authority's CERBT fund as of June 30, 2020, is summarized below.

CERBT Account Summary as of June 30, 2020	
Present value of all future benefits	\$875,076
Accumulated assets in the CERBT fund	\$743,350
Portion not yet funded	\$131,726
Funded Ratio	84.9%
Current Asset Allocation Strategy Selection	CERBT Strategy 1

As shown above, based on the Authority's most recent actuarial valuation, the Authority's OPEB liability is 84.9% funded, exceeding the target. The estimate on which the lump sum was based underestimated investment earnings, and assumed a higher accrued liability based on a previous actuarial valuation.

The Authority has not previously taken disbursements from its CERBT account. The Commission recommended that the Authority "true up" at the end of each fiscal year to reach the intended funding target, taking into consideration disbursements. Because staff was waiting to see the impact of last year's lump sum payment, the Authority did not take disbursements for FY 2019/2020.

Discussion

Based on the information above, in March 2021, the Committee recommended taking a

disbursement from the CERBT this year equaling the Authority's FY 2020/2021 OPEB expenditures. Accordingly, the Authority submitted a request for disbursements for \$65,861 on July 2, 2021. The Authority's qualifying OPEB expenditures include expenses paid on behalf of retirees to Kaiser Permanente, CalPERS' medical provider; expenses paid directly to retirees whose contracts included medical benefit stipends, and the implicit rate subsidy. The implicit rate subsidy reflects the benefit to retirees of accessing the Authority's group health insurance plan.

ITEM NO. FM8 MOTION AUTHORIZING THE GENERAL MANAGER TO MAKE AN ADDITIONAL DISCRETIONARY PAYMENT OF \$65,861 TO REDUCE THE UNFUNDED ACCRUED LIABILITY OF THE AUTHORITY'S PENSION PLAN

Recommendation

Approve a motion authorizing the General Manager to make an Additional Discretionary Payment to the Authority's Pension Plan of \$65,861.

Background

The Authority participates in the California Public Employees' Retirement System (CalPERS) for its pension benefits. In 2019, the Authority adopted Other Post-Employment Benefit (OPEB) and Pension Funding Policies, including target funding levels of 80% and 95%, respectively. The Authority made lump sum pre-payments to both funds in 2020, prior to the effective date of the Amended and Restated Joint Powers Agreement (JPA), with the intention of reaching these targets. The Additional Discretionary Payment (ADP) made to the Authority's pension fund in 2020 was \$645,000.

The Authority's projected funded status as of June 30, 2021 is 92.3%. As noted above, the 2020 payment was calculated based on reaching a target of 95% funded. However, the actual rate of return for the fund over the past year was approximately 4.5%, as opposed to the 7% rate of return CalPERS had projected. The table below summarizes the current status.

	As of June 30, 2019	Projected June 30, 2021
Accrued Liability	\$ 4,751,432	\$ 5,182,557
Plan's Market Value of Assets	\$ 3,827,649	\$ 4,781,213
Unfunded Accrued Liability (UAL)	\$ 923,783	\$ 389,956
Funded Ratio	80.6%	92.3%

Discussion

At its April 2021 meeting, the Committee recommended allocating the CERBT disbursement discussed in Item No. FM7 to the pension fund as an ADP. Staff is therefore recommending an ADP of \$65,861. This payment would be in addition to EBDA's required annual Unfunded Accrued Liability contribution of \$20,864, which EBDA will pay as a lump sum in July 2021.

Based on the latest actuarial information, staff estimates that this proposed ADP would get the Authority about halfway from its current funding level (92.3%) to its target of 95%. Because the payment will be made after CalPERS' April 15 deadline for reflection in FY 2021/2022 actuarial reports, the impact will be reflected in the Authority's FY 2022/2023 report.



