



NOTICE: In compliance with AB 361 (2021), the Commission 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/83345512956>
- Telephone dial-in: 1(669) 900-6833, meeting ID #833 4551 2956

**COMMISSION MEETING
AGENDA**

Thursday, November 18, 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**

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

MOTION

- 5. Commission Meeting Minutes of October 21, 2021**
- 6. List of Disbursements for October 2021 – See Item FM4**
- 7. Treasurer’s Report for October 2021 – See Item FM5**
- 8. Final Adjusted Treasurer’s Reports for June, July, August, and September 2021 – See Item FM6**
- 9. First Quarter Expense Summary, Fiscal Year 2021/2022 – See Item FM9**

R E G U L A R C A L E N D A R

INFORMATION

- 10. Audited Financial Statements 2020/2021 Presentation**
(Cropper Accountancy Corporation will present an update on the Authority’s audited financial statement for fiscal year 2020/2021.)

RESOLUTION

- 11. Resolution Authorizing Remote Teleconference Meetings Pursuant to AB 361**
(The Commission will consider the resolution.)

INFORMATION

- 12. General Manager’s Report**
(The General Manager will report on EBDA issues.)

- INFORMATION 13. Report from the Managers Advisory Committee**
(The General Manager will report on the meeting.)
- INFORMATION 14. Report from the Regulatory Affairs Committee**
(The General Manager will report on the meeting.)
- MOTION 15. Motion Authorizing the General Manager to Execute Amendment No. 1 to the Contract with Ascent Environmental for CEQA Consulting Services for the Cargill Mixed Sea Salt Brine Discharge Project in the Amount of \$438,515, for a Total Not to Exceed Amount of \$493,055 – See Item RA7**
(The Commission will consider the motion.)
- MOTION 16. Motion Authorizing the General Manager to Execute Work Order No. 4 to the Contract with Larry Walker Associates for Preparation of a Water Quality Technical Memorandum in Support of Cargill MSS Brine EIR Water Quality Chapter in the Amount of \$83,439, for a Total Contract Not to Exceed Amount of \$209,034 – See Item RA8**
(The Commission will consider the motion.)
- INFORMATION 17. Report from the Financial Management Committee**
(The General Manager will report on the meeting.)
- RESOLUTION 18. Resolution Adopting the Emergency Reserve Policy – See Item FM10**
(The Commission will consider the resolution.)
- INFORMATION 19. Report from the Operations & Maintenance Committee**
(The Operations & Maintenance and General Managers will report on the meeting.)
- MOTION 20. Motion Authorizing the General Manager to Execute Amendment No. 4 to the Contract with Brown and Caldwell for Field Work Related to Acceptance of Cargill Mixed Sea Salt Brine for Discharge at the EBDA Outfall in the Amount of \$104,674, for a Total Not to Exceed Amount of \$399,263 – See Item OM7**
(The Commission will consider the motion.)
- RESOLUTION 21. Resolution Adopting the Administrative Appeals Policy – See Item OM8**
(The Commission will consider the resolution.)
- INFORMATION 22. Report from the Personnel Committee**
(The General Manager will report on the meeting.)
- INFORMATION 23. Items from the Commission and Staff**
(The Commission and staff may address items of general interest.)
- 24. 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.

Agenda Explanation
East Bay Dischargers Authority
Commission Agenda
November 18, 2021

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.

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**The next Commission meeting will be held
Thursday, December 16, 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 October 21, 2021
- Item No. 6 List of Disbursements for October 2021 – See Item FM4
- Item No. 7 Treasurer’s Report for October 2021 – See Item FM5
- Item No. 8 Final Adjusted Treasurer’s Reports for June, July, August, and September 2021 – See Item FM6
- Item No. 9 First Quarter Expense Summary, Fiscal Year 2021/2022 – See Item FM9

Recommendation

Approve Consent Calendar

ITEM NO. 5 COMMISSION MEETING MINUTES OF OCTOBER 21, 2021

1. Call to Order

Chair Cutter called the telephonic meeting to order in compliance with AB 361 (2021) at 9:30 A.M. on Thursday, October 21, 2021. Dial-in information for the meeting was provided in the agenda for public attendees.

2. Pledge of Allegiance – Deferred

3. Roll Call

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

Absent: None

Attendees:	Jacqueline Zipkin	East Bay Dischargers Authority
	Howard Cin	East Bay Dischargers Authority
	Juanita Villasenor	East Bay Dischargers Authority
	Eric Casher	Legal Counsel
	David Donovan	City of Hayward
	Jason Warner	Oro Loma Sanitary District
	Dean Wilson	City of San Leandro
	Paul Eldredge	Union 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 September 23, 2021

6. List of Disbursements for September 2021

7. Preliminary Treasurer’s Report for September 2021

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

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

R E G U L A R C A L E N D A R

8. General Manager’s Report

The General Manager (GM) provided an update on the blanket permit amendment for total residual chlorine, which was adopted by the Regional Water Board in October. This permit amendment, which will take effect soon following approval of the Basin Plan Amendment by EPA, will change EBDA's chlorine residual limit from 0.0 mg/L as an instantaneous maximum to 0.98 mg/L as a one-hour average.

9. Report from the Managers Advisory Committee (MAC)

The GM welcomed back Dean Wilson, who is serving as the interim plant manager for the City of San Leandro. The MAC discussed partnering with a private sector partner for biosolids management. Proposals will be solicited from potential private sector partners in the coming months.

10. Report from the Financial Management Committee

The GM reported on the Financial Management Committee, which met on October 18, 2021, and reviewed the Treasurer's report and disbursements. The Committee also reviewed the draft Emergency Reserve Policy, which includes language regarding the Member Agencies' funding responsibilities. Lastly, the Committee reviewed the Authority's Budget Policy and recommended approval.

11. Resolution Approving the Authority's Budget Policy

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

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

12. Report from the Operations and Maintenance Committee

The O&M Manager reported on the Operations and Maintenance Committee, which met on October 19, 2021. The Committee reviewed compliance data and discussed the status of current projects. The O&M Manager advised that due to COVID-19 related shipping issues, the OLEPS main electrical switchboard project has been postponed until spring 2022. Additionally, the O&M Manager reported a power outage at the EBDA administration office due to a power pole fire. The GM reported on the status of the Disinfection Master Plan, the Cargill Brine Project, and the AQPI Project. The Committee reviewed the draft Administrative Appeals Policy and recommended additional language to clarify the timeline of the appeals process. Finally, the Committee recommended approval of the motion authorizing work orders with Carollo Engineers, Inc.

13. Motion Authorizing the General Manager to Execute Amendment 2 to Work Order No. 1 and Work Order No. 4 With Carollo Engineers, Inc. for Engineering Services, for a Total Contract Amount of \$160,710

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

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

14. Report from the Personnel Committee

The GM reported on the Personnel Committee, which met on October 19, 2021. The GM advised that a candidate has been selected to fill the Administrative Support Specialist position. The Committee reviewed FY 2020/2021 accomplishments and directed staff to begin the Strategic Planning process. The Committee discussed the suggested compensation adjustments and recommended revisions to the O&M Manager classification that include detailing additional responsibilities.

15. Resolution Authorizing Remote Teleconference Meetings Pursuant to AB 361

Legislation AB 361 allows agencies to continue conducting remote meetings should there be a declared State of Emergency. Commissioner Duncan moved to approve the item. The resolution was seconded by Commissioner Andrews and carried unanimously 5-0, by roll call vote.

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

16. Items from Commission and Staff

No items to report from Commission or staff.

17. Adjournment

Chair Cutter adjourned the meeting at 10:30 A.M.

ITEM NO. 11 RESOLUTION AUTHORIZING REMOTE TELECONFERENCE MEETINGS PURSUANT TO AB 361

Recommendation

Adopt the resolution authorizing continued use of remote teleconference meetings pursuant to AB 361.

Background

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for an anticipated broader spread of the novel coronavirus disease 2019 (“COVID-19”).

All meetings of the East Bay Dischargers Authority (EBDA) Commission and EBDA’s other legislative bodies are open and public, as required by the Ralph M. Brown Act, Government Code section 54950 *et seq.* Any member of the public may attend, participate, and watch EBDA’s legislative bodies conduct their business. On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means in order to slow the spread of COVID-19. As a result of Executive Order N-29-20, staff set up virtual meetings for all Commission meetings and other EBDA legislative bodies. Executive Order N-29-20 expired on September 30, 2021.

On September 16, 2021, the Governor signed AB 361 (2021) which allows for local legislative bodies to continue to conduct meetings via teleconferencing under specified conditions and includes a requirement that the Commission make specified findings. AB 361 (2021) took effect immediately. Pursuant to AB 361, legislative bodies are allowed to continue to meet remotely during a declared State of Emergency. In addition, remote meetings are only allowed when state or local health officials have imposed or recommended measures to promote social distancing, or when the legislative body finds that meeting in person would present imminent risks to the health or safety of attendees.

The Commission most recently adopted a resolution authorizing remote teleconference meetings at its October 21, 2021 Commission Meeting. The resolution included all of the necessary findings required pursuant to AB 361.

Discussion

In order to continue to hold remote meetings, the Commission must declare every thirty (30) days that either (i) the State of Emergency continues to directly impact the ability of the members to meet safely in person, or (ii) State or local officials continue to impose or recommend measures to promote social distancing.

The conditions that justified the Commission adopting a resolution authorizing teleconference meetings at its October 21, 2021 meeting continue to exist. While case rates in Alameda County have declined in recent weeks, the highly contagious Delta

variant of COVID-19 continues to spread in the community. As a result, the State of Emergency as declared by the Governor, continues in existence. Health officials continue to recommend measures to slow the spread of COVID-19. Specifically, the Centers for Disease Control and Prevention (“CDC”) continues to recommend physical distancing of at least 6 feet from others outside of the household, and the Alameda County Health Officer issued an order for nearly all individuals to wear masks when inside public spaces effective on August 3, 2021, with additional limited exceptions specified in a November 1, 2021 order. Additionally, COVID-19 would present imminent risks to the health or safety of attendees, including the legislative bodies and staff, should EBDA’s legislative bodies hold in person meetings.

The proposed resolution includes the necessary findings in order for the Commission and the other legislative bodies of EBDA to continue to holding remote teleconference meetings pursuant to AB 361.

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

RESOLUTION NO. 21-11

INTRODUCED BY _____

**RESOLUTION AUTHORIZING REMOTE TELECONFERENCE MEETINGS
PURSUANT TO AB 361**

WHEREAS, all East Bay Dischargers Authority (“EBDA”) meetings are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch EBDA’s legislative bodies conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for an anticipated broader spread of the novel coronavirus disease 2019 (“COVID-19”); and

WHEREAS, On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up virtual meetings for all EBDA Commission meetings and meetings of all EBDA legislative bodies; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, repealed the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 (2021) which allows for local legislative bodies and advisory bodies to continue to conduct meetings via teleconferencing under specified conditions and includes a requirement that the EBDA Commission make specified findings. AB 361 (2021) took effect immediately; and

WHEREAS, in order for legislative bodies to continue to conduct meetings via teleconferencing pursuant to AB 361 (2021), a proclaimed State of Emergency must exist; and

WHEREAS, AB 361 (2021) further requires that State or local officials have imposed or recommended measures to promote social distancing, or, requires that the legislative body determines that meeting in person would present imminent risks to the

health and safety of attendees; and

WHEREAS, such conditions now exist in EBDA's jurisdiction, specifically, Governor Newsom has declared a State of Emergency due to COVID-19; and

WHEREAS, while COVID-19 case rates in Alameda County have declined in recent weeks, the highly contagious Delta variant of COVID-19 continues to spread in the community; and

WHEREAS, in response to the Delta variant of COVID-19, the Alameda County Health Officer issued an order for nearly all individuals to wear masks when inside public spaces effective on August 3, 2021; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least 6 feet from others outside of the household; and

WHEREAS, because of the rise in cases due to the Delta variant of COVID-19, the EBDA Commission is concerned about the health and safety of all individuals who intend to attend EBDA Commission meetings and meetings of EBDA's other legislative bodies; and

WHEREAS, the EBDA Commission desires to provide a way for commissioners, staff, and members of the public to participate in meetings remotely, without having to attend meetings in person; and

WHEREAS, on October 21, 2021, the Commission found that the presence of COVID-19 and the increase of cases due to the Delta variant would present imminent risks to the health or safety of attendees, including the legislative bodies and staff, should EBDA's legislative bodies hold in person meetings; and

WHEREAS, the EBDA Commission hereby finds that the presence of COVID-19 and the increase of cases due to the Delta variant would present imminent risks to the health or safety of attendees, including the legislative bodies and staff, should EBDA's legislative bodies hold in person meetings; and

WHEREAS, EBDA shall ensure that its meetings comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

NOW, THEREFORE, BE IT RESOLVED that the Commission of the East Bay Dischargers Authority hereby declares as follows:

1. The above recitals are true and correct, and incorporated into this Resolution.
2. In compliance with AB 361 (2021), and in order to continue to conduct

teleconference meetings without complying with the usual teleconference meeting requirements of the Brown Act, the EBDA Commission makes the following findings:

- a) The EBDA Commission has considered the circumstances of the State of Emergency; and
- b) The State of Emergency, as declared by the Governor, continues to directly impact the ability of the EBDA Commission and EBDA's legislative bodies, as well as staff and members of the public, from meeting safely in person; and
- c) The CDC continues to recommend physical distancing of at least six feet due to COVID-19 and as a result of the presence of COVID-19 and the increase of cases due to the Delta variant, meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies and staff.

3. The EBDA Commission and all of EBDA's other legislative bodies may continue to meet remotely in compliance with AB 361, in order to better ensure the health and safety of the public.

4. The EBDA Commission will revisit the need to conduct meetings remotely within thirty (30) days of the adoption of this resolution.

SAN LORENZO, CALIFORNIA, NOVEMBER 18, 2021, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHAIR
EAST BAY DISCHARGERS COMMISSION

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

ITEM NO. 12 GENERAL MANAGER'S REPORT

The General Manager will discuss items of interest to EBDA.

ITEM NO. 13 REPORT FROM THE MANAGERS ADVISORY COMMITTEE

**MANAGERS ADVISORY COMMITTEE
AGENDA**

Tuesday, November 9, 2021

1:30 P.M.

Via Zoom

- 1. FY 20/21 Credits**
- 2. Wet Weather Debrief**
- 3. Brine Project Updates and Discussion**
- 4. Biosolids Management**
- 5. Strategic Planning**
- 6. EBDA Commission Package**
 - Regulatory
 - Finance
 - O&M
 - Personnel
- 7. EBDA Managers Information Sharing**

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- Zoom link: <https://us02web.zoom.us/j/86260440932>
- Telephone dial-in: 1(669) 900-6833, meeting ID #862 6044 0932

ITEM NO. 14

REGULATORY AFFAIRS COMMITTEE AGENDA

Monday, November 15, 2021

9:00 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. Update on Bay Area Air Quality Management District Regulations**
(The Committee will receive an update on BAAQMD regulations that affect wastewater agencies.)
- RA6. BACWA Key Regulatory Issue Summary**
(The Committee will review the Bay Area Clean Water Agencies' issue summary.)
- RA7. Motion Authorizing the General Manager to Execute Amendment No. 1 to the Contract with Ascent Environmental for CEQA Consulting Services for the Cargill Mixed Sea Salt Brine Discharge Project in the Amount of \$438,515, for a Total Not to Exceed Amount of \$493,055**
(The Committee will consider the motion.)

RA8. Motion Authorizing the General Manager to Execute Work Order No. 4 to the Contract with Larry Walker Associates for Preparation of a Water Quality Technical Memorandum in Support of Cargill MSS Brine EIR Water Quality Chapter in the Amount of \$83,439, for a Total Contract Not to Exceed Amount of \$209,034

(The Committee will consider the motion.)

RA9. Adjournment

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

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**The next Regulatory Affairs Committee meeting is scheduled on
Monday, January 17, 2022 at 9:00 a.m.**

ITEM NO. RA5 UPDATE ON BAY AREA AIR QUALITY MANAGEMENT DISTRICT REGULATIONS

Recommendation

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

Background

EBDA and member agency staff work collaboratively with other wastewater agencies around the region to address regional regulatory issues through the Bay Area Clean Water Agencies (BACWA) – see also Item No. RA6 – and state regulatory issues with the California Association of Sanitation Agencies (CASA). Sarah Deslauriers of Carollo Engineers serves as BACWA and CASA's advocate on regulatory issues related to air quality. Ms. Deslauriers will join the November 15 Regulatory Affairs Committee Meeting to discuss current issues that BACWA is addressing with the Bay Area Air Quality Management District (BAAQMD) and California Air Resources Board (CARB).

Discussion

The following is a summary of key air quality regulatory issues affecting wastewater agencies:

Proposed Amendments to BAAQMD Regulation 2: Permits

BAAQMD is in the process of amending Regulation 2 (specifically, Rules 2 and 5), which applies to all regulated sources of air pollution that are required to obtain a permit from BAAQMD. Regulation 2 requires compliance with various emissions and exposure requirements. BAAQMD is proposing to make Rules 2 and 5 more restrictive and protective of overburdened communities, in response to concerns regarding localized differences in air quality. Though wastewater agencies support the goals, we are concerned that the proposed regulation would limit use of diesel engines, including during emergencies. Emergency use of diesel engines during power outages at wastewater facilities is critical for preventing overflows and treatment upsets.

Following the August 24th public hearing on the BAAQMD's Draft Amendments, BACWA submitted a [comment letter](#) on the draft proposed amendments stating emergency run time on diesel engines should not be limited and requesting wastewater treatment plants and collection systems be included in the definition of essential public services, as they are in BAAQMD's existing Regulation 9, Rule 8.

AB 617 [Criteria Pollutant and Toxic Emissions Reporting \(CTR\)](#) and AB 2588 Air Toxics "Hot Spots" [Emission Inventory Criteria and Guidance \(EICG\)](#) Updates

In 2020, CARB updated these two toxics reporting programs. Initially, each wastewater facility would have been required to report emissions for over 1000 compounds. CASA advocated for the wastewater sector instead to perform a statewide "two-step process," in collaboration with CARB and air districts, to determine a shortlist of compounds relevant to the wastewater sector for reporting. The [Final Statement of Reasons](#) for the

regulations captured this concept, and gave the wastewater sector until 2028 to implement the proposed two-step process. CASA is drafting an approach for conducting the work, which it plans to release for review this fall. The approach will be similar to the Pooled Emissions Estimation Program completed in 1990). CASA has prepared a [one-page summary](#) of the issue. Through 2028, WWTPs are to report “business as usual.”

[BAAQMD Rule 11-18: Risk Reduction from Air Toxic Emissions at Existing Facilities](#)

All wastewater treatment facilities are in Phase II of the implementation schedule for this regulation. BAAQMD staff plans to begin sending initial requests for information to Phase II facilities before the end of 2021, beginning with those plants having an estimated prioritization score >100. Wastewater agencies are expected to respond to the data requests within two to four months of receiving them. The outcome of the two-step process under AB 617/AB 2588 will update the emissions factors used in the health risk assessments performed under BAAQMD Rule 11-18. In accordance with the Rule 11-18 Implementation Procedures (April 2018), BAAQMD provides opportunities for public review and comment on site-specific health risk assessment results and risk reduction plans.

[BAAQMD Proposed Regulation 13: Climate Pollutant Reduction](#)

In anticipation of the implementation of SB 1383 statewide, which is aimed at diversion of organic materials from landfills, BAAQMD is concerned there will be an increase in methane emissions from anaerobic digesters, compost facilities, and organic waste material handling facilities. However, rule development under [BAAQMD Regulation 13](#) has been suspended due to COVID-19 interrupting the stakeholder process and lack of data supporting its need. BAAQMD staff continues to engage with BACWA in an effort to develop a baseline understanding of current methane emissions management practices. A survey was sent to BACWA membership, and a summary of the responses is being drafted for review prior to sending to BAAQMD staff. The summary will include our interpretation of best practices, a potential recommendation for a permit condition, and a request for a “routine accommodation” for digester cleaning and maintenance, as suggested during the meeting discussion. BAAQMD plans to revisit Regulation 13 development this fall to determine next steps.

[CARB Proposed Advanced Clean Fleet Regulations](#)

The proposed [Advanced Clean Fleet Rule](#) requires all purchases be zero-emission vehicles (truck and bus fleets) by 2045 (and possibly 2035, per the Governor’s request), with government entities identified as early adopters. The [draft regulation](#) was released August 25, 2021, and a public workshop was held on September 9 to discuss the draft. CARB’s goal is to adopt the regulation by summer of 2022, with implementation targets beginning in 2024. Unfortunately, the draft regulation does not allow for near-zero emission vehicles that run on compressed renewable biogas (a product of anaerobic digestion at POTWs that can be used as a transportation fuel and is called upon by the short-lived climate pollutant reduction strategy as key to feasible implementation). CASA is also concerned that heavy-duty zero-emission vehicles are not yet available that can perform many wastewater utility and critical response functions.

ITEM NO. RA6 BACWA KEY REGULATORY ISSUE SUMMARY

Recommendation

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

Background

Periodically, the Bay Area Clean Water Agencies (BACWA)'s Regulatory Program Manager updates a Key Regulatory Issues Summary that contains succinct information on regulatory issues of interest to Bay Area wastewater agencies. The Summary matrix contains background, challenges and recent updates, next steps for BACWA, and links to key resources and documents.

Discussion

The most recent issue summary, updated on October 20, 2021, is attached. Previous versions are available at <https://bacwa.org/regulatory-issues-summaries/>.



KEY REGULATORY ISSUE SUMMARY

Updated October 20, 2021

Action items for member agencies are in **bold**

Contents

Nutrients in San Francisco Bay	Page		
SF Bay Nutrient Watershed Permit	1	SSS WDR Reissuance	9
Chlorine Residual Compliance	2	ELAP Update	10
Pesticides	3	Phase-Out of Biosolids as Alternative Daily Cover	11
Enterococcus Limits	4	Climate Change Mitigation	12
Mercury and PCBs	4	Climate Change Adaptation	13
State Water Board Toxicity Provisions	5	Toxic Air Contaminants	14
Compounds of Emerging Concern (CECs)	6	BACT for Standby Power	15
Per- and Polyfluoroalkyl Substances (PFAS)	7	Acronyms	15
	8		

