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

A Joint Powers Public Agency

NOTICE: In compliance with AB 361 (2021), the Commission meeting scheduled below will be accessible via Zoom video conferencing. Members of the public may participate in the meeting through the Zoom link or phone number below.

- Zoom link: https://us02web.zoom.us/j/87064374855
- Telephone dial-in: 1(669) 900-6833, meeting ID #870 6437 4855

COMMISSION MEETING AGENDA

Thursday, May 19, 2022

9:30 A.M.

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

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

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

MOTION
5. **Commission Meeting Minutes of April 21, 2022**
6. **List of Disbursements for April 2022 – See Item No. FM4**
7. **Treasurer's Report for April 2022 – See Item No. FM5**
8. **Third Quarter Expense Summary, Fiscal Year 2021/2022 – See Item No. FM6**
9. **Resolution Authorizing Remote Teleconference Meetings Pursuant to AB 361**

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

INFORMATION
10. **Presentation on Nature-based Solutions**
(The Commission will receive a presentation by Environmental Science Associates and the General Manager on Nature-based Solutions studies underway at Member Agencies' sites.)

INFORMATION
11. **General Manager's Report**
(The General Manager will report on EBDA issues.)

INFORMATION
12. **Report from the Managers Advisory Committee**
(The General Manager will report on the meeting.)

INFORMATION **13. Report from the Regulatory Committee**
(The General Manager will report on the meeting.)

MOTION **14. Motion Authorizing the General Manager to Execute a Professional Services Agreement with Pacific EcoRisk in the Amount of $119,619 for Effluent Toxicity Testing – See Item No. RA9**
(The Commission will consider the motion.)

INFORMATION **15. Report from the Financial Management Committee**
(The General Manager will report on the meeting.)

MOTION **16. Motion Setting the City of Hayward Recycled Water Fee for FY 2022/2023 at $9000 per Quarter – See Item No. FM7**
(The Commission will consider the motion.)

RESOLUTION **17. Resolution Adopting the East Bay Dischargers Authority's Fiscal Year 2022/2023 Budget – See Item No. FM8**
(The Commission will consider the resolution.)

INFORMATION **18. Report from the Operations & Maintenance Committee**
(The Operations & Maintenance and General Managers will report on the meeting.)

MOTION **19. Motion Authorizing the General Manager to Execute Amendment 1 to Work Order No. 3 and Work Order No. 5 with Carollo Engineers, Inc. for Engineering Services, for a Total Contract Amount of $194,452 – See Item No. OM7**
(The Commission will consider the motion.)

RESOLUTION **20. Resolution Adopting the Authority's Fiscal Year 2022/2023 Compensation Plan**
(The Commission will consider the resolution.)

INFORMATION **21. Committee Preference Form for Fiscal Year 2022/2023**
(A Committee Preference form will be provided for the Commissioners.)

INFORMATION **22. Items from the Commission and Staff**
(The Commission and staff may address items of general interest.)

23. Adjournment

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

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will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

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The next Commission meeting will be held
Thursday, June 16, 2022 at 9:30 a.m.

GLOSSARY OF ACRONYMS

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

GLOSSARY OF ACRONYMS

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

CONSENT CALENDAR

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

Item No. 5 Commission Meeting Minutes of April 21, 2022
Item No. 6 List of Disbursements for April 2022 – See Item No. FM4
Item No. 7 Treasurer's Report for April 2022 – See Item No. FM5
Item No. 8 Third Quarter Expense Summary, Fiscal Year 2021/2022 – See Item No. FM6
Item No. 9 Resolution Authorizing Remote Teleconference Meetings Pursuant to AB 361

Recommendation

Approve Consent Calendar

ITEM NO. 5 COMMISSION MEETING MINUTES OF APRIL 21, 2022

1. Call to Order

Chair Cutter called the telephonic meeting to order in compliance with AB 361 (2021) at 9:33 A.M. on Thursday, April 21, 2022. Dial-in information for the meeting was provided in the agenda for public attendees.