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

A Joint Powers Public Agency

NOTICE: Pursuant to the Governor's Executive Orders N-25-20 and N-29-20, the Operations & Maintenance 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/84250769407>
- Telephone dial-in: 1(669) 900-6833, meeting ID #842 5076 9407

ITEM NO. 15

OPERATIONS & MAINTENANCE COMMITTEE AGENDA

Tuesday, July 13, 2021

9:00 A.M.

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

Committee Members: Toy (Chair); Cutter

OM1. Call to Order

OM2. Roll Call

OM3. Public Forum

OM4. EBDA Permit Compliance

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

OM5. Status Report

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

OM6. Motion Authorizing the General Manager to Execute a Professional Services Agreement with Beecher Engineering, Inc. in the Amount of \$75,000 for Electrical Engineering Services in Fiscal Years 2021/2022, 2022/2023, and 2023/2024

(The Committee will consider the motion.)

OM7. Motion Authorizing the General Manager to Execute a Professional Services Agreement with Currie Engineers, Inc. in the Amount of \$75,000 for Project and Construction Management Services in Fiscal Years 2021/2022, 2022/2023, and 2023/2024

(The Committee will consider the motion.)

OM9. 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, contact Juanita Villaseñor at juanita@ebda.org or (510) 278-5910. 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>.

<p>The next O&M Committee meeting will be held Tuesday, September 21, 2021, at 9:00 a.m.</p>