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
NUTRIENTS IN SAN FRANCISCO BAY			
<ul style="list-style-type: none"> San Francisco Bay receives some of the highest nitrogen loads among estuaries worldwide, yet has not historically experienced the water quality problems typical of other nutrient-enriched estuaries. It is not known whether this level of nitrogen loading, which will continue to increase in proportion to human population increase, is sustainable over the long term. Because of the complexity of the science behind nutrient impacts in SF Bay, stakeholders in the region are participating in a steering committee to prioritize scientific studies and ensure that all science to be used for policy decisions is conducted under one umbrella. 	<ul style="list-style-type: none"> For FY22, BACWA is contributing \$2.2M to fund scientific research needed to make management decisions for the third Watershed Permit. This level of funding is required by the second Watershed Permit. The focus of current scientific efforts is improving model representation of biogeochemistry, light attenuation, dissolved oxygen, and Harmful Algal Bloom dynamics. Field and lab observations are supporting these improvements. The science team is developing an Assessment Framework for deep subtidal habitats and Lower South Bay sloughs. The science team is assessing the geographic zone of influence of each plant's discharge, which will aid in developing management approaches. 	<ul style="list-style-type: none"> BACWA and the Regional Water Board are discussing the possibility of an extension of the current permit term to increase scientific certainty prior to making management decisions. Continue to participate in steering committee, Nutrient Management Strategy, Nutrient Technical Workgroup, and planning subcommittee meetings, and provide funding for scientific studies. Continue to engage with Nutrient Technical Team and BACWA's Nutrient Management Strategy technical consultant, Mike Connor, to provide review of recent work products and charge questions for the science team. 	<p>BACWA Nutrients Page: https://bacwa.org/nutrients/</p> <p>SFEI Nutrient Science Plan Documents: http://sfbaynutrients.sfei.org/books/reports-and-work-products</p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
SF BAY NUTRIENT WATERSHED PERMIT			
<ul style="list-style-type: none"> • The 1st Nutrient Watershed Permit was adopted in 2014, and required a regional study on Nutrient Treatment by Optimization and Upgrades, completed in 2018. • The 2nd Nutrient Watershed Permit was adopted in 2019. It includes: <ul style="list-style-type: none"> ○ Continued individual POTW nutrient monitoring and reporting; ○ Continued group annual reporting; ○ Significantly increased funding for science; ○ Regional assessment of the feasibility and cost for reducing nutrients through nature-based systems and recycled water; ○ Establishing current performance for TIN, and “load targets” for nutrient loads based on 2014 to 2017 load data plus a 15% buffer for growth and variability ○ Recognition of “early actors” who are planning projects that will substantially decrease TIN loads. • Through the nutrient surcharge levied on permittees, BACWA funds compliance with the following provisions on behalf of its members: <ul style="list-style-type: none"> ○ Group Annual Reporting ○ Regional Studies on Nature-Based Systems and Recycled Water ○ Support of scientific studies through the Regional Monitoring Program (RMP) at \$2.2M per year through the five-year permit term. 	<ul style="list-style-type: none"> • Studies related to Recycled Water and Nature-Based Systems are underway, and will be completed by the due date of July 1, 2023. • Each year by February 1, BACWA submits a Group Annual Report on behalf of its members. The report summarizes trends in nutrient concentrations and loading for each agency, and for all the agencies as a whole. The annual reporting period in the 2nd Watershed Permit is based on a water year (October 1 – September 30th). • Each year by February 1, BACWA and SFEI submit an annual science implementation plan and schedule update, as required by the 2nd Watershed Permit. • Agencies with plans to substantially reduce nutrients are recognized in the Fact Sheet of the 2nd watershed permit. 	<ul style="list-style-type: none"> • Agencies continue to report nutrient monitoring to the Water Boards through CIWQS and to BACWA via the data sheet. Submittals for the 2020-21 water year are due to HDR by November 19th. • Agencies with plans to implement projects that will substantially reduce nutrient loads should keep the Regional Water Board and BACWA apprised, to get credit for “early actions.” • Review draft reports by HDR and SFEI for the Nutrient Removal by Recycled Water Evaluation and the Nature-Based Systems study. Draft agency reports for the Recycled Water Evaluation will start being distributed for agency review in October 2021. • Continue working with HDR to develop compliance feasibility information related to load limits in the 3rd Watershed Permit. • Continue discussions about development of a potential nutrient trading framework. • BACWA has reconvened the Nutrient Strategy Team (NST) that will negotiate with the Regional Water Board to develop the tenets for the 3rd Watershed Permit. 	<p>2nd Nutrient Watershed Permit: https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2019/May/6_ssr.pdf</p> <p>Special Studies of Recycled Water and Nature-Based Systems: https://bacwa.org/document-category/2nd-watershed-permit-studies/</p> <p>Optimization/Upgrade Study Information: https://bacwa.org/document-category/optimization-and-upgrade-studies/</p> <p>BACWA Group Nutrient Annual Reports: http://bacwa.org/document-category/nutrient-annual-reports/</p> <p>Data sheet for 2020-21 Group Annual Report: https://bacwa.org/wp-content/uploads/2021/10/BACWA_RFI_GAR_Rev2_2021-2020.xlsx</p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
CHLORINE RESIDUAL COMPLIANCE			
<ul style="list-style-type: none"> The Basin Plan chlorine residual effluent limit is 0.0 mg/L. Chlorine residual is the most frequent parameter for violations for Region 2 POTWs. Because there are 24 hourly reporting events each day, the “opportunities” for violations are enormous. However, the actual violation rates are infinitesimal (~0.001%). Agencies are overdosing their effluent with the dechlorination agent, sodium bisulfite, to prevent chlorine violations, a practice which costs more than \$1 million regionally each year. 	<ul style="list-style-type: none"> The Regional Water Board worked with BACWA to develop a Basin Plan Amendment (BPA) modifying the effluent limit for chlorine residual. The BPA includes: <ul style="list-style-type: none"> A 0.013 mg/L Water Quality Objective in marine and estuarine waters, which will be applied as a WQBEL in permits and calculated incorporating dilution. The WQBEL will be applied as a one-hour average. A Minimum Level (ML), or Reporting Limit of 0.05 mg/L for online continuous monitoring system. The BPA was adopted by the Regional Water Board on November 18, 2020, and was approved by the State Water Board on May 18, 2021. It will not go into effect until it is approved by the Office of Administrative Law (OAL) and EPA, which is expected by late 2021. In October 2021, the Regional Water Board adopted a blanket permit amendment (Order R2-2021-0019) implementing the Basin Plan Amendment within each individual NPDES permit. The order will become effective shortly after the Basin Plan Amendment is approved by the OAL and EPA. 	<ul style="list-style-type: none"> Prepare for a short turnaround time for implementation of the new chlorine residual limits, as follows: <ul style="list-style-type: none"> Ensure compliance with the new minimum required frequency of once every 5 minutes. Ensure the monitoring system complies with the new minimum level of 0.05 mg/L. Members that plan to discharge detectable residual chlorine may need to adapt sampling and analysis procedures for other constituents for which residual chlorine could interfere, such as whole effluent toxicity and ammonia. Use the highest one-hour arithmetic mean as the daily value reported into CIWQS. 	<p>Background and Status information about BPA on Regional Water Board site: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/chlorinebpa.html</p> <p>Final BPA adopted by Regional Water Board https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/chlorinebpa/2_Chlorine_Resolution_R2-2020-0031.pdf</p> <p>Blanket Permit Amendment (Revised Tentative Order) https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0019.pdf</p> <p>BACWA Comment Letter on blanket permit amendment: https://bacwa.org/wp-content/uploads/2021/09/BACWA-Chlorine-Amend-TO-Comment-Ltr-2021-08-20.pdf</p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
PESTICIDES			
<ul style="list-style-type: none"> • Pesticides are regulated via FIFRA, and not the Clean Water Act. POTWs do not have the authority to regulate pesticide use in their service area, but may be responsible for pesticide impacts to their treatment processes or to surface water. • Through BAPPG, BACWA aims to proactively support a scientific and regulatory advocacy program so that pesticides will not impact POTWs' primary functions of collecting and treating wastewater, recycling water, and managing biosolids, or impact receiving waters via the "down the drain" route. 	<ul style="list-style-type: none"> • EPA reviews all registered pesticides at least once every 15 years. Each review allows opportunity for public comment. • BACWA continues to fund consultant support to write comment letters advocating for the consideration of POTW and surface water issues during EPA's risk assessments as part of reregistration. Funding for pesticide regulatory outreach in FY22 is \$60K. • The Regional Water Board leverages BACWA's efforts to provide their own comment letters to EPA. • With chronic toxicity limits likely in the near term, POTWs will be in compliance jeopardy if pesticides contribute to toxicity. • Baywise.org has launched webpages on flea and tick control messaging to pet owners and veterinarians. 	<ul style="list-style-type: none"> • Continue to comment on pesticide re-registrations. • Work with veterinary associations on messaging with respect to flea and tick control alternatives. • Continue to develop summary of EPA actions on pesticides. • Look for opportunities to work with CalDPR on pesticides research. • Work with other regional associations, such as the California Stormwater Quality Association (CASQA), to collaborate on funding pesticide regulatory outreach. 	<p>BACWA Pesticides Regulatory Update and Call to action: https://bacwa.org/wp-content/uploads/2016/02/BACWA-Pesticide-Regulatory-Update-2016-1.pdf</p> <p>BACWA Pesticide Regulatory Support Page: https://bacwa.org/document-category/pesticides-regulatory-support/</p> <p>Baywise flea and tick pages: https://baywise.org/</p>
ENTEROCOCCUS LIMITS			
<ul style="list-style-type: none"> • In 2019, new statewide water quality objectives for bacteria were implemented to protect recreational users. The objectives are now part 3 of the Water Quality Control Plan for the SIP and Ocean Plan. • In February 2021, the Regional Water Board amended the Basin Plan to reflect the new statewide objectives. The same order also established a bacteria TMDL for two beaches in the Half Moon Bay area. 	<ul style="list-style-type: none"> • The new enterococcus objective for saline waters is a six-week rolling geometric mean not to exceed 30 CFU/100 mL and a statistical threshold value of 110 CFU/100 mL • In July 2021, the State Water Board approved the Basin Plan Amendment and TMDL. The action must now be approved by the OAL and EPA, though the water quality objectives are already in effect. OAL review commenced on Oct. 1, 2021. 	<ul style="list-style-type: none"> • Dischargers may request dilution credits when the new objective is implemented within NPDES permits, based on a study completed by BACWA and SFEI to establish background enterococcus levels in SF Bay. • The study, completed in June 2020, showed all stations in the Bay were below the objective of 30 CFU/100 mL 	<p>SFEI Report on Enterococci in SF Bay: https://bacwa.org/wp-content/uploads/2020/08/BA-CWA-2020_Enterococci-report_final.pdf</p> <p>Regional Water Board Basin Plan Amendment: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/PPH_TMDL.html</p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
MERCURY AND PCBs			
<ul style="list-style-type: none"> • The Mercury & PCB Watershed Permit was reissued in November 2017 with an effective date of January 1, 2018. The Watershed Permit is based on the TMDLs for each of these pollutants. • Aggregate PCB and mercury loads have been well below waste load allocations through 2020, the last year for which data have been compiled. • Method 1668C for measuring PCB congeners has not been promulgated by EPA. Data collected during the first permit term varied widely depending on which laboratory performed the analyses. BACWA Laboratory Committee developed an updated PCB Protocol to reduce variability between laboratories running Method 1668C, effective January 1, 2014. Data have been more consistent since the distribution of this document. • In 2017, EPA adopted federal pretreatment program rules requiring dental offices to install dental amalgam separators. The rule is intended to reduce dental office discharge of mercury. The compliance date was July 14, 2020. 	<ul style="list-style-type: none"> • The 2017 watershed permit reduces monitoring frequencies via Method 1668C for agencies with design flows of less than 50 MGD. It also incorporates the laboratory guidance from the BACWA PCB Protocol. • The permit requires continued risk reduction program funding. For FY22, BACWA granted an extension to an ongoing contract worth \$12,500 to the California Indian Environmental Alliance to conduct risk reduction activities related to fish consumption. A previous contract for APA Family Support Services is now complete. • In 2016, monitoring requirements for PCBs were modified for some agencies per Order No. R2-2016-0008, the <i>Alternate Monitoring and Reporting Requirements Order</i>. New changes to mercury monitoring are expected when this 2016 Order is replaced (see CECs page). • As part of the 2021 Triennial Review of the Basin Plan, the Regional Water Board has prioritized designation of three new beneficial uses: Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB) and Subsistence Fishing (SUB). Water bodies designated these beneficial uses could also be assigned lower mercury objectives. In Sep. 2021, this basin planning project was ranked as a “high priority” in the Triennial Review. 	<ul style="list-style-type: none"> • Synthesize PCB loading data analyzed via Method 1668C ahead of the 2022 reissuance of the PCB & Mercury Watershed Permit. This large data set demonstrates compliance with the TMDL, but may also be useful in assessing necessary monitoring frequencies. Continue to work with Regional Water Board staff to develop appropriate mercury and PCB monitoring requirements (as well as other constituents) when replacing the 2016 <i>Alternate Monitoring and Reporting Requirements Order</i>. • Continue outreach to dentists BAPPG and BACWA’s pretreatment committee. Under the federal pretreatment program, all dental facilities were required to submit one-time compliance reports by October 2020. • Schedule risk reduction presentations by the grantees to the Regional Water Board in 2021. • Track potential Basin Plan Amendments resulting from the Triennial Review project related to new beneficial use designations. The new designations are not expected to impact the bay-wide mercury TMDL in the near term, but there could be localized or longer-term impacts. 	<p>2017 Mercury/PCB Watershed Permit: http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2012/R2-2012-0096.pdf</p> <p>Risk Reduction Materials: https://bacwa.org/mercury-pcb-risk-reduction-materials/</p> <p>Updated BACWA PCBs Protocol: https://bacwa.org/wp-content/uploads/2014/02/PCBs-Sampling-Analysis-and-Reporting-Protocols-Dec13.pdf</p> <p>One-Time Compliance Report for Dental Offices: https://www.waterboards.ca.gov/water_issues/programs/npdes/docs/drinking_water/one-time_compliance_report_for_dental_offices.pdf</p>

STATE WATER BOARD TOXICITY PROVISIONS

<ul style="list-style-type: none"> • The State Water Board has been working since before 2012 to establish Toxicity Provisions in the SIP that would introduce uniform Whole Effluent Toxicity Requirements for the State • During individual permit reissuances since 2015, the Regional Water Board has been performing RPAs for chronic toxicity and giving chronic toxicity limits to agencies with Reasonable Potential. • Proposed Final Statewide Toxicity Provisions were released in October 2020, incorporating revisions to previous versions from 2018 to 2020. The Provisions establish: <ul style="list-style-type: none"> ○ Use of Test of Significant Toxicity (TST) as statistical method to determine toxicity replacing EC25/IC25 (with concerns it will lead to more false positive results); ○ Numeric limits for chronic toxicity for POTWs >5 MGD and with a pretreatment program; smaller POTWs would receive effluent targets and only receive limits if Reasonable Potential is established; ○ Regional Water Board discretion on whether to require RPAs for acute toxicity; ○ For POTWs with <i>Ceriodaphnia dubia</i> as most sensitive species, numeric targets rather than limits until after completion of state-wide study on lab/ testing issues (Dec. 31, 2023). 	<ul style="list-style-type: none"> • The State Water Board first adopted the Statewide Toxicity Provisions at its December 2020 meeting. In October 2021, the State Water Board affirmed that the Statewide Toxicity Provisions were adopted as state policy for water quality control for all inland surface waters and estuaries. The Toxicity Provisions are expected to go into effect in early 2022 after approval by OAL and EPA. • Implementation is likely to be on a permit-by-permit basis as new individual NPDES permits are issued. • Since 2016, agencies have had the option to skip sensitive species screening upon permit reissuance and pay the avoided funds to the RMP to be used for CECs studies. Once the Statewide Toxicity Provisions come into effect, agencies will once again be required by the provisions to do sensitive species screening once every 15 years. • BACWA joined SCAP, CVCWA and NACWA in a lawsuit alleging EPA did not follow proper procedure in requiring use of the TST, which has not been officially promulgated. The lawsuit was dismissed on Statute of Limitation grounds. An appeal to the 9th Circuit Court of Appeals was denied in September 2021 on the basis that the EPA guidance document is not a final agency action that can be reviewed by the courts. POTWs' only recourse is to challenge individual permits that include the procedure. 	<ul style="list-style-type: none"> • Continue to work with Regional Water Board on language for implementing Toxicity Provisions in Region 2 NPDES Permits. • Regional Water Board staff presented draft permit language to the BACWA Permits Committee at its December 2020 meeting, and BACWA subsequently provided written feedback. A modified draft will be circulated for BACWA member review in the coming months. The sample permit language will ultimately be copied into each newly adopted permit in the region, filling in details about monitoring and screening requirements that the Provisions leave to Regional Water Board discretion. • Share information on the special study on the <i>Ceriodaphnia dubia</i> test method with agencies who have that species in their permits. • Develop an alternative funding mechanism for RMP CECs studies by seeking reduced monitoring for items other than chronic toxicity screening. A draft plan to replace the 2016 <i>Alternate Monitoring and Reporting Requirements</i> Order is under development by BACWA and Regional Water Board staff (see CECs page). 	<p>SWRCB Toxicity Page: http://www.swrcb.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml</p> <p>Toxicity Provisions adopted December 2020: https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/provisions_final.pdf</p> <p>Toxicity Workshop Presentations from 2017 BACWA Workshop: https://bacwa.org/bacwa-toxicity-workshop-september-18-2017/</p> <p>Regional Water Board presentation on implementation of Statewide Toxicity Provisions from December 2020 https://bacwa.org/wp-content/uploads/2021/01/Slides-from-RWQCB-Regarding-R2-Tox-Language-in-NPDES-Permits-2020-12-08.pdf</p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
COMPOUNDS OF EMERGING CONCERN (CECS)			
<ul style="list-style-type: none"> Pharmaceuticals and other trace compounds of emerging concern (CECs) are ubiquitous in wastewater at low concentrations and have unknown effects on aquatic organisms. The State Water Board is considering developing a Pilot CECs Monitoring Plan for the State. Region 2's CEC strategy focuses on monitoring/tracking concentrations of constituents with high occurrence and high potential toxicity. Much of what the State Water Board is considering for its Pilot Monitoring Plan is already being implemented in Region 2 through the RMP. 	<ul style="list-style-type: none"> The Regional Water Board has stated that voluntary and representative participation in RMP CECs studies is key to avoiding regulatory mandates for CECs monitoring. These studies are informational and not for compliance purposes. BACWA developed a White Paper on representative participation to be used to support facility selection for these studies. It is intended to be a living document with ongoing updates Microplastics have been a focus of the RMP in recent years. BACWA has participated in the Workgroup and developed a POTW Fact Sheet. One conclusion of the RMP work is that POTWs contribute much lower microplastic loads than stormwater. DDW has adopted a definition of Microplastics in Drinking Water (may apply to other matrices such as wastewater and stormwater in the future). The OPC is funding a study in 2021 that will look at microplastic removal through wastewater treatment processes. The study will be carried out by SCCWRP and SFEI, and will commence with a pilot study in summer 2021 and full-scale sampling of about 15 facilities in Fall 2021. 	<ul style="list-style-type: none"> Provide comments on the Tentative Order NPDES permit amendment requiring supplemental funding of RMP CECs studies. The Tentative Order will be considered for adoption at the December 15th Regional Water Board hearing. The Tentative Order will provide a sustainable source of RMP CEC funding in exchange for reduced monitoring and reporting of other parameters. For most dischargers, it will replace a similar 2016 Order. Continue to participate in the RMP CEC Workgroup. Participate in studies by collecting wastewater samples at member facilities. Studies this year will include ethoxylated surfactants follow-up, sunscreens, and the OPC-funded microplastic study. Provide ongoing updates to White Paper for use by the RMP in selecting representative POTWs for participation in CEC studies, and develop a proposal for ongoing monitoring. Continue tracking State Water Board and Ocean Protection Council actions re: microplastics via the CASA Microplastics Workgroup.. 	<p>RMP CEC Workgroup: http://www.sfei.org/rmp/ecwg#tab-1-4</p> <p>BACWA CECs White Paper: https://bacwa.org/document/bacwa-cec-white-paper-updated-june-2020/</p> <p>BACWA Microplastics Fact Sheet: https://bacwa.org/wp-content/uploads/2019/09/BACWA-Microplastics-flyer.pdf</p> <p>SFEI Microplastics Science Strategy: www.sfei.org/documents/microplastic-monitoring-and-science-strategy-san-francisco-bay</p> <p>SWRCB Microplastics in Drinking Water page: https://www.waterboards.ca.gov/drinking_water/certific/drinkingwater/microplastics.html</p> <p>Tentative Order NPDES Permit Amendment https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2021/December/AMRP/ARMP_TO.pdf</p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)			
<ul style="list-style-type: none"> Per- and polyfluoroalkyl 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. Perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) are two types of PFAS that are no longer manufactured in the US; however, other types of PFAS are still produced and used in the US. All PFAS are persistent in the environment, can accumulate within the human body, and have demonstrated toxicity at relatively low concentrations. PFOA and PFOS were found in the blood of nearly all people tested in several national surveys. Potential regulatory efforts to address PFAS focus on drinking water in order to minimize human ingestion of these chemicals, although regulators have also expressed concern about uptake into food from land applied biosolids. In April 2021, the formation of an “EPA Council on PFAS” was announced. 	<ul style="list-style-type: none"> DDW has developed drinking water notification levels (NLs) and response levels for PFOA, PFOS, and Perfluorobutane Sulfonic Acid (PFBS). At DDW’s request, OEHHA is developing NLs for seven other PFAS compounds and public health goals (PHGs) for both PFOA and PFOS as the next step in establishing drinking water MCLs. In July 2021, OEHHA proposed a PHG of 0.007 ng/L for PFOA and 1 ng/L for PFOS. In July 2020, the SWRCB issued an Investigative order for POTWs. Investigative orders have also been issued for landfills, airports, chrome platers, and refineries & bulk terminals. The July 2020 SWRCB investigative Order for POTWs is <u>not</u> applicable to Region 2 agencies. The Summit Partners held four PFAS Workshops for POTWs in late 2020 and 2021. The most recent workshop was in September 2021. EPA is beginning pretreatment standards rulemaking for two types of industrial users: Metal Finishing, and Organic Chemicals, Plastics and Synthetic Fibers. In September 2021, EPA released Draft Method 1633 for analysis of PFAS in complex matrices like wastewater. In October 2021, state legislation passed banning PFAS in children’s products (AB 652) and food packaging (AB 1200). 	<ul style="list-style-type: none"> BACWA worked with RWB staff and obtained State Water Board approval to fund and conduct a Regional PFAS Study in lieu of the statewide investigative order. SFEI is conducting this study in two phases: <ul style="list-style-type: none"> In Phase 1, fourteen representative facilities collected samples in Q4 2020 for influent, effluent, RO concentrate, and biosolids. SFEI has uploaded the data into Geotracker and will issue a report in October 2021. BACWA has prepared a Fact Sheet regarding Phase 1 results (see link at right). Phase 2 will be conducted in Winter 2021 and Spring 2022. Preparation of the plan is underway, and is expected to include a subset of Phase 1 facilities sampling at more locations -- including in collection systems. BACWA will continue collaboration with Summit Partners and non-governmental organizations on legislation related to pollution prevention, as well as tracking developments at the State and Regional level. 	<p>Region 2 PFAS Study Phase 1 Presentation: https://bacwa.org/wp-content/uploads/2021/09/Mendez-Miguel-PFAS-Workshop-4.pdf</p> <p>Region 2 PFAS Study Fact Sheet: https://bacwa.org/wp-content/uploads/2021/08/PFAS-Fact-Sheet-Phase-1.pdf</p> <p>Summit Partners PFAS Workshop presentations: https://casaweb.org/calendar/speaker-presentations/</p> <p>SWRCB Investigative Order for POTWs: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2020/wqo2020_0015_dwq.pdf</p> <p>OEHHA Drinking Water: https://oehha.ca.gov/water</p> <p>EPA PFAS Resources https://www.epa.gov/pfas</p> <p>EPA PFAS Strategic Roadmap (Oct 2021) https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024</p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
SSS WDR REISSUANCE			
<ul style="list-style-type: none"> • The State Water Board plans to reissue the statewide Sanitary Sewer System General Order (SSS-WDR). • State Water Board staff have sought out early stakeholder engagement through outreach to CASA and the Regional Associations, and NGOs. • The State Water Board’s goals for the update are: <ul style="list-style-type: none"> ○ Updating the 2006 Order ○ Clarifying compliance expectations and enhancing enforceability ○ Addressing system resiliency, including climate change impacts ○ Identifying valuable data and eliminating non-valuable reporting requirements 	<ul style="list-style-type: none"> • In February 2021, the State Water Board released an informal staff draft of the updated SSS-WDR. The informal staff draft proposed the following new components: <ul style="list-style-type: none"> ○ SSMPs must include a detailed risk assessment, with findings to be used for prioritizing remediation actions ○ Spills must be reported to CIWQS within 2 hours ○ Sewershed boundaries must be provided to SWRCB ○ Agencies must report spills from private systems and laterals ○ Exfiltration is included in the definition of a spill ○ Well-performing systems have reduced reporting requirements for “Category 4” SSOs (those less than 50 gallons) ○ Legally Responsible Officials must have a PE license or be a CWEA-certified Grade III collection system operator • BACWA worked with CASA to provide proposed redlines to the informal staff draft, and discussed concerns in several meetings with State Water Board staff. BACWA also provided a comment letter on the informal staff draft. • A public review draft is expected later in 2021 or early 2022. 	<ul style="list-style-type: none"> • Review and comment on the public review draft SSS-WDR when available for public comment, expected in December 2021 or January 2022. There will be a 60-day comment period and public workshop during this time. • Continue to coordinate with CASA, CVCWA, and SCAP on proposed revisions and reorganization of the SSMP requirements • Discuss response to issues such as exfiltration via BACWA’s Collection Systems Committee. 	<p>SWB SSS WDR page: https://www.waterboards.ca.gov/water_issues/programs/sso/</p> <p>SWB Informal Staff Draft (February 2021) https://www.waterboards.ca.gov/water_issues/programs/sso/docs/workshops/informal_staff_draft_statewide_sso_order.pdf</p> <p>BACWA / CASA Comment Letter on Informal Staff Draft: https://bacwa.org/wp-content/uploads/2021/07/6-30-21-SSS-WDR-Comment-Letter.pdf</p> <p>BACWA / CASA markup of Informal Staff Draft: https://bacwa.org/wp-content/uploads/2021/07/6-30-21-SSS-WDR-Redlines-Submission.docx</p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
ELAP UPDATE			
<ul style="list-style-type: none"> • In May 2020, the State Water Board adopted new comprehensive regulations for the Environmental Laboratory Accreditation Program. • Adoption of the new regulations was required by AB 1438, legislation that became effective in 2018. • The new ELAP regulations will replace the current state-specific accreditation standards with a national laboratory standard established by The NELAC Institute (TNI). 	<ul style="list-style-type: none"> • The new ELAP regulations became effective as of January 1, 2021. Compliance with TNI standards is required beginning January 1, 2024. • Adoption of TNI standards poses a challenge since there are more than 1,000 individual requirements. Setup costs may include: <ul style="list-style-type: none"> ○ Hiring and/or training staff; ○ Hiring consultants to set up the TNI documentation framework; ○ Purchasing Laboratory Information Management System (LIMS) software; ○ Purchasing documents and training material from TNI, etc. • The new standards will be a particular burden on small laboratories, which may choose to close if they cannot economically meet the new standards. • ELAP's "Roadmap to ELAP Accreditation" Program is the outreach and training component of the new regulations. ELAP staff have presented to the Lab Committee in June 2020, February 2021, and April 2021. ELAP has contracted with A2LA Workplace Training to provide training sessions. • The BACWA Lab Committee is providing a year-long series of monthly TNI training sessions beginning in July 2021. 	<ul style="list-style-type: none"> • Offer monthly training sessions to BACWA members. The free virtual training sessions are open to BACWA members holding a valid copy of the 2016 TNI Standard, and are occurring on the 3rd Tuesday of each month. Training is provided by Diane Lawver of Quality Assurance Solutions, LLC. • Continue to work through BACWA's Laboratory Committee to support members as they navigate laboratory accreditation under the new TNI standards. • Publicize training opportunities offered by consultants, ELAP, and others. • Provide a forum for BACWA laboratories to share experiences and lessons learned from various approaches to TNI implementation. 	<p>State Water Board's 'Roadmap to ELAP Accreditation' page: https://www.waterboards.ca.gov/drinking_water/certlic/labs/roadmap_to_elap_accreditation.html</p> <p>Roadmap to Accreditation Presentation to BACWA Lab Committee: https://bacwa.org/wp-content/uploads/2020/06/California-ELAP-Regulations-BACWA_06092020.pdf</p> <p>State Water Board's ELAP regulations page: http://www.waterboards.ca.gov/drinking_water/certlic/labs/elap_regulations.shtml</p> <p>Monthly Training Session flyer: https://bacwa.org/wp-content/uploads/2021/07/BACWA-Lab-TNI-Training-Series-Flyer.pdf</p>

PHASE-OUT OF BIOSOLIDS AS ALTERNATIVE DAILY COVER

<ul style="list-style-type: none"> Regulatory drivers are indicating that biosolids used as alternative daily cover (ADC) or disposed in landfills will be phased out: <ul style="list-style-type: none"> AB 341 set a goal to recycle 75% of solid waste by 2020 and CalRecycle's plan to achieve that goal called for a marked, but unquantified, reduction of organics to landfills. SB 1383, adopted in September 2016 requires organics diversion: -50% by 2020 (relative to 2014) -75% by 2025 (relative to 2014) In 2020, CalRecycle will count green waste as disposal (per AB 1594), rather than diversion, even when used as ADC. Regulations implementing SB 1383 were approved by the OAL on November 9, 2020. The regulation will become effective on January 1, 2022, when states can begin enforcement on jurisdictions. Jurisdictions can begin local enforcement January 1, 2024, and compliance is required by January 1, 2025. While the regulations implementing SB 1383 do not explicitly forbid biosolids disposal/reuse in landfills, it is assumed that since biosolids are a relatively "clean" waste stream that can be easily diverted, landfills will stop accepting biosolids. 	<ul style="list-style-type: none"> Requirements in the final regulations include: <ul style="list-style-type: none"> Diverted biosolids must be anaerobically digested and/or composted to qualify as landfill reduction. Incineration and surface land disposal sites are designated as "landfills" for accounting purposes. Local ordinances restricting land application are disallowed. Jurisdictions that divert organic waste must also procure the end products of diversion, such as biogas, biomethane, and compost (but not biosolids). In March 2020 and May 2021, the California Conference of Directors of Environmental Health (CCDEH) prepared letters expressing concern over the anticipated expansion of land application due to SB 1383, and requesting a moratorium on land application until new safety standards are developed. In summer 2021, member agencies provided responses to a biosolids trends survey covering 2018-2020 activities and SB 1383 implementation. BACWA is compiling and reviewing the responses. SB 619, signed in October 2021, delays enforcement of SB 1383 on local jurisdictions by one year to January 1, 2023. The extension is not automatic; jurisdictions must request the extension by submitting a Notice of Intent to comply and corrective action plan. 	<ul style="list-style-type: none"> In Fall 2021, BACWA will release an updated biosolids trends survey report. Preliminary results indicate members are shifting from ADC towards other uses, compared to the previous 2018 survey Actively work through CASA with California Air Resource Board, CalRecycle, State Water Board, and California Department of Food and Agriculture to develop sustainable long-term options for biosolids beneficial use. Follow efforts of the Bay Area Biosolids Coalition (BABC) to investigate all-weather options for biosolids management. BABC is a BACWA Project of Special Benefit. Follow efforts of the Regional Water Board to revise biosolids permitting requirements for land application and disposal, particularly in the Baylands. Participate in BAAQMD's Organics Recovery Technical Working Group to educate their staff on implementation of SB 1383 at the Air District level. Meet with BAAQMD regularly in 2021 to discuss alignment of state and local regulations. Work with CASA and others to respond to CCDEH concerns regarding safety standards for land application (see July 2021 letter, link at right). 	<p>BACWA 2018 Biosolids Trends Survey Report: https://bacwa.org/document/2018-biosolids-trends-survey-report/</p> <p>CASA White Paper on Biosolids Use in Landfills: https://bacwa.org/wp-content/uploads/2017/01/1-11-17-Sustainability-for-biosolids-use-at-landfills.pdf</p> <p>BABC website: http://www.bayareabiosolids.com/</p> <p>CASA White Paper on SB 1383 Implementation: https://bacwa.org/document/summary-of-sb-1383-and-its-implementation-casa-2020/</p> <p>CASA July 2021 Response Letter to CCDEH https://casaweb.org/wp-content/uploads/2021/07/CASA-Response-to-CCDEH-Letters-071321.pdf</p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
CLIMATE CHANGE MITIGATION			
<ul style="list-style-type: none"> • CARB’s Climate Change Scoping Plan Update lays out the approach for the State to meet its greenhouse gas (GHG) emissions reduction targets through 2030, including additional policies to achieve 40% reduction below 1990 levels by 2030: <ul style="list-style-type: none"> ○ Short-lived climate pollutants ○ Carbon sequestration on Natural and Working Lands ○ Largest emitters (transportation, electricity, and industrial sectors) The Scoping Plan will be updated in 2022 targeting carbon neutrality by 2045 and, if possible, 2035. Workshops are underway. • SB 1383 (Short-Lived Climate Pollutant Reduction) calls for: <ul style="list-style-type: none"> ○ 40% methane reduction by 2030 ○ 75% diversion of organic waste from landfills by 2025 ○ Policy / regulatory development encouraging production/use of biogas • BAAQMD developed a Clean Air Plan requiring GHG emissions supporting CARB’s 2050 target. • BAAQMD has proposed the development of Regulation 13 (climate pollutants) targeting GHG reductions related to organics diversion and management. • In October 2020, Governor Newsom signed Executive Order N-82-20 calling for nature-based land management strategies to address climate change, such as natural and working lands restoration. 	<ul style="list-style-type: none"> • CARB states POTWs are part of the solution for reducing fugitive methane, and encourages diversion of organics to POTWs to use excess digester capacity and produce biogas. However, diversion also increases biosolids, which also need to be diverted from landfills. • Many POTWs are exploring energy generation, but BAAQMD TAC regulations could make such programs more difficult to implement. Direct injection of biogas to PG&E’s pipelines or use as a transportation fuel may be more efficient. • Use of biogas as transportation fuel is jeopardized by CARB’s proposed Advanced Clean Fleet regulations, which focus on electrification. CASA is engaging on this issue to request continued allowance of biogas as a transportation fuel. • CARB’s previous interest in nitrous oxide emission estimates and/or emission factors for POTWs has shifted to toxic air contaminants. See Toxic Air Contaminants - BAAQMD Rule 11-18, AB 617, and AB 2588. • BAAQMD is developing a suite of Rules under Regulation 13 for climate pollutants methane and nitrous oxide. However, rule development has been suspended due to COVID-19 and lack of data. The delay is allowing time to summarize information about current best management practices. 	<ul style="list-style-type: none"> • Review the summary of the AIR committee-led survey regarding current methane management practices at anaerobic digesters and sludge lagoons. After committee review, this summary will be shared with BAAQMD staff. • For Regulation 13, continue to work with BAAQMD staff to provide information and education about anaerobic digesters and POTW operations. Participate in the Organics Recovery Technical Working Group, as well as comment on draft Rules. • Look for ways to inform BAAQMD on opportunities and challenges for climate change mitigation by Bay Area POTWs. <ul style="list-style-type: none"> • Work with PG&E and BAAQMD to explore options for POTWs to inject biogas into PG&E pipelines. Note: CASA has been discussing the barriers to pipeline injection with CPUC staff, proposing a reduction in their standard from 990 Btu/scf to 970 Btu/scf and supporting a mandatory biomethane procurement program for CA’s four large gas IOUs under SB 1440. 	<p>Climate Change Scoping Plan, including 2022 Update: https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan</p> <p>CARB Short Lived Climate Pollutant Reduction Strategy: https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf</p> <p>CARB Advanced Clean Fleet Rule: https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets/about</p> <p>SB 1383: https://www.calrecycle.ca.gov/organics/slcp</p> <p>BAAQMD Clean Air Plan: http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans</p> <p>BAAQMD Regulation 13 http://www.baaqmd.gov/rules-and-compliance/rules/regulation-13-climate-pollutants</p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
CLIMATE CHANGE ADAPTATION			
<ul style="list-style-type: none"> • In 2017, the State Water Board adopted a Climate Change Resolution addressing mitigation and adaptation. One requirement is Regional Water Boards will make recommendations to modify permits and/or create other regulatory requirements to reduce vulnerability of water and wastewater infrastructure to flooding, storm surges, and sea level rise. • The Regional Water Board is planning to modify the Basin Plan under its Climate Change and Wetland Policy Update. The changes will occur through multiple Basin Plan amendments. • Climate change and water resilience continue to be a strategic priority of the Regional Water Board in FY21. • In April 2019, Governor Newsom signed Executive Order N-10-19 directing State Agencies to recommend a suite of priorities and actions to build a climate-resilient water system and ensure healthy waterways through the 21st century. 	<ul style="list-style-type: none"> • The State Water Board is planning to send a data request to all permitted facilities (collection systems and POTWs) in the State to better understand to what extent agencies are performing climate change vulnerability assessments and/or investing in adaptation measures. They plan to use this information to determine the need for funding assistance or permit requirements for climate change planning. • The Regional Water Board recently completed a detailed questionnaire of all POTWs in the region in 2021 to collect information about climate vulnerability and adaptation. Results are currently being analyzed by Regional Water Board staff, and will be presented to the Regional Water Board in the coming months. • The Regional Water Board is developing a Shoreline Resiliency Basin Plan Amendment addressing estuarine wetland protection, living shorelines, beaches, ecotone systems using treated wastewater. A draft is expected in Fall 2021. This Basin Plan Amendment could be used to incentivize the development of wetlands projects by wastewater agencies, and reduce permitting hurdles. 	<ul style="list-style-type: none"> • Review the Shoreline Resiliency Basin Plan Amendment when it is released in Fall 2021. This proposed amendment is part of a larger Climate Change and Wetland Policy Update project. • Compile information about sea level rise projections from responses to the climate change questionnaire, and share this information with BACWA members. • Continue to coordinate with State Water Board on the status of their data request on climate change planning, so members can provide the information they request as effectively as possible. Survey expected to be released towards the end of 2021. • Continue to work with Regional Water Board and other resource agencies to look for regulatory solutions to encourage wetlands projects for shoreline resiliency. • Coordinate with BABC, SFEI and Sonoma Land Trust on preparation of a white paper regarding biosolids management in the Baylands, an important region both for biosolids land application and wetlands restoration (see also Biosolids section, above). 	<p>State Water Board 2017 Climate Change Resolution: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/rs2017_0012.pdf</p> <p>Regional Water board Wetlands Policy Page: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/climate_change/wetland_policies.html</p> <p>BACWA Comments on Wetlands Policy: https://bacwa.org/wp-content/uploads/2018/09/BACWA-comments-Wetland-Policy-9-14-18.pdf</p> <p>Information about Proposed Basin Plan Amendment (Issue 5.1): https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html#triennialreview</p> <p>BACWA Comments on Resilience Portfolio: https://bacwa.org/wp-content/uploads/2019/10/BACWA-Water-Resilience-Portfolio-10-01-19.pdf</p>

