



EAST BAY DISCHARGERS AUTHORITY  
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*A Joint Powers Public Agency*

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

**ITEM NO. 15**

**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.

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

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

**The next Regulatory Affairs Committee meeting is scheduled on  
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 24<sup>th</sup> 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	<b>Page</b>		
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
<b>NUTRIENTS IN SAN FRANCISCO BAY</b>			
<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>The science team is developing an Assessment Framework for deep subtidal habitats and Lower South Bay sloughs.</li> <li>The science team is assessing the geographic zone of influence of each plant's discharge, which will aid in developing management approaches.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>Continue to participate in steering committee, Nutrient Management Strategy, Nutrient Technical Workgroup, and planning subcommittee meetings, and provide funding for scientific studies.</li> <li>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.</li> </ul>	<p>BACWA Nutrients Page: <a href="https://bacwa.org/nutrients/">https://bacwa.org/nutrients/</a></p> <p>SFEI Nutrient Science Plan Documents: <a href="http://sfbaynutrients.sfei.org/books/reports-and-work-products">http://sfbaynutrients.sfei.org/books/reports-and-work-products</a></p>

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

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>CHLORINE RESIDUAL COMPLIANCE</b>			
<ul style="list-style-type: none"> <li>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%).</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>The Regional Water Board worked with BACWA to develop a Basin Plan Amendment (BPA) modifying the effluent limit for chlorine residual.</li> <li>The BPA includes: <ul style="list-style-type: none"> <li>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.</li> <li>A Minimum Level (ML), or Reporting Limit of 0.05 mg/L for online continuous monitoring system.</li> </ul> </li> <li>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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Prepare for a short turnaround time for implementation of the new chlorine residual limits, as follows: <ul style="list-style-type: none"> <li>Ensure compliance with the new minimum required frequency of once every 5 minutes.</li> <li>Ensure the monitoring system complies with the new minimum level of 0.05 mg/L.</li> <li>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.</li> <li>Use the highest one-hour arithmetic mean as the daily value reported into CIWQS.</li> </ul> </li> </ul>	<p>Background and Status information about BPA on Regional Water Board site:  <a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/chlorinebpa.html">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/chlorinebpa.html</a></p> <p>Final BPA adopted by Regional Water Board  <a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/chlorinebpa/2_Chlorine_Resolution_R2-2020-0031.pdf">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/chlorinebpa/2_Chlorine_Resolution_R2-2020-0031.pdf</a></p> <p>Blanket Permit Amendment (Revised Tentative Order)  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0019.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0019.pdf</a></p> <p>BACWA Comment Letter on blanket permit amendment:  <a href="https://bacwa.org/wp-content/uploads/2021/09/BACWA-Chlorine-Amend-TO-Comment-Ltr-2021-08-20.pdf">https://bacwa.org/wp-content/uploads/2021/09/BACWA-Chlorine-Amend-TO-Comment-Ltr-2021-08-20.pdf</a></p>



Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>PESTICIDES</b>			
<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• EPA reviews all registered pesticides at least once every 15 years. Each review allows opportunity for public comment.</li> <li>• 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.</li> <li>• The Regional Water Board leverages BACWA's efforts to provide their own comment letters to EPA.</li> <li>• With chronic toxicity limits likely in the near term, POTWs will be in compliance jeopardy if pesticides contribute to toxicity.</li> <li>• Baywise.org has launched webpages on flea and tick control messaging to pet owners and veterinarians.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to comment on pesticide re-registrations.</li> <li>• Work with veterinary associations on messaging with respect to flea and tick control alternatives.</li> <li>• Continue to develop summary of EPA actions on pesticides.</li> <li>• Look for opportunities to work with CalDPR on pesticides research.</li> <li>• Work with other regional associations, such as the California Stormwater Quality Association (CASQA), to collaborate on funding pesticide regulatory outreach.</li> </ul>	<p>BACWA Pesticides Regulatory Update and Call to action:  <a href="https://bacwa.org/wp-content/uploads/2016/02/BACWA-Pesticide-Regulatory-Update-2016-1.pdf">https://bacwa.org/wp-content/uploads/2016/02/BACWA-Pesticide-Regulatory-Update-2016-1.pdf</a></p> <p>BACWA Pesticide Regulatory Support Page:  <a href="https://bacwa.org/document-category/pesticides-regulatory-support/">https://bacwa.org/document-category/pesticides-regulatory-support/</a></p> <p>Baywise flea and tick pages:  <a href="https://baywise.org/">https://baywise.org/</a></p>
<b>ENTEROCOCCUS LIMITS</b>			
<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• 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</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The study, completed in June 2020, showed all stations in the Bay were below the objective of 30 CFU/100 mL</li> </ul>	<p>SFEI Report on Enterococci in SF Bay:  <a href="https://bacwa.org/wp-content/uploads/2020/08/BA-CWA-2020_Enterococci-report_final.pdf">https://bacwa.org/wp-content/uploads/2020/08/BA-CWA-2020_Enterococci-report_final.pdf</a></p> <p>Regional Water Board Basin Plan Amendment:  <a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/PP_H_TMDL.html">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/PP_H_TMDL.html</a></p>