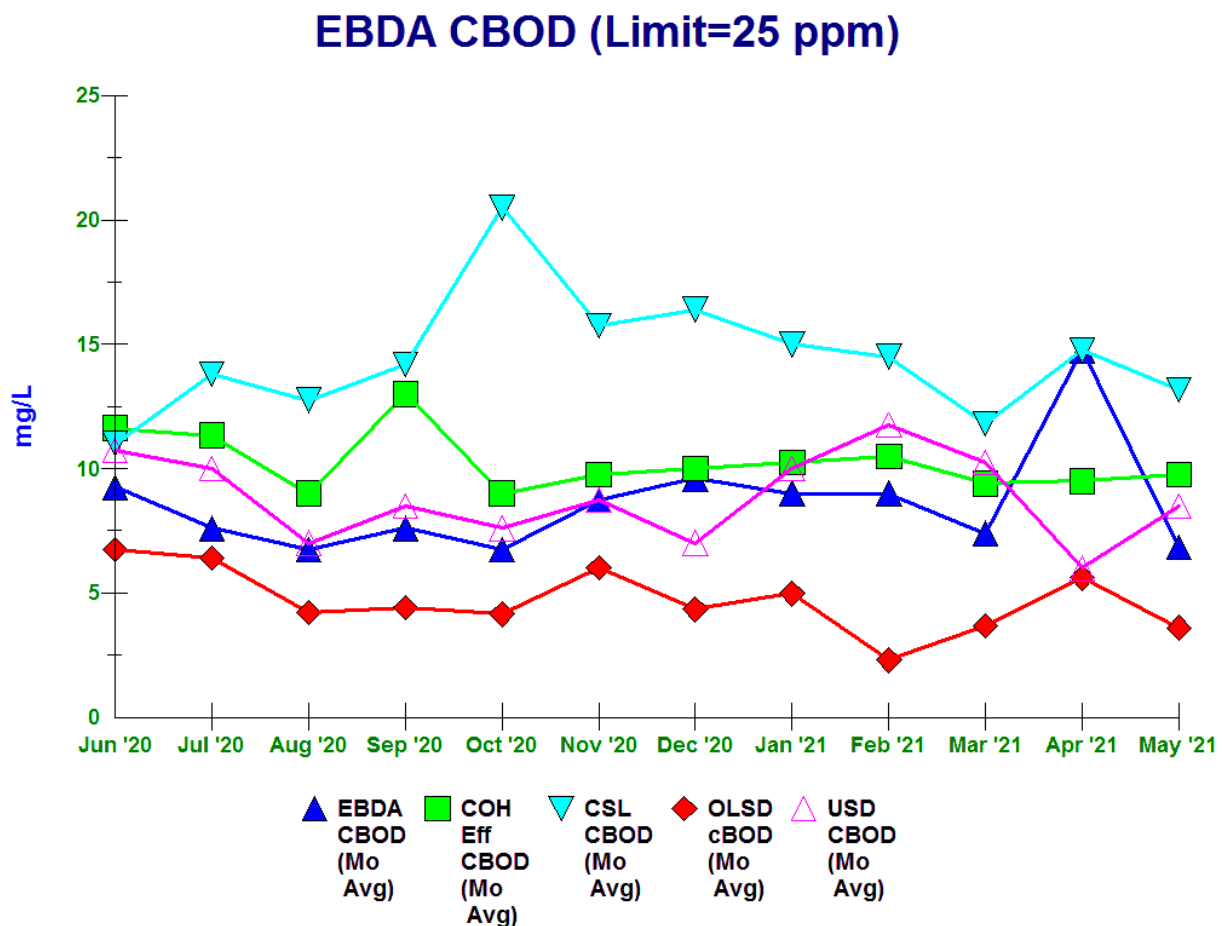
ITEM NO. OM4 EBDA PERMIT COMPLIANCE

Recommendation

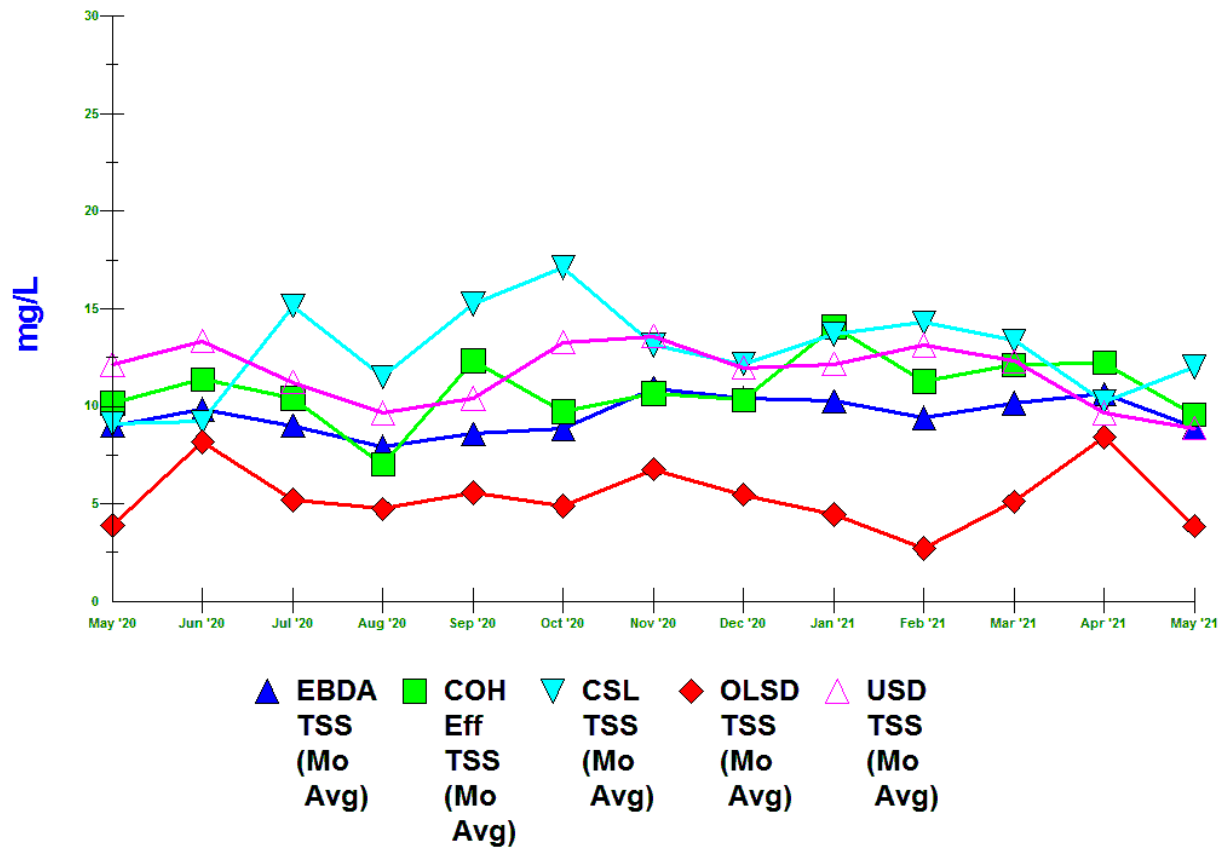
For the Committee's information only; no action is required.