TOXIC AIR CONTAMINANTS - BAAQMD RULE 11-18, AB 617, AND AB2588

<ul style="list-style-type: none"> • Regulation 11, Rule 18 (Rule 11-18), adopted November 15, 2017, is BAAQMD's effort to protect public health from toxic air pollution from existing facilities, including POTWs. • Per the Rule, BAAQMD will conduct site-specific Health Risk Screening Analyses (HRSAs) and determine each facility's prioritization score (PS). BAAQMD will conduct Health Risk Assessments (HRAs) for all facilities with a cancer PS>10 or non-cancer PS>1.0. After verifying the model inputs, if the facility still has PS above that threshold, that facility would need to implement a Risk Reduction Plan that may include employing Best Available Retrofit Control Technology for Toxics (TBARCT). • AB 617 (Community Air Protection Program) – requires CARB to harmonize community air monitoring, reporting, & local emissions reduction programs for air toxics and GHGs). POTWs within communities already impacted by air pollution may have to accelerate implementation of risk reduction measures. • AB 2588 (Air Toxics “Hot Spots” Program) - Establishes a statewide program for the inventory of air toxics emissions from individual facilities, as well as requirements for risk assessment and public notification of potential health risks. 2020 updates expanded compound list from >500 to >1,000. 	<ul style="list-style-type: none"> • BACWA developed a White Paper on the BAAQMD Rule to describe its potential impacts on the POTW community. • In response to a request by BAAQMD, the AIR Committee delivered a letter report summarizing specific challenges that POTWs would face in complying with the rule due to budgeting and planning constraints related to being public agencies. • In response, BAAQMD moved all POTWs to Phase 2 to give sufficient time to update the model's inputs, and plan for emissions reduction or TBARCT, as needed. Phase 2 has been slow to roll out and is now expected to begin in Q4 2021 with data collection and verification, followed by the development of HRAs for facilities with a cancer PS>10 or non-cancer PS>1.0. Implementation of the Rule for Phase 2 facilities will be spread out over two years depending on the PS. • AIR Committee gathered data on proximity factors from each facility and submitted to BAAQMD for updating prioritization scores, which will be use in HRA development. • In the <i>Final Statement of Reasons</i> for rulemaking issued in August 2021, CARB provided the wastewater sector time to develop a short-list of relevant compounds and perform a pooled emissions estimating effort to update outdated default emission factors (through 2028). 	<ul style="list-style-type: none"> • Priority: Agencies should use the tool developed by the AIR Committee to address emission contributions from influent flows, which will be used to update emissions inventory values. • Respond to BAAQMD data request beginning in Q4 2021. There will be a 60-day turnaround to comply with the data request. • Meet with BAAQMD management more frequently in 2021 to discuss alignment of state and local regulations. • Report “business as usual” for air toxics through 2028. If BAAQMD requests additional monitoring of air toxics, member agencies should refer to the one-page handout on this topic prepared by CASA. The wastewater sector has until 2028 to perform a statewide “two-step process” in collaboration with CARB and air districts to determine a shortlist of compounds relevant to the wastewater sector to report. 	<p>BAAQMD Rule 11-18 page: http://www.baaqmd.gov/rules-and-compliance/rule-development/rules-under-development/regulation-11-rule-18</p> <p>BAAQMD Prioritization Scores for AB 11-18: https://www.baaqmd.gov/~media/files/ab617-community-health/facility-risk-reduction/documents/implementation-procedures_august_2020-pdf.pdf?la=en</p> <p>Rule 11-18 Process Flowchart: https://bacwa.org/document/baaqmd-11-18-process-flowchart-08-17-17/</p> <p>CARB page on AB 617 and AB 2588: https://ww2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting <i>Final Statement of Reasons</i> https://ww3.arb.ca.gov/board/15day/ctr/fsor.pdf</p> <p>CASA One-Page Handout on Air Toxics Reporting: https://casaweb.org/wp-content/uploads/2021/06/CTR-EICG_CASAOnePageIssue-Approach_June2021.pdf</p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
BACT FOR STANDBY POWER			
<ul style="list-style-type: none"> In December 2020, BAAQMD made a determination that diesel back-up engines greater than or equal to 1,000 bhp must meet EPA Tier 4 Emissions Standards under the Best Available Control Technology (BACT) Regulation. 	<ul style="list-style-type: none"> The determination was made retroactive to January 2020, affecting projects whose applications had been deemed complete at several BACWA member agencies. BAAQMD did not consider reliability under emergency conditions in determining that Tier 4 Emissions Standards were “achieved-in-practice.” Some Tier 4-compliant engines have malfunctioned during actual emergencies. 	<ul style="list-style-type: none"> Meet with BAAQMD management regularly in 2021 to provide earlier knowledge of new regulations, such as BACT determinations, and encourage a public notification and review process for future BACT determinations. Work with CASA and Regional Associations to encourage consideration of reliability for essential public services in BACT determination being conducted by other Air Boards. 	<p>BAAQMD Program Page: https://www.baaqmd.gov/permits/permitting-manuals/bact-tbact-workbook</p> <p>BACWA Comment Letter on BACT Determination: https://bacwa.org/docu ment/baaqmd-bact-letter-2021-02-23/</p>

“Parking lot” issues with no updates can be found in previous [BACWA issues summaries](#).

ACRONYMS

ADC	Alternate Daily Cover
BAAQMD	Bay Area Air Quality Management District
BACT	Best Available Control Technology
BTU/SCF	British thermal units per standard cubic foot
CARB	California Air Resources Board
CASA	California Association of Sanitation Agencies
CAP	Criteria Air Pollutant
CEC	Compound of Emerging Concern
CIWQS	California Integrated Water Quality System
CVCWA	Central Valley Clean Water Agencies
CWEA	California Water Environment Association
DDW	Division of Drinking Water, State Water Resources Control Board
EC25/IC25	25% Effect Concentration/25% Inhibition Concentration
ELAP	Environmental Laboratory Accreditation Program
ELTAC	Environmental Laboratory Technical Advisory Committee
EPA	United States Environmental Protection Agency
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FY	Fiscal Year
GHG	Greenhouse Gas
HRSA	Health Risk Screening Analyses
HRA	Health Risk Assessment
MCL	Minimum Contaminant Level (Drinking Water)
MGD	Million Gallons per Day

NACWA	National Association of Clean Water Agencies
NELAC	National Environmental Laboratory Accreditation Conference
OAL	Office of Administrative Law
OEHHA	Office of Environmental Health Hazard Assessment
PCB	Polychlorinated Biphenyl
PFAS	Per- and Polyfluoroalkyl Substances
PFBS	Perfluorobutane Sulfonic Acid
PFOA	Perfluorooctanoic Acid
PFOS	Perfluorooctane Sulfonic Acid
POTW	Publicly Owned Treatment Works
PS	Prioritization Score
RMP	Regional Monitoring Program
RPA	Reasonable Potential Analysis
SCAP	Southern California Alliance of POTWs
SF Bay	San Francisco Bay
SFEI	San Francisco Estuary Institute
TAC	Toxic Air Contaminant
TMDL	Total Maximum Daily Load
TIN	Total Inorganic Nitrogen
TNI	The NELAC Institute
TST	Test of Significant Toxicity
WQBEL	Water Quality Based Effluent Limitation
WQO	Water Quality Objective

ITEM NO. RA7 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE CONTRACT WITH ASCENT ENVIRONMENTAL FOR CEQA CONSULTING SERVICES FOR THE CARGILL MIXED SEA SALT BRINE DISCHARGE PROJECT IN THE AMOUNT OF \$438,515, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$493,055

Recommendation

Approve a motion authorizing the General Manager (GM) to execute Amendment No. 1 to the contract with Ascent Environmental in the amount of \$438,515.

Background

In July 2020, the Commission approved a term sheet with Cargill Inc. (Cargill) for a project to discharge mixed sea salt (MSS) brine from Cargill's Newark solar salt facility through EBDA's transport system and outfall to the Bay. Since that time, Cargill and EBDA staff have been collaborating on due diligence work to evaluate potential impacts of the brine on EBDA's infrastructure and associated mitigation measures.

In February 2021, the Commission approved a CEQA Review and Reimbursement Agreement between EBDA and Cargill. Under the agreement, EBDA committed to act as the CEQA Lead Agency to analyze environmental impacts associated with the overall project, which includes construction of a pump station at Cargill's facility, a pipeline connecting Cargill's facility to EBDA's transport system just downstream of Union Sanitary District's treatment plant, and discharge of the MSS brine through EBDA's system. Cargill in turn, committed to reimburse EBDA for all staff and consultant costs associated with CEQA analysis.

Following a Request for Proposals process, EBDA received two proposals to perform the CEQA analysis. Staff selected Ascent Environmental (Ascent), and the Commission approved a contract with Ascent in June 2021.

Discussion

Ascent's initial scope included review of the Initial Study for the project that was developed by AECOM under contract to Cargill, and development of a mitigated negative declaration (MND). At that time, it was unclear what strategy would be preferred for addressing corrosion in EBDA's transport system, and the project scope included only the site improvements at Cargill's solar salt facility, and the pipeline from Cargill to an EBDA connection just north of USD. For that project scope, AECOM's analysis had indicated that an MND would be appropriate.

Subsequently, EBDA and Cargill have concluded that project changes to address corrosion risk are needed. Based on engineering work to date, it appears that a "parallel pipe" approach that extends Cargill's brine pipe further north to connect at OLEPS is the lowest risk and lowest cost. By extending Cargill's pipe, the brine bypasses the segments of EBDA's transport system that have air entrainment. This is critical because oxygen is

required for the corrosion reactions to occur. Connecting further downstream in EBDA's system also allows for greater dilution of the brine.

Based on Ascent's analysis, the appropriate environmental document for the expanded project scope is an Environmental Impact Report (EIR). Staff is proposing this contract amendment to modify Ascent's scope to include preparation of the EIR and associated activities. Ascent's scope does not include water quality analyses, which will be performed by Larry Walker Associates (See Item No. RA8), and biological and cultural analyses, which will be performed by AECOM under contract to Cargill as an extension of their prior work. Per the CEQA MOU with Cargill approved by the Commission in February 2021, Cargill will reimburse the Authority fully for work performed under the Ascent contract, including a 10% markup for administration.

As discussed in Ascent's attached proposal, the proposed project under the EIR will be a parallel pipe that traverses city streets (primarily Union City Blvd., Hesperian Blvd., and Grant Ave.). Two alternatives, which EBDA and Cargill are continuing to assess for feasibility and cost, will be presented – a parallel pipe following a Bayside route along EBDA's easement, and an "in-pipe" corrosion solution, where the connection is near USD and sensitive sections of EBDA's transport system are sliplined. Per CEQA requirements, a "no project alternative" will also be analyzed.

Cargill and EBDA staff have continued to coordinate with the Cities of Newark, Fremont, and Union City, and have recently begun to engage Alameda County Public Works and City of Hayward regarding the extended pipeline. As discussed with the Commission previously, the City of Union City plans to implement a bike lane project on Union City Boulevard along the same alignment as the proposed pipeline. The collective desire of Union City, Cargill, and EBDA is to integrate the bike lane and pipeline projects to avoid community impacts. Union City has agreed to delay their bike lane project by one year to accommodate this integration. Ascent's proposed EIR schedule meets Union City's desire to complete CEQA for the pipeline by the end of calendar year 2022 so that the projects can be jointly bid in early 2023.



November 9, 2021

Jacqueline Zipkin, PE
General Manager
East Bay Dischargers Authority
2651 Grant Avenue
San Lorenzo, CA 94580-1841

via email: jzipkin@ebda.org

Subject: Work Program and Cost Estimate to Prepare an Environmental Impact Report for the Cargill Mixed Sea Salt Brine Processing Project

Dear Jackie:

Ascent Environmental has prepared a work program to assist East Bay Dischargers Authority (EBDA) with California Environmental Quality Act (CEQA) compliance for the Cargill Mixed Sea Salt Brine Processing Project. This work program includes preparation of a Draft and Final Environmental Impact Report and public notices consistent with CEQA requirements, as well as public meeting support. This submittal is based on our review of the current Initial Study and proposed street alignment provided by Cargill as well as our discussions with you and other team members. It also reflects a more realistic expectation of project management effort, given our experience to date.

We look forward to continuing to work with you on this important project. If you have any questions regarding the enclosed work program and cost estimate, please feel free to contact me or Andrea Shephard.

Sincerely,

A blue ink signature of Gary Jakobs, appearing as a stylized, cursive "GJ".

Gary Jakobs, AICP
President/CEO

p: 916.930.3182
e: gary.jakobs@ascentenvironmental.com

A blue ink signature of Andrea L. Shephard, appearing as a cursive "Andrea L. Shephard".

Andrea L. Shephard, PhD
Senior Associate/Project Manager

p: 916.842.3179
e: andrea.shephard@ascentenvironmental.com

Attachments:

- A – Work Program and Schedule
- B – Total Price / Fee Schedule
- C – Detailed Cost Estimate



ATTACHMENT A

WORK PROGRAM

EAST BAY DISCHARGERS AUTHORITY CARGILL MIXED SEA SALT BRINE PROCESSING PROJECT ALAMEDA COUNTY, CALIFORNIA

PROJECT UNDERSTANDING

East Bay Dischargers Authority (EBDA) is a Joint Powers Public Agency (JPPA) consisting of five local agencies (City of San Leandro, Oro Loma Sanitary District, Castro Valley Sanitary District, City of Hayward, and Union Sanitary District). EBDA owns and operates three effluent pump stations, a dechlorination facility, and combined effluent pipeline/force main and outfall system to manage treated effluent from its member agencies' wastewater treatment plants and discharge the effluent through its common outfall and diffuser into a deep-water portion of the central San Francisco Bay (Bay) under a National Pollutant Discharge Elimination System (NPDES) permit.

Cargill, Incorporated ("Cargill"), a business that operates salt ponds in the City of Newark, CA, proposes a Mixed Sea Salts (MSS) Processing Project (proposed project) to process and dispose of mixed seas salts produced at its solar sea salt production facility at 7220 Central Avenue, Newark, CA (the "Solar Salt Facility"). The Solar Salt Facility in Newark evaporates Bay water in a series of solar evaporation ponds for the purpose of commercial production of sodium chloride crystals and magnesium chloride brine (liquid bittern). Other salts contained in sea water that are not harvested as product eventually precipitate in downstream ponds. These other salts are called mixed sea salts (MSS). Currently, there are approximately 6 million tons of MSS at the Solar Salt Facility.

The proposed project would enable the enhanced processing and removal of MSS in existing Cargill ponds by harvesting additional liquid bittern from the MSS matrices in these ponds as commercial product, dissolving the residual MSS solids in the ponds using Bay water, and transferring the resulting brine to EBDA's combined effluent pipeline for discharge into the Bay under EBDA's NPDES permit. It is anticipated that the MSS brine would be discharged to the EBDA system at an average rate ranging from 0.86 million gallons per day (MGD) to 2 MGD.

The proposed project has an onsite component of pipelines and pumping facilities within the Solar Salt Facility and an offsite component that would involve construction of approximately 28 miles of new underground pipeline primarily within roadway rights-of-way to connect the Solar Salt Facility into EBDA's system just downstream of the Oro Loma Sanitary District/Castro Valley Sanitary District Water Pollution Control Plant in San Lorenzo, an unincorporated community in Alameda County.

WORK PROGRAM

The following work program describes the anticipated activities to be conducted by Ascent to assist EBDA in completing an Environmental Impact Report (EIR) in compliance with CEQA for the proposed project.

Task 1: Reinitiate Project and Conduct Site Visit

The purpose of this task is to initiate the CEQA process; obtain updated project and background information (including pump station and pipeline alignment and engineering design information and resource studies); review the project schedule; establish communication among all project team members; and conduct a site visit to familiarize key team members with the proposed project and existing site conditions. Ascent's principal, project manager, and assistant project manager will attend a virtual environmental review kick-off meeting with EBDA, legal counsel, Cargill, and the design engineers to review the schedule and process for regular communications. Ascent will prepare the meeting agenda and meeting notes summarizing issues, decisions, and actions discussed at the meeting.

Ascent's project manager and up to two additional team members will attend a one-day site visit which is expected to include a tour of areas within the Cargill Solar Salt Facility that would be affected by the project, as well as the offsite components, including the proposed approximately 28-mile pipeline alignment, staging and laydown areas, and other potential areas of disturbance associated with new pipeline installation.

Deliverables/Meetings

- ▲ One (1) 2-hour virtual meeting with the project team
- ▲ Meeting agenda and notes
- ▲ One (1) full-day site visit

Task 2: Prepare Project and Alternatives Descriptions

A project description that describes the whole of the proposed action, including all construction and operational aspects of the project, is a key initial step in preparing a legally adequate environmental document. It is also important that the project description be approved prior to initiation of the environmental impact analysis and remain stable throughout the environmental review process to ensure timely and cost-effective compliance with CEQA and avoid the need for rework or for additional environmental review that could delay project implementation.

To achieve a stable and complete project description that accurately depicts the proposed project, the Ascent team will work in close coordination with EBDA, its legal counsel, and Cargill and their consultants. The project description will contain the project location, project objectives, general description of project characteristics associated with design, construction, and operation of the brine processing improvements, the underground MSS brine pipeline, and any pump stations or other appurtenant structures, including all areas of potential ground disturbance, and a description of the intended uses of the EIR.

It is expected that this task will involve further input from EBDA, Cargill, and their consultants and feedback from Ascent's team and will include revision and reuse of some maps and information presented in the draft Initial Study previously prepared by AECOM, as well as preparation and submittal of additional data requests or additional conference calls to finalize project details needed for the impact analyses.

Ascent will prepare a draft of the project description and submit to EBDA, its legal counsel, and Cargill for review and comment. EBDA will consolidate all comments and resolve any conflicting comments and provide Ascent with one set of comments on the draft project description electronically in MS Word via track changes, to the extent reasonable, to promote efficiency. Following receipt of comments, Ascent's principal and project manager will attend a meeting with EBDA, its legal counsel, and Cargill to discuss the comments and obtain concurrence on needed revisions.

Upon concurrence on needed revisions, Ascent will revise the project description and submit it to EBDA for approval for use in the EIR. The revised project description will be included in the administrative Draft EIR. It is assumed that the project description will not change prior to circulation of the public version of the Draft EIR in a way that would require revision or redoing of already completed environmental analysis.

Ascent will also work closely with EBDA, its legal counsel, and Cargill to define the alternatives to the proposed project for evaluation in the Alternatives chapter of the EIR. For purposes of this work program, Ascent assumes that the EIR will address up to three alternatives, including two action alternatives and the CEQA-required no-project alternative. One action alternative under consideration by EBDA and referred to as the "In-Pipe Alternative" would involve construction of approximately 7.5 miles of new underground pipeline connecting the Solar Salt Facility to EBDA's system just downstream of the Alvarado Treatment Plant in Union City and then installing approximately 4 miles of liner within EBDA's pipeline downstream of the brine pipeline connection to prevent corrosion in EBDA's system. This alternative would require access pits and laydown areas periodically along the 7.5-mile route. The second action alternative under consideration by EBDA and Cargill and referred to as the "Bayside Parallel Pipe Alternative" would involve construction of approximately 15-miles of new underground pipeline that would skirt the edges of Cargill-owned salt ponds and then run almost parallel to EBDA's existing pipeline until connecting into EBDA's system downstream of the Oro Loma Sanitary District/Castro Valley Sanitary District Water Pollution Control Plant in San Lorenzo. This alternative would avoid the section of EBDA's system that would be susceptible to corrosion from introduction of the MSS brine and would rely on directional drilling in several areas to minimize impacts to wetlands. For purposes of this work program, it is assumed that each action alternative will involve only one alignment and a single method of installation for each segment of pipeline. Ascent will evaluate each of the alternatives at a lesser (comparative rather than quantitative) level of detail than the proposed project in compliance with CEQA Guidelines Section 15126.6.

Additional alternatives could be identified during design or the EIR scoping period (see Task 3). If it is determined that additional alternatives should be evaluated in the EIR, a contract amendment would be required.

Deliverables/Meetings

- ▲ Two (2) data requests
- ▲ Two (2) 1-hour conference calls to discuss project description elements

- ▲ One (1) 2-hour virtual meeting attended by Ascent's principal and project manager to discuss comments on draft project description
- ▲ Draft and revised Project Description chapter (Word format)
- ▲ Draft and revised alternatives descriptions (Word format)

Assumptions

- ▲ In addition to meeting time, conference calls and meetings include an additional hour per person for preparation and follow-up.
- ▲ The proposed project and action alternatives will each involve only one pipeline construction alignment and operations scenario.

Task 3: Prepare Notice of Preparation and Conduct Scoping

Ascent will prepare a Notice of Preparation (NOP) consistent with State CEQA Guidelines Section 15082. The NOP will include a brief project description, vicinity map, and site plan, and will discuss the focus of the EIR and issues that are proposed to be "scoped out" and why. The NOP will also briefly describe alternatives under consideration.

A draft of the NOP will be provided to EBDA and its legal counsel for review and comment. EBDA will consolidate and resolve any conflicting comments and provide Ascent with one set of comments on the draft NOP electronically in MS Word via track changes to promote efficiency. Following receipt of comments, Ascent will incorporate comments from EBDA and its legal counsel on the NOP and will prepare the final NOP for public distribution.

Ascent, in conjunction with EBDA, and with input from legal counsel and Cargill, as appropriate, will develop a distribution list for the NOP. Ascent will distribute the final NOP electronically to the distribution list for a 30-day scoping period. In addition, Ascent will prepare a Notice of Completion (NOC) and submit the NOP with the NOC electronically to the State Clearinghouse's CEQA Submit Database.

Ascent will assist EBDA in hosting a scoping meeting in the project vicinity during the scoping period. Ascent will prepare a PowerPoint presentation with a brief description of the CEQA process and the project and Ascent's project manager and assistant project manager will attend the scoping meeting to present the PowerPoint and receive comments on the scope of the EIR. At the end of the scoping period, Ascent will summarize comments received on the NOP and indicate which issues require analysis in the EIR.

This task also includes assistance with AB 52 consultation. AB 52 established a consultation process with California Native American tribes for proposed projects in geographic areas that are traditionally and culturally affiliated with that tribe. Ascent will assist with the AB 52 process by updating the letter of information for EBDA to send to tribes that have requested notice under AB 52, or that were identified by the Native American Heritage Commission, if none have requested notice from EBDA under AB 52.

Deliverables

- ▲ NOP (draft and final, Word/PDF format)

- ▲ NOC (PDF format)
- ▲ Draft AB 52 letter (Word format)
- ▲ Scoping meeting presentation (draft and final, PowerPoint format)
- ▲ One (1) scoping meeting (up to 3 hours) attended in person by Ascent's project manager and assistant project manager
- ▲ Electronic filing (NOP and NOC) with State Clearinghouse

Assumptions

- ▲ The NOP will be up to 15 pages with up to three (3) graphics.
- ▲ A court reporter or recording of scoping meeting comments will not be required.
- ▲ EBDA will arrange for the meeting space for the public meeting.
- ▲ Because AB 52 consultation is government-to-government, EBDA will be responsible for distributing the AB 52 letter to tribes and leading consultation, if requested.

Task 4: Prepare Administrative Draft EIR

Following approval of the Project Description chapter and description of the project alternatives, Ascent will initiate preparation of the administrative Draft EIR. The administrative Draft EIR will be completed after scoping and will be submitted to EBDA and its legal counsel for review.

The following resource areas will be covered as the focus of the Draft EIR:

- ▲ Air Quality
- ▲ Biological Resources
- ▲ Cultural and Tribal Cultural Resources
- ▲ Geology and Soils
- ▲ Greenhouse Gas Emissions and Climate Change
- ▲ Hazards and Hazardous Materials
- ▲ Hydrology and Water Quality
- ▲ Noise and Vibration

The NOP documentation will be used to scope out the other resource areas and the EIR will include a brief discussion of those issues eliminated from detailed consideration.

The Draft EIR will incorporate the data and information collected and reviewed during Tasks 1 and 2 and consider and incorporate as appropriate the comments submitted during the public scoping period. The EIR will clearly determine significance of impacts, provide and describe support for significance conclusions, propose feasible mitigation to reduce significant impacts, and determine if any impacts are

significant and unavoidable. Other elements of the EIR will include an evaluation of cumulative impacts, growth-inducing impacts, and alternatives.

Environmental Analysis

The following is a discussion describing the methodologies, technical strategies, and general approach for each of the EIR's anticipated environmental issue areas, based on Ascent's understanding of potential impacts of the proposed project. In general, the EIR will include a discussion of the environmental setting/baseline for the proposed project, a summary of applicable regulations (federal, state, regional, and local), and an analysis of the potential impacts of project implementation. Mitigation will be recommended to reduce or eliminate project impacts, where feasible. To the extent settings and discussion contained in the draft Initial Study prepared by AECOM is applicable, Ascent will use this information and expand upon it to support preparation of the EIR.

Introduction/Project Description

The Ascent team will prepare the introduction chapter of the EIR, which will describe the history of the proposed project and the environmental review process. The project description, as noted above, will address the project components (as specifically as possible) and include a list of subsequent approvals (e.g., EBDA approvals; city and county approvals; other responsible agency approvals), plan history/characteristics, and other information relevant to an understanding of the proposed project.

Air Quality

Since preparation of the draft Initial Study prepared by AECOM, modifications and additions have been made to the project. The offsite pipeline component is now approximately 28 miles in length compared to the previously evaluated 7.5-mile pipeline. This analysis will repurpose still-relevant information (e.g., existing environmental setting, regulatory setting), but will include new emissions modeling and impact analyses, as described below.