2. Pledge of Allegiance – Deferred

3. Roll Call

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

Absent: None

Attendees:	Jacqueline Zipkin	East Bay Dischargers Authority
	Howard Cin	East Bay Dischargers Authority
	Juanita Villasenor	East Bay Dischargers Authority
	Bert Manzo	East Bay Dischargers Authority
	Alex Mog	Legal Counsel
	Alex Ameri	City of Hayward
	David Donovan	City of Hayward
	Dean Wilson	City of San Leandro
	Hayes Morehouse	City of San Leandro
	Anjali Lathi	Union Sanitary District
	Paul Eldredge	Union Sanitary District
	Jason Warner	Oro Loma Sanitary District
	Roland Williams	Castro Valley Sanitary District

4. Public Forum

No members of the public requested to address the Commission.

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

5. Commission Meeting Minutes of March 17, 2022
6. List of Disbursements for March 2022
7. Treasurer's Report for March 2022
8. Resolution Authorizing Remote Teleconference Meetings Pursuant to AB 361

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

Ayes: Commissioners Johnson, Andrews, Toy, Duncan, Chair Cutter

Noes: None
Absent: None
Abstain: None

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

9. General Manager's Report

The General Manager (GM) congratulated Hayes Morehouse on his appointment as Plant Manager of the San Leandro Water Pollution Control Facility. The GM provided an update on the Hayward Area Shoreline Planning Agency (HASPA) Joint Powers Authority (JPA) renewal process. The GM updated the Commission on EBDA's NPDES permit renewal status. Additional detail will be provided as part of next month's Regulatory Affairs Committee meeting.

10. Report from the Managers Advisory Committee (MAC)

The GM informed the Commission that the MAC meeting has been rescheduled for Wednesday, April 27, 2022.

11. Report from the Financial Management Committee

The GM reported that the Financial Management Committee reviewed the March List of Disbursements and Treasurer's Report and recommended approval of the items. The Committee discussed the CERBT fund status and agrees with staff's recommendation to request a disbursement this fiscal year. The Committee reviewed the draft budget for FY 2022/2023 and supports bringing it to the Commission for approval in May. Lastly, the Committee discussed the pros and cons of changing banks and deferred to staff's recommendation to remain with Wells Fargo Bank.

12. Report from the Operations and Maintenance Committee

The Operations and Maintenance Manager reported on the O&M Committee meeting and provided updates on current projects. The O&M Manager informed the Commission that the breakers for the OLEPS Main Electrical Switchboard Upgrade Project have arrived at the contractor's warehouse in Livermore, and an electrical shutdown is scheduled for June 23 to install the new breakers. The O&M Manager discussed the benefits of contracting with The Garland Company for the EBDA roofing project. The GM advised of a video produced by the California Special Districts Association for the Advanced Quantitative Precipitation Information (AQPI) Project that is posted on Sonoma Water's website. https://www.sonomawater.org/aqpi/

13. Report from the Personnel Committee

The GM reported that the Personnel Committee met on April 19, 2022 and discussed the GM performance plan, which in future years will be linked to the Strategic Plan that will be developed next fiscal year. The Committee reviewed the State Controllers Government Compensation Report and the FY 2022/2023 Compensation Plan. The Committee supports bringing the FY 2022/2023 Compensation Plan to the Commission for approval in May.

14. Items from Commission and Staff

No items to report.

15. Adjournment

Chair Cutter adjourned the meeting at 10:11 a.m.

ITEM NO. 9 RESOLUTION AUTHORIZING REMOTE TELECONFERENCE MEETINGS PURSUANT TO AB 361

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

Background
All meetings of the East Bay Dischargers Authority (EBDA) Commission and EBDA's other legislative bodies are open and public, as required by the Ralph M. Brown Act, Government Code section 54950 *et seq*. Any member of the public may attend, participate, and watch EBDA's legislative bodies conduct their business.

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for an anticipated broader spread of the novel coronavirus disease 2019 ("COVID-19"). On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means in order to slow the spread of COVID-19. As a result of Executive Order N-29-20, staff set up virtual meetings for all Commission meetings and other EBDA legislative bodies. Executive Order N-29-20 expired on September 30, 2021.