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.



EBDA TSS (Limit 30 ppm)



EBDA EFF TSS

EBDA Bacterial Indicators

Date	FECAL	ENTERO
	MPN/ 100mL	MPN/ 100mL
Limit (90th Percentile)	1100	
Limit (Geomean)	500	240
July 2020 Geomean	27	3
August 2020 Geomean	23	3
September 2020 Geomean	41	5
October 2020 Geomean	30	9
November 2020 Geomean	11	4
December 2020 Geomean	9	2
January 2021 Geomean	5	3
February 2021 Geomean	6	3
March 2021 Geomean	5	3
April 2021 Geomean	13	3
5/3/2021	15	17
5/4/2021	13	3
5/5/2021	4	2
5/10/2021	12	4
5/11/2021	13	8
5/12/2021	13	4
5/17/2021	3	8
5/18/2021	8	31
5/24/2021	32	4
5/25/2021	17	14
5/31/2021	6	2
May 2021 Geomean	10	6
6/1/2021	4	13
6/2/2021	11	4
6/7/2021	29	13
6/8/2021	2	< 3
6/9/2021	8	8
6/14/2021	3	2
6/15/2021	33	< 2
6/21/2021	51	< 2
6/22/2021	700	10
6/28/2021	6	< 2
6/29/2021	4	2
June 2021 Geomean	13	4

ITEM NO. OM5 STATUS REPORT

Union Effluent Pump Station (UEPS)

No change; all equipment is operational.

Hayward Effluent Pump Station (HEPS)

No change; all equipment is operational.

Oro Loma Effluent Pump Station (OLEPS)

Training Modules

On June 30, 2021, EBDA staff met with Stephen Cahill from DKF Solutions Group to review the new OLEPS Standard Operating Procedures, which were used to create the new Training Modules. Staff suggested some minor edits which should be incorporated within the next several weeks and then presented to OLSD staff for their review.

Main Electrical Switchboard Upgrade

On June 18, 2021, Todd Beecher from Beecher Engineering, Inc. (BEI) spent the day at OLEPS preparing an upgraded single line diagram that was sent to Schneider Electric. The information from this diagram, along with information that EBDA staff obtained from PG&E, will be used by Schneider Electric to complete a power system study and an arc flash analysis as part of the OLEPS Main Electrical Switchboard Upgrade Project. Staff is recommending a three-year agreement for BEI to continue work on this and other projects (see Item No. OM6).

San Leandro Effluent Pump Station (SLEPS)

No change; all equipment is operational.

Skywest Pump Station

Recycled Water Production

During the month of June 2021, the Skywest Recycled Water System operated every Tuesday, for a total of five days, and produced 2.64 million gallons of recycled water.

Marina Dechlorination Facility (MDF)

No change; all equipment is operational.

Force Main

No change; all equipment is operational.

Operations Center

No change; all equipment is operational.

Miscellaneous Items

Underground Service Alerts

EBDA received eleven (11) Underground Service Alert (USA) tickets during the month of June 2021. Ten required an Electronic Positive Response (EPR), and of the ten, four required calls/emails to the excavators, and three required field verification.