**MERCURY AND PCBs**

<ul style="list-style-type: none"> <li>• The Mercury &amp; 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.</li> <li>• Aggregate PCB and mercury loads have been well below waste load allocations through 2020, the last year for which data have been compiled.</li> <li>• 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.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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).</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Synthesize PCB loading data analyzed via Method 1668C ahead of the 2022 reissuance of the PCB &amp; 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>.</li> <li>• 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.</li> <li>• Schedule risk reduction presentations by the grantees to the Regional Water Board in 2021.</li> <li>• 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.</li> </ul>	<p>2017 Mercury/PCB Watershed Permit: <a href="http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2012/R2-2012-0096.pdf">http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2012/R2-2012-0096.pdf</a></p> <p>Risk Reduction Materials: <a href="https://bacwa.org/mercury-pcb-risk-reduction-materials/">https://bacwa.org/mercury-pcb-risk-reduction-materials/</a></p> <p>Updated BACWA PCBs Protocol: <a href="https://bacwa.org/wp-content/uploads/2014/02/PCBs-Sampling-Analysis-and-Reporting-Protocols-Dec13.pdf">https://bacwa.org/wp-content/uploads/2014/02/PCBs-Sampling-Analysis-and-Reporting-Protocols-Dec13.pdf</a></p> <p>One-Time Compliance Report for Dental Offices: <a href="https://www.waterboards.ca.gov/water_issues/programs/npdes/docs/drinking_water/one-time_compliance_report_for_dental_offices.pdf">https://www.waterboards.ca.gov/water_issues/programs/npdes/docs/drinking_water/one-time_compliance_report_for_dental_offices.pdf</a></p>
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## STATE WATER BOARD TOXICITY PROVISIONS

<ul style="list-style-type: none"> <li>• 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</li> <li>• 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.</li> <li>• 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"> <li>○ 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);</li> <li>○ Numeric limits for chronic toxicity for POTWs &gt;5 MGD and with a pretreatment program; smaller POTWs would receive effluent targets and only receive limits if Reasonable Potential is established;</li> <li>○ Regional Water Board discretion on whether to require RPAs for acute toxicity;</li> <li>○ 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).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Implementation is likely to be on a permit-by-permit basis as new individual NPDES permits are issued.</li> <li>• 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.</li> <li>• 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 9<sup>th</sup> 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.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Continue to work with Regional Water Board on language for implementing Toxicity Provisions in Region 2 NPDES Permits.</b></li> <li>• 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.</li> <li>• Share information on the special study on the <i>Ceriodaphnia dubia</i> test method with agencies who have that species in their permits.</li> <li>• 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).</li> </ul>	<p>SWRCB Toxicity Page: <a href="http://www.swrcb.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml">http://www.swrcb.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml</a></p> <p>Toxicity Provisions adopted December 2020: <a href="https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/provisions_final.pdf">https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/provisions_final.pdf</a></p> <p>Toxicity Workshop Presentations from 2017 BACWA Workshop: <a href="https://bacwa.org/bacwa-toxicity-workshop-september-18-2017/">https://bacwa.org/bacwa-toxicity-workshop-september-18-2017/</a></p> <p>Regional Water Board presentation on implementation of Statewide Toxicity Provisions from December 2020 <a href="https://bacwa.org/wp-content/uploads/2021/01/Slides-from-RWQCB-Regarding-R2-Tox-Language-in-NPDES-Permits-2020-12-08.pdf">https://bacwa.org/wp-content/uploads/2021/01/Slides-from-RWQCB-Regarding-R2-Tox-Language-in-NPDES-Permits-2020-12-08.pdf</a></p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>COMPOUNDS OF EMERGING CONCERN (CECS)</b>			
<ul style="list-style-type: none"> <li>Pharmaceuticals and other trace compounds of emerging concern (CECs) are ubiquitous in wastewater at low concentrations and have unknown effects on aquatic organisms.</li> <li>The State Water Board is considering developing a Pilot CECs Monitoring Plan for the State.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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</li> <li>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.</li> <li>DDW has adopted a definition of Microplastics in Drinking Water (may apply to other matrices such as wastewater and stormwater in the future).</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>Continue to participate in the RMP CEC Workgroup.</li> <li>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.</li> <li>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.</li> <li>Continue tracking State Water Board and Ocean Protection Council actions re: microplastics via the CASA Microplastics Workgroup..</li> </ul>	<p>RMP CEC Workgroup:  <a href="http://www.sfei.org/rmp/ecwg#tab-1-4">http://www.sfei.org/rmp/ecwg#tab-1-4</a></p> <p>BACWA CECs White Paper:  <a href="https://bacwa.org/document/bacwa-cec-white-paper-updated-june-2020/">https://bacwa.org/document/bacwa-cec-white-paper-updated-june-2020/</a></p> <p>BACWA Microplastics Fact Sheet:  <a href="https://bacwa.org/wp-content/uploads/2019/09/BACWA-Microplastics-flyer.pdf">https://bacwa.org/wp-content/uploads/2019/09/BACWA-Microplastics-flyer.pdf</a></p> <p>SFEI Microplastics Science Strategy:  <a href="http://www.sfei.org/documents/microplastic-monitoring-and-science-strategy-san-francisco-bay">www.sfei.org/documents/microplastic-monitoring-and-science-strategy-san-francisco-bay</a></p> <p>SWRCB Microplastics in Drinking Water page:  <a href="https://www.waterboards.ca.gov/drinking_water/certific/drinkingwater/microplastics.html">https://www.waterboards.ca.gov/drinking_water/certific/drinkingwater/microplastics.html</a></p> <p>Tentative Order NPDES Permit Amendment  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2021/December/AMRP/ARMP_TO.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2021/December/AMRP/ARMP_TO.pdf</a></p>

**PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)**

<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>In April 2021, the formation of an “EPA Council on PFAS” was announced.</li> </ul>	<ul style="list-style-type: none"> <li>DDW has developed drinking water notification levels (NLs) and response levels for PFOA, PFOS, and Perfluorobutane Sulfonic Acid (PFBS).</li> <li>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.</li> <li>In July 2021, OEHHA proposed a PHG of 0.007 ng/L for PFOA and 1 ng/L for PFOS.</li> <li>In July 2020, the SWRCB issued an Investigative order for POTWs. Investigative orders have also been issued for landfills, airports, chrome platers, and refineries &amp; bulk terminals. The July 2020 SWRCB investigative Order for POTWs is <u>not</u> applicable to Region 2 agencies.</li> <li>The Summit Partners held four PFAS Workshops for POTWs in late 2020 and 2021. The most recent workshop was in September 2021.</li> <li>EPA is beginning pretreatment standards rulemaking for two types of industrial users: Metal Finishing, and Organic Chemicals, Plastics and Synthetic Fibers.</li> <li>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).</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>SFEI is conducting this study in two phases: <ul style="list-style-type: none"> <li>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).</li> <li>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.</li> </ul> </li> <li>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.</li> </ul>	<p>Region 2 PFAS Study Phase 1 Presentation: <a href="https://bacwa.org/wp-content/uploads/2021/09/Mendez-Miguel-PFAS-Workshop-4.pdf">https://bacwa.org/wp-content/uploads/2021/09/Mendez-Miguel-PFAS-Workshop-4.pdf</a></p> <p>Region 2 PFAS Study Fact Sheet: <a href="https://bacwa.org/wp-content/uploads/2021/08/PFAS-Fact-Sheet-Phase-1.pdf">https://bacwa.org/wp-content/uploads/2021/08/PFAS-Fact-Sheet-Phase-1.pdf</a></p> <p>Summit Partners PFAS Workshop presentations: <a href="https://casaweb.org/calendar/speaker-presentations/">https://casaweb.org/calendar/speaker-presentations/</a></p> <p>SWRCB Investigative Order for POTWs: <a href="https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2020/wqo2020_0015_dwq.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2020/wqo2020_0015_dwq.pdf</a></p> <p>OEHHA Drinking Water: <a href="https://oehha.ca.gov/water">https://oehha.ca.gov/water</a></p> <p>EPA PFAS Resources <a href="https://www.epa.gov/pfas">https://www.epa.gov/pfas</a></p> <p>EPA PFAS Strategic Roadmap (Oct 2021) <a href="https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024">https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024</a></p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>SSS WDR REISSUANCE</b>			
<ul style="list-style-type: none"> <li>• The State Water Board plans to reissue the statewide Sanitary Sewer System General Order (SSS-WDR).</li> <li>• State Water Board staff have sought out early stakeholder engagement through outreach to CASA and the Regional Associations, and NGOs.</li> <li>• The State Water Board’s goals for the update are: <ul style="list-style-type: none"> <li>○ Updating the 2006 Order</li> <li>○ Clarifying compliance expectations and enhancing enforceability</li> <li>○ Addressing system resiliency, including climate change impacts</li> <li>○ Identifying valuable data and eliminating non-valuable reporting requirements</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• 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"> <li>○ SSMPs must include a detailed risk assessment, with findings to be used for prioritizing remediation actions</li> <li>○ Spills must be reported to CIWQS within 2 hours</li> <li>○ Sewershed boundaries must be provided to SWRCB</li> <li>○ Agencies must report spills from private systems and laterals</li> <li>○ Exfiltration is included in the definition of a spill</li> <li>○ Well-performing systems have reduced reporting requirements for “Category 4” SSOs (those less than 50 gallons)</li> <li>○ Legally Responsible Officials must have a PE license or be a CWEA-certified Grade III collection system operator</li> </ul> </li> <li>• 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.</li> <li>• A public review draft is expected later in 2021 or early 2022.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Continue to coordinate with CASA, CVCWA, and SCAP on proposed revisions and reorganization of the SSMP requirements</li> <li>• Discuss response to issues such as exfiltration via BACWA’s Collection Systems Committee.</li> </ul>	<p>SWB SSS WDR page: <a href="https://www.waterboards.ca.gov/water_issues/programs/sso/">https://www.waterboards.ca.gov/water_issues/programs/sso/</a></p> <p>SWB Informal Staff Draft (February 2021) <a href="https://www.waterboards.ca.gov/water_issues/programs/sso/docs/workshops/informal_staff_draft_statewide_sso_order.pdf">https://www.waterboards.ca.gov/water_issues/programs/sso/docs/workshops/informal_staff_draft_statewide_sso_order.pdf</a></p> <p>BACWA / CASA Comment Letter on Informal Staff Draft: <a href="https://bacwa.org/wp-content/uploads/2021/07/6-30-21-SSS-WDR-Comment-Letter.pdf">https://bacwa.org/wp-content/uploads/2021/07/6-30-21-SSS-WDR-Comment-Letter.pdf</a></p> <p>BACWA / CASA markup of Informal Staff Draft: <a href="https://bacwa.org/wp-content/uploads/2021/07/6-30-21-SSS-WDR-Redlines-Submission.docx">https://bacwa.org/wp-content/uploads/2021/07/6-30-21-SSS-WDR-Redlines-Submission.docx</a></p>