The project is located within the San Francisco Bay Area Air Basin (SFBAAB) and under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD); thus, the analysis will be conducted consistent with the most recent BAAQMD CEQA Guidelines. The EIR settings will include a description of existing air quality conditions in the region and applicable federal, State, and local regulations, largely based on the information in the AECOM Initial Study, but augmented to address the expanded project area, including the cities of Hayward and unincorporated community of San Lorenzo (Alameda County).

Criteria Air Pollutants and Ozone Precursors. The short-term construction-related analysis in the AECOM Initial Study will be repurposed for incorporation into the EIR. Ascent will add to the previous analysis to evaluate construction-related emissions of criteria air pollutants and precursors associated with the extended offsite pipeline to support the project analysis.

Ascent will review the new project details and the methods/assumptions previously used to conduct the air emissions modeling. Based on this information, Ascent will prepare a detailed data needs request and coordinate with the project team to establish up-to-date project details and assumptions. In accordance with BAAQMD guidance, new air quality modeling will be conducted using the California Emissions Estimator Model (CalEEMod), as well as other district-approved calculation methodologies, if necessary.

Mitigation provided in the AECOM Initial Study will be included in this EIR, as applicable but may also be revised, as necessary in consideration of the currently proposed project and new analysis. If a BAAQMD threshold is still exceeded, then additional mitigation measures will be developed to reduce construction-related impacts to the extent feasible and practicable. Mitigation measures will clearly identify timing, responsibility, and performance standards. Operational activities are anticipated to be minimal and will be evaluated qualitatively.

Toxic Air Contaminants, Odors, and CO. Due to the short-term nature of construction activities and minimal anticipated operational activities, Ascent will qualitatively assess toxic air contaminant (TAC) emissions. This qualitative assessment will be based on several factors including the locations of TAC-emitting sources, the duration of TAC-emitting activity, and the proximity to nearby sensitive receptors. No air dispersion modeling or quantitative estimation of health risk exposure level will be performed. The proposed project is not expected to result in long-term generation of substantial odors. Therefore, this issue will be addressed qualitatively.

Archaeological, Historical, and Tribal Cultural Resources

This section of the EIR will address archaeological, historical, and tribal cultural resources, including a discussion of the applicable federal, State, or local policies and regulations; a summary of the prehistoric, ethnographic, and historic-era setting of the project area; a summary of the methods used to evaluate cultural resources; a description of known historic properties or archaeological resources; and a discussion of impacts and mitigation measures as needed. The analysis of archaeological and historical resources will be developed based on the cultural resources technical report being prepared by AECOM. Ascent cultural resources specialists will conduct an independent review of the cultural resources technical report and if any critical issues are identified, Ascent will prepare a memo summarizing these findings for transmittal to AECOM and will coordinate with AECOM to resolve any remaining issues. This scope assumes that the information contained in the AECOM technical report will be sufficient to support preparation of the Draft EIR section without the need for substantial revisions.

The analysis of tribal cultural resources will be based on the outcome of AB 52 (Statutes of 2014) consultation. Ascent will update the previously drafted AB 52 letters based on the project description and summary information from the revised cultural resources technical report (See Task 2). It is assumed that EBDA will initiate tribal consultation pursuant to AB 52 and that tribes will either decline to consult, or consultation will be conducted by EBDA staff. If needed, additional assistance can be provided with an amendment to the scope and budget.

Biological Resources

AECOM, under contract to Cargill, will prepare the biological resources section of the EIR, as well as the biological resources alternatives analysis. The biological resources section of the EIR will include a description of the existing physical conditions in the project area, a summary of pertinent federal, state and local laws and regulations, and an analysis of the project's potential impacts on: sensitive species, including sensitive fish species; sensitive habitats such as wetlands, riparian habitat, and other waters of the U.S. and waters of the State; movement of resident or migratory fish or wildlife; consistency with local policies and ordinances (e.g., tree ordinance); and conflicts with any adopted habitat conservation plan. In addition to special status plants and wildlife, the analysis of sensitive species will focus, as warranted, on impacts to

sensitive fish species regulated by the California Department of Fish and Wildlife and National Marine Fisheries Service, including any commercial fisheries subject to the Magnuson-Stevens Fishery Conservation and Management Act. If potentially significant impacts are identified, mitigation measures will be identified to address these potentially significant impacts. The analysis in the biological resources section of the EIR will need to be at a project level of detail, meaning it will require evaluation of all disturbance areas.

An Ascent Senior Biologist will conduct an independent review and analysis of the administrative Draft EIR biological resources section (and the biological resources alternatives analysis) and any accompanying technical reports prepared by AECOM. The review will entail an evaluation of the adequacy of the biological resources section (and biological resources alternatives analysis) and technical studies to assess if the analyses are technically sufficient, follow appropriate methodologies, provide substantial evidence to substantiate conclusions, and comply with the CEQA Statute, Guidelines, and case law. The review will focus on the adequacy of the mitigation measures to assess if they are feasible, enforceable, not deferred, and distinct from environmentally beneficial project features; contain sufficient performance standards; and fully mitigate the impact. After an initial review, the Ascent Senior Biologist will provide comments to AECOM and review one round of revisions. The Ascent Senior Biologist will coordinate with AECOM to resolve any remaining issues. This scope assumes that the analyses, supporting evidence, and mitigation will be sufficient and contained in the administrative Draft EIR sections and that substantial revisions will not be required.

Geology and Soils

The project area is within 3.2 miles of an active fault and portions of the project area may be subject to liquefaction or have soils with high shrink/swell potential which could affect the integrity of the pipeline. Ascent will prepare the geology and soils setting based partly on existing information available in the draft IS prepared by AECOM, information expected to be provided by the design engineer, Jacobs, and data available from Alameda County and the cities of Newark, Fremont, Union City, and Hayward, as well as information available from the U.S. Geological Survey and California Geological Survey. Ascent will consider existing regulations, including the California Building Standards Code and local city building code requirements, and rely on geotechnical analysis of the proposed project alignment to be provided by Cargill to evaluate the potential for project impacts related to geology and soils. To the extent the analysis in the AECOM Initial Study is relevant, it will be repurposed for incorporation into the EIR.

Greenhouse Gas Emissions and Climate Change

This section will repurpose the information in the AECOM Initial Study, to the extent applicable, such as for the existing environmental and regulatory setting. However, similar to the analysis described for the air quality section, Ascent will work with the project team to obtain reasonable and accurate assumptions to redo the emissions modeling using CalEEMod, based on the most current project information.

Using CalEEMod, Ascent will estimate GHG emissions generated from construction activities (e.g., construction equipment and vehicle use). Operational activities and associated emissions would be minimal, associated primarily with maintenance vehicle use and pump operations, but will also be estimated using CalEEMod or other appropriate emissions modeling and/or emissions factors for the source types. Ascent will consider all existing and applicable guidance and policies from State and local

agencies (e.g., BAAQMD) regarding the most appropriate thresholds of significance to use. In addition, this EIR will evaluate whether the proposed project is consistent with regional and State GHG emission reduction strategies and plans. If a cumulatively considerable impact to climate change would occur, then Ascent will develop mitigation measures that clearly identify timing, responsibility, and performance standards to reduce emissions.

Hazards and Hazardous Materials

Construction and operation of pumping facilities and pipelines may involve the use of hazardous materials that can result in potential public health and environmental impacts. Ascent will prepare the hazards and hazardous materials setting based partly on existing information available in the draft IS prepared by AECOM and information from Alameda County and the cities of Newark, Fremont, Union City, and Hayward, and their emergency response planning efforts, as well as based on database information from the California Environmental Protection Agency. Ascent will evaluate the potential hazards and hazardous materials impacts associated with implementation of the proposed project, including the potential for the proposed project to result in a hazard to the public or the environment through transport, upset, or emission of hazardous materials and to interfere with emergency access or implementation of an emergency response plan. Information regarding the types of activities and hazardous materials that could be used during construction and operation will be summarized and evaluated. To the extent the analysis in the AECOM Initial Study is relevant, it will be repurposed for incorporation into the EIR.

Hydrology and Water Quality

This section will include a description of the existing hydrologic setting and water quality conditions in the project area, a summary of the appropriate federal, state, county, and city regulations and policies related to hydrology and water quality, and an evaluation of the potential impacts of project implementation on water quality associated with stormwater runoff in flood hazard areas, as well as the potential for the discharge of the combined MSS brine and EBDA effluent to affect Bay water quality. Ascent will rely on water quality reports and analysis prepared by EOA, under contract to Cargill, and Larry Walker and Associates, under contract to EBDA, and information included in the AECOM Initial Study to the extent applicable, as well as publicly available information such as from the Federal Emergency Management Agency, California Department of Water Resources, San Francisco Bay Regional Water Quality Control Board, Alameda County Water District, Alameda County Flood Control and Water Conservation District, and other data and information. For hydrology and water quality impacts associated with discharge of the brine to the Bay, Ascent will rely on the analysis contained within a technical report to be prepared by Larry Walker and Associates under contract to EBDA.

Noise and Vibration

Ascent proposes to conduct a noise and vibration analysis, repurposing applicable information (e.g., existing environmental conditions, regulatory setting), from the AECOM Initial Study, to the extent applicable. The EIR settings will include a description of existing noise fundamentals and descriptors and identification of applicable regulations, including noise exposure standards for the numerous jurisdictions (i.e., City of Union City, City of Newark, City of Fremont, City of Hayward, Alameda County), along with any additional information applicable to the additional components associated with the extended offsite pipeline (e.g., new sensitive receptors). It should be noted that the previous analysis conducted an

extensive existing noise survey, which will be repurposed and supplemented for the new areas of the project (e.g., City of Hayward) using published noise levels; no new noise measurements will be conducted.

The construction noise and vibration analysis will be informed by the information (e.g., applicable thresholds, construction activity types) included in the AECOM Initial Study. However, Ascent will work with the project team to identify reasonable assumptions and model inputs (e.g., construction timing, number and type of construction equipment), that more accurately reflect anticipated construction activities, considering the changes to the proposed project from the previous analysis and the best available information available now. Based on the data needs request that Ascent will prepare and coordination with the project team, Ascent will conduct new noise and vibration modeling. The analysis will assess the levels of noise and ground vibration exposure at nearby noise-sensitive receptors based on standard attenuation rates using calculation methods recommended by Caltrans and the Federal Transit Administration.

Operational activities are anticipated to be minimal, but would include new stationary noise sources, such as pumps. Ascent will evaluate new stationary noise sources using applicable reference noise levels for similar sources and propagation calculations. Noise levels will be compared to applicable noise standards.

If any construction or operational threshold is exceeded, Ascent will develop mitigation measures that clearly identify timing, responsibility, and performance standards to reduce construction-related noise levels. Mitigation provided in the AECOM Initial Study is expected to be included in the EIR, but revised and refined, based on the new impact analysis.

Cumulative Impacts

At the end of each issue-area-specific analysis, the EIR will include a discussion of potential cumulative impacts per issue area. Ascent will work closely with EBDA and EBDA's member agencies to establish the cumulative setting. Ascent proposes to use the list approach which will include a list of reasonably foreseeable cumulative development projects on and near the proposed project to capture localized cumulative impacts. Ascent will evaluate the significance of any cumulative impacts for which there would be a project-specific adverse effect (less than significant or greater) and the project would contribute to that impact and determine whether the impact is cumulatively considerable. If necessary, we will recommend additional mitigation to reduce or avoid potentially significant impacts.

Alternatives

CEQA requires that an EIR describe a range of reasonable alternatives to a project that feasibly attain most of the objectives but could avoid or reduce at least one environmental impact (Section 15126.6). Ascent assumes that a no-project alternative and two action alternatives will be analyzed in a separate section of the EIR. The Ascent team will work closely with EBDA, Cargill, and their consultants during preparation of the Administrative Draft EIR to define these alternatives. It is assumed for purposes of this work program that the alternatives analysis will address the CEQA-required no-project alternative and two action alternatives as previously described: the In-Pipe Alternative and the Bayside Parallel Pipe Alternative. Also, it is assumed that the analysis of each alternative will be conducted at a lesser (comparative rather than quantitative) level of detail compared to that of the proposed project. The analysis will indicate how the impacts under the action alternatives and no-project alternative would differ from those identified for the

proposed project, and whether the impacts would be greater, similar, or lesser compared to those identified for the proposed project.

Growth Inducement

This section will qualitatively evaluate the project's potential to induce growth and any subsequent environmental impacts that would occur (pursuant to CEQA Guidelines Section 15126[d]). Projects generally induce growth by removal of an existing obstacle to growth (e.g., expanding infrastructure capacity, extending infrastructure to new areas, providing additional housing, etc.), or by providing increased economic activity in an area. The proposed project is not anticipated to induce growth that subsequently could result in environmental impacts.

Other Sections Required by Statute

CEQA provides very specific requirements for the contents of an EIR. Ascent will provide EBDA with a complete EIR containing all sections required by CEQA. Sections required by CEQA not mentioned above include the table of contents, an executive summary, an introduction to the environmental analysis, effects not found to be significant, a discussion of irreversible commitment of resources, references, and a list of individuals and agencies consulted. The EIR will include visual aids, such as maps and diagrams, to clearly present the environmental analysis to the decision makers, responsible agencies, and the public. The executive summary will include a summary table of all impacts and mitigation measures identified in the EIR.

Deliverables

- ▲ Administrative Draft EIR (Word format)

Task 5: Prepare Screencheck and Public Draft EIR and Conduct Public Meeting

EBDA will consolidate and resolve any conflicting comments and provide Ascent with one set of comments on the administrative Draft EIR electronically in MS Word via track changes to promote efficiency. Following receipt of comments, Ascent's principal, project manager, and assistant project manager will attend a meeting with EBDA and its legal counsel to discuss the comments and obtain concurrence on needed revisions.

Upon concurrence on needed revisions, Ascent will revise the administrative Draft EIR and produce a screencheck Draft EIR for review and approval by EBDA and its legal counsel. Following receipt of one set of consolidated and non-conflicting comments on the screencheck Draft EIR electronically in MS Word via track changes, Ascent will revise the document and prepare the Draft EIR suitable for public review. It is assumed that comments on the screencheck Draft EIR will be minor and editorial in nature.

Ascent will submit the Draft EIR electronically to EBDA for posting on the EBDA website and will also distribute the Draft EIR electronically to the distribution list for a 45-day public and agency review period. Along with submitting the Draft EIR to EBDA, Ascent will provide EBDA with a complete electronic record of all references used in the environmental analysis.

In compliance with Section 15085, Ascent will also prepare the NOC, file it with the Alameda County Clerk Recorder, and submit the Draft EIR with the NOC electronically to the State Clearinghouse's CEQA Submit Database.

In addition, Ascent will prepare a Notice of Availability (NOA) and publish the NOA in a newspaper of general circulation in the project area.

Ascent team members (project manager and assistant project manager) will prepare for and attend a public meeting in the project vicinity during the EIR public review period. Ascent will prepare and present a PowerPoint presentation pertaining to the CEQA process and environmental analysis. The presentation will also be web-formatted for upload to EBDA's website. Ascent will provide sign-in sheets and comment cards for use by meeting participants and will be responsible for capturing summary notes of public and agency comments. We assume that EBDA will also retain a court reporter to prepare a transcript of the Draft EIR meeting.

Deliverables

- ▲ One (1) 2-hour virtual meeting attended by Ascent's principal, project manager, and assistant project manager to discuss comments on the administrative Draft EIR
- ▲ Screencheck Draft EIR (Word/PDF format)
- ▲ Public Draft EIR (Word/PDF format; only electronic)
- ▲ NOC (PDF format)
- ▲ NOA (Word format)
- ▲ One (1) 2-hour public meeting attended in person by Ascent's project manager and assistant project manager
- ▲ Public meeting presentation (draft and final, PowerPoint format)
- ▲ Electronic filing (Draft EIR and NOC) with State Clearinghouse and Alameda County Clerk Recorder

Assumptions

- ▲ EBDA will consolidate all comments on the document deliverables in a single document and reconcile any conflicting comments prior to transmittal to the Ascent team.
- ▲ Comment review meeting will be attended by up to three Ascent team members.
- ▲ No more than one round of review and comment on all document deliverables will be required.
- ▲ No hard copies, thumb drives, or CDs of document deliverables will be provided.
- ▲ The NOC will be filed with the County and State Clearinghouse electronically.

- ▲ EBDA will arrange for the meeting space for the public meeting and with assistance from EBDA's and Cargill's consultants will prepare PowerPoint presentation materials pertaining to the project and its technical issues.

Task 6: Prepare Final Environmental Impact Report

After close of the 45-day Draft EIR review period, Ascent will review the public comments and meet with EBDA and its legal counsel, and Cargill if appropriate, to discuss a response strategy. Ascent's principal, project manager, and one additional team member will attend the meeting to discuss the public and agency comments.

Ascent will prepare a list of commenters, compile and organize the comments, and develop draft responses to significant environmental points raised in the comments. This will involve a close review of all comments received during the Draft EIR comment period, as well as any late comments that require a response, and preparation of thoughtful, thorough, well-substantiated responses to the comments that raise issues with the Draft EIR's environmental analysis. Responses may include master responses that address multiple comments regarding the same topic. It is assumed that responses will involve explanation, clarification, or elaboration of existing analysis and findings, but not include new analysis, revision of analysis, new issues, or changes in the alternatives. The scope of the response-to-comments effort is difficult to predict in advance, because the number and character of public comments cannot be known. This scope of work assumes that approximately 80 hours of technical staff labor would be required for response preparation (plus document production time). Ascent will alert EBDA to discuss a course of action, if the number or complexity of comments received, or the number of technical issues raised, would exceed the response preparation time included in this scope of work.

Ascent will prepare the administrative Final EIR and submit it to EBDA and its legal counsel for review and comment. The Final EIR will include three major sections: 1) an "introduction" section which will include a list of persons, organizations, and public agencies commenting on the Draft EIR; 2) the "response to comments section," which will include individually bracketed and numbered comments with the corresponding responses, as well as any master responses; and 3) the "changes to the Draft EIR" section, which will include the specific text changes with modifications in ~~strikeout~~ for deletions and underline for additions for those instances in which the Draft EIR requires revision, as well as analysis supporting that any project changes do not require recirculation of the Draft EIR. It is assumed that reproduction of the entire Draft EIR with revisions will not be necessary.

EBDA will consolidate all comments and resolve any conflicting comments and provide Ascent with one set of comments on the administrative Final EIR electronically in MS Word via track changes for efficiency. Following receipt of comments, Ascent's project principal, project manager, and up to one additional team member will attend one meeting to discuss the comments on the administrative Final EIR, and to coordinate the best approach for addressing any new or challenging issues raised by EBDA's or its legal counsel's comments.

Upon concurrence on needed revisions, Ascent will revise the administrative Final EIR to produce a screencheck Final EIR for review and approval by EBDA and its legal counsel. This scope of work assumes that comments on the administrative Final EIR will be minor edits only and will not require analysis of new

issues or substantially revised analysis of issues already addressed in the administrative Final EIR. Following receipt of one set of consolidated and non-conflicting comments on the screencheck Final EIR electronically in MS Word via track changes, Ascent will revise the document and prepare the Final EIR suitable for distribution and certification.

Ascent will submit the Final EIR electronically to EBDA for distribution and posting on the EBDA website. We assume that EBDA will submit either the Final EIR or excerpted formal responses to any public agencies that submitted comments on the Draft EIR at least 10 days prior to consideration of the EIR for certification by EBDA's Board, in accordance with Section 21092.5 of the CEQA Statute.

Deliverables

- ▲ Two (2) 2-hour virtual review meetings attended by Ascent's principal, project manager and one other Ascent team member
- ▲ Administrative Final EIR (Word format)
- ▲ Screencheck Final EIR (Word format)
- ▲ Public version of the Final EIR (Word/PDF format)

Assumptions

- ▲ EBDA will consolidate all comments in a single document and reconcile any conflicting comments on document deliverables prior to transmittal to the Ascent team.
- ▲ Comment review meetings will be attended by up to three Ascent team members and will be up to 2 hours in duration with 2 additional hours per person for preparation and follow-up.
- ▲ No more than one round of review and comment on the EIR document deliverables will be required.
- ▲ The public version of the Final EIR will not be required to comply with Section 508 accessibility requirements.

Task 7: Prepare Mitigation Monitoring and Reporting Plan

Ascent will prepare a Mitigation Monitoring and Report Program (MMRP). The MMRP will include all mitigation measures in the EIR, as amended through responses to comments, and will identify timing, responsible party, and monitoring party. Ascent will prepare a draft MMRP and submit it electronically to EBDA for review and comment with the screencheck Final EIR. EBDA will provide Ascent with one set of consolidated, non-conflicting comments on the draft MMRP. Following receipt of comments, Ascent will incorporate revisions and produce the final MMRP and submit it with the Final EIR.

Deliverables

- ▲ Draft MMRP (Word format)
- ▲ Final MMRP (Word/PDF format)

Assumptions

- ▲ The draft MMRP will be submitted with the screencheck Final EIR and the final MMRP will be submitted with the Final EIR.
- ▲ No more than one round of review and comment on the Draft MMRP will be required.

Task 8: Prepare Findings and Support EIR Certification

In coordination with EBDA and its legal counsel, Ascent will prepare CEQA Findings of Fact (Findings) and, if necessary, a Statement of Overriding Considerations (SOC) for significant impacts found to be unavoidable for EBDA's use in certifying the Final EIR and approving the Project. The Findings will specify mitigation measures that have been incorporated into the project, and will explain why other measures, if any, have been found to be infeasible. If applicable, the Findings will also identify feasible project alternatives that could reduce adverse environmental effects but are not being implemented, with an explanation as to why they are infeasible. If a SOC is required, it will express EBDA's reasons for approving a project despite the fact that it would have significant, unavoidable impacts on the environment, based on supporting evidence in the administrative record.

Ascent will prepare a draft of the Findings and will submit (electronically) to EBDA and its legal counsel for review and comment. EBDA will consolidate all comments and resolve any conflicting comments and provide Ascent with one set of comments on the draft Findings electronically in MS Word via track changes for efficiency. Following receipt of consolidated comments, Ascent will incorporate revisions based on the comments and deliver the final Findings electronically to EBDA.

Ascent will also prepare the CEQA-required Notice of Determination (NOD). Upon project approval, Ascent will file the NOD with Alameda County and pay the required California Department of Fish and Wildlife and County filing fees, and then file the NOD electronically with the State Clearinghouse using the State Clearinghouse's CEQA Submit Database.

Deliverables

- ▲ Draft Findings of Fact and Statement of Overriding Considerations (Word)
- ▲ Final Findings of Fact and Statement of Overriding Considerations (Word/PDF format)
- ▲ Notice of Determination (PDF format)

Task 9: Manage Project Delivery

Ascent's project principal and project manager, with support from the assistant project manager, will devote effort each month to conduct an efficient and timely process for project execution. Typical tasks will include cost and schedule tracking, budget management, monthly invoicing and progress reporting, maintenance of project records (including the administrative record supporting the CEQA document), participation in monthly 1-hour virtual meetings to coordinate, discuss project progress, and resolve any issues or concerns (with up to 10 virtual meetings assumed in the budget to be attended by Ascent's principal, project manager, and assistant project manager), and unscheduled phone calls and email communication as needed. Attendance at additional project meetings beyond those specifically identified

above are not included. A 12-month schedule is assumed as the time for project completion directly correlates to project management effort.

Deliverables

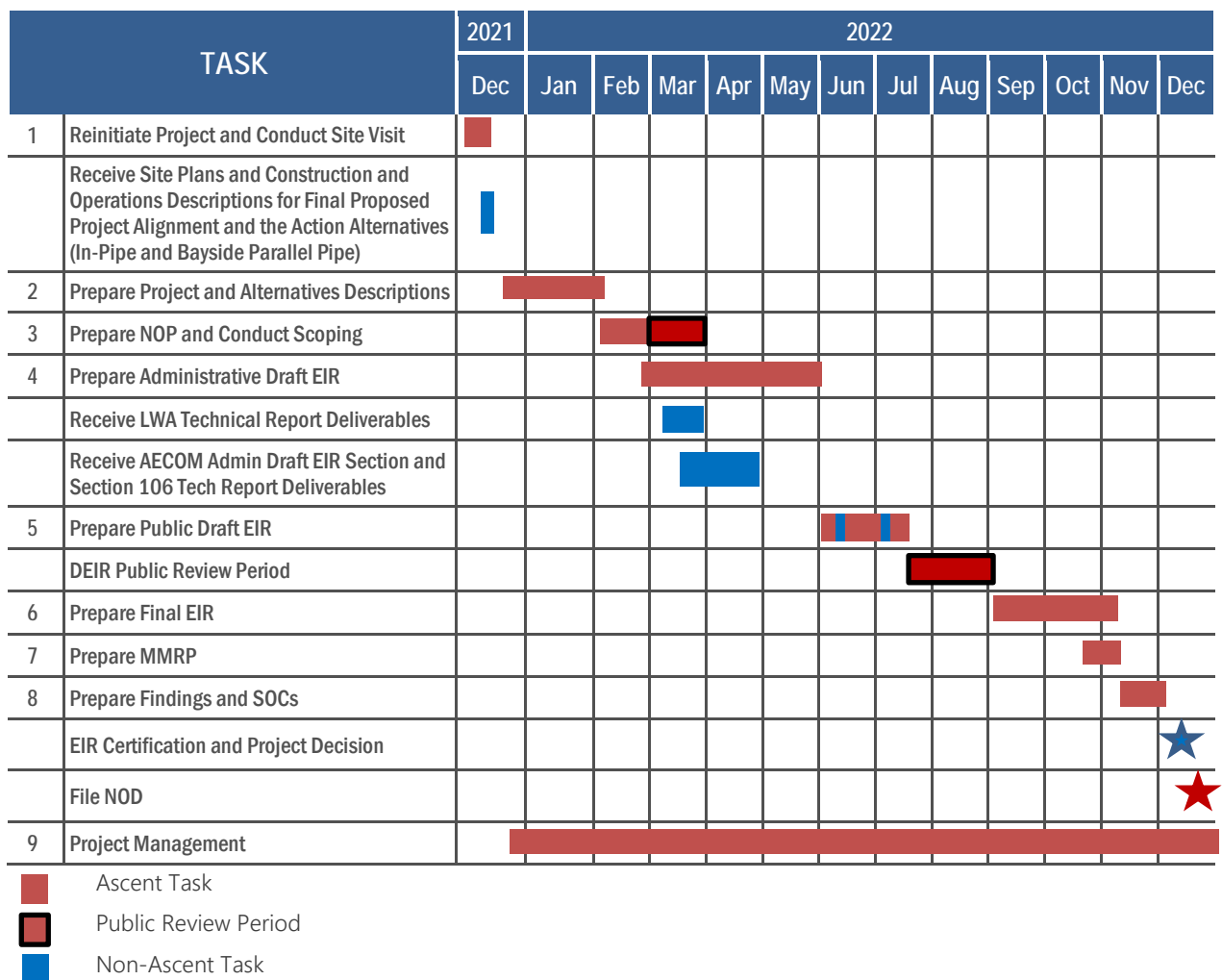
- ▲ Monthly invoices (PDF format)
- ▲ Up to 10 1-hour virtual meetings attended by Ascent’s principal, project manager, and assistant project manager

Assumptions

- ▲ Virtual meetings will be attended by up to three Ascent team members. Calls will be up to 1 hour in duration with an additional hour per person for preparation and follow-up.

SCHEDULE

A milestone schedule for all tasks is provided below.



COST ESTIMATE

The proposed price to provide CEQA compliance services for the Cargill MSS Bring Processing Project is presented in Attachment B. Please note that the price is estimated based on a good faith effort and our current understanding of EBDA's project needs. Variations in approach, issues, and deliverables can adjust the contract price.

ASSUMPTIONS

1. **Time and Materials.** Work is authorized on a time-and-materials basis and will be billed monthly.
2. **Price Allocation to Tasks.** The proposed price has been allocated to tasks. Ascent may reallocate budget among tasks, as needed, as long as the total contract price is not exceeded.
3. **Staff Assignment.** Work has been assigned to the identified staff or labor category. Ascent may reassign tasks to different staff or labor categories, as long as the total contract price is not exceeded.
4. **Billing Rates.** The proposed billing rates apply to the 2022 calendar year. For any work performed after 2022 has concluded, budget augmentations and contract amendments will be calculated using updated billing rates, unless precluded by contract terms.
5. **Meetings and Conference Calls.** The number and duration of proposed in-person and virtual meetings are specified. If they are exceeded, a budget augmentation would be warranted.
6. **Compliance with CEQA.** The price assumes that environmental services are offered in compliance with CEQA. Work related to NEPA compliance, or permitting processes is not included. This work can be provided with a contract amendment.
7. **Information from Cargill.** The scope indicates the information that is expected to be provided by Cargill. If this information is not provided as expected, or is otherwise incomplete and needs to be supplemented, a contract amendment may be warranted.
8. **Changes to the Project or Alternatives.** If the descriptions of the project and alternatives are changed after they have been approved by EBDA for use, a budget amendment will be warranted to the extent completed work needs to be revised or redone.
9. **Scope of Analysis.** The price is based on the proposed scope of analysis. If new technical issues, alternatives, field surveys, modeling, or analysis is identified after contract execution, a budget amendment would be warranted.
10. **Tribal Consultation.** Whether a tribe or tribes will request consultation under Assembly Bill 52 (Statutes of 2014) is unknown. The scope and budget, therefore, do not include performance of this consultation. Consultation assistance can be added, if needed, with a scope and budget amendment.