On September 16, 2021, Governor Newsom signed AB 361 (2021) which allows for local legislative bodies to continue to conduct meetings via teleconferencing without complying with certain Brown Act provisions under specified conditions and includes a requirement that the Commission make specified findings. AB 361 (2021) took effect October 1, 2021. Pursuant to AB 361, legislative bodies are allowed to continue to meet remotely during a declared State of Emergency if the legislative body finds that meeting in person would present imminent risks to the health or safety of attendees. In addition, remote meetings are also permitted, irrespective of a State of Emergency issued by the State, if local health officials continue to impose or recommend measures to promote social distancing and the legislative body finds that meeting in person would present imminent risks to the health or safety of attendees. AB 361 provides that it will sunset on January 1, 2024.

On November 10, 2021 Governor Newsom issued Executive Order N-21-21, extending the sunset of the State of Emergency through March 31, 2022, in light of the surge in COVID cases due to the novel Omicron variant and to ensure the staffing and resources needed to prevent potential strain on the State's health care delivery system. On February 25, 2022, Governor Newsom issued Executive Order N-04-22, further extending the State of Emergency to an unspecified date. (See Executive Order N-04-22 at ¶ 20, extending Executive Order N-21-21). Most recently, on March 15, 2022, a resolution was put before the senate to declare that the State of Emergency proclaimed by Governor Gavin Newsom on March 4, 2020, is at an end and that the emergency powers granted to the Governor as

a result of that proclamation are hereby terminated. The resolution was denied. To date, the State of Emergency stands.

The Commission adopted resolutions authorizing remote teleconference meetings at its October, November, and December 2021, and January, February, March, and April 2022 Commission Meetings. The resolutions included all of the necessary findings required pursuant to AB 361.

Discussion

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

The conditions that justified the Commission adopting a resolution authorizing teleconference meetings at its April 21, 2022 meeting continue to exist. Health officials continue to recommend measures to slow the spread of COVID-19. Specifically, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least 6 feet from others outside of the household and masking in all indoor settings in communities of high COVID-19 rates and among persons at high risk for severe illness. The CDC believes the Omicron variant is spread more easily than the original SARS-CoV-2 virus, with breakthrough infections occurring in people who are fully vaccinated.

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

1. The State of Emergency issued by the Governor remains in effect; OR
2. "State or local officials continue to impose or recommend measures to promote social distancing."

The Governor's State of Emergency is still in effect. In addition, the Alameda County Public Health Department continues to "impose or recommend measures to promote social distancing." Currently, Alameda County has not removed physical or social distancing as a COVID-19 prevention strategy.

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

RESOLUTION NO. 22-06

INTRODUCED BY _____

RESOLUTION AUTHORIZING REMOTE TELECONFERENCE MEETINGS PURSUANT TO AB 361

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

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for an anticipated broader spread of the novel coronavirus disease 2019 ("COVID-19"), and Governor Newsom has continued to confirm the continued existence of the State of Emergency to the present with no expiration date presently set; and

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

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

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

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 (2021) which allows for local legislative bodies and advisory bodies to continue to conduct meetings via teleconferencing under specified conditions and includes a requirement that the EBDA Commission make specified findings. AB 361 (2021) took effect October 1, 2021; and

WHEREAS, AB 361 provides that it will sunset on January 1, 2024; and

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

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

WHEREAS, AB 361 (2021) allows EBDA to continue to conduct meetings via teleconference upon a finding every thirty (30) days thereafter, that either a declared state of emergency continues to directly impact the ability of the members to meet safely in person, or state or local health officials continue to impose or recommend measures to promote social distancing; and

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

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least 6 feet from others outside of the household and masking in all indoor settings in communities of high COVID-19 rates and among persons at high risk for severe illness; and

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

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

WHEREAS, on October 21, 2021, November 18, 2021, December 16, 2021, January 26, 2022, February 17, 2022, March 17, 2022, and April 21, 2022 the Commission found that the presence of COVID-19 would present imminent risks to the health or safety of attendees, including the legislative bodies and staff, should EBDA's legislative bodies hold in person meetings; and

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

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

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

1. The above recitals are true and correct, and incorporated into this

Resolution.