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

## PHASE-OUT OF BIOSOLIDS AS ALTERNATIVE DAILY COVER

<ul style="list-style-type: none"> <li>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"> <li>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.</li> <li>SB 1383, adopted in September 2016 requires organics diversion: -50% by 2020 (relative to 2014) -75% by 2025 (relative to 2014)</li> <li>In 2020, CalRecycle will count green waste as disposal (per AB 1594), rather than diversion, even when used as ADC.</li> </ul> </li> <li>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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Requirements in the final regulations include: <ul style="list-style-type: none"> <li>Diverted biosolids must be anaerobically digested and/or composted to qualify as landfill reduction.</li> <li>Incineration and surface land disposal sites are designated as "landfills" for accounting purposes.</li> <li>Local ordinances restricting land application are disallowed.</li> <li>Jurisdictions that divert organic waste must also procure the end products of diversion, such as biogas, biomethane, and compost (but not biosolids).</li> </ul> </li> <li>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.</li> <li>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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li><b>In Fall 2021, BACWA will release an updated biosolids trends survey report.</b> Preliminary results indicate members are shifting from ADC towards other uses, compared to the previous 2018 survey</li> <li>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.</li> <li>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.</li> <li>Follow efforts of the Regional Water Board to revise biosolids permitting requirements for land application and disposal, particularly in the Baylands.</li> <li>Participate in BAAQMD's Organics Recovery Technical Working Group to educate their staff on implementation of SB 1383 at the Air District level.</li> <li>Meet with BAAQMD regularly in 2021 to discuss alignment of state and local regulations.</li> <li>Work with CASA and others to respond to CCDEH concerns regarding safety standards for land application (see July 2021 letter, link at right).</li> </ul>	<p>BACWA 2018 Biosolids Trends Survey Report: <a href="https://bacwa.org/document/2018-biosolids-trends-survey-report/">https://bacwa.org/document/2018-biosolids-trends-survey-report/</a></p> <p>CASA White Paper on Biosolids Use in Landfills: <a href="https://bacwa.org/wp-content/uploads/2017/01/1-11-17-Sustainability-for-biosolids-use-at-landfills.pdf">https://bacwa.org/wp-content/uploads/2017/01/1-11-17-Sustainability-for-biosolids-use-at-landfills.pdf</a></p> <p>BABC website: <a href="http://www.bayareabiosolids.com/">http://www.bayareabiosolids.com/</a></p> <p>CASA White Paper on SB 1383 Implementation: <a href="https://bacwa.org/document/summary-of-sb-1383-and-its-implementation-casa-2020/">https://bacwa.org/document/summary-of-sb-1383-and-its-implementation-casa-2020/</a></p> <p>CASA July 2021 Response Letter to CCDEH <a href="https://casaweb.org/wp-content/uploads/2021/07/CASA-Response-to-CCDEH-Letters-071321.pdf">https://casaweb.org/wp-content/uploads/2021/07/CASA-Response-to-CCDEH-Letters-071321.pdf</a></p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>CLIMATE CHANGE MITIGATION</b>			
<ul style="list-style-type: none"> <li>• 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"> <li>○ Short-lived climate pollutants</li> <li>○ Carbon sequestration on Natural and Working Lands</li> <li>○ Largest emitters (transportation, electricity, and industrial sectors)</li> </ul> </li> <li>• The Scoping Plan will be updated in 2022 targeting carbon neutrality by 2045 and, if possible, 2035. Workshops are underway.</li> <li>• SB 1383 (Short-Lived Climate Pollutant Reduction) calls for: <ul style="list-style-type: none"> <li>○ 40% methane reduction by 2030</li> <li>○ 75% diversion of organic waste from landfills by 2025</li> <li>○ Policy / regulatory development encouraging production/use of biogas</li> </ul> </li> <li>• BAAQMD developed a Clean Air Plan requiring GHG emissions supporting CARB’s 2050 target.