San Lorenzo Earthquake

On June 28, 2021, at 6:29 pm, a 3.9 magnitude earthquake struck the East Bay. The earthquake's epicenter was near San Lorenzo, according to the United States Geological Survey (USGS). Shortly after the earthquake occurred, EBDA staff conducted inspections of the EBDA facilities near the epicenter. OLEPS and MDF were inspected, along with the force main in that area. The next day, EBDA staff and the San Leandro force main crew conducted a more detailed inspection of the force main between Hayward and San Leandro, including the Skywest force main. All infrastructure appeared in good condition and no impacts were observed.

COVID-19 Response

All EBDA staff members are fully vaccinated. Per Commission direction at its May 2021 meeting, the Commission will resume meeting in person in September. Committee meetings will continue to be conducted via Zoom as long as permissible under Brown Act rules.

Staff is also continuing to track research efforts utilizing data on the prevalence of SARS-CoV-2 virus in wastewater influent to identify and anticipate COVID-19 community trends, termed wastewater-based epidemiology (WBE) or sewage surveillance. Going forward, WBE may be used for early detection of outbreaks once the virus is generally under control, as well as identification of variants present in the community.

Special Projects

Disinfection Master Plan

Staff is continuing to work with Carollo Engineers on a Disinfection Master Plan, per the Work Order approved in February 2021. The goal of the Master Plan is to develop a strategy for sodium hypochlorite (hypo) dosing and monitoring to prevent bacteria outbreaks and ensure consistent permit compliance while optimizing chemical dosage – both for disinfection and for dechlorination. To date, the Member Agencies have provided data and information on current hypo dosing practices, and site visits were conducted at each facility on May 24th & 25th. Carollo has been reviewing the information collected and developing preliminary recommendations. The next step will be meeting with each Member Agency to review and discuss findings, followed by MAC discussion of preliminary recommendations.

Cargill Brine Project Due Diligence

EBDA staff is continuing to work with Cargill to develop strategies to address the risks of adding brine to the EBDA transport system. In the Corrosion Protection Evaluation Project, Brown & Caldwell screened a multitude of potential mitigation options for protecting vulnerable sections of the force main from corrosion associated with brine addition. The list of options has now been narrowed to three in-pipe options, which will be evaluated for cost, constructability, and other factors. These in-pipe options will also be compared with the option to extend Cargill's pipe to a connection point further downstream in EBDA's system where there is greater dilution and less open channel flow.

On June 8, 2021, EBDA staff assisted Cargill's consultant with a radio survey of the EBDA force main at the proposed Cargill connection point, the UEPS surge tower, and the EBDA office. On July 1, 2021, a meeting was held to review the results of the radio survey and discuss the data that will be exchanged between EBDA and Cargill.

In parallel, staff is working with the Authority's legal team at Meyers Nave to evaluate options for project ownership and execution to take advantage of Cargill's flexibility as a private entity and EBDA's public franchise rights for pipeline installation access in city streets. A three-party agreement between Cargill, EBDA, and the City of Union City is also under development to facilitate the incorporation of the pipeline into Union City's upcoming Union City Boulevard bike lane project.

In addition, on July 14, 2021, the team will hold a kick-off meeting for the environmental review process for the overall project under the California Environmental Quality Act (CEQA).

Staff and legal counsel will present the Commission with a comprehensive overview of the proposed project, legal framework, risks, and opportunities in the coming months. If the project moves forward as planned, the Commission will ultimately be asked to approve the CEQA documentation, the three-party agreement with Union City, and a project agreement with Cargill, likely in late 2021 or early 2022.

Advanced Quantitative Precipitation Information (AQPI) Project

The regional AQPI project continues to move forward with a goal of improving prediction of rainfall events in the Bay Area. On April 20th, Sonoma Water's Board of Directors approved the agreements for the East Bay radar deployment and for the lease with American Tower. Installation of the radar at Rocky Ridge is scheduled for July 12-16, 2021.