2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings without complying with the usual teleconference meeting requirements of the Brown Act, the EBDA Commission makes the following findings:

a) The EBDA Commission has considered the circumstances of the State of Emergency; and

b) The State of Emergency, as declared by the Governor, continues to directly impact the ability of the EBDA Commission and EBDA's legislative bodies, as well as staff and members of the public, from meeting safely in person; and

c) The CDC continues to recommend physical distancing of at least six feet due to COVID-19 and as a result of the presence of COVID-19 and the highly-contagious Omicron variant, meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies and staff.

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

4. The EBDA Commission will revisit the need to conduct meetings remotely at its next monthly meeting.

SAN LORENZO, CALIFORNIA, MAY 19, 2022, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
CHAIR
EAST BAY DISCHARGERS AUTHORITY

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

ITEM NO. 11 GENERAL MANAGER'S REPORT
The General Manager will discuss items of interest to EBDA.

ITEM NO. 12 REPORT FROM THE MANAGERS ADVISORY COMMITTEE

MANAGERS ADVISORY COMMITTEE
AGENDA

Thursday, May 12, 2022
1:30 P.M.

Via Zoom

1. **Brine Project**
2. **NPDES Permit Reissuance**
3. **Biosolids Management**
4. **HASPA JPA Term Sheet**
5. **Disinfection Master Plan**
6. **BACWA Annual Meeting Recap and Alternate Backfill**
7. **EBDA Commission Agenda**
   - Regulatory
   - Finance
   - O&M
8. **EBDA Managers Information Sharing**

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

A Joint Powers Public Agency

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

ITEM NO. 13

REGULATORY AFFAIRS COMMITTEE AGENDA

Monday, May 16, 2022

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 No. OM4
(The Committee will review NPDES Permit compliance data.)

RA5. Update on Nature-based Solutions for Shoreline Resilience
(The Committee will receive information supporting a presentation to Commission.)

RA6. Sanitary Sewer System Waste Discharge Requirements Update
(The Committee will receive an update on this permit renewal process.)

RA7. NPDES Fees
(The Committee will receive an update on NPDES permit fees.)

RA8. NPDES Permit Reissuance
(The Committee will receive an update on EBDA's permit renewal process.)

RA9. Motion Authorizing the General Manager to Execute a Professional Services Agreement with Pacific EcoRisk in the Amount of $119,619 for Effluent Toxicity Testing
(The Committee will consider the motion.)

RA10. Adjournment

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

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The next Regulatory Affairs Committee meeting is scheduled on Monday, July 18, 2022 at 9:00 a.m.

ITEM NO. RA5 UPDATE ON NATURE-BASED SOLUTIONS FOR SHORELINE RESILIENCE

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

Background
Wetlands, horizontal levees, and other "Nature-based Solutions" (NbS) have the potential to provide multiple benefits including water quality improvement through reduction of nutrients and contaminants of emerging concern, creation or restoration of habitat, and protection from sea level rise. As noted previously, the Authority has been engaged in several parallel projects that seek to advance NbS concepts along the East Bay shoreline, including the Transforming Shorelines Project. Transforming Shorelines is led by the San Francisco Estuary Partnership (SFEP) and funded by USEPA Region 9 under its Water Quality Improvement Fund. The project contains a number of components aimed at advancing NbS at wastewater treatment plants. Elements include:

- Establishment of the Transforming Shorelines Collaborative, a stakeholder group that will collaborate on challenges and opportunities associated with NbS projects around the Bay, including San Leandro, Hayward, Oro Loma, and others
- Continued UC Berkeley research at the Oro Loma Horizontal Levee demonstration project, including study of reverse osmosis (RO) concentrate treatment
- A feasibility study for NbS at the Hayward Ponds
- Design and environmental permitting of the EBDA First Mile horizontal levee project
- Collaboration for development of treatment wetlands at San Leandro

EBDA is leading the Hayward and First Mile projects with support from SFEP and the EBDA Member Agencies.