</li> <li>• BAAQMD has proposed the development of Regulation 13 (climate pollutants) targeting GHG reductions related to organics diversion and management.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Many POTWs are exploring energy generation, but BAAQMD TAC regulations could make such programs more difficult to implement. Direct injection of biogas to PG&amp;E’s pipelines or use as a transportation fuel may be more efficient.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Review the summary of the AIR committee-led survey regarding current methane management practices at anaerobic digesters and sludge lagoons.</b> After committee review, this summary will be shared with BAAQMD staff.</li> <li>• 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.</li> <li>• Look for ways to inform BAAQMD on opportunities and challenges for climate change mitigation by Bay Area POTWs. <ul style="list-style-type: none"> <li>• Work with PG&amp;E and BAAQMD to explore options for POTWs to inject biogas into PG&amp;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.</li> </ul> </li> </ul>	<p>Climate Change Scoping Plan, including 2022 Update:  <a href="https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan">https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan</a></p> <p>CARB Short Lived Climate Pollutant Reduction Strategy:  <a href="https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf">https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf</a></p> <p>CARB Advanced Clean Fleet Rule:  <a href="https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets/about">https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets/about</a></p> <p>SB 1383:  <a href="https://www.calrecycle.ca.gov/organics/slcp">https://www.calrecycle.ca.gov/organics/slcp</a></p> <p>BAAQMD Clean Air Plan:  <a href="http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans">http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans</a></p> <p>BAAQMD Regulation 13  <a href="http://www.baaqmd.gov/rules-and-compliance/rules/regulation-13-climate-pollutants">http://www.baaqmd.gov/rules-and-compliance/rules/regulation-13-climate-pollutants</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>CLIMATE CHANGE ADAPTATION</b>			
<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Climate change and water resilience continue to be a strategic priority of the Regional Water Board in FY21.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Review the Shoreline Resiliency Basin Plan Amendment</b> when it is released in Fall 2021. This proposed amendment is part of a larger Climate Change and Wetland Policy Update project.</li> <li>• Compile information about sea level rise projections from responses to the climate change questionnaire, and share this information with BACWA members.</li> <li>• 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.</li> <li>• Continue to work with Regional Water Board and other resource agencies to look for regulatory solutions to encourage wetlands projects for shoreline resiliency.</li> <li>• 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).</li> </ul>	<p>State Water Board 2017 Climate Change Resolution:  <a href="https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/rs2017_0012.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/rs2017_0012.pdf</a></p> <p>Regional Water board Wetlands Policy Page:  <a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/climate_change/wetland_policies.html">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/climate_change/wetland_policies.html</a></p> <p>BACWA Comments on Wetlands Policy:  <a href="https://bacwa.org/wp-content/uploads/2018/09/BACWA-comments-Wetland-Policy-9-14-18.pdf">https://bacwa.org/wp-content/uploads/2018/09/BACWA-comments-Wetland-Policy-9-14-18.pdf</a></p> <p>Information about Proposed Basin Plan Amendment (Issue 5.1):  <a href="https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html#triennialreview">https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html#triennialreview</a></p> <p>BACWA Comments on Resilience Portfolio:  <a href="https://bacwa.org/wp-content/uploads/2019/10/BACWA-Water-Resilience-Portfolio-10-01-19.pdf">https://bacwa.org/wp-content/uploads/2019/10/BACWA-Water-Resilience-Portfolio-10-01-19.pdf</a></p>