ATTACHMENT B

TOTAL PRICE AND FEE SCHEDULE EAST BAY DISCHARGERS AUTHORITY CARGILL MIXED SEA SALT BRINE PROCESSING PROJECT ALAMEDA COUNTY, CALIFORNIA

Ascent will invoice for all services under this scope of work in accordance with the fee schedule below, with rates valid through March 1, 2023. The contract value for the scope of work is \$438,515. See Attachment C for a detailed cost breakdown. Ascent will keep EBDA apprised on the status of the budget and any changes to the scope arising from project needs.

Labor Classification	Billing Rate
Principal, Director	\$200 to \$345
Senior Environmental Manager, Senior Planner/Scientist/Biologist	\$170 to \$240
Environmental Manager, Project Planner/Scientist/Biologist	\$125 to \$190
Environmental Planner, Staff Planner/Scientist/Biologist	\$110 to \$150
Graphics/GIS	\$95 to \$140
Document Production/Word Processor/Administrative Assistant	\$95 to \$130
Project Assistant	\$75 to \$120
Direct Costs	Rates
Reproduction: 8½" by 11"	\$0.07/page (black and white); \$0.26/page (color)
Reproduction: 11" by 17"	\$0.14/page B&W; \$0.52/page color
Reproduction: Plotter	\$5/square foot
Reproduction: CDs	\$10/disc
Automobile Mileage (IRS rate in effect)	\$0.56
Noise Meter	\$100/half day, \$150/day, \$200/day plus overnight, \$500/week
GPS Unit	\$100/half day, \$150/day, \$200/day plus overnight, \$500/week
Lodging and/or Per Diem	Government rates or as negotiated
Other Direct Costs	As incurred
Subcontractors	As incurred*

*A project-support management cost of 10 percent will be applied to subcontractor costs.

Time and Materials. Work is authorized on a time-and-materials basis and will be billed monthly.

Price Allocation to Tasks or Staff. If the proposed cost presentation allocates funding to specific tasks or staff, Ascent may reallocate budget during the course of work, as long as the total contract price is not exceeded.

ATTACHMENT C



DETAILED COST ESTIMATE
 EAST BAY DISCHARGERS AUTHORITY
 CARGILL MIXED SEA SALT BRINE PROCESSING PROJECT
 ALAMEDA COUNTY, CALIFORNIA

COST ESTIMATE

ER for EBD A Cargill M55 Brine Processing Project
 November 9, 2021

			Jakobs	Shepherd														
			PIC	Sr. PM	Assistant PM	Project Env Planner	Sr. Biologist	Sr. Scientist	Project Scientist	Project Scientist	Editor	Graphics	GIS	WP	Admin	Admin		
			\$395	\$195	\$110	\$160	\$200	\$190	\$155	\$150	\$140	\$135	\$135	\$125	\$115	\$125		
Task 1: Initiate Project and Conduct Site Visit	Price	Hours																
Reinitiate project and conduct kickoff meeting	\$ 7,200	40	4	10	6	2	2	2	2	2	2	2	2	2	2	2		
Review available project information and conduct site visit	\$ 12,820	70	2	16	16	4	16	4	4	4	2	2	2	2	2	2		
Subtotal, Task 1	\$ 20,020	110	6	26	22	6	18	6	6	6	4	2	4	2	2	2	0	0
Task 2: Prepare Project and Alternatives Descriptions	Price	Hours																
Prepare draft Project Description chapter of ER and alternatives descriptions	\$ 16,815	97	8	16	40						6	8	16	3				
Conduct review meeting	\$ 2,715	13	3	4	6													
Prepare final project and alternatives descriptions	\$ 6,970	40	4	8	12						2	4	8	2				
Subtotal, Task 2	\$ 26,500	150	15	28	58	0	0	0	0	0	8	12	24	5	0	0	0	0
Task 3: Prepare NOP and Conduct Scoping	Price	Hours																
Prepare draft NOP and distribution list	\$ 9,370	55	2	6	24	4	2	2	2	2	3	3	3	2				
Prepare final NOP and distribution list	\$ 2,660	14	2	4	6									2				
Distribute final NOP and file NOC	\$ 1,690	12			2									4	4			
Prepare materials for and attend scoping meeting	\$ 4,605	35	4	18	8						4			2	1			
Update and prepare All 52 notification letters	\$ 3,240	18	2	4	4	4					1	2	1					
Subtotal, Task 3	\$ 23,565	134	10	32	44	8	2	2	2	2	3	8	5	11	5	0	0	0
Task 4: Prepare Administrative Draft EIR	Price	Hours																
Executive Summary	\$ 6,420	38	2	6	18						4	2		6				
Introduction	\$ 4,910	29	2	4	12						3	3	3	2				
Introduction to Environmental Analysis	\$ 1,780	10	1	2	4						2			1				
Air Quality	\$ 14,510	90	2	4	2			8	64		6			4				
Archaeological, Historical, and Tribal Cultural Resources	\$ 9,190	56	2	6	4	32					6	2		4				
Biological Resources	\$ 13,340	70	4	8	4	40					6	2	2	4				
Geology and Soils	\$ 7,520	45	2	4	2	32					3			2				
Greenhouse Gas Emissions and Climate Change	\$ 9,670	59	2	3	2			6	40		3			3				
Hazards and Hazardous Materials	\$ 7,520	45	2	4	2	32					3			2				
Hydrology and Water Quality	\$ 10,995	67	2	8	4	40					4	2	4	3				
Noise and Vibration	\$ 14,955	95	2	4	2			10		62	6	2	4	3				
Cumulative Impacts	\$ 15,335	89	6	8	18	20	4	4	8	4	4	6	4	3				
Alternatives (Comparative analysis of two action alternatives and no-project)	\$ 18,800	108	6	10	16	24	14	4	12	6	4	4	4	4				
Growth Inducement	\$ 6,965	41	2	3	26						4	2	2	2				
Other Sections Required by Statute	\$ 4,820	28	2	6	10						6			4				
QA/QC/Document Assembly and Production	\$ 19,000	96	20	36	16						12			10	2			
Subtotal, Task 4	\$ 165,730	966	59	116	142	180	58	32	124	72	76	25	23	57	2	0	0	0
Task 5: Prepare Draft EIR and Conduct Public Meeting	Price	Hours																
Conduct administrative Draft EIR review meeting	\$ 7,020	18	5	6	6													
Prepare screenscheck Draft EIR	\$ 32,540	184	12	30	36	24	4	24	16	8	16	2	2	10				
Prepare public Draft EIR and NOA, and file NOC	\$ 6,560	36	4	8	12						4			6	2			
Prepare materials for and attend public meeting	\$ 7,145	39	4	16	8						8			2	1			
Subtotal, Task 5	\$ 50,065	277	26	60	62	24	4	24	16	8	20	10	2	18	3	0	0	0
Task 6: Prepare Final EIR	Price	Hours																
Review public Draft EIR comments and conduct review meeting	\$ 9,595	51	6	12	8	4	4	4	4	3	3			3				
Prepare administrative Final EIR (assume 80 technical hours to respond to comments)	\$ 20,710	118	8	24	22	6	4	12	4	4	16	4	6	8				
Conduct administrative Final EIR review meeting	\$ 2,680	12	4	4	4						4			4				
Prepare screenscheck Final EIR	\$ 8,230	46	4	8	12	6	2	2	2	2	4			4				
Prepare public Final EIR	\$ 5,160	32	2	6	8						4			8	4			
Subtotal, Task 6	\$ 46,375	259	24	54	54	16	10	18	10	9	27	4	6	23	4	0	0	0
Task 7: Prepare Mitigation, Monitoring, and Reporting Program	Price	Hours																
Prepare draft and final MMMP	\$ 6,975	41	2	6	12	2	2	2	2	2	4	1		6				
Subtotal, Task 7	\$ 6,975	41	2	6	12	2	2	2	2	2	4	1	0	6	0	0	0	0
Task 8: Prepare Findings and Support EIR Certification	Price	Hours																
Prepare draft and final Findings	\$ 14,855	79	8	24	40						4			3				
Prepare draft and final Statement of Overriding Considerations	\$ 6,700	36	4	10	16						4			2				
Prepare and file NOD	\$ 2,145	14	1	2	3									2	6			
Subtotal, Task 8	\$ 23,700	129	13	36	59	0	0	0	0	0	8	0	0	7	6	0	0	0
Task 9: Manage Project Delivery	Price	Hours																
Manage scope/schedule/budget	\$ 32,350	148	40	72	36													
Prepare monthly invoices and progress reports (12-month project duration)	\$ 19,050	102	18	36	12													36
Attend monthly coordination calls (up to 10 during 12-month period)	\$ 13,400	60	20	20	20													
Subtotal, Task 9	\$ 64,810	310	78	128	68	0	0	0	0	0	0	0	0	0	0	0	0	36
LABOR SUBTOTAL	\$ 427,740	2376	233	486	521	236	94	84	160	99	150	62	64	129	22	36		
			\$ 71,065	\$ 94,770	\$ 88,570	\$ 37,760	\$ 18,800	\$ 15,960	\$ 24,800	\$ 14,850	\$ 21,000	\$ 6,370	\$ 8,640	\$ 16,125	\$ 2,530	\$ 4,500		
REIMBURSABLE EXPENSES	\$ 10,775																	
Printing and Reproduction	\$ 500																	
Mileage / Parking / Travel	\$ 1,125																	
Postage and Delivery	\$ 500																	
Equipment Rental	\$ 650																	
Misc Fees (Database Searches, Newspaper Publication, CDFW and County Filing)	\$ 8,000																	
TOTAL PRICE	\$ 438,515																	

Project No: 20210105.01

ITEM NO. RA8 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE WORK ORDER NO. 4 TO THE CONTRACT WITH LARRY WALKER ASSOCIATES FOR PREPARATION OF A WATER QUALITY TECHNICAL MEMORANDUM IN SUPPORT OF CARGILL MSS BRINE EIR WATER QUALITY CHAPTER IN THE AMOUNT OF \$83,439, FOR A TOTAL CONTRACT NOT TO EXCEED AMOUNT OF \$209,034

Recommendation

Approve a motion authorizing the General Manager (GM) to execute Work Order No. 4 to the contract with Larry Walker Associates in the amount of \$83,439.

Background

Larry Walker Associates (LWA) is a specialized consulting firm focusing on regulatory technical support for water and wastewater agencies. LWA has experience working on many NPDES permit negotiations, including recently supporting Delta Diablo on NPDES permitting issues related to their project to accept brine from a desalination project proposed by the City of Antioch.

LWA has provided technical support to EBDA on water quality and permitting aspects of the Cargill project since January 2020 under a series of work orders.

Discussion

As discussed under Item No. RA7, staff is proposing that the Ascent Environmental agreement be amended to cover development of an Environmental Impact Report (EIR) for the Cargill brine project. Ascent suggested that it would be most efficient for LWA to perform the water quality technical work needed to support the EIR, building on the work they have completed for the project to date. Staff is proposing to issue a new work order to LWA to complete the required EIR analyses, under contract to EBDA and at the direction of Ascent. LWA's proposed scope of work is attached.

Per the CEQA MOU with Cargill approved by the Commission in February 2021, Cargill will reimburse the Authority fully for the LWA contract, including a 10% markup for administration.

November 9, 2021



To: Jacqueline Zipkin, P.E.
General Manager
East Bay Dischargers Authority
2651 Grant Ave.
San Lorenzo, CA 94580

Subject: Scope of Services for Preparation of a Water Quality Technical Memorandum in Support of EIR Water Quality Chapter

Dear Ms. Zipkin:

Larry Walker Associates (LWA) is submitting the following Scope of Services to provide wastewater environmental compliance and regulatory assistance to the East Bay Dischargers Authority (EBDA) pursuant to the development of an Environmental Impact Report (EIR) for the proposed EBDA Cargill Mixed Sea Salt (MSS) Brine Processing Project. LWA has provided regulatory, technical, and modeling assistance on this project to EBDA and Cargill since early 2020.

LWA will prepare a technical memorandum (Tech Memo) that provides effluent and ambient water quality information for selected parameters. The purpose of this Tech Memo is to provide a citable document for use by Ascent Environmental, Inc. in the development of the Water Quality chapter of the EIR for the proposed EBDA Cargill MSS Brine Processing Project. Mitchell Mysliwiec will lead Task 1 and 2 described below and I will lead the remaining tasks. Denise Connors will serve as the Strategic Regulatory Advisor for the entire project. The work performed by LWA pursuant to this effort also will be useful to the development of future EBDA NPDES permit requirements that will incorporate the MSS brine discharge. The future requirements will be established when the permit is reissued in late spring to summer 2022.

Scope of Services

Task 1. Data Summary

LWA will review available datasets and compile relevant water quality data (existing EBDA effluent, Cargill MSS brine, and receiving water) for Tier 1 and Tier 2 constituents. Tier 1 constituents (Ammonia, Chlorine, Copper, Cyanide, Dioxin-TEQ, Mercury, and PCBs) are those parameters that will receive a quantitative, near-field water quality assessment for potential water quality impacts in the Water Quality Tech Memo (see Tasks 2 and 3). Tier 2 constituents are those parameters that currently lack an effluent limitation and are less amendable to the quantitative assessment performed under Task 2 for Tier 1 constituents. Tier 2 constituents will receive qualitative evaluations in the Water Quality Tech Memo to support their discussion in the Water Quality chapter of the EIR. Chronic toxicity will be evaluated based on results obtained during bench testing of effluent/MSS brine mixtures in 2020.

The dataset used in the recent reasonable potential analysis (RPA) performed by EOA, Inc. should be representative of the proposed project. As necessary, LWA will parse data to match baseline conditions (i.e., current EBDA discharge or no project) and the proposed project (commingled EBDA effluent and Cargill MSS brine). It is assumed that the data received from EOA, Inc. will allow parsing reflective of baseline conditions and the proposed project. The constituents identified as Tier 1 will be confirmed via performance of a second RPA using the datasets generated for baseline conditions and the proposed project. These two datasets are necessary to perform Task 2.

Task 2. Near-Field Water Quality Assessment

Based on work already performed by LWA for the EBDA outfall mixing zone and dilution credit study, LWA will develop projected concentrations for Tier 1 constituents at the edge of the mixing zone at (1) current EBDA effluent concentrations and (2) projected effluent concentrations after completion of the proposed project. For each scenario, LWA will confirm compliance with water quality objectives. Additionally, the edge of mixing zone water quality resulting from discharge of the current EBDA effluent will be used as a baseline for comparison to the water quality conditions calculated for the proposed project. Compliance with water quality objectives and the incremental change in water quality will be used in the Task 3 evaluation of potential water quality impacts.

Task 3. Draft Water Quality Tech Memo

Once the preferred project description is developed, LWA will review it and develop an outline for a draft Water Quality Tech Memo. The outline will be shared with Ascent Environmental staff for their review. Once the outline is approved, LWA will develop a draft Water Quality Tech Memo that will describe potential water quality impacts due to the proposed project. The Tech Memo will include quantitative treatments of Tier 1 constituents and qualitative treatments of Tier 2 constituents (list provided below). The Tech Memo will be used as a citable document by Ascent Environmental in the development of the Water Quality chapter of the EIR.

Tier 1: Ammonia, Chlorine, Copper, Cyanide, Dioxin-TEQ, Mercury, and PCBs

Tier 2: Chronic Toxicity, Microplastics, Constituents of Emerging Concern, and anticipated TMDL for Selenium

Background information regarding current ambient conditions and current state of science regarding potential beneficial use impacts also will be developed for each Tier 1 and Tier 2 constituent.

Task 4. Final Water Quality Tech Memo

LWA will finalize the draft Water Quality Tech Memo based on comments received from relevant project reviewers (e.g., Ascent Environmental, EBDA, Cargill). LWA will also review legal comments provided by EBDA and its attorneys.

Task 5. Technical Review of Administrative Draft EIR Water Quality Chapter

LWA will conduct a technical review of the Administrative Draft EIR Water Quality chapter prepared by Ascent Environmental for the project.

Task 6. Strategic Planning

LWA staff will participate in strategic planning meetings for preparation of the EIR. LWA staff will attend three (3) meetings, review draft documents, coordinate with Ascent Environmental staff and other project partners as directed, and otherwise assist in developing strategies for EIR preparation.

Task 7. Coordination Meetings

LWA staff will participate in five (5) coordination meetings (remote or in-person) and biweekly conference calls to discuss project status, as necessary.

Task 8. Draft EIR Response to Comments

LWA will assist in the preparation of responses to comments to the Draft EIR and review the Final EIR Water Quality chapter to ensure consistency with language used in the LWA Water Quality Tech Memo.

Task 9. Far-Field Water Quality Assessment (Contingency)

As required by the needs of the Water Quality chapter of the EIR or as requested by the San Francisco Regional Water Quality Control Board, LWA will develop a qualitative far-field water quality assessment for constituents anticipated to have such an impact and require an assessment.

Task 10. Project Management

LWA will review project status, budget, and schedule of deliverables to ensure on-time and on-budget completion of deliverables. This task also includes the preparation and review of invoices and backup materials that may be required.

Budget and Rate Schedule

The tasks described in the above Scope of Services will be conducted for a cost not to exceed \$83,439 on a time and materials basis according to LWA's 2021/2022 Rate Schedule. The project budget is broken down by task in the table below.

Table 1: Description of Tasks and Costs Associated with Proposed Scope of Services.

Task Description	Cost
1. Data Summary	\$3,854
2. Near-Field Water Quality Assessment	\$4,818
3. Draft Water Quality Tech Memo	\$24,900
4. Final Water Quality Tech Memo	\$10,060
5. Technical Review of Administrative Draft EIR Water Quality Chapter	\$7,572
6. Strategic Planning	\$2,790
7. Coordination Meetings	\$5,679
8. Draft EIR Response to Comments	\$8,688
9. Far-Field Water Quality Assessment (Contingency)	\$10,056
10. Project Management	\$5,022
Total	\$83,439

We thank you for the opportunity to provide these proposed services and look forward to continuing our successful working relationship with EBDA. Please feel free to contact me via email (michaelt@lwa.com) or phone (530) 753-6400 (office) / (916) 835-1583 (cell) if you have any questions.

Sincerely,



Mike Troughon
Associate Scientist

Cc: Andrea Shephard, PhD
Senior Environmental Project Manager
Ascent Environmental, Inc.
455 Capital Mall, Suite 300
Sacramento, CA 95814

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NOTICE: In compliance with AB 361 (2021), 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. 17

FINANCIAL MANAGEMENT COMMITTEE AGENDA

Monday, November 15, 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 October 2021**
(The Committee will review the List of Disbursements for the month of October.)
- FM5. Treasurer's Report for October 2021**
(The Committee will review the Treasurer's Report for October 2021.)
- FM6. Final Adjusted Treasurer's Reports for June, July, August, and September 2021**
(The Committee will review the final adjusted Treasurer's Reports for June – September 2021.)
- FM7. Member Agency Credits for Fiscal Year 2020/2021**
(The Committee will review a summary of the credits being returned to the Member Agencies).
- FM8. First Quarter Expense Summary, Fiscal Year 2021/2022**
(The Committee will review the first quarter expenses for FY 2021/2022.)

FM9. Resolution Adopting the Authority Emergency Reserve Policy
(The Committee will consider the resolution.)

FM10. Adjournment

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

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>.

**The next Financial Management Committee meeting is scheduled on
Monday, December 13, 2021 at 10:00 a.m.**

EAST BAY DISCHARGERS AUTHORITY
List of Disbursements
October 2021

CHECKS (SORTED BY AMOUNT)

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
25400	10/29/2021	348402	CITY OF HAYWARD	O&M - QUARTERLY JUL-SEP	33,064.31	33,064.31
25401	10/29/2021	002801	UNION SANITARY DISTRICT	O&M - SEP	31,593.53	31,593.53
25399	10/29/2021	384359	CITY OF SAN LEANDRO	O&M - AUG	30,331.54	30,331.54
25410	10/29/2021	11422308	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT	21,680.26	21,680.26
25408	10/29/2021	49553626	UNIVAR	SODIUM BISULFITE - DELIVERED 10/20/2021	6,751.76	13,036.11
25408	10/29/2021	49527815	UNIVAR	SODIUM BISULFITE - DELIVERED 10/08/2021	6,284.35	
25383	10/18/2021	FB15273	CAROLLO ENGINEERS	ENGINEERING SERVICES - WORK ORDER NO. 3	8,788.25	8,788.25
25403	10/29/2021	49759	CALCON	OPS CENTER ETHERNET CABLES FOR NEW PHONE SYSTEM	2,036.93	6,931.33
25403	10/29/2021	49881	CALCON	MDF PMS	1,153.60	
25403	10/29/2021	49887	CALCON	OLEPS PMS	1,433.60	
25403	10/29/2021	49658	CALCON	OLEPS PROGRAMMING AND PMS	2,307.20	
25415	10/29/2021	20210105.01-3	ASCENT ENVIRONMENTAL, INC	CONSULTING SERVICES - CARGILL CEQA	6,674.23	6,674.23
25389	10/18/2021	JUL-SEP2021	KARL D. ROYER	QUARTERLY HEALTH PREMIUM REIMBURSEMENT	3,462.84	3,462.84
25390	10/18/2021	00013.11-9	LARRY WALKER ASSOCIATES	PROFESSIONAL SERVICES - WORK ORDER NO. 2	3,065.75	3,065.75
25388	10/18/2021	S353004	GSE CONSTRUCTION	REPAIRS & MAINTENANCE - OLEPS	2,923.22	2,923.22
25382	10/18/2021	IN0309302	ALAMEDA COUNTY ENVIRONMENTAL HEALTH	OLEPS CUPA FEE	2,477.00	2,477.00
25394	10/18/2021	4246044555687620	US BANK	PURCHASING CARD EXPENSES	2,395.97	2,395.97
25413	10/29/2021	033	CURRIE ENGINEERS, INC	PROJECT / CONSTRUCTION MANAGER SERVICES - WORK ORDER NO. 2	2,192.00	2,192.00
25398	10/29/2021	630698	VANTAGEPOINT	ICMA DEFERRED COMPENSATION FOR PAY PERIOD ENDED 10/31/2021	1,905.67	1,905.67
25396	10/18/2021	621844	VANTAGEPOINT	ICMA DEFERRED COMPENSATION FOR PAY PERIOD ENDED 10/15/2021	1,830.67	1,830.67
25386	10/18/2021	52205704	CITY OF HAYWARD	BENEFIT PREMIUMS - OCT	1,345.92	1,345.92
25384	10/18/2021	8310	CAYUGA INFORMATION SYSTEMS	IT SERVICES	1,050.00	1,050.00
25406	10/29/2021	0098894-IN	KOFFLER ELECTRICAL MECHNICAL	ELECTRICAL SERVICES	1,000.00	1,000.00
25416	10/29/2021	7542	NETFILE INC	SUBSCRIPTION FEE	1,000.00	1,000.00
25411	10/29/2021	625888	CALTEST	LAB TESTING SERVICES - OCT	864.90	864.90
25407	10/29/2021	17656	TOWN & COUNTRY	JANITORIAL SERVICES - OLEPS DEEP CLEAN	540.00	705.00
25407	10/29/2021	17333	TOWN & COUNTRY	JANITORIAL SERVICES - OCT	165.00	
25392	10/18/2021	1746192-21	SCIF	WORKERS COMPENSATION PREMIUM - OCT	679.25	679.25
25385	10/18/2021	JUL-SEP2021	CHARLES V. WEIR	QUARTERLY HEALTH PREMIUM REIMBURSEMENT	527.88	527.88
25405	10/29/2021	20098431	ZASIO ENTERPRISES, INC	RECORDS MANAGEMENT SOFTWARE ANNUAL RENEWAL	395.00	395.00
25397	10/18/2021	9889626665	VERIZON WIRELESS	WIRELESS PHONE SERVICES	325.36	325.36
25387	10/18/2021	48478	COMPUTER COURAGE	WEBSITE HOSTING - AUG	150.00	300.00
25387	10/18/2021	49004	COMPUTER COURAGE	WEBSITE HOSTING - OCT	150.00	

EAST BAY DISCHARGERS AUTHORITY
List of Disbursements
October 2021

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
25391	10/18/2021	CD_000307886	RINGCENTRAL INC	DIGITAL PHONE SERVICE SUBSCRIPTION AND HARDWARE	282.35	282.35
25414	10/29/2021	10110000001	EBMUD	WATER & SEWER, MDF AUG-OCT	281.92	281.92
25412	10/29/2021	3356285	CALTRONICS	COPIER USAGE AND MAINTENANCE	175.34	175.34
25409	10/29/2021	1102466	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES FOR SKYWEST	85.00	170.00
25409	10/29/2021	1105432	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES FOR SKYWEST	85.00	
25395	10/18/2021	21DIG141726	UNDERGROUND SERVICE ALERT 811	CALIFORNIA STATE FEE FOR REGULATORY COSTS	147.84	147.84
25402	10/29/2021	510-483-0439	AT&T	TELEPHONE SERVICE - MDF	87.56	87.56
25393	10/18/2021	H199	TG'S BACKFLOW SERVICE	TEST & INSPECT BACKFLOW ASSEMBLY @ MDF	75.00	75.00
25404	10/29/2021	S2054645.001	WILLE ELECTRIC SUPPLY CO, INC	ELECTRICAL PARTS	63.92	63.92
25318	10/06/2021		VOID CHECK		(150.00)	(150.00)
TOTAL CHECK PAYMENTS					181,829.92	181,679.92
ELECTRONIC PAYMENTS						
	10/05/2021	5105948980-0	PG&E	GAS & ELECTRIC SERVICE	33,709.00	33,709.00
	10/07/2021	100000016559401	CALPERS	HEALTH PREMIUMS - OCT	6,907.99	6,907.99
	10/04/2021	100000016525884	CALPERS	PENSION CONTRIBUTION, CLASSIC 09/16 - 30/2021	4,575.23	4,575.23
	10/21/2021	100000016545444	CALPERS	PENSION CONTRIBUTION, CLASSIC 10/01 - 15/2021	4,575.23	4,575.23
TOTAL ELECTRONIC PAYMENTS						49,767.45
PAYROLL						
	10/28/2021		ADP, LLC	PAYROLL PERIOD: 10/16-31/2021	22,872.83	22,872.83
	10/14/2021		ADP, LLC	PAYROLL PERIOD: 10/01-15/2021	20,356.42	20,356.42
	10/08/2021	589592081	ADP, LLC	PAYROLL FEES, PERIOD: 09/16-30/2021	85.60	85.60
	10/22/2021	590517828	ADP, LLC	PAYROLL FEES, PERIOD: 10/01-15/2021	72.35	72.35
TOTAL PAYROLL						43,387.20
TOTAL DISBURSEMENTS						274,834.57

ITEM NO. FM5 TREASURER'S REPORT FOR OCTOBER 2021

The beginning cash balance on October 1, 2021 was \$5,163,726.64. The ending cash balance on October 31, 2021 was \$4,970,792.64. Total receipts for the period were \$81,900.57 and disbursements totaled \$274,834.57. EBDA's LAIF balance is \$3,260,119.57 and the interest rate for October was 0.20%.