Discussion
In November 2019, the Commission approved Resolution 19-42 authorizing the General Manager to enter into a funding agreement with the Association of Bay Area Governments, SFEP's parent agency. Per that agreement, SFEP is passing through grant funds to EBDA to reimburse the Authority for consultant costs associated with the Hayward and First Mile projects.

In coordination with SFEP, City of Hayward, and East Bay Regional Park District (EBRPD) staff, Authority staff developed a Request for Proposals (RFP) seeking an engineering and environmental consultant for the Hayward and First Mile projects and selected Environmental Science Associates (ESA). ESA staff will join the General Manager at the May 19, 2022 Commission meeting to present updates on these projects as well as related NbS efforts, including expansion and renewal of the Hayward Area

Shoreline Planning Agency (HASPA) Joint Powers Authority, a regional NbS study being undertaken by the Bay Area Clean Water Agencies (BACWA), efforts to streamline permitting and regulatory approvals of NbS projects, and future funding opportunities.

ITEM NO. RA6 SANITARY SEWER SYSTEM WASTE DISCHARGE REQUIREMENTS UPDATE

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

Background
Sanitary sewer collection systems managed by public agencies, including EBDA's Member Agencies, have been governed by a general permit issued by the State Water Resources Control Board (State Water Board) since 2006. The Sanitary Sewer System (SSS) Waste Discharge Requirements (WDR) require proper management of collection systems through development, submittal, and maintenance of a Sewer System Management Plan, as well as reporting of sanitary sewer overflows (SSOs) to the state database. For the past several years, State Water Board staff has been working to update the SSS WDR. EBDA and Member Agency staff have been working through the California Association of Sanitation Agencies (CASA) and Bay Area Clean Water Agencies (BACWA) to provide input to the reissuance process.

Discussion
An informal draft of the new SSS WDR was released in February 2021 and contained a number of provisions that the wastewater community found highly problematic. CASA, BACWA, and other clean water partners provided written comments and met several times with State Water Board staff to express our concerns. That input was taken into account, and the formal draft released on January 31, 2022 was significantly improved. On April 8, CASA, BACWA, and others submitted comments to the State Water Board on the official draft of the re-issued SSS WDR. BACWA's comment letter is attached. It was also accompanied by a detailed markup, which can be found here: https://bacwa.org/wp-content/uploads/2022/04/BACWA-Comments-to-SWRCB-on-Draft-SSS-WDR-2022-04-08.pdf. The State Water Board is expected to adopt the SSS WDR before the end of 2022.

BACWA
BAY AREA
CLEAN WATER
AGENCIES

April 8, 2022

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

VIA EMAIL: commentletters@waterboards.ca.gov

Subject: Comment Letter – Draft Sanitary Sewer Systems General Order Reissuance

Dear Jeanine Townsend:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to provide comments on the Draft Sanitary Sewer Systems Waste Discharge Requirements General Order (SSS-WDR), which is proposed to replace the current order adopted in 2006 ("2006 Order"; WQO No. 2006-0003) as well as the accompanying Monitoring & Reporting Program adopted in 2013 ("2013 MRP"; Order No. WQ 2013-0058-EXEC). BACWA's members include publicly-owned wastewater treatment works (POTWs) and collection system agencies serving 7.1 million people in the nine-county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health.

BACWA supports the collaborative approach that State Water Board staff used to develop the draft SSS-WDR. In 2021, BACWA, the California Association of Sanitation Agencies (CASA), the Central Valley Clean Water Association (CVCWA) and the Southern California Alliance of Publicly-Owned Treatment Works (SCAP) worked extensively with State Water Board staff to provide feedback on the informal staff draft version of the draft SSS-WDR. These conversations clearly resulted in a draft SSS-WDR that reflects a deeper understanding of sewer system operations.

Because the 2006 Order has been successful in driving down the number and volume of spills, we ask that the State Water Board continue to limit the changes in the reissued SSS-WDR to those strictly necessary for improving the Order's clarity or enforceability. This includes maintaining the order as a WDR rather than as an NPDES permit. We also request streamlining of requirements wherever possible to reduce the administrative burden of its implementation.