ITEM NO. OM6 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BEECHER ENGINEERING, INC. IN THE AMOUNT OF \$75,000 FOR ELECTRICAL ENGINEERING SERVICES IN FISCAL YEARS 2021/2022, 2022/2023, AND 2023/2024

Recommendation

Approve a motion authorizing the General Manager to execute an agreement for electrical engineering services with Beecher Engineering, Inc. for the next three fiscal years, with work to be authorized on a work order basis.

Background

Todd Beecher has served as EBDA's contract electrical engineer for many years. Mr. Beecher has completed several electrical evaluations for EBDA, and most recently, he was the electrical design consultant and provided electrical engineering services during construction for the HEPS MCC replacement project. Mr. Beecher is very familiar with EBDA's facilities and performs work for several of the Member Agencies as well.

Discussion

Staff is recommending that Mr. Beecher's firm, Beecher Engineering, Inc. (BEI) be retained under a professional services contract for three years to continue ongoing and as-needed electrical engineering for planned Renewal and Replacement Fund (RRF) Projects. The proposed agreement also contains two optional one-year extensions that may be exercised by the Authority. The agreement will be funded out of the RRF project authorizations.

The agreement is structured on a work order basis with a total agreement cost ceiling of \$75,000 over three years. BEI may only perform work under assigned work orders. Work will be billed against each work order on a time and materials basis up to a maximum work order value. Therefore, the Authority is only billed for work actually completed.

Staff proposes to issue two work orders upon contract execution. The first would be an as-needed work order under which BEI would complete small assignments at the direction of the Operations & Maintenance Manager up to a total of \$25,000. Work order two would authorize BEI to develop electrical engineering designs for the two new OLEPS Automatic Transfer Switches (ATS) as part of the OLEPS Electrical Upgrade Project. In the event of a power failure at OLEPS, power would switch via the first ATS to the station's emergency generator. If that generator fails to start, the second ATS would transfer power to OLEPS from OLSD's emergency generator. With the new ATS configuration, EBDA would still have the option of connecting a portable emergency generator. The cost ceiling for the proposed BEI work order is \$8,400.

Mr. Beecher's proposed billing rates for the three years of this contract are \$210.00/hour (FY21/22), \$215.00/hour (FY22/23), and \$220.00/hour (FY23/24). Mr. Beecher has charged the Authority \$200/hour since 2018, so these rates represent a modest increase, and BEI's services remain very cost-effective.

ITEM NO. OM7 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CURRIE ENGINEERS, INC. IN THE AMOUNT OF \$75,000 FOR PROJECT AND CONSTRUCTION MANAGEMENT SERVICES IN FISCAL YEARS 2021/2022, 2022/2023, AND 2023/2024

Recommendation

Approve a motion authorizing the General Manager to execute an agreement for project and construction management services with Currie Engineers, Inc. for the next three fiscal years, with work to be authorized on a work order basis.

Background

Following an RFP process, the Commission authorized the General Manager to enter into an agreement with Currie Engineers, Inc. on September 20, 2018 for project management and construction management services. The scope of services included professional engineering, project development, bidding assistance, and engineering services during construction, all on an as-needed basis. The agreement was issued for the 2018/19 fiscal year and then was extended with Commission approval for two additional fiscal years, through June 30, 2021.

Evan Currie of Currie Engineers has been performing the work very successfully for the past several years. His services have largely been in project and construction management of the HEPS MCC project. Mr. Currie's efforts kept the project moving and provided workload relief for the Operations and Maintenance Manager. Mr. Currie also provided as-needed project and construction management assistance on other, smaller projects.

Discussion

Staff is recommending that Currie Engineers be retained for three more years to continue ongoing and as-needed project and construction management for planned Renewal and Replacement Fund (RRF) Projects. The proposed agreement also contains two optional one-year extensions that may be exercised by the Authority. The agreement will be funded out of the RRF project authorizations.