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
TREASURER'S REPORT**

OCTOBER 31, 2021

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	2,073,875.90	2,100.00	227,992.37	1,847,983.53
13	PLANNING & SPECIAL STUDIES	453,725.58		8,788.25	444,937.33
14	RECLAMATION O & M (SKYWEST)	59,955.21		170.00	59,785.21
15	BRINE ACCEPTANCE	60,729.26	78,425.16	32,768.73	106,385.69
31	RENEWAL & REPLACEMENT	2,515,440.69	1,375.41	5,115.22	2,511,700.88
TOTALS		5,163,726.64	81,900.57	274,834.57	4,970,792.64

Oct-21

11/11/2021

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
09/30/21	BALANCE								2,864,709.65	40,272.82	2,258,744.16	0.01	5,163,726.64
10/04/21	ELECTRONIC BILL PAY		4,575.23						2,860,134.42	40,272.82	2,258,744.16	0.01	5,159,151.41
10/05/21	ELECTRONIC BILL PAY		33,709.00						2,826,425.42	40,272.82	2,258,744.16	0.01	5,125,442.41
10/06/21	VOID		(150.00)						2,826,575.42	40,272.82	2,258,744.16	0.01	5,125,592.41
10/07/21	ELECTRONIC BILL PAY		6,907.99						2,819,667.43	40,272.82	2,258,744.16	0.01	5,118,684.42
10/08/21	PAYROLL FEES			85.60					2,819,667.43	40,187.22	2,258,744.16	0.01	5,118,598.82
10/12/21	PAYROLL TRANSFER				26,000.00				2,793,667.43	66,187.22	2,258,744.16	0.01	5,118,598.82
10/14/21	PAYROLL			20,356.42					2,793,667.43	45,830.80	2,258,744.16	0.01	5,098,242.40
10/15/21	INTEREST	1,375.41				1,375.41			2,793,667.43	45,830.80	2,260,119.57	0.01	5,099,617.81
10/18/21	DISBURSEMENT		29,677.30						2,763,990.13	45,830.80	2,260,119.57	0.01	5,069,940.51
10/19/21	DEPOSIT - CARGILL	78,425.16							2,842,415.29	45,830.80	2,260,119.57	0.01	5,148,365.67
10/21/21	ELECTRONIC BILL PAY		4,575.23						2,837,840.06	45,830.80	2,260,119.57	0.01	5,143,790.44
10/22/21	PAYROLL FEES			72.35					2,837,840.06	45,758.45	2,260,119.57	0.01	5,143,718.09
10/28/21	LAIF TRANSFER					1,000,000.00			1,837,840.06	45,758.45	3,260,119.57	0.01	5,143,718.09
10/28/21	DEPOSIT	2,100.00							1,839,940.06	45,758.45	3,260,119.57	0.01	5,145,818.09
10/28/21	PAYROLL			22,872.83					1,839,940.06	22,885.62	3,260,119.57	0.01	5,122,945.26
10/29/21	DISBURSEMENT		152,152.62						1,687,787.44	22,885.62	3,260,119.57	0.01	4,970,792.64
TOTAL		81,900.57	231,447.37	43,387.20	26,000.00	1,001,375.41	-	-					
CURRENT BALANCE									1,687,787.44	22,885.62	3,260,119.57	0.01	4,970,792.64
Reconciliation									①	②	③	④	
①	Per Bank Statement @ 10/31/21	\$ 1,846,151.87											
	Less: Outstanding Checks	\$ 158,364.43											
		\$ 1,687,787.44											
②	Per Bank Statement @ 10/31/21	\$ 22,885.62											
③	Per LAIF Statement @ 10/31/21	\$ 3,260,119.57											
④	Per Treasurer's Report @ 10/31/21	\$ 0.01											
	Fair Market Value Increase/Decrease	\$ -											
	Per Investment Statement @10/31/21	\$ 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 FINAL ADJUSTED TREASURER'S REPORTS FOR JUNE, JULY, AUGUST, AND SEPTEMBER 2021

Recommendation

Approve the Final Adjusted Treasurer's Reports for June, July, August, and September 2021.

Discussion

The Final Adjusted Treasurer's Reports for June through September 2021 are attached for the Committee's review. Preliminary reports were presented previously. Changes occur through the course of reviewing all accounts in preparation for the annual financial audit.

EAST BAY DISCHARGERS AUTHORITY
FINAL (ADJUSTED)
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	129,891.96	289,754.33	1,129,872.14
13	PLANNING & SPECIAL STUDIES	357,265.22	62,079.18	173,589.50	245,754.90
14	RECLAMATION O & M (SKYWEST)	38,201.77	5,553.51	14,980.17	28,775.11
31	RENEWAL & REPLACEMENT	2,012,844.22	0.11	25,486.69	1,987,357.64
TOTALS		3,698,045.72	197,524.76	503,810.69	3,391,759.79

EAST BAY DISCHARGERS AUTHORITY
FINAL (ADJUSTED)
TREASURER'S REPORT
JULY 31, 2021

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,129,872.14	677,340.23	204,263.15	1,602,949.22
13	PLANNING & SPECIAL STUDIES	245,754.90	225,235.83	152,911.80	318,078.93
14	RECLAMATION O & M (SKYWEST)	28,775.11	27,000.00	1,442.84	54,332.27
15	BRINE ACCEPTANCE	0.00			0.00
31	RENEWAL & REPLACEMENT	1,987,357.64	157,842.70	5,000.00	2,140,200.34
TOTALS		3,391,759.79	1,087,418.76	363,617.79	4,115,560.76

EAST BAY DISCHARGERS AUTHORITY
FINAL (ADJUSTED)
TREASURER'S REPORT
AUGUST 31, 2021

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,602,949.22	888,888.64	449,163.76	2,042,674.10
13	PLANNING & SPECIAL STUDIES	318,078.93	474,137.81	339,298.28	452,918.46
14	RECLAMATION O & M (SKYWEST)	54,332.27		340.00	53,992.27
15	BRINE ACCEPTANCE	0.00	80,000.00	39,031.24	40,968.76
31	RENEWAL & REPLACEMENT	2,140,200.34	384,000.00	3,839.35	2,520,360.99
TOTALS		4,115,560.76	1,827,026.45	831,672.63	5,110,914.58

EAST BAY DISCHARGERS AUTHORITY
FINAL (ADJUSTED)
TREASURER'S REPORT
 SEPTEMBER 30, 2021

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	2,042,674.10	276,327.66	245,125.86	2,073,875.90
13	PLANNING & SPECIAL STUDIES	452,918.46	144,647.33	143,840.21	453,725.58
14	RECLAMATION O & M (SKYWEST)	53,992.27	9,000.00	3,037.06	59,955.21
15	BRINE ACCEPTANCE	40,968.76	41,018.00	21,257.50	60,729.26
31	RENEWAL & REPLACEMENT	2,520,360.99		4,920.30	2,515,440.69
TOTALS		5,110,914.58	470,992.99	418,180.93	5,163,726.64

ITEM NO. FM7 MEMBER AGENCY CREDITS FOR FISCAL YEAR 2020/2021

Recommendation

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

Background

As presented to the Committee in September 2021, EBDA’s annual expenses for Fiscal Year 2020/2021 were 21% under budget. Accounting for the \$195,000 that was carried over for Special Studies projects that are still underway, approximately \$777k was collected from the Member Agencies and not spent. The Commission’s direction at the September meeting was to return these funds to the Member Agencies as a credit against their FY 2021/2022 bills.

Discussion

The table below shows the amounts owed by each agency for FY 2020/2021 Operations & Maintenance (O&M) and Special Studies, as well as the amounts collected. The difference, plus revenues received from other sources, is the credit that will be issued to each agency.

	San Leandro	O.L.S.D.	C.V.S.D.	Hayward	U.S.D.	LAVWMA	Total
Total O&M Owed	\$ 177,100	\$ 423,367	\$196,383	\$ 452,786	\$ 1,091,470	\$522,450	\$ 2,863,555
Total O&M Paid	\$ 245,882	\$ 588,084	\$271,555	\$ 571,542	\$ 1,306,512	\$594,939	\$ 3,578,513
O&M Credit	\$ (68,782)	\$ (164,717)	\$ (75,172)	\$ (118,756)	\$ (215,042)	\$ (72,489)	\$ (714,958)
							\$ -
Total Special Studies Owed	\$ 106,147	\$ 160,151	\$ 76,311	\$ 301,604	\$ 437,547	\$291,534	\$ 1,373,293
Total Special Studies Paid	\$ 113,960	\$ 177,317	\$ 85,711	\$ 305,428	\$ 472,697	\$298,095	\$ 1,453,207
Special Studies Credit	\$ (7,813)	\$ (17,166)	\$ (9,400)	\$ (3,824)	\$ (35,150)	\$ (6,561)	\$ (79,913)
Other O&M Revenue	\$ (5,500)	\$ (2,070)	\$ (1,110)	\$ (1,595)	\$ (4,550)	\$ (2,434)	\$ (17,258)
Share of R&R Fund	\$ 381	\$ -	\$ -	\$ -	\$ -	\$ 34,574	\$ 34,954
Total Credit	\$ (81,714)	\$ (183,953)	\$ (85,681)	\$ (124,175)	\$ (254,742)	\$ (46,910)	\$ (777,175)

Each Member Agency has received a credit memo detailing their FY 2020/2021 payments and credits. The credits will be applied to the Member Agency invoices issued in January for the second half of FY 2021/2022.

ITEM NO. FM8 FIRST QUARTER EXPENSE SUMMARY, FISCAL YEAR 2021/2022

Recommendation

Approve the First Quarter Expense Summary for Fiscal Year 2021/2022.

Background

The First Quarter Expense Summary for FY 2021/2022 is attached for the Committee's review. Expenses are presented by Program and by Account Code. These categories have been grouped to provide an overview of Authority expenses. The tables include discussion of particular items that varied significantly (>10%) from the budget.

Discussion

At the end of the first quarter, EBDA's spending is right on budget, with 25% spent. Staff notes that certain annual fees (i.e., Nutrient Surcharge and Water Research Foundation) were paid in the first quarter, while others (i.e., NPDES Permit Fee, Regional Monitoring Program) had yet to be billed. This led to certain line items appearing over or under budget, but balances out overall for the quarter.

East Bay Dischargers Authority

EXPENSE SUMMARY BY PROGRAM

FY 2021/2022 THROUGH SEPTEMBER 30, 2021 (25% of YEAR)

	YTD Expenses	Budget	Revenues - Cargill and Grant	Variance	% of Budget	Explanations for Variance Over 10%
O&M EFFLUENT DISPOSAL						
General Administration	\$270,457	\$1,293,382.00		(\$1,022,925)	21%	
Outfall & Force mains	\$19,698	\$181,977.00		(\$162,279)	11%	No contractor work has been required.
Marina Dechlor Facility	\$78,555	\$510,454.00		(\$431,899)	15%	
Oro Loma Pump Station	\$97,841	\$514,954.00		(\$417,113)	19%	
Hayward Pump Station	\$31,532	\$170,977.00		(\$139,445)	18%	
Union Pump Station	\$95,672	\$363,233.00		(\$267,561)	26%	
Bay & Effluent Monitoring	\$258,724	\$506,382.00		(\$247,658)	51%	BACWA annual dues paid in Q1.
TOTAL O&M EFFLUENT DISPOSAL	\$852,478	\$3,541,359		(\$2,688,881)	24%	
SPECIAL PROJECTS						
NPDES Permit Fees	\$0	\$593,473.00		(\$593,473)	0%	
NPDES Permit Issues	\$20,993	\$100,000.00		(\$79,007)	21%	
Regional Monitoring Program	\$62,010	\$280,000.00		(\$217,991)	22%	
Nutrient Surcharge	\$285,346	\$285,346.00		\$0	100%	Annual surcharge paid in Q1.
Water Research Foundation	\$23,407	\$25,580.00		(\$2,173)	92%	Annual membership fee paid in Q1.
Transport System Evaluation	\$0	\$20,000.00		(\$20,000)	0%	Work to date in this FY has not yet been invoiced.
JPA Legal Support	\$2,815	\$10,000.00		(\$7,185)	28%	
AQPI	\$0	\$29,000.00		(\$29,000)	0%	EBDA will be invoiced later this year by Sonoma Water due to project delays.
Operator Training Modules	\$0	\$16,000.00		(\$16,000)	0%	Work is delayed, and EBDA will be invoiced when complete.
Strategic Planning	\$0	\$10,000.00		(\$10,000)	0%	Work will begin in Q2. External funds may not be necessary.
Disinfection Master Plan	\$30,333	\$45,726.00		(\$15,393)	66%	Work was initiated in Q3 of last FY and is expected to be completed in Q3 of this FY.
Nature-Based Solutions Study	\$19,375	\$150,000.00	\$19,375	\$0		All costs are reimbursed by EPA grant.
Biosolids Feasibility Study	\$0	\$100,000.00		(\$100,000)	0%	Work has begun, but external funds have not yet been needed.
Solar Feasibility Study	\$0	\$20,000.00		(\$20,000)	0%	Work has begun, but external funds have not yet been needed.
Bruce Wolfe Memorial	\$0	\$5,000.00		(\$5,000)	0%	Commission has committed \$1k, which will likely be paid in Q3 or Q4.
NPDES Testing - CSL	\$1,500	\$1,500.00		\$0	100%	Hach WIMS invoice was paid in Q1.
NPDES Testing - OLSD	\$1,500	\$1,500.00		\$0	100%	Hach WIMS invoice was paid in Q1.
NPDES Testing - HAY	\$1,500	\$1,500.00		\$0	100%	Hach WIMS invoice was paid in Q1.
NPDES Testing - USD	\$1,500	\$1,500.00		\$0	100%	Hach WIMS invoice was paid in Q1.
TOTAL SPECIAL PROJECTS	\$450,278	\$1,696,125	\$19,375	(\$1,115,221)	28%	
TOTAL AGENCY-FUNDED PROGRAMS	\$1,283,382	\$5,087,484	\$19,375	(\$3,804,102)	25%	
WATER RECYCLING						
Skywest Golf Course	\$5,210	\$36,000				Operations spending reduced due to efficiencies, and capital deferred.
TOTAL WATER RECYCLING	\$5,210	\$36,000				
BRINE ACCEPTANCE						
Brine Acceptance	\$151,088	\$400,000	\$110,541			All work performed is reimbursed by Cargill. Not all expenses have yet been invoiced.
TOTAL BRINE ACCEPTANCE	\$151,088	\$400,000	\$110,541			

East Bay Dischargers Authority

EXPENSE SUMMARY BY ACCOUNT

FY 2021/2022 THROUGH SEPTEMBER 30, 2021 (25% OF YEAR)

	YTD Expenses	Budget	Revenues - Cargill and Grant	Variance	% of Budget	Explanations for Variance Over 10%
4010 - Salary	\$119,543	\$586,103		(\$466,560)	20%	
4010 - Salary (reimbursable)	\$14,446	\$0		\$14,446		Expenses for Cargill are reimbursed.
4020 - Benefits	\$71,833	\$269,324		(\$197,491)	27%	
4030 - Commissioner Compensation	\$5,280	\$45,000		(\$39,720)	12%	Budget assumes maximum number of meetings and several Committees are currently on reduced schedules.
4070 - Insurance	\$20,470	\$62,000		(\$41,530)	33%	
4080 - Memberships & Subscriptions	\$131,160	\$147,702		(\$16,542)	89%	BACWA and WRF annual dues paid in Q1.
4100 - Supplies, Variable	\$57,892	\$312,000		(\$254,108)	19%	
4100 - Supplies, Fixed	\$3,723	\$22,000		(\$18,277)	17%	
4110 - Contract Services	\$21,281	\$104,280		(\$82,999)	20%	
4120 - Professional Services (non-reimbursable)	\$191,137	\$736,976		(\$545,839)	26%	
4120 - Professional Services (reimbursable)	\$156,016	\$550,000	\$129,916	(\$393,984)	28%	Expenses for Cargill and the Nature-based Solutions Project are reimbursed.
4140 - Rents & Fees	\$354,631	\$1,161,099		(\$806,469)	31%	
4141 - NPDES Fines	\$0	\$109,000		(\$109,000)	0%	Reserve funds in case of enforcement.
4150 - Maintenance & Repair	\$101,436	\$667,500		(\$566,064)	15%	
4160 - Monitoring	\$30,243	\$170,000		(\$139,757)	18%	
4170 - Travel	\$129	\$18,000		(\$17,871)	1%	Reduced travel due to COVID pandemic.
4190 - Utility, Fixed	\$3,886	\$16,500		(\$12,614)	24%	
4191 - Utility, Variable (PG&E)	\$170,738	\$660,000		(\$489,262)	26%	
4200 - Acquisitions & Other	\$0	\$0		\$0		
TOTAL ALL ACCOUNTS	\$1,453,844	\$5,637,484	\$129,916			
TOTAL AGENCY FUNDED	\$1,283,382	\$5,087,484		(\$3,804,102)	25%	

ITEM NO. FM9 RESOLUTION ADOPTING THE AUTHORITY EMERGENCY RESERVE POLICY

Recommendation

Adopt the resolution to approve the Authority Emergency Reserve Policy.

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. The intent of the Reserve Policy is to ensure that EBDA has immediate access to funds in an emergency.

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

In July 2021, staff proposed a draft Emergency Reserve Policy, building on the hybrid model recommended by the Committee. Under the proposed policy, each Member Agency, as well as LAVWMA, 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. LAVWMA's allocation is based on its responsibilities under the Amended and Restated Master Agreement.

Though the ultimate costs resulting from a major incident like an earthquake may exceed \$1.25M, the intent is that this amount would likely be sufficient to address short-term expenses, i.e., those incurred within the first 30-60 days following the incident. Within that time, EBDA staff, working with LAVWMA and the EBDA Member Agencies, could develop a plan and timeline for securing the additional funds.

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.

The Committee reviewed the latest draft Policy in October and did not recommend any further changes. Therefore, the version presented for adoption is identical to the draft discussed last month. If adopted, the Policy's requirements for the Member Agencies and LAVWMA will take effect July 1, 2022.

EAST BAY DISCHARGERS AUTHORITY POLICY

POLICY NUMBER: 1.8

NAME OF POLICY: Finance – Emergency Reserves

LAST REVISED: November 18, 2021

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: Each member of the EBDA Joint Powers Authority is financially responsible for its share of EBDA’s expenses and liabilities, as laid out in EBDA’s Amended and Restated Joint Exercise of Powers Agreement (JPA). As such, the Member Agencies serve as a financial backstop for EBDA, and it is key to EBDA’s continued efficacy that EBDA be able to efficiently access Member Agency funds in the event of an emergency.

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 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

EAST BAY DISCHARGERS AUTHORITY POLICY

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.

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.

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

RESOLUTION NO. 21-12

INTRODUCED BY _____

RESOLUTION ADOPTING THE AUTHORITY EMERGENCY RESERVE POLICY

WHEREAS, the East Bay Dischargers Authority (EBDA) operates critical infrastructure for wastewater management that inherently risks damage or failure from natural disasters such as earthquakes; and

WHEREAS, as signatories to the East Bay Dischargers Authority's Amended and Restated Joint Exercise of Powers Agreement, the Authority's Member Agencies are financially responsible for required repairs to EBDA's infrastructure if costs exceed available funds in EBDA's accounts; and

WHEREAS, per the Amended and Restated Master Agreement with the Livermore-Amador Valley Water Management Agency (LAVWMA), LAVWMA is financially responsible for required repairs to portions of EBDA's infrastructure; and

WHEREAS, in the event of a disaster, it is in the mutual interest of EBDA, LAVWMA, and their Member Agencies for EBDA to be able to quickly and efficiently access funds to support near-term repair and recovery; and

WHEREAS, 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; and

WHEREAS, the Authority has deemed \$1.25 million as an amount sufficient to support EBDA through the first 30-60 days of disaster response and recovery, during which time additional funding needs and sources can be identified; and

WHEREAS, the Financial Management Committee has reviewed the Emergency Review Policy and recommends its adoption.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby adopts the Emergency Reserve Policy.

SAN LORENZO, CALIFORNIA, NOVEMBER 18, 2021, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHAIR
EAST BAY DISCHARGERS AUTHORITY

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



NOTICE: In compliance with AB 361 (2021), 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 link 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. 19

OPERATIONS & MAINTENANCE COMMITTEE AGENDA

Tuesday, November 16, 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. Renewal and Replacement Fund Annual Recap FY 2020/2021

(The Committee will review the annual recap of the Authority's Renewal and Replacement Fund for FY 2020/2021 and ongoing work carried over from prior fiscal years.)

OM7. Motion Authorizing the General Manager to Execute Amendment No. 4 to the Contract with Brown and Caldwell for Field Work Related to Acceptance of Cargill Mixed Sea Salt Brine for Discharge at the EBDA Outfall in the Amount of \$104,674, for a Total Not to Exceed Amount of \$399,263

(The Committee will consider the motion.)

OM8. Resolution Adopting the Administrative Appeals Policy

(The Committee will consider the resolution.)

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 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 posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.

**The next O&M Committee meeting will be held
Tuesday, December 14, 2021, at 9:00 a.m.**

ITEM NO. OM4 EBDA PERMIT COMPLIANCE

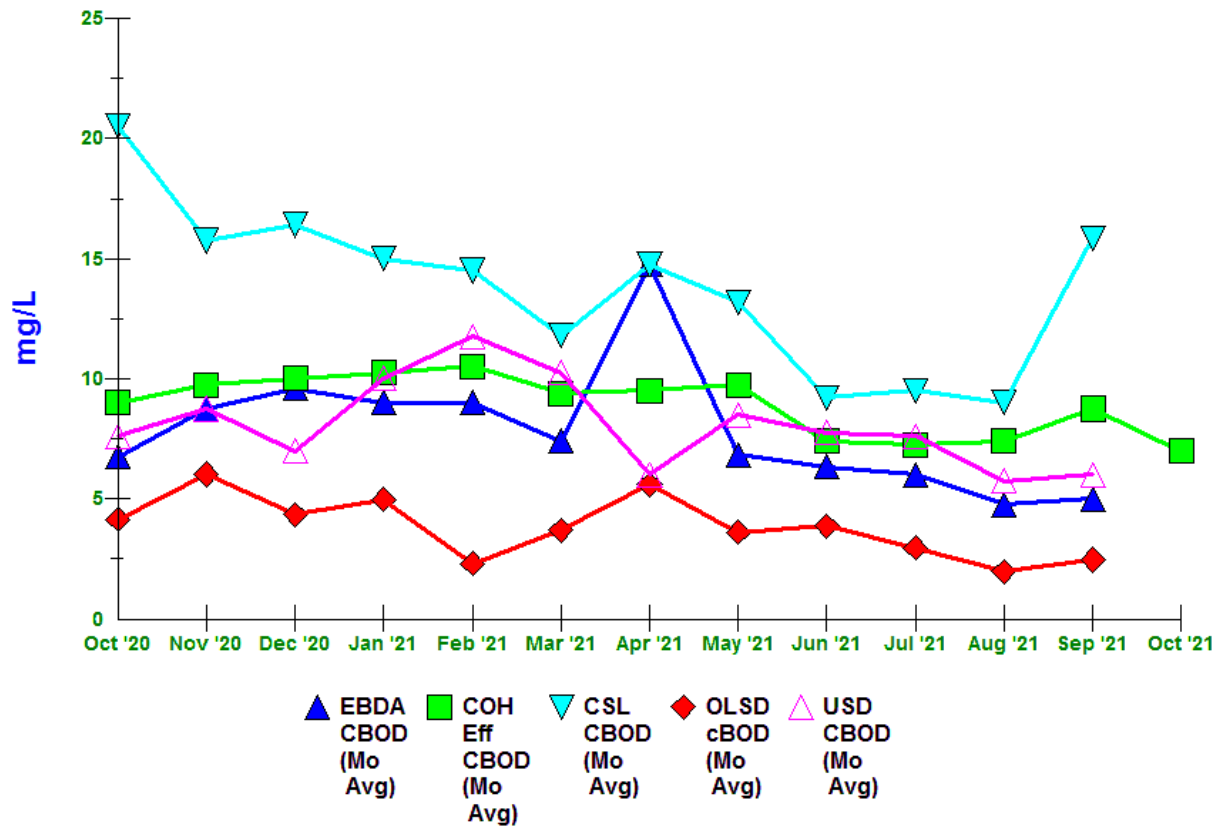
Recommendation

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

Permit Compliance Issues

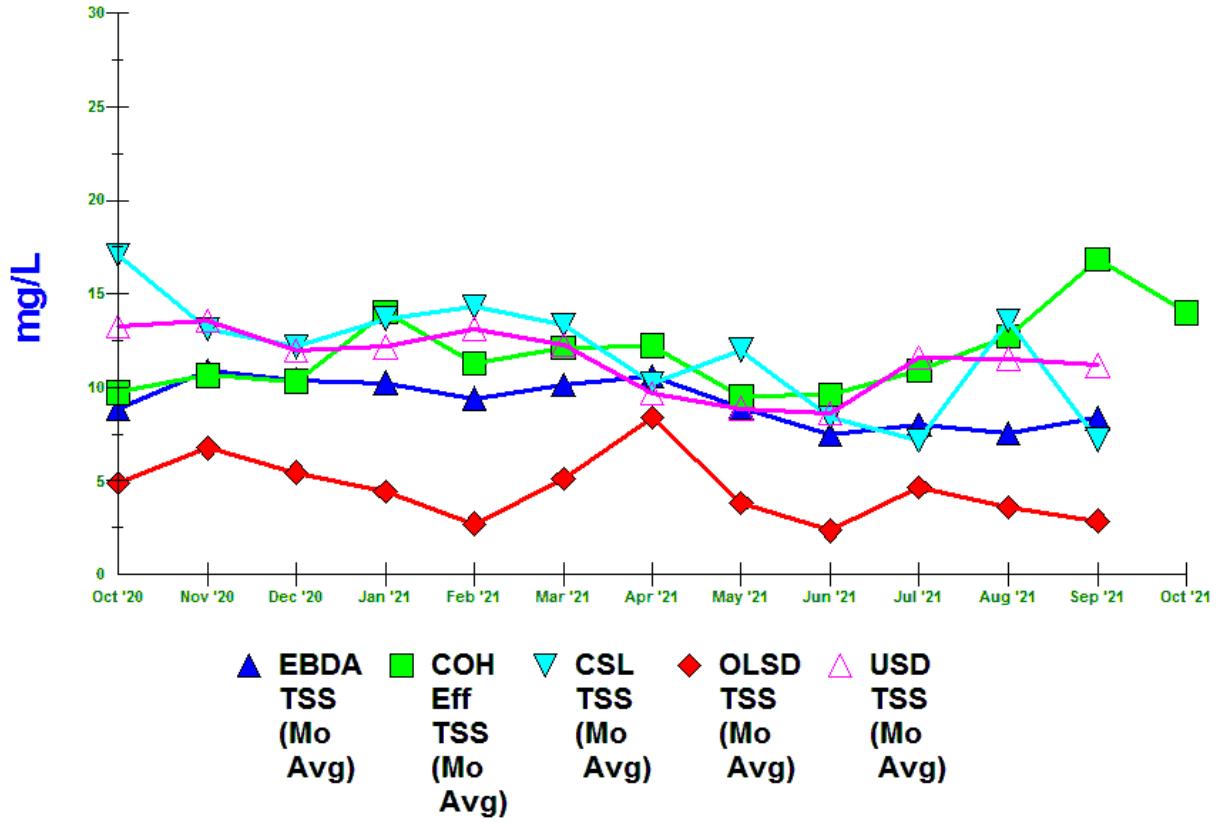
There were no NPDES permit violations in September, and preliminary data from October are also free of permit exceedances. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators is also included.

EBDA CBOD (Limit=25 ppm)



EBDA CBOD

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
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
May 2021 Geomean	10	6
June 2021 Geomean	13	4
July 2021 Geomean	11	2
August 2021 Geomean	52	32
9/6/2021	4	6
9/7/2021	4	7
9/8/2021	79	86
9/13/2021	7	10
9/14/2021	4	< 2
9/15/2021	14	26
9/20/2021	16	8
9/21/2021	23	4
9/22/2021	2400	22
9/27/2021	40	6
9/28/2021	240	16
September 2021 Geomean	26	10
10/4/2021	48	NA
10/6/2021	240	NA
10/8/2021	240	28
10/9/2021	NA	8
10/11/2021	346	2
10/12/2021	8	3
10/13/2021	49	3
10/18/2021	10	< 2
10/19/2021	7	2
10/20/2021	23	4
10/25/2021	10	8
October 2021 Geomean	33	4

ITEM NO. OM5 STATUS REPORT

Union Effluent Pump Station (UEPS)

No change; all equipment is operational.

Hayward Effluent Pump Station (HEPS)

Effluent Pump Replacement Project

On November 9, 2021, Evan Currie with Currie Engineers, EBDA's contract Project and Construction Manager, sent the draft front end specifications to the City of Hayward's Engineer for review. Staff expects to issue the bid documents by the end of calendar year 2021, with installation occurring in late-2022.

PG&E Credit

In September 2021, EBDA received a \$3,000 credit from PG&E for electrical usage at HEPS. In June of 2020, as part of the HEPS Motor Control Center (MCC) Replacement Project, thermographic imaging and stress testing of the electrical equipment inside the MCC building was completed. A load bank was connected to the MCC to draw a large electrical load for a short period of time thus testing the main breaker and electrical components. This test resulted in a large PG&E demand charge of approximately \$3,000 more than our normal monthly demand charge. EBDA staff worked with our PG&E Customer Relationship Manager to facilitate this credit.

Oro Loma Effluent Pump Station (OLEPS)

Main Electrical Switchboard Upgrade

With the start of wet weather and the manufacturing delays due to the pandemic, the installation of the new breakers is postponed until the Spring of 2022.

Skywest Pump Station

Recycled Water Production

During the month of October 2021, the Skywest Recycled Water System only operated for one day and produced 0.49 million gallons of recycled water.

Marina Dechlorination Facility (MDF)

SBS Building Lighting Upgrades

During the month of October, a lighting upgrade project was completed at MDF replacing the 25-year-old light fixtures in the SBS Building. The San Leandro Maintenance Department installed six (6) new energy efficient LED light fixtures. The inside of the SBS building looks much brighter and is using less energy.