BACWA's detailed comments on the draft SSS-WDR are found in **Attachment A**. Our priority issues are provided first in the attachment and mostly address issues we anticipate will create confusion or compliance problems. After those, the remaining comments are sequential with the draft SSS-WDR's organization and are submitted to help ensure clarity. The detailed nature of these comments reflect the importance of the SSS-WDR in guiding day-to-day sewer system operations. The draft Order will be interpreted and implemented by more than 1,100 public agencies, as well as new private enrollees, so the smallest details in the SSS-WDR have the potential for significant impacts. Our key suggestions for reducing the cost of compliance are:

1. **Remove New Prohibition 4.1.** Prohibitions need to be unambiguous for enrollees and enforcement division staff. Unfortunately, Prohibition 4.1 contains new terminology such as "potential to discharge to waters of the State" and "promptly cleaned up" that are not defined in the draft SSS-WDR, are not used in the industry, and are therefore subject to the discretion of enforcement staff. For complete details, see comment No. 1 on page 3 of Attachment A.

2. **Streamline Reporting of Category 4 Spills.** Category 4 spills pose a low threat to water quality. The draft SSS-WDR proposes a complex incentive system in which only certain enrollees with low spill rates would qualify for reduced reporting. We request that all enrollees report Category 4 spills within annual reports rather than monthly reports. For complete details, see comment No. 4 on page 7 of Attachment A.

3. **Remove New Requirements for Receiving Water Field Testing.** The new receiving water field testing requirements found in Section 2.3.2 of Attachment E will result in significant equipment and labor costs for enrollees. Unfortunately, despite this expense, the resultant data may not be useable for enforcement. Compliance with water quality objectives for turbidity and other parameters is based on an observed difference compared to background conditions, which exceeds the scope of the proposed sampling in the draft SSS-WDR. Due to the mismatch between effort and utility, this testing requirement should be removed. For complete details, see comment No. 8 on page 14 of Attachment A.

BACWA looks forward to continuing to work with State Water Board staff during implementation of the SSS-WDR. We have the following recommendations to ensure that the reissued SSS-WDR continues to reduce spill rates without draining critical resources away from agencies' core mission -- protecting the environment and public health:

1. **Establish an Implementation Committee.** Allocate State Water Board staff time to participate in a formal implementation committee with stakeholders, including enrollees, consultants, our member organizations, and other member organizations such as the California Rural Water Association. The purpose of the committee would be to develop guidance and evaluate the success of the reissued Order's requirements for spill response, CIWQS data management, annual reports, preparation of Sanitary Sewer Management Plans (SSMPs), auditing standards, and more. This guidance can then be distributed through formal training sessions offered by the member organizations and others

2. **Delay the Effective Date.** The effective date of the reissued SSS-WDR should **be at least 180 days** after the adoption date. Critically, this will allow agencies time to update their Spill Emergency Response Plans to reflect the requirements in the reissued SSS-WDR. It will also provide a smooth transition for agencies whose SSMPs are being updated around the time of the adoption hearing.

3. **Provide Compliance Assistance to Small and Disadvantaged Communities.** The SSS-WDR is a complex document, with many new requirements. Most enrollees do not have dedicated regulatory staff to respond to the reissued SSS-WDR. Of the 1,182 enrollees of the 2006 Order, more than 80% are small (less than 100 miles of sewer pipelines) and about 50% are very small (less than 20 miles of sewer pipelines). The State Water Board can help these agencies comply by:

   a. **Providing Simplified Templates** of SSMPs, audit reports, and annual reports that could be used by small enrollees or enrollees in disadvantaged communities. Templates can help clarify the minimum expectations for compliance, as well as providing a consistent structure for documenting agency information. The most challenging element of SSMPs and Annual Reports lays in the requirements to write original narrative explanations that start with "blank slates." This type of writing requires training, experience, and staff availability that many agencies cannot muster.