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

<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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&gt;10 or non-cancer PS&gt;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).</li> <li>• AB 617 (Community Air Protection Program) – requires CARB to harmonize community air monitoring, reporting, &amp; 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.</li> <li>• 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 &gt;500 to &gt;1,000.</li> </ul>	<ul style="list-style-type: none"> <li>• BACWA developed a White Paper on the BAAQMD Rule to describe its potential impacts on the POTW community.</li> <li>• 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.</li> <li>• 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. <b>Phase 2 has been slow to roll out and is now expected to begin in Q4 2021</b> with data collection and verification, followed by the development of HRAs for facilities with a cancer PS&gt;10 or non-cancer PS&gt;1.0. Implementation of the Rule for Phase 2 facilities will be spread out over two years depending on the PS.</li> <li>• 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.</li> <li>• 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).</li> </ul>	<ul style="list-style-type: none"> <li>• <b>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.</b></li> <li>• <b>Respond to BAAQMD data request beginning in Q4 2021. There will be a 60-day turnaround to comply with the data request.</b></li> <li>• Meet with BAAQMD management more frequently in 2021 to discuss alignment of state and local regulations.</li> <li>• 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.</li> </ul>	<p>BAAQMD Rule 11-18 page:  <a href="http://www.baaqmd.gov/rules-and-compliance/rule-development/rules-under-development/regulation-11-rule-18">http://www.baaqmd.gov/rules-and-compliance/rule-development/rules-under-development/regulation-11-rule-18</a></p> <p>BAAQMD Prioritization Scores for AB 11-18:  <a href="https://www.baaqmd.gov/~media/files/ab617-community-health/facility-risk-reduction/documents/implementation-procedures_august_2020-pdf.pdf?la=en">https://www.baaqmd.gov/~media/files/ab617-community-health/facility-risk-reduction/documents/implementation-procedures_august_2020-pdf.pdf?la=en</a></p> <p>Rule 11-18 Process Flowchart:  <a href="https://bacwa.org/document/baaqmd-11-18-process-flowchart-08-17-17/">https://bacwa.org/document/baaqmd-11-18-process-flowchart-08-17-17/</a></p> <p>CARB page on AB 617 and AB 2588:  <a href="https://ww2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting">https://ww2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting</a>  <i>Final Statement of Reasons</i>  <a href="https://ww3.arb.ca.gov/board/15day/ctr/fsor.pdf">https://ww3.arb.ca.gov/board/15day/ctr/fsor.pdf</a></p> <p>CASA One-Page Handout on Air Toxics Reporting:  <a href="https://casaweb.org/wp-content/uploads/2021/06/CTR-EICG_CASAOnePageIssue-Approach_June2021.pdf">https://casaweb.org/wp-content/uploads/2021/06/CTR-EICG_CASAOnePageIssue-Approach_June2021.pdf</a></p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>BACT FOR STANDBY POWER</b>			
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>The determination was made retroactive to January 2020, affecting projects whose applications had been deemed complete at several BACWA member agencies.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>Work with CASA and Regional Associations to encourage consideration of reliability for essential public services in BACT determination being conducted by other Air Boards.</li> </ul>	<p>BAAQMD Program Page: <a href="https://www.baaqmd.gov/permits/permitting-manuals/bact-tbact-workbook">https://www.baaqmd.gov/permits/permitting-manuals/bact-tbact-workbook</a></p> <p>BACWA Comment Letter on BACT Determination: <a href="https://bacwa.org/docu ment/baaqmd-bact-letter-2021-02-23/">https://bacwa.org/docu ment/baaqmd-bact-letter-2021-02-23/</a></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](mailto: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](mailto: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](mailto: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**