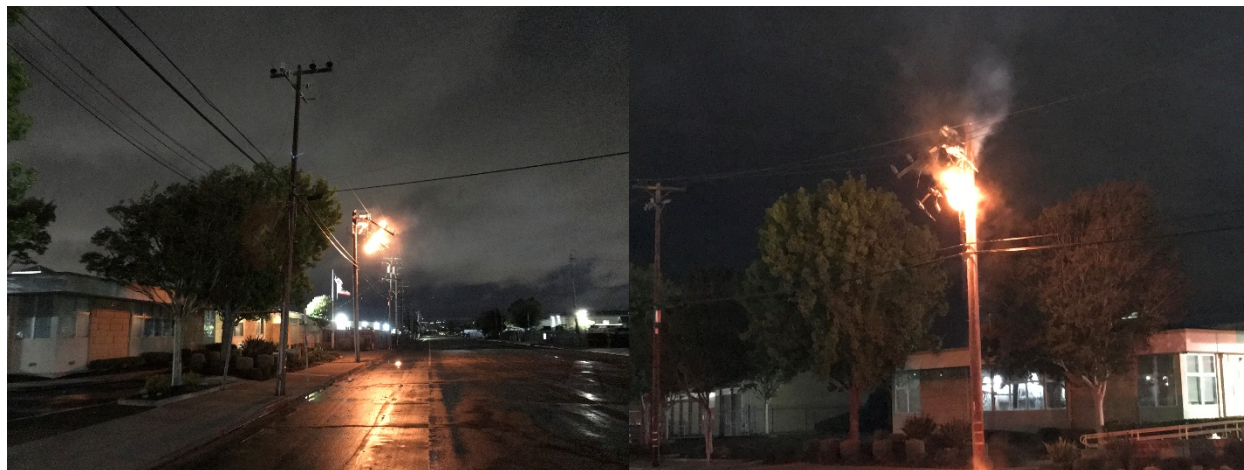
Force Main

No change; all equipment is operational.

Operations Center

PG&E Power Pole Fire

On October 17, 2021, at approximately 8:45 pm, a power pole in front of the EBDA Office caught on fire. The fire burned for almost 3 hours. Shortly after the start of the fire, the EBDA Office lost power. During the fire, the high voltage wires at the top of the power pole remained energized supplying power to OLEPS and the OLSL Treatment Plant. PG&E turned off all power to the area for an hour to remove the top of the power pole that was being supported by the high voltage wires. OLEPS was on generator power, and a diesel pump operated during the OLEPS power outage. The power outage to the EBDA office lasted over 30 hours, with the EBDA office on generator power for a portion of that time.



Power Pole Fire



High Voltage Wires Supporting Pole Top

New Power Pole

Miscellaneous Items

Underground Service Alerts

EBDA received fourteen (14) Underground Service Alert (USA) tickets during the month of October 2021. Five required an Electronic Positive Response (EPR), and of the five, four required calls/emails to the excavators, and two required field verification.

Wet Weather

Total rainfall for the month of October 2021 (in inches) was as follows:

Oakland	Hayward	Livermore
5.32	5.02	5.22

Significant daily rainfall for the month of October 2021 (in inches) was as follows:

Date	Oakland	Hayward	Livermore
10/22/2021	0.42	0.57	0.54
10/23/2021	0.95	0.53	0.01
10/24/2021	3.57	3.42	4.06
10/25/2021	0.04	0.14	0.33

An atmospheric river storm event hit the EBDA service area on October 24, 2021. The MDF peak flow of 195.3 MGD was recorded at 8:11 pm on October 24th. The average daily flow at MDF was 111.4 MGD on October 24th and 120.5 MGD on October 25th. For reference, the average daily flow for the month of October 2021 was 63.9 MGD, and the average daily flow for September 2021 was 56.0 MGD. One OLEPS diesel pump was required to operate for 15.7 hours; and a second OLEPS diesel pump was required to operate for 4.1 hours concurrently. Fortunately, this was the first storm of the season and the ground was very dry. Had this storm occurred later in the wet season with more saturated soils, the flows would have been much higher.

Peak Flow - MGD

MDF	195.3
OLEPS	131.1
UEPS	55.1
OLSD & CVSD	64.5
HEPS	18.7
SLEPS	16.5
LAVWMA	29.0

During the storm, USD and OLSD/CVSD sent all of their flows to EBDA. The extra flow was beneficial to flush the EBDA Bay Outfall. EBDA requested additional Hayward flow both before and after the peak of the storm. During the peak of the storm, Hayward voluntarily diverted flow to the Hayward Ponds.

Per the Amended and Restated Joint Powers Agreement (JPA), USD's maximum flow rate capacity is 42.9 MGD over a 3-hour average. USD exceeded its 3-hour average maximum flow rate capacity for a total of 3 hours and 7 minutes, with an average flow rate during that period of 50.9 MGD and a peak flow rate of 55.1 MGD. Had this not been USD's first capacity exceedance event of the fiscal year, a capacity exceedance fee of \$5,194 would have been assessed on 1,038,888 gallons.

Per the JPA, OLSD/CVSD's maximum flow rate capacity is 30.0 MGD over a 3-hour average. OLSD/CVSD exceeded their 3-hour average maximum flow rate capacity of 30.0 MGD for a total of 23 hours and 36 minutes, with an average flow rate during that period of 47.7 MGD and a peak flow rate of 64.5 MGD. Had this not been OLSD/CVSD's first capacity exceedance event of the fiscal year, a capacity exceedance fee of \$87,025 would have been assessed on 17,405,000 gallons.

COVID-19 Response

All EBDA staff members are fully vaccinated. Staff will work with the Commission to determine, on a month-to-month basis whether Commission and Committee meetings will continue to be conducted via Zoom or whether to resume in-person meetings. To continue conducting remote meetings, the Commission must adopt a resolution compliant with AB 361 – see Item No. 12.

Special Projects

Disinfection Master Plan

Staff is continuing to work with Carollo Engineers on a Disinfection Master Plan with a goal 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. A draft report was reviewed by staff, and Carollo is working to address comments.

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 and then evaluated four in-pipe options in more detail. Brown & Caldwell concluded that segmental sliplining of the vulnerable sections of the transport pipe is the most robust and lowest cost in-pipe approach. Staff is recommending that Brown & Caldwell be retained to further evaluate potential impacts of the brine on OLEPS and the

MDF Wye (the metal force main at MDF). A proposed contract amendment for this scope as well as additional technical support, is included in Item No. OM7.

Cargill has also continued to evaluate a “parallel pipe” option, in which Cargill’s pipe would be extended to a connection point further downstream in EBDA’s system where there is greater dilution and less open channel flow. This parallel pipe option appears feasible and likely lower-cost than sliplining. Work to assess the preferred route for this pipeline is ongoing, with options including a “street route” down Union City Blvd., Hesperian Blvd., and Grant Ave., or a “Bayside route” following the EBDA transport pipe easement.

EBDA and Cargill have determined that an Environmental Impact Report (EIR) would be most appropriate for the project CEQA analysis. Proposed amendments for Ascent Environmental to lead the EIR process, as well as Larry Walker Associates to perform water quality analyses, are included in Items No. RA7 and RA8. The proposed EIR would focus on the parallel pipe street route as the preferred project, with the in-pipe corrosion protection and the parallel pipe Bayside route as alternatives.

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. In April 2021, 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 has faced some delays and is now planned for December 2021. In October, EBDA and Member Agency staff participated in a training session put on by the team at the National Oceanographic and Atmospheric Administration (NOAA), focused on accessing precipitation data and projections through the AQPI system.

ITEM NO. OM6 RENEWAL AND REPLACEMENT FUND ANNUAL RECAP FY 2020/2021

In May 2020, the Commission authorized an annual contribution to the Renewal and Replacement Fund (RRF) for Fiscal Year 2020/2021 in the amount of \$750,000. In June 2020, the Commission authorized a list of RRF projects totaling \$900,000 for FY 2020/2021, including \$100,000 in contingency funds to be used for unplanned projects.

For FY 2020/2021, the RRF total expenditures were \$744,569, which included the projects authorized in FY 2020/2021, as well as several carry-over projects. The two largest project expenditures in FY 2020/2021 were \$420,000 for UEPS Capital Costs as negotiated in the JPA, and \$114,203 for the completion of the HEPS MCC Project, bringing the total expenditure on that project to \$3,075,553. Several other noteworthy projects that were completed in FY 2020/2021 include the OLEPS Paving Project, the OLEPS Wet Well Hypo System, the OLEPS Water System Upgrade and the purchase of the 60-Inch Encapsulating Force Main Repair Coupling.

Additional detail on project expenditures is provided in the attached table. Projects authorized for FY 2020/2021 were as follows:

UEPS (Formerly AEPS) – Payment #1 of 10 per JPA – \$420,000

The Amended and Restated Joint Powers Agreement (JPA) states that “in fiscal years from 2020/21 through 2029/30, the Authority will pay Union a total of Four Million, Two-Hundred Thousand dollars (\$4,200,000), divided in ten equal and annual installments, as a credit toward their annual budget contribution for Operation and Maintenance Costs, for all Capital Costs associated with the Union Effluent Pump Station during the Term of the Agreement.”

OLEPS – Electrical Upgrades – \$260,000

Replacement of the breakers and refurbishment of the Main Switchboard, 2 new automatic transfer switches (ATS's). Replacement of the 75 kW generator is also included and will be evaluated in further detail before the project proceeds. These upgrades will improve reliability of the station in the event of a power outage. The manufacturing and installation of the breakers has been delayed due to supply chain issues and will be completed at the conclusion of this wet season.

OLEPS – Wet Well Hypochlorite System – \$40,000

Installation of a new hypochlorite (hypo) pump, flow meter, and programmable logic controller (PLC) to allow EBDA to automatically add hypo to the OLEPS wet well for bacteria control. This project was completed.

OLEPS – Emergency Outfall Upgrade – \$30,000

Investigate the option of increasing the height of the overflow weir and implement if deemed feasible. This project is underway, following Commission approval of the consultant work order in October 2021.

OLEPS – Water System Upgrade – \$25,000

As part of a recent project, EBDA connected a #4 water line from OLSD to OLEPS. This project completed the connection of the #4 water line inside OLEPS. The #4 water line will be used in the event the OLEPS water system fails to provide cooling water for the pump gear drives. This project was completed.

OLEPS – Paving Repair/Upgrade – \$10,000

Under this project, EBDA paid for paving the area between OLSD and OLEPS as part of OLSD's Nutrient Optimization Project. As part of OLSD's subsequent Pavement Reconstruction and Rehabilitation Project, additional paving was added to the project east of OLEPS to reduce tripping hazards and match the rest of the plant where the paving is most noticeable. This additional paving cost EBDA approximately \$10,000 over what was budgeted (for a total of \$20,000). The Committee agreed that the additional paving was prudent, given the opportunity to cost-effectively add onto OLSD's paving project.

MDF – Control Panel Automation – \$15,000

This project will connect the Sewage Pump Control Panel and the main vault Sump Pump Control Panels to the station PLC for better control and monitoring. The project has been deferred until EBDA implements PLC upgrades associated with the new chlorine residual limit and monitoring requirements.

Contingency/Small Projects Fund – \$100,000

The purpose of the Contingency/Small Projects Fund is to provide additional funding for as yet unidentified projects and/or equipment that may need to be replaced or refurbished during the fiscal year. Much of the smaller ancillary equipment and components that the Authority owns are operated with the intent to "run to failure." This is a common practice at wastewater facilities with these types of assets, which include fans, valves, actuators, and small pumps and motors. While preventive maintenance is completed on a regular basis, forecasting an exact date of failure is not possible. Therefore, equipment that can be readily procured and that has sufficient redundancy to meet system firm capacity is "run to failure." In some cases, staff will purchase critical items to have them readily available, thus reducing system equipment downtime. The Contingency/Small Project Fund is also used for unexpected projects that arise throughout the year. The contingency budget for FY 2020/2021 was \$100,000. The contingency expenditures for FY 2020/2021 were \$39,784. Each project undertaken is discussed in more detail below.

UEPS Effluent Pump No. 2 Repair

This project included replacing the Variable Frequency Drive (VFD) transformer and field service.

EBDA Network Security Upgrade

EBDA's network security upgrade continued from FY 2019/2020 and included the installation of additional network security hardware and programming.

EBDA Communication System Upgrade

In 2017, EBDA started a project to replace the serial port radios used for data communication between EBDA facilities. The project was put on hold shortly after it was started due to a number of considerations, including evaluation of whether internet or radio was a more appropriate technology to meet EBDA's needs. In FY 2019/2020, with the HEPS MCC going on line, the timing was optimal to install new ethernet radios to upgrade communication to HEPS. In FY 2020/2021, new licensed ethernet radios were installed to upgrade communication to UEPS. The technology and approach will be evaluated to inform decisions on additional communication upgrades. The full Communication System Upgrade will be included in the RRF project list in the next several years.

RRF FY 2020/2021 Summary

Updated as of: June 30, 2021

Project Name	2020/2021 Expenditures	Prior Years' Expenditures	Total Expenditures through 2020/2021	Percent Spent	Percent Complete	Budget Estimate	Projected Completion Date	Notes
Prior Years' Projects								
HEPS MCC Project	\$114,203	\$2,961,350	\$3,075,553	101%	100%	\$3,050,000	Completed	
FM Manhole Coating & New Valves				0%	0%	\$75,000	Postponed	
MDF Analyzer		\$616	\$616	1%	0%	\$75,000	Postponed	Pending chlorine permit modification
Facilities Electrical Evaluation	\$400	\$25,456	\$25,856	108%	100%	\$24,000	Completed	
OLEPS DE-PLC-SCADA		\$31,471	\$31,471	31%	31%	\$100,000	Postponed	
OLEPS Paving Repair/Upgrade	\$32,959	\$13,511	\$46,470	133%	100%	\$35,000	Completed	Added paving to reduce tripping hazards
EBDA Office Upgrade	\$3,350	\$2,780	\$6,130	15%	15%	\$40,000	June 2022	
HEPS Effluent Pump Replacement			\$0	0%	0%	\$360,000	June 2022	
Force Main Repair Couplings & Seals	\$62,518	\$85,129	\$147,647	92%	100%	\$160,000	Completed	
Prior Years' Project Subtotal	\$213,430	\$3,120,313	\$3,333,743			\$3,919,000		
2020/2021 Scheduled Projects								
UEPS Payment #1 of 10 Per JPA	\$420,000		\$420,000	100%	100%	\$420,000	Completed	
OLEPS Electrical Upgrades	\$14,067		\$14,067	5%	5%	\$260,000	June 2022	
OLEPS Wet Well Hypo System	\$40,981		\$40,981	102%	100%	\$40,000	Completed	
OLEPS Emergency Outfall			\$0	0%	0%	\$30,000	June 2022	
OLEPS Water System Upgrade	\$16,307		\$16,307	65%	100%	\$25,000	Completed	Eliminated additional piping
OLEPS Paving Repair/Upgrade			\$0			\$10,000	Completed	These additional funds were added above
MDF Control Panel Automation			\$0	0%	0%	\$15,000	June 2022	
2020/2021 Scheduled Project Subtotal	\$491,355	\$0	\$491,355			\$800,000		
2020/2021 Contingency Projects								
UEPS Pump #2 Repair	\$15,382	\$2,044	\$17,426				Completed	
EBDA Network Security Upgrade	\$5,604	\$5,607	\$11,211				Completed	
EBDA Communication System Upgrade	\$18,797	\$12,016	\$30,813				Completed	Continued work will be on a future project list
2020/2021 Contingency Subtotal	\$39,784		\$59,451			\$100,000		
2020/2021 Projects Total								
	\$531,139		\$550,806			\$900,000		
Total								
	\$744,569		\$3,884,549			\$4,819,000		

ITEM NO. OM7 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE AMENDMENT NO. 4 TO THE CONTRACT WITH BROWN AND CALDWELL FOR FIELD WORK RELATED TO ACCEPTANCE OF CARGILL MIXED SEA SALT BRINE FOR DISCHARGE AT THE EBDA OUTFALL IN THE AMOUNT OF \$104,674, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$399,263

Recommendation

Approve a motion authorizing the General Manager (GM) to execute Amendment No. 4 to the contract with Brown and Caldwell in the amount of \$104,674.

Background

Brown and Caldwell (BC) is an engineering consulting firm focusing on water and wastewater infrastructure. In 2016-2018, BC conducted a condition assessment of the Authority's transport system and outfall. BC has experience supporting wastewater agencies on a range of transport system issues, including a recent project assessing infrastructure risks associated with desalination brine inputs to the Monterey One Water system.

In August 2020, the Commission authorized the GM to enter into a contract with BC for due diligence work to assess infrastructure risks associated with addition of Cargill Mixed Sea Salt (MSS) brine into the transport system. In October 2020, the Commission authorized Amendment 1 to that contract for BC and their subconsultant to perform more detailed condition assessment of the pipe, including taking concrete samples. Staff subsequently authorized Amendment 2 to provide BC with a no-cost extension of their scope. The Commission authorized Amendment 3 in April 2021 for BC to conduct an analysis of corrosion protection alternatives for the segments of EBDA's transport system that have air entrainment. BC concluded through that effort that several corrosion mitigation options were feasible and that sliplining would be the most cost-effective.

Discussion

Staff is recommending a continuation of BC's contract, with proposed scope falling in two categories:

- Corrosion Assessment for OLEPS and the MDF Wye: The focus of corrosion assessments to date has been on the potential for the brine to accelerate corrosion in the transport system. This analysis would evaluate the potential for accelerated corrosion at the OLEPS facility and equipment, and the metal wye structure at MDF. These facilities would come into contact with dilute brine if Cargill connects downstream of USD, as originally planned. If a parallel pipe approach is employed, this study will inform whether the brine can be discharged into the OLEPS wet well, or if the connection needs to be downstream of OLEPS to protect the facilities. In either case, the blended brine will flow through MDF, so this study will evaluate potential impacts and mitigation measures.

- As-needed Technical Services: This scope would allow BC to provide technical support to EBDA on the Cargill project, including activities such as reviewing submittals from Cargill’s design engineers, and providing technical input to the CEQA process.

The proposed fee for these additional tasks is \$104,674. The table below summarizes total fees for the project.

Phase	Total Fees
Effluent Outfall Evaluation for Receiving Brine Water Project	\$102,684
Amendment 1 - Transport Pipeline Condition Assessment	\$68,427
Amendment 2 - No-cost Extension	\$0
Amendment 3 - Corrosion Mitigation Alternatives Analysis	\$123,478
Amendment 4 - OLEPS and Marina Wye Corrosion Evaluation	\$104,674
Total	\$399,263

Cargill has agreed to reimburse the Authority fully for this amendment, including a 5% markup for administration.

Amendment 4: Scope of Work
East Bay Dischargers Authority
Effluent Outfall Evaluation for Receiving Brine Water
November 8, 2021

Purpose

Brown and Caldwell (BC) has assisted the East Bay Dischargers Authority (Authority or EBDA) with a due diligence effort to evaluate potential impacts to the Authority's facilities from accepting Mixed Sea Salts (MSS) brine from the Cargill, Incorporated (Cargill) solar salt facility. Preliminary evaluations have included an assessment of the following:

- Precipitation and sedimentation potential for brine mixed with treated secondary effluent.
- Impacts to EBDA's chlorination and dechlorination facilities
- Potential for accelerated corrosion of the transport pipeline and potential corrosion mitigation alternatives.

BC and EBDA have identified the potential for impacts to two additional facilities, the Marina Wye and the Oro Loma Effluent Pumping Station (OLEPS). The Effluent Outfall Evaluation for Receiving Brine Water scope will be amended to include an assessment of potential impacts to these two facilities. The evaluation will consist of the following tasks:

- Water Quality Estimates: develop water quality estimates for three scenarios for OLEPS and Marina Wye.
- Facility Assessment: Review of as-built drawings, and available documentation (including shop drawings and O&M manuals) for the Marina Wye and OLEPS to determine materials and appurtenances that will come into contact with the MSS brine.
- Corrosion Evaluation and Reporting: Evaluation of materials to assess impacts from brine exposure and summarizing results in a report.

Authority and Cargill Tasks

The Authority will provide the following information to BC as part of execution of this project:

- Available information including record documents such as-built plans, major equipment specifications, shop drawings, operation and maintenance (O&M) manuals, and service records for the OLEPS
- Available information including record documents such as-built plans and service records for Marina Wye.
- Available information for annual repair and replacement of wearable equipment parts at OLEPS, including cost, materials replaced, and quantity of materials replaced per year.
- Any additional water quality sampling performed on the brine (or blended brine) by Cargill between January 2021 through November 2021 not yet provided to BC.
- Available information from the Authority's asset management database on pump station and wye facilities, including remaining useful life calculations.

Amendment 4 Scope of Services

BC will complete the following tasks as part of Amendment 4.

Phase 001. Project Management

Perform Project Management activities. The current project management task is expanded to include budget to perform project administration and conduct project meetings for work scoped under this amendment.

Task 001.001 – Project Administration

Perform Project Administration tasks for the duration of the extended contract.

Task 001.002 – Project Meetings with Authority Staff and Cargill

Prepare for and hold one (1) kick-off meeting and one (1) progress meeting after completion of the Draft Report for the facility evaluation. BC has assumed that meetings will be no more than two (2) hours duration each and that they will be conducted virtually using Microsoft Teams for the duration of the project. Key team members shall be included in each meeting (a total of three [3] BC staff).

At the kick-off meeting, identify and discuss the scope of work and responsibilities of the key team members (i.e., project manager, technical advisor(s), and staff engineer) and establish dates for future meeting and project milestones (data delivery to BC, OLEPS facility visit, and BC delivery of draft and final reports). The kickoff meeting will include a discussion and agreement upon water quality scenarios that will be considered as part of the OLEPS and Marina Wye facility assessments.

At the progress meeting following submittal of the draft report, present and review draft deliverables with the Authority and Cargill ahead of finalizing these documents.

Prepare and circulate meeting agendas via email 5 days prior to each meeting. Prepare meeting minutes and circulate via email within 5 days following each meeting.

Phase 002. Reporting

Remains unchanged.

Phase 003. Agreement Assistance

Remains unchanged.

Phase 004. Prepare Amendment

Remains unchanged.

Phase 005. Transport Pipeline Condition Assessment

Remains unchanged.

Phase 006. Corrosion Protection Options Initial Screening

Remains unchanged.

Phase 007. Corrosion Protection Alternatives Analysis

Remains unchanged.

Phase 008. Additional Technical Support

BC shall provide additional technical support services to assist EBDA with progressing the brine discharge project, on an as needed basis. Additional technical support may include, but is not limited to:

- CEQA support: provide technical details to support the development of an Environmental Impact Report for the recommended in-pipe solution (sliplining) identified as part of the work completed under Amendment 3 to this contract.
- Review of deliverables: Reviews of reports, calculations, or other deliverables developed by others related to this project. This may include but is not limited to corrosion analyses prepared by WJE or deliverables developed by Jacobs on the parallel pipe alternative and potential brine booster pumping station located at the Oro Loma Wastewater Treatment Plant
- Coordination on hydraulic model development: work with Carollo to make revisions to the model to improve accuracy, develop hydraulic model scenarios, and review results.
- Responses to Questions: provide responses to questions from the Authority or Cargill via the Authority with technical data to support responses.

This task includes up to 175 hours to provide as-needed technical support. BC will provide estimates of time required to complete requests and will provide updates on the budget status to EBDA following completion of each request.

Phase 009. OLEPS and Marina Wye Corrosion Evaluation

Evaluate corrosion potential for the OLEPS and Marina Wye. Identify corrosion mitigation alternatives and summarize recommendations and findings.

Task 009.001 – Water Quality Calculations

Estimate water quality at OLEPS and Marina Wye for three effluent flow scenarios to assess corrosion potential at the two facilities:

- Minimum flow: minimum historical diurnal flow rate, where MSS brine has greatest relative contribution to mixed wastewater concentration.
- Average dry weather flow: average daily flow rate during dry weather period; approximately summer average concentrations.
- Average annual flow: estimate average annual concentrations and impact.

Member agency discharge data previously received and compiled for the Brine Evaluation Study Technical Memorandum (Brown and Caldwell, May 2021) shall be used to estimate member agency flow and constituents (USD, Hayward, Oro Loma/Castro Valley, LAVWMA, San Leandro). Data previously provided by Cargill will be used to assess MSS brine constituents. Estimates shall use OLI water chemistry modeling and will evaluate or calculate the following constituents and indices:

- Flow rate
- Chloride concentration
- Langelier Index
- Specific conductance
- pH

These indices will be utilized to estimate corrosion potential for facility assets that will come into contact with MSS brine. Additional parameters will be evaluated to calculate the Langelier Index.

Task 009.002 – Facility Assessment

Review existing OLEPS and Marina Wye record drawings and perform a site visit to identify assets that will potentially come in contact with MSS brine. Coordinate with the Authority and vendors to

verify information needed to evaluate equipment components and materials that may have potential contact with MSS brine wastewater (e.g., record drawings, shop drawings, operating manuals, etc.). BC shall coordinate a field visit for up to two (2) BC staff to document existing equipment and infrastructure condition and type. Authority shall escort BC staff through OLEPS facility during the site visit. An OLEPS operator will be available to provide input on materials of construction, station operation, etc. JDH will also accompany BC at the site visit.

If shop drawings are not available, serial numbers from pump station equipment will be obtained where visible (such as pumps, valves, etc.) and BC will follow up with manufacturers to obtain corresponding cut sheets. Up to 24 hours of staff engineer time is allocated for this follow up. Where materials of construction cannot be determined, BC will provide a recommendation for corrosion mitigation (as applicable) or materials of construction for a replacement appurtenance that would be compatible with brine.

Task 009.003 – Corrosion Evaluation and Draft Report

Evaluate corrosion potential for assets identified in Task 009.002. Determine and report on MSS brine wastewater impact to useful life of permanent and replaceable assets for OLEPS and Marina Wye. Identify improvement alternatives for OLEPS and Marine Wye to mitigate or prevent corrosion.

Develop a draft report summarizing results including water quality estimates, the scenario most applicable to assess potential for corrosion, OLEPS and Marina Wye assets vulnerable to MSS brine, and susceptible to corrosion. The draft report shall be submitted electronically as both a Microsoft Word file and in PDF format to the Authority and Cargill for review and comment. Authority to review Cargill comments and provide consolidated comments to BC to address. **Task 009.004 – Final Report**

Address draft report review comments received from the Authority and submit a final report.

Task 009.005 – Quality Assurance & Quality Control

Perform senior technical staff quality control (QC) review of estimates and recommendations prior to delivery of draft and final deliverables. Perform quality assurance consultation with senior technical staff as needed.

Assumptions:

- BC will rely on all data and existing record drawings provided by EBDA, Cargill and other third parties without independent verification. Inaccuracies in the data or record drawings may impact recommendations and conceptual cost estimates.
- This scope of work does not include further analysis of corrosion potential for the transport or outfall pipelines.
- This scope does not include development of engineering design calculations, drawings, and/or specifications for improvements to the OLEPS or Marina Wye to mitigate corrosion.
- No material sampling or analysis will be performed as part of this scope of work.
- No wastewater sampling or characterization will be performed as part of this scope of work.
- Observations as part of the Facility Assessment (Phase 009.002) will be above grade only. No subsurface or confined entry observations shall be performed by BC or JDH.
- This scope does not include coordination with property owners or permitting agencies.
- Discharge and MSS Brine flow and water quality data received and used in the Brine Evaluation Study (Brown and Caldwell, May 2021) will be used to complete the Water Quality Estimates (Phase 009.001) under this amendment. Flow and concentrations are assumed to be representative of future conditions.

- Water chemistry model results for Brine Evaluation Study (Brown and Caldwell, May 2021) will be used for the average dry weather flow scenario.
- Water chemistry modeling will be conducted using OLI Studio and OLI Flowsheet electrolyte thermodynamic software for minimum flow and average annual flow scenarios.
- Diurnal concentration variations are not measured in effluent wastewater data and will not be evaluated as part of this task.
- Completely mixed conditions are assumed in this evaluation for EBDA wastewater and MSS brine blending at both the OLEPS and Marina Wye locations.
- Electrical conductivity will be estimated using a correlation and available TDS concentrations.
- Water chemistry modeling results at REACH 3, presented in the Brine Evaluation Study (Brown and Caldwell, May 2021), shall represent water quality at the OLEPS.
- Water chemistry modeling results at REACH 5, presented in the Brine Evaluation Study (Brown and Caldwell, May 2021), shall represent water quality at the Marina Wye.

Compensation

BC will perform the work on a time-and-materials basis, for a limiting fee not to exceed \$104,674. Table 1 presents the estimated fee. BC labor will be billed using a 3.23 effective labor multiplier. Labor costs include phone, fax, and computer charges.

Table 1. Project Fee	
Phase	Total Fees
Effluent Outfall Evaluation for Receiving Brine Water Project	\$102,684
Amendment 1 - Transport Pipeline Condition Assessment	\$68,427
Amendment 2 - No-cost Extension	\$0
Amendment 3 - Corrosion Mitigation Alternatives Analysis	\$123,478
Amendment 4 - OLEPS and Marina Wye Corrosion Evaluation	\$104,674
Total	\$399,263

Schedule

The work defined herein shall begin not more than ten (10) business days after BC receives the signed contract from the Authority.

The estimated time for completion for the project is four months following authorization. Delays in obtaining background information, scheduling of meetings, and receipt of comments will impact overall project schedule. Table 2 presents a summary of project milestones with estimated dates. This schedule assumes the Authority will provide review comments within 10 days for all BC deliverables.