      In terms of facilitating the adoption of template-based tools, we would like to call the State Water Board's attention to its current work in assisting with the development of a templated Water Shortage Contingency Plan for small water suppliers.

   b. **Increasing funding** for sewer system capital improvements through the Clean Water State Revolving Fund (CSWRF). Originating and managing CWSRF funding is a challenging and time-consuming task that can sometimes exceed the administrative resources of enrollees. Unlike treatment plant projects, collection systems are comparatively simple. The State Water Board's input in facilitating the process for small and disadvantaged agencies would hasten and promote the overall goal of strengthened collection system infrastructure.

   c. **Providing planning grants** to small disadvantaged communities and small severely disadvantaged communities for assistance in resiliency planning, which is required is required by the draft SSS-WDR.

      Resiliency planning, because it is new to the collection system world with this draft SSS-WDR, requires technical, geological, and hydraulic skills that will be challenging for even the most sophisticated and well-financed agencies to execute. Grant assistance would be helpful for small disadvantaged agencies if they are expected to produce a technically respectable and compliant response to this requirement.

In closing, we appreciate the opportunity to comment on the draft SSS-WDR and look forward to continued dialogue with the State Water Board and your staff to finalize and adopt it. We also want to reiterate our gratitude to everyone who met us with over the last year for your

accessibility and in-depth discussions and language clarifications about the update to this Order. Please do not hesitate to contact us with any questions or concerns.

Respectfully Submitted,

Lorien Fono, Ph.D., P.E.
Executive Director
Bay Area Clean Water Agencies

Enclosures:

Attachment A – Detailed Comments on Draft SSS-WDR

cc: BACWA Executive Board
Andrew Damron, co-chair, BACWA Collection Systems Committee
Tyree Jackson, co-chair, BACWA Collection Systems Committee

ITEM NO. RA7 NPDES FEES

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

Background
Each year, EBDA pays a fee to the State Water Resources Control Board (State Water Board) associated with the Authority's National Pollutant Discharge Elimination System (NPDES) permit. These fees, which cover State Water Board programs as well as Regional Water Quality Control Board (Regional Water Board) expenses, are significant. Historically, the state's General Fund funded a large share of the programmatic expenses of the State and Regional Water Boards, however during the economic downturn, costs were shifted, putting the entire burden on permittees to cover all costs through fees.

This past year, EBDA's NPDES fee was $603,000, an 11.9% increase over the prior year. Cumulatively over the past four years, NPDES fees have increased by 45.5%, and the State Water Board is currently projecting an additional 7.3% increase in fees for next year. EBDA's NPDES fee now represents 12% of the Authority's operating budget.

Discussion
Given that the state now has a significant surplus, the Commission, along with other stakeholders, has asked why State and Regional Water Board funding continues to be entirely fee-based. The California Association of Sanitation Agencies (CASA), along with a long list of Water Board permittees, submitted the attached letter to Governor Newsom's office, posing exactly that question, and proposing that the Governor's revised budget allocate General Fund dollars to water quality programs. Staff will continue to track this effort and advocate for relief from continuing escalation of water quality fees.

April 14, 2022

Governor Gavin Newsom
1021 O Street, Suite 9000
Sacramento, CA 95814

Dear Governor Newsom,

The undersigned organizations representing multiple stakeholders paying into water quality programs at the State Water Resources Control Board (SWRCB) respectfully request an allocation of general fund dollars for programs in the Waste Discharge Permit Fund (WDPF) as part of your 2022-2023 May Budget Revision.

During previous Administrations, when California was experiencing record budget deficits and the economic future of the state was uncertain, all costs for the water quality programs were shifted onto those entities

regulated by the SWRCB and Regional Water Boards. To this day, as programs at SWRCB expand, these costs continue to skyrocket through a fee-based process.

Since then, the economic outlook for California has become much different, and we have been engaging in conversations with SWRCB leadership and staff to find creative solutions to these water quality-related fee increases that have no end in sight.

The 2022-2023 budget surplus provides an opportunity to achieve our shared goals of maximizing water use, protecting water quality, and improving climate resiliency while balancing compliance goals at the SWRCB.