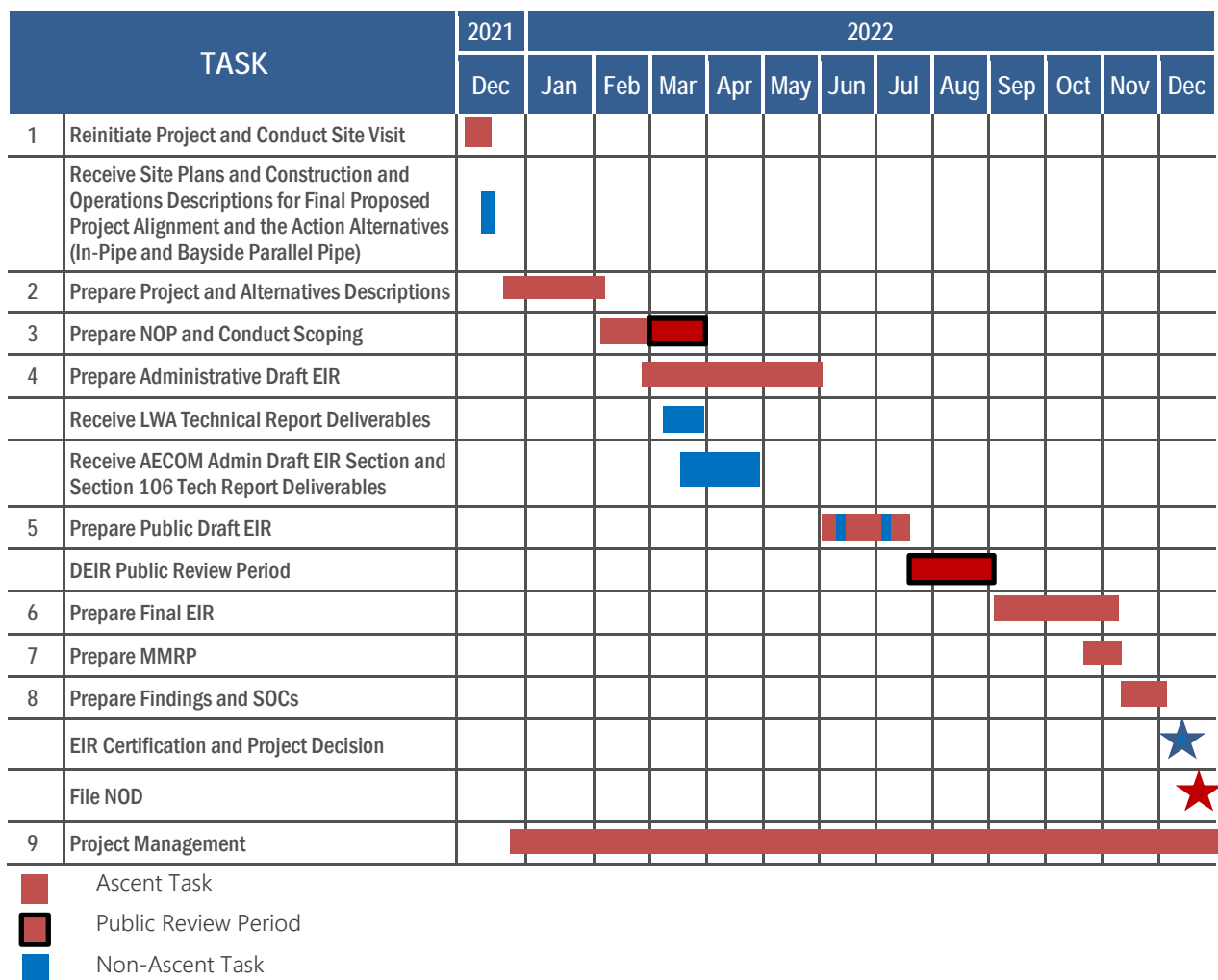
- ▲ Monthly invoices (PDF format)
- ▲ Up to 10 1-hour virtual meetings attended by Ascent’s principal, project manager, and assistant project manager