Table 2. Amendment 4 Schedule	
Milestone	Estimated Timeline
NTP	November 15, 2021
Information Request	November 23, 2021
Project Kickoff Meeting	November 30, 2021
Background Information Provided by Authority	December 7, 2021
Water Quality Calculations	December 7, 2021 through January 15, 2022
Facility Assessment	December 7, 2021 through January 15, 2022
Corrosion Evaluation	January 15, 2022 through February 15, 2022
Water Quality and Facility Assessment Progress Meeting	February 17, 2022
Submit Draft Report	February 24, 2022
Authority/Cargill Review	February 27, 2022 through March 11, 2022
Final Report	March 18, 2022

East Bay Dischargers Authority -- Brine Addition to Outfall Eval

Phase	Phase Description	Philipson, Rachel	Rouhani, Shouhreh G	Faisst, William K	Visitation-Sumida, Bernadette J	Sawyer, Linda K	Tanner, Deanna L	Stanisic, Dusan	Armenta, Maxwell	Total Labor Hours	Total Labor Effort	APC	Airfare	Total ODCs	Hours	Cost	Total Sub Cost	Total Expense Cost	Total Expense Effort	Total Effort
001	Project Management	28	12	0	4	0	0	6	16	50	11,756	528	0	0	0	0	0	0	528	12,284
001	Project Administration	12	12	0	4	0	0	0	0	28	4,783	224	0	0	0	0	0	0	224	5,007
002	Meetings with Authority	16	0	0	0	0	0	6	16	38	6,974	304	0	0	0	0	0	0	304	7,278
008	Additional Tech Support	175	0	0	0	0	0	0	0	175	33,599	1,401	0	0	0	0	0	0	1,401	35,000
****	Default Task	175	0	0	0	0	0	0	0	175	33,599	1401	0	0	0	0	0	0	1,401	35,000
009	OLEPS and Wye Corrosion	28	0	12	0	4	12	44	140	240	43,369	1,920	1,000	1,000	0	10,000	10,000	11,000	14,020	57,389
001	Water Quality Calcs	8	0	0	0	4	0	0	40	52	7,951	416	0	0	0	0	0	0	416	8,367
002	Facility Assessment	8	0	0	0	0	0	32	40	80	16,299	640	1,000	1,000	0	1,000	1,000	2,000	2,840	19,139
003	Corrosion Eval and Draft Rep	8	0	0	0	0	8	8	60	84	12,941	672	0	0	0	9,000	9,000	9,000	10,572	23,513
004	Final Report	4	0	0	0	0	4	4	0	12	2,459	96	0	0	0	0	0	0	96	2,555
005	QAQC	0	0	12	0	0	0	0	0	12	3,719	96	0	0	0	0	0	0	96	3,815
GRAND TOTAL		231	12	12	4	4	12	50	156	465	88,724	3,849	1,000	1,000	0	10,000	10,000	11,000	15,949	104,674

ITEM NO. OM8 RESOLUTION ADOPTING THE ADMINISTRATIVE APPEALS POLICY

Recommendation

Adopt the resolution to approve the Authority's Administrative Appeals Policy.

Background

The Authority's Amended and Restated Joint Exercise of Powers Agreement (JPA), which went into effect on July 1, 2020, includes several instances in which the General Manager (GM) is authorized to make a determination, which can then be appealed to the Commission by any Member Agency disagreeing with that determination. Specifically, the GM may determine whether a Failure of the Transport System has occurred and which member agencies are responsible for an unpermitted discharge or other permit violation.

Working with the attorneys from Hanson Bridgett, who assisted in drafting the JPA, staff developed a draft Policy outlining how such appeals of GM decisions would be handled. Because the financial consequences to the Member Agencies may be significant, tensions are likely to be high when this process is invoked. The intent of adopting this Policy in advance is to ensure that the process has been agreed to by all parties, thereby allowing any disagreements to be focused on the substance of the issues.

Discussion

The draft Policy was reviewed by the Committee in October 2021. The Committee supported the Policy overall, but suggested that the steps in the process and associated timelines be clarified. Staff has proposed several edits to address this concern, which are shown in track changes. A clean copy of the Policy is also included for adoption.

POLICY NUMBER: 8

NAME OF POLICY: Administrative Appeals Policy

LAST REVISED: **November 18, 2021**

PREVIOUSLY REVISED: N/A

PURPOSE: Policy Establishing the Administrative Appeals Procedures Applicable to Certain Determinations of the General Manager

POLICY:

I. Application

Pursuant to the East Bay Dischargers Authority (Authority) Amended and Restated Joint Exercise of Powers Agreement (JPA) effective July 1, 2020, the General Manager is authorized to make certain determinations which affect the rights and responsibilities of the Authority member agencies.

In particular, the General Manager is authorized to determine whether a Failure of the Transport System has occurred and which member agencies are responsible for an unpermitted discharge or other permit violation.

In the event the General Manager makes such a determination, the affected member agencies will have the right to appeal the determination to the Authority's Commission, pursuant to the procedures set forth in this Policy. In no event will a member agency's decision to pursue an appeal impact its obligation to immediately comply with any remediation measures imposed by a regulatory agency. The affected member agency must implement the remediation measures before pursuing, or concurrent with, any appeal.

II. Stage 1: Preliminary Request for Reconsideration

Prior to submitting an appeal to the Commission, the member agency must present a written request for reconsideration to the General Manager. The request must be submitted within 60 days of the date the agency receives notice of the General

Manager's initial determination and must include data and documentation supporting the member agency's position. Any member agency disputing the General Manager's determination that a Failure has occurred in the Transport System must provide an engineering report to support its position.

The General Manager will review all data and documentation and provide the member agency with a written ~~final determination~~ Final Determination.

III. — Time for Filing an Appeal with the Stage 2: Commission Appeal

Within 30 calendar days of the date of the General Manager's ~~final determination~~ Final Determination at the conclusion of Stage 1, the affected member agency may submit a written appeal to the Commission. The Commission, by unanimous approval, may extend this time period upon a showing of good cause. The written appeal ~~request~~ should include a brief summary of the member agency's position, document compliance with the ~~above~~ Stage 1 reconsideration procedures, and include the date of the Commission meeting at which the member agency requests the Commission hear the appeal. In no event will the Commission hear an appeal more than 90 calendar days from the date the member agency files its appeal.

IV. — Statement of the Basis of Appeal and Supporting Documentation

~~At least 14 calendar days before the meeting at which the~~ The written appeal ~~will be heard, the member agency~~ must ~~submit~~ include a brief statement of the basis for appeal, ~~including supporting data and documentation,~~ for inclusion in the ~~Commission's~~ Commission's agenda packet. An agency may not raise any matters on appeal that were not presented to the General Manager for reconsideration in Stage 1.

The General Manager will prepare a summary of the basis for his/her determination, including supporting data and documentation, for inclusion in the Commission's agenda packet.

V. Stage 3: Consideration of the Appeal by the Commission

The Commission will hear the appeal at a public meeting and, upon consideration of the statements and facts presented, will make its determination. The determination of the Commission is final.

VI. Dispute Resolution

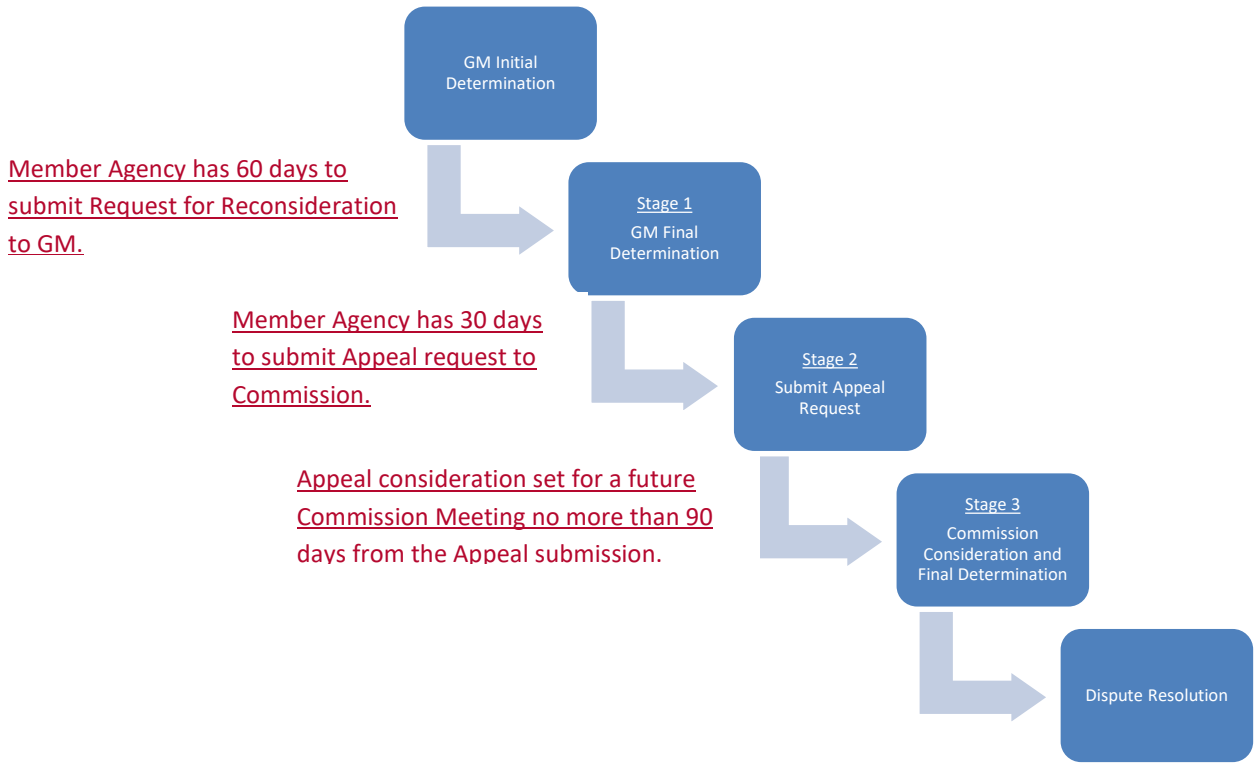
For any dispute which is within the scope of this Policy, exhaustion of these administrative appeals procedures (Stages 1-3) is a prerequisite to pursuing the dispute resolution procedures of Section 19 of the JPA. Upon completion of these administrative appeals procedures, a member agency will be deemed to have met its obligation to informally negotiate to resolve the dispute, as described in Section 19 of

the JPA, and the member agency may proceed directly to non-binding mediation, arbitration, or judicial determination.

VII. Waiver

The Commission may suspend or waive the requirements of this Policy in any instance, when the Commission deems it in the best interest of the Authority to do so.

Administrative Appeals Procedures Summary Chart



POLICY NUMBER: 8

NAME OF POLICY: Administrative Appeals Policy

LAST REVISED: November 18, 2021

PREVIOUSLY REVISED: N/A

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In particular, the General Manager is authorized to determine whether a Failure of the Transport System has occurred and which member agencies are responsible for an unpermitted discharge or other permit violation.

In the event the General Manager makes such a determination, the affected member agencies will have the right to appeal the determination to the Authority's Commission, pursuant to the procedures set forth in this Policy. In no event will a member agency's decision to pursue an appeal impact its obligation to immediately comply with any remediation measures imposed by a regulatory agency. The affected member agency must implement the remediation measures before pursuing, or concurrent with, any appeal.

II. Stage 1: Preliminary Request for Reconsideration

Prior to submitting an appeal to the Commission, the member agency must present a written request for reconsideration to the General Manager. The request must be submitted within 60 days of the date the agency receives notice of the General

Manager's initial determination and must include data and documentation supporting the member agency's position. Any member agency disputing the General Manager's determination that a Failure has occurred in the Transport System must provide an engineering report to support its position.

The General Manager will review all data and documentation and provide the member agency with a written Final Determination.

III. Stage 2: Commission Appeal

Within 30 calendar days of the date of the General Manager's Final Determination at the conclusion of Stage 1, the affected member agency may submit a written appeal to the Commission. The Commission, by unanimous approval, may extend this time period upon a showing of good cause. The written appeal should include a brief summary of the member agency's position, document compliance with the Stage 1 reconsideration procedures, and include the date of the Commission meeting at which the member agency requests the Commission hear the appeal. In no event will the Commission hear an appeal more than 90 calendar days from the date the member agency files its appeal.

The written appeal must include a brief statement of the basis for appeal for inclusion in the Commission's agenda packet. An agency may not raise any matters on appeal that were not presented to the General Manager for reconsideration in Stage 1.

The General Manager will prepare a summary of the basis for his/her determination, including supporting data and documentation, for inclusion in the Commission's agenda packet.

V. Stage 3: Consideration of the Appeal by the Commission

The Commission will hear the appeal at a public meeting and, upon consideration of the statements and facts presented, will make its determination. The determination of the Commission is final.

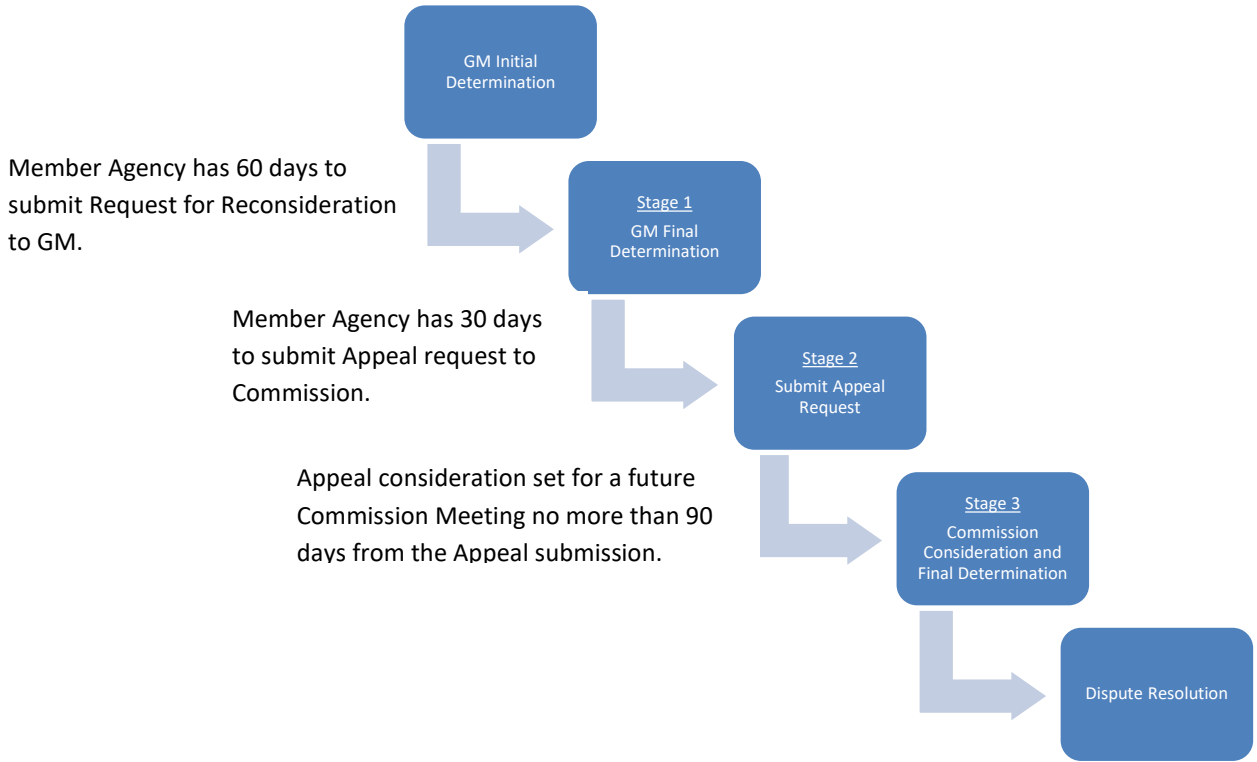
VI. Dispute Resolution

For any dispute which is within the scope of this Policy, exhaustion of these administrative appeals procedures (Stages 1-3) is a prerequisite to pursuing the dispute resolution procedures of Section 19 of the JPA. Upon completion of these administrative appeals procedures, a member agency will be deemed to have met its obligation to informally negotiate to resolve the dispute, as described in Section 19 of the JPA, and the member agency may proceed directly to non-binding mediation, arbitration, or judicial determination.

VII. Waiver

The Commission may suspend or waive the requirements of this Policy in any instance when the Commission deems it in the best interest of the Authority to do so.

Administrative Appeals Procedures Summary Chart



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

RESOLUTION NO. 21-13

INTRODUCED BY _____

RESOLUTION ADOPTING THE ADMINISTRATIVE APPEALS POLICY

WHEREAS, the East Bay Dischargers Authority (EBDA) adopted an Amended and Restated Joint Exercise of Powers Agreement (JPA) dated July 1, 2020; and

WHEREAS, the JPA outlines several instances, including determination of a Failure as defined in the JPA, and responsibility for a violation, where the General Manager is responsible for making a determination, which can be appealed to the Commission; and

WHEREAS, the Commission wishes to adopt a Policy outlining the process for appeals in order to provide a common understanding and minimize disagreements in the event of a General Manager determination under the JPA; and

WHEREAS, the Operations & Maintenance Committee has reviewed the Administrative Appeals Policy and recommends its adoption.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby adopts the Administrative Appeals Policy.

SAN LORENZO, CALIFORNIA, NOVEMBER 18, 2021, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHAIR
EAST BAY DISCHARGERS AUTHORITY

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

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NOTICE: In compliance with AB 361 (2021), the Personnel 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/83961355418>
- Telephone dial-in: 1(669) 900-6833, meeting ID #839 6135 5418

ITEM NO. 22

PERSONNEL COMMITTEE AGENDA

**Tuesday, November 16, 2021
10:00 a.m.**

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

Committee Members: Johnson (Chair), Duncan

- P1. Call to Order**
- P2. Roll Call**
- P3. Public Forum**
- P4. Administrative Support Specialist Recruitment Update**
(The Committee will be updated on the status of the recruitment.)
- P5. Review of Commissioner Compensation**
(The Committee will discuss staff's proposal.)
- P6. Recommended Classification and Compensation Plan Updates**
(The Committee will discuss staff's proposal.)
- P7. 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 Juanita Villasenor at juanita@ebda.org or (510) 278-5910. Notification of

Agenda Explanation
East Bay Dischargers Authority
Personnel Committee
November 16, 2021

at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

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

**The next Personnel Committee meeting will be held
Tuesday, February 15, 2022 at 10:00 a.m.**

ITEM NO. P4 ADMINISTRATIVE SUPPORT SPECIALIST RECRUITMENT UPDATE

Recommendation

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

Background

In March, the Commission approved revisions to the Authority's Classification Plan, including the addition of the Administrative Support Specialist position. Following adoption of the Classification Plan and revised FY 2020/2021 Compensation Plan, staff moved forward with a recruitment for the Administrative Support Specialist as a part-time position. The recruitment was posted to a number of websites, including local community colleges, wastewater professional associations, and government position clearinghouses. The Authority received nine applications for the Administrative Support Specialist position.

Discussion

Staff would like to introduce Bert (Bubba) Manzo as the Authority's new Administrative Support Specialist, as of November 1, 2021. Bubba is a Hayward resident and is active in the community, currently serving as Chair of the Keep Hayward Clean and Green Task Force. Bubba has a Bachelor's degree in Environmental Studies with an emphasis in Sustainable Resource Management and has recently been taking courses in wastewater operations in his spare time. Staff is excited to have Bubba on board to begin supporting the Authority's administrative and accounting functions.

ITEM NO. P5 REVIEW OF COMMISSIONER COMPENSATION

Recommendation

Provide direction to staff.

Background

Per the Sanitary District Act of 1923, Commissioners may receive compensation for each day of service in an amount adopted by the Commission. In November 2018, the Commission adopted a rate of \$240 per day of service, which has been in effect since January 1, 2019. This compensation rate may be adjusted by up to 5% annually by action of the Commission.

In December 2020, the Commission adopted the Authority's Commissioner Compensation Policy, which is attached for reference.

Discussion

Staff is particularly seeking input from the Committee on whether the daily Commissioner compensation rate should be adjusted, and/or whether any other changes to the Policy are warranted. The current rate may be increased up to \$252 per day of service. The table below, recently produced by Oro Loma, includes current rates for EBDA's sanitary district members and other local agencies. Note that EBDA's current Policy allows for compensation for up to six meetings per month.

BOARD COMPENDATION AND BENEFITS INFORMATION - TRANSPARENT CALIFORNIA 2020

Agency Name	Board Compensation per Meeting	Actual Number of District Meetings Per Month	Compensation 2020	Benefits 2020	Total Compensation 2020
Central Contra Costa Sanitary District	\$185.00	6	\$9,250	\$42,102	\$51,352
Oro Loma Sanitary District	\$260.00	8*	\$18,200	\$27,936	\$46,136
West County Wastewater District	\$265.35	4	\$17,865	\$19,564	\$37,429
Union Sanitary District	\$212.10	4	\$14,575	\$20,672	\$35,247
Delta Diablo Sanitation District	\$170.00	1	\$3,161	\$26,377	\$29,538
Dublin San Ramon Services District	\$195.00	2	\$1,151	\$26,701	\$27,852
Castro Valley Sanitary District	\$230.00	3	\$11,270	\$0	\$11,270
Fairfield Suisuin Sewer District	\$152.77	2	\$3,748	\$6,339	\$10,087
EBDA	\$240.00	4	\$7,200	\$0	\$7,200

* Total District meetings, not number of meetings per individual Board member

ITEM NO. P6 RECOMMENDED CLASSIFICATION AND COMPENSATION PLAN UPDATES

Recommendation

Provide input to staff on proposed changes to the Classification and Compensation Plans.

Background

In May 2021, the Commission adopted the FY 2021/2022 Compensation Plan, containing the salary table shown below.

MONTHLY SALARY RANGE					
Position	Step 1	Step 2	Step 3	Step 4	Step 5
Administration Manager	8,091.66	8,496.26	8,921.06	9,367.12	9,835.48
Administrative Support Specialist	4,760.00	4,998.00	5,247.90	5,510.30	5,785.82
General Manager	17,657.02	18,539.88	19,466.88	20,440.24	21,462.26
Operations & Maintenance Manager	11,519.08	12,095.04	12,699.80	13,334.80	14,001.56

The General Manager is recommending increasing the monthly salary range for the Operations and Maintenance (O&M) Manager to the following:

	Step 1	Step 2	Step 3	Step 4	Step 5
Operations & Maintenance Manager	13,201.54	13,861.62	14,554.70	15,282.44	16,046.56

The recommended increase is based on two factors: comparison with comparable positions at peer agencies, and consistency with the Superintendent of O&M position previously adopted by the Commission. Details of these comparisons were provided to the Committee at its October 2021 meeting. The O&M Manager is currently at Step 5 (the top step) and, if approved, would be moved to Step 4 of the new salary range. The cost to EBDA from 1/1/2022 to 6/30/2022 (FY 2021/2022) would be \$7,685.

At the October meeting, the Committee requested that staff propose updates to the O&M Manager Position description in the Classification Plan to align with the previous Superintendent position and to incorporate higher level duties currently performed by the O&M Manager that warrant higher compensation.

Discussion

Draft revisions to the O&M Manager job description within the Classification Plan are attached for the Committee's consideration. The proposed changes incorporate the elements that were contained within the O&M Superintendent job description that were absent from the O&M Manager job description, as well as duties that the O&M Manager currently undertakes that had not previously been listed. Specifically, the O&M Manager's responsibilities in support of the General Manager and in her absence are highlighted, as well as the O&M Manager's direct operation of EBDA facilities as needed.

Pending feedback from the Committee, staff will bring updated Classification and Compensation Plans to the Commission for consideration.

**EAST BAY DISCHARGERS AUTHORITY
CLASSIFICATION PLAN**

Last updated: **March 18, 2021**

CLASS TITLE: OPERATIONS AND MAINTENANCE MANAGER

BASIC FUNCTION: Under general direction, is responsible for the operation and maintenance and asset management of a regional wastewater treatment and discharge system that includes four pump stations, dechlorination facility, radio/computer monitoring and control system, and force main and outfall to San Francisco Bay. Provides administrative support to the General Manager.

DISTINGUISHING CHARACTERISTICS: This position has primary responsibility for the operation and maintenance of EBDA facilities. Provides direct support to the General Manager in various functions. May assume the General Manager's responsibilities in her/his absence. This class is distinguished from member agency Wastewater Treatment Plant Superintendents and related positions by its overall responsibility for the efficient and effective operation of the entire system, and the requirement to be available to monitor the system and respond to emergencies that can occur at any time.

REPRESENTATIVE DUTIES:

(It is important to note that the duties listed below are "representative only" and are not intended to cover the full range or scope of duties in this class.)

1. Ensures that the wastewater system meets the standards and regulatory reporting requirements established by the Regional Water Quality Control Board and EPA, and further operates as required under the National Pollutant Discharge Elimination System permit.
2. Develops and implements preventative maintenance programs for wastewater systems. Evaluates performance of pumps, motors, control systems, and chlorination and dechlorination, and schedules operations to minimize power consumption and costs. Tracks and optimizes chemical usage.
3. Oversees and directs maintenance and improvements to EBDA's SCADA, electrical systems, and instrumentation.
4. Develops, tracks, and implements EBDA's asset management program.
5. Plans and coordinates the work on Authority construction and maintenance projects.
6. Enforces all safety regulations and policies.
- 6.7. Analyzes data, makes recommendations, and prepares a variety of reports for submission to the General Manager, Commission, Managers, and state and federal regulatory agencies, including Bay Area Air Quality Management District and Alameda County Health Department.

~~7.8.~~ Coordinates with EBDA and LAVWMA member agencies to actively manage joint facilities during wet-weather events.

~~9.~~ In the absence of the General Manager, ensures that the Authority's wastewater discharge meets prescribed water quality standards and reporting requirements established by the Regional Water Quality Control Board and the Environmental Protection Agency.

~~10.~~ Assists in the preparation of monthly and annual NPDES reports for the Regional Water Quality Control Board and the Environmental Protection Agency. In the General Manager's absence, serves as the Legally Responsible Official to submit these reports to the regulatory agencies.

~~8.11.~~ Negotiates contracts with and oversees the work of engineering consultants and contractors.

~~9.12.~~ Oversees and coordinates the operations and maintenance activities of member agencies, and meets regularly with their plant superintendents to coordinate EBDA activities.

~~13.~~ Provides operational support at EBDA facilities, including MDF, OLEPS, and HEPS.

~~10.14.~~ Conducts force main inspections as necessary.

~~11.15.~~ Assists in the preparation of agendas and staff reports for the Commission Committees and regular Commission meetings. Reports status of EBDA system monthly to the EBDA Commission and managers.

~~12.~~ ~~Enforces all safety regulations and policies.~~

~~13.~~ —

~~14.16.~~ Assists in the preparation of the annual budget, and monitors capital replacement costs and operations and maintenance costs.

~~17.~~ Responds to Underground Service Alert notices when EBDA facilities are impacted.

~~15.18.~~ Trains, develops, and evaluates subordinate or contractor staff as necessary.

~~16.19.~~ Performs related duties as may be assigned.

KNOWLEDGE AND ABILITIES:

KNOWLEDGE OF: The methods, materials and equipment used in the installation, maintenance, and repair of wastewater treatment systems, wastewater treatment plant operations and the treatment process; safety practices and requirements; budget preparation and personnel administration; wastewater

sampling techniques and statistical analysis; chemical and bacteriological characteristics of wastewater; pertinent rules, regulations, and laws affecting treatment and disposal of wastewater.

ABILITY TO: Plan, coordinate and direct the work of others; establish and maintain effective working relationships; maintain good public relations; read and interpret construction plans and blueprints; maintain records and prepare reports; identify and describe material resources required for system repairs; establish and implement effective preventive maintenance programs; oversee the maintenance and repair of electrical control systems, SCADA systems, and mechanical equipment including pumps and motors; and ability to communicate written and oral material for public and technical oversight.

EDUCATION AND EXPERIENCE:

Any combination equivalent to: 1) Possession of a baccalaureate degree in Civil or Mechanical Engineering or closely related field and 2) FiveTen years of experience in the operation and maintenance of water or wastewater treatment facilities (twefive years supervisory experience desirable), or an acceptable combination of the above education and experience.

Substitution: Additional qualifying experience can be substituted for the required education on a year for year basis; a minimum of two years of college is required.

LICENSES:

- 1) Possession of a Valid California Class C Motor Vehicle Operator's License.
- 2) Grade III WTPO Certification from SWRCB (preferred).

WORK DIRECTION, LEAD AND SUPERVISORY RESPONSIBILITIES: The Operations and Maintenance Manager reports to and receives work direction from the General Manager. Responsibilities include coordinating and overseeing the work of member agency employees, temporary workers and contractors engaged in the operation, maintenance and repair of the Authority's wastewater treatment systems. May assume the responsibilities of the General Manager in her/his absence.

PHYSICAL EFFORT: May perform physically demanding manual work including lifting, pushing or pulling heavy objects; shoveling, climbing, standing and walking for sustained periods of time; and operating, repairing and maintaining water supply and wastewater plant equipment such as pumps, motors and other mechanical equipment.

CONTACTS: Commissioners, co-workers, members of the public, member agency staff, contractors and governmental regulatory agencies' staff.

WORKING CONDITIONS: Subject to adverse weather conditions, toxic agents, and hazards associated with the operation and maintenance of wastewater plant equipment and chemicals.

NOTE: THIS CLASS IS EXEMPT UNDER FLSA PROVISIONS

ITEM NO. 23 ITEMS FROM THE COMMISSION AND STAFF

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

ITEM NO. 24 ADJOURNMENT