The agreement is structured on a work order basis with a total agreement cost ceiling of \$75,000 over three years. Currie Engineers may only perform work under assigned work orders. Work will be billed against each work order on a time and materials basis up to a maximum work order value. Therefore, the Authority is only billed for work actually completed.

Staff proposes to issue two work orders upon contract execution. The first would be an as-needed work order under which Currie Engineers would complete small assignments at the direction of the Operations & Maintenance Manager up to a total of \$25,000. Work order two would authorize Currie Engineers to provide project and construction management services for the HEPS Pump Replacement Project. The cost ceiling for that work order is \$19,317.

Mr. Currie's proposed billing rates for the three years of this contract are \$137.00/hour (FY21/22), \$141.00/hour (FY22/23), and \$145.00/hour (FY23/24). This is an increase of 3% over the previously contracted rate. Currie Engineers' services remain very cost-effective.

ITEM NO. 18 BRUCE WOLFE MEMORIAL

Recommendation

Provide direction to staff on a preferred approach to creating a memorial for Bruce Wolfe.

Background

Bruce Wolfe worked at the San Francisco Bay Regional Water Quality Control Board from 1977 to 2018, serving most recently as its Executive Officer. As a permit engineer early in his career, Bruce was instrumental in the creation of EBDA. Bruce was an inspirational figure, and his leadership was foundational to the positive collaboration that has been fostered between regulators and regulated community for the health of the Bay. Bruce passed away in February 2020.

At the April 2021 Commission Meeting, the Commission expressed interest in honoring Bruce's legacy in some way and directed staff to reach out to Bruce's widow to understand what the family would find to be a meaningful tribute. At the May Commission Meeting, staff reported that Bruce's widow expressed an interest in supporting the advancement of women in science, technology, engineering, and math (STEM), as this had been a passion of Bruce's. Staff has been exploring the concept of a scholarship for a woman on a STEM and/or water/wastewater career path. The Commission requested that any scholarship be focused on the EBDA service area.

Discussion

Building on prior Commission discussions, staff has explored two options for a Bruce Wolfe Memorial Scholarship:

- [California Association of Sanitation Agencies \(CASA\) Education Foundation](#): The CASA Education Foundation grants scholarships to students pursuing higher education in engineering, environmental science, public administration, or other related fields, who show an interest in serving the clean water community. The CASA Education Foundation is open to earmarking a scholarship funded by EBDA for a woman from EBDA's service area and integrating that scholarship into their offerings. Their request would be that EBDA assist in outreach to ensure that sufficient applications are received from students that meet the criteria, and that a representative from EBDA (staff or Commission) serve on the application review panel.
- [Project satHERate™ by Her2O](#): The vision of Her2O is to have women equitably involved in water management in every corner of the globe. They currently have several scholarships through their Project satHERate, and they are planning to launch a much larger scholarship effort in the near future. In partnering with EBDA, Her2O would set up a specific scholarship with our criteria, and then they would facilitate marketing of the scholarship along with their other scholarships. They could also facilitate collection and review of applications, and selection of the scholarship recipient (based on our criteria and final approval).

Staff is seeking Commission feedback on the following questions:

- Does the Commission wish to proceed with a scholarship?
- If yes,
 - Does the Commission have a preference for CASA Education Foundation, Project sathERate, or another alternative?
 - What monetary value would the Commission dedicate to the scholarship? \$5,000 has been allocated in EBDA's FY 2021/2022 budget for a Bruce Wolfe Memorial.
 - Does the Commission envision this to be a singular (one-time) scholarship or establishment of an ongoing (i.e. annual) scholarship?
 - Are there other factors that staff should consider in moving this process forward?

ITEM NO. 19 ITEMS FROM THE COMMISSION AND STAFF

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

ITEM NO. 20 ADJOURNMENT