**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			
<b>Task 1: Initiate Project and Conduct Site Visit</b>	<b>Price</b>	<b>Hours</b>																	
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			
<b>Subtotal, Task 1</b>	<b>\$ 20,020</b>	<b>110</b>	<b>6</b>	<b>26</b>	<b>22</b>	<b>6</b>	<b>18</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>2</b>			<b>0</b>
<b>Task 2: Prepare Project and Alternatives Descriptions</b>	<b>Price</b>	<b>Hours</b>																	
Prepare draft Project Description chapter of ER and alternatives descriptions	\$ 16,815	97	8	16	40						6	8	16	3					
Conduct review meetings	\$ 2,715	13	3	4	6														
Prepare final project and alternatives descriptions	\$ 6,970	40	4	8	12						2	4	8	2					
<b>Subtotal, Task 2</b>	<b>\$ 26,500</b>	<b>150</b>	<b>15</b>	<b>28</b>	<b>58</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>12</b>	<b>24</b>	<b>5</b>	<b>0</b>	<b>0</b>			<b>0</b>
<b>Task 3: Prepare NOP and Conduct Scoping</b>	<b>Price</b>	<b>Hours</b>																	
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	\$ 3,260	18	2	4	4	4					1	2	1						
<b>Subtotal, Task 3</b>	<b>\$ 23,585</b>	<b>134</b>	<b>10</b>	<b>32</b>	<b>44</b>	<b>8</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>8</b>	<b>5</b>	<b>11</b>	<b>5</b>	<b>0</b>			<b>0</b>
<b>Task 4: Prepare Administrative Draft EIR</b>	<b>Price</b>	<b>Hours</b>																	
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	2		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				
<b>Subtotal, Task 4</b>	<b>\$ 165,730</b>	<b>966</b>	<b>59</b>	<b>116</b>	<b>142</b>	<b>180</b>	<b>58</b>	<b>32</b>	<b>124</b>	<b>72</b>	<b>76</b>	<b>25</b>	<b>23</b>	<b>57</b>	<b>2</b>	<b>0</b>			<b>0</b>
<b>Task 5: Prepare Draft EIR and Conduct Public Meeting</b>	<b>Price</b>	<b>Hours</b>																	
Conduct administrative Draft EIR review meeting	\$ 7,020	18	5	6	6									10					
Prepare screenscheck Draft EIR	\$ 32,540	184	12	30	36	24	4	24	16	8	16	2	2	6	2				
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				
<b>Subtotal, Task 5</b>	<b>\$ 50,065</b>	<b>277</b>	<b>26</b>	<b>60</b>	<b>62</b>	<b>24</b>	<b>4</b>	<b>24</b>	<b>16</b>	<b>8</b>	<b>20</b>	<b>10</b>	<b>2</b>	<b>18</b>	<b>3</b>	<b>0</b>			<b>0</b>
<b>Task 6: Prepare Final EIR</b>	<b>Price</b>	<b>Hours</b>																	
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	\$ 2,230	46	4	8	12	6	2	2	2	2	4			4					
Prepare public Final EIR	\$ 5,160	32	2	6	8						4			8	4				
<b>Subtotal, Task 6</b>	<b>\$ 46,375</b>	<b>259</b>	<b>24</b>	<b>54</b>	<b>54</b>	<b>16</b>	<b>10</b>	<b>18</b>	<b>10</b>	<b>9</b>	<b>27</b>	<b>4</b>	<b>6</b>	<b>23</b>	<b>4</b>	<b>0</b>			<b>0</b>
<b>Task 7: Prepare Mitigation, Monitoring, and Reporting Program</b>	<b>Price</b>	<b>Hours</b>																	
Prepare draft and final MMMP	\$ 6,975	41	2	6	12	2	2	2	2	2	4	1		6					
<b>Subtotal, Task 7</b>	<b>\$ 6,975</b>	<b>41</b>	<b>2</b>	<b>6</b>	<b>12</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>0</b>			<b>0</b>
<b>Task 8: Prepare Findings and Support EIR Certification</b>	<b>Price</b>	<b>Hours</b>																	
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				
<b>Subtotal, Task 8</b>	<b>\$ 23,700</b>	<b>129</b>	<b>13</b>	<b>38</b>	<b>59</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>6</b>	<b>0</b>			<b>0</b>
<b>Task 9: Manage Project Delivery</b>	<b>Price</b>	<b>Hours</b>																	
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														
<b>Subtotal, Task 9</b>	<b>\$ 64,810</b>	<b>310</b>	<b>78</b>	<b>128</b>	<b>68</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>			<b>36</b>
<b>LABOR SUBTOTAL</b>	<b>\$ 427,740</b>	<b>2376</b>	<b>233</b>	<b>486</b>	<b>521</b>	<b>236</b>	<b>94</b>	<b>84</b>	<b>160</b>	<b>99</b>	<b>150</b>	<b>62</b>	<b>64</b>	<b>129</b>	<b>22</b>	<b>36</b>			
			<b>\$ 71,065</b>	<b>\$ 94,770</b>	<b>\$ 88,570</b>	<b>\$ 37,760</b>	<b>\$ 18,800</b>	<b>\$ 15,960</b>	<b>\$ 24,800</b>	<b>\$ 14,850</b>	<b>\$ 21,000</b>	<b>\$ 6,370</b>	<b>\$ 8,640</b>	<b>\$ 16,125</b>	<b>\$ 2,530</b>	<b>\$ 4,500</b>			
<b>REIMBURSABLE EXPENSES</b>	<b>\$ 10,775</b>																		
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																		
<b>TOTAL PRICE</b>	<b>\$ 438,515</b>																		

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
<b>Total</b>	<b>\$83,439</b>

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](mailto: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