As such, we urge you to utilize a portion of the state's budget surplus to: (1) assist in offsetting some of the foundational costs of SWRCB programs that generally benefit the public statewide, and (2) assist in building a more robust reserve that can be utilized during tough economic times, a concept similar to a "rainy day fund."

Of particular interest for the undersigned organizations is the WDPF that funds water quality programs at the SWRCB and the regional water boards. Currently, the program is 100 percent fee-based, and we are seeking general fund dollars to provide temporary relief to fee payers in the following amounts.

Three-year general fund allocation for foundational costs: $150.9 million over three years, which includes:

- Foundational Programs (Basin Planning, TMDLs): $32 million per year
- Surface Water Ambient Monitoring Program (SWAMP) and Groundwater Ambient Monitoring and Assessment (GAMA) Program: $16.5 million per year
- Beach Monitoring: $1.8 million per year

Further, the SWRCB strives to keep a five percent reserve fund, and we are seeking a 10 percent reserve to allow more flexibility within the fee system. A one-time allocation of this request is $24.9 million (for 10 percent reserve). The amount needed for a 10 percent reserve from each fund includes:

- WDPF: $17.6 million
- Water Rights Fund: $3.4 million
- Drinking Water: $3.9 million

Thank you for your consideration of this request for the May Budget Revision. We look forward to working with you on this and other related requests.

Sincerely,

Emily Rooney, President
Agricultural Council of California

Roger Isom, President/CEO
California Cotton Ginners and Growers Association
Western Agricultural Processors Association

Michael Miiller, Dir. of Government Relations
California Association of Winegrape Growers

Jared Voskuhl, Manager Regulatory Affairs
California Assn. of Sanitation Agencies (CASA)

Gail Delihant, Sr. Dir. CA Government Affairs
Western Growers Association

Danny Merkley, Director, Water Resources
California Farm Bureau

Noelle Cremers, Dir. Env. & Regulatory Affairs
Wine Institute

Karen Cowan, Executive Director
California Stormwater Quality Association

Timothy A. Johnson, President/CEO
California Rice Commission

Casey Creamer, President/CEO
California Citrus Mutual

Lynne McBride, Executive Director
California Dairy Campaign

Kevin Abernathy, General Manager
Milk Producers Council

Anja Raudabaugh, CEO
Western United Dairies

Bill Schiek, Executive Director
Dairy Institute of California

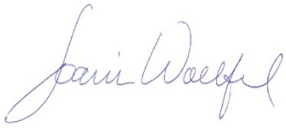
Ian LeMay, President
California Fresh Fruit Association

Christopher Valadez, President
Grower-Shipper Association of Central California

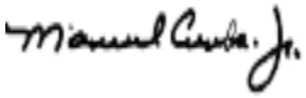
Aubrey Bettencourt, President
Almond Alliance of California

Richard Matoian, President
American Pistachio Growers

Renee Pinel, President/CEO
Western Plant Health Association

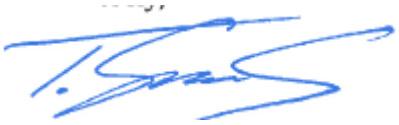


Joani Woelfel, President & CEO
Far West Equipment Dealers Association



Manuel Cunha, Jr., President
Nisei Farmers League

Will Scott, Jr., President
African American Farmers of California



Todd Sanders, Executive Director
California Apple Commission
California Blueberry Association
California Blueberry Commission
Olive Growers Council of California

Chris Zanobini, Executive Director
Plant California Alliance

ITEM NO. RA8 NPDES PERMIT REISSUANCE

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

Background
The Authority operates under a National Pollutant Discharge Elimination System (NPDES) permit issued by the Regional Water Quality Control Board (Regional Water Board) for its combined discharge to the San Francisco Bay through the EBDA outfall. The permit includes monitoring requirements, pollution prevention and pretreatment provisions, and effluent limits that the Authority must adhere to. EBDA's current permit went into effect on July 1, 2017 and is set to expire on June 30, 2022.

Nine months prior to permit expiration, permittees are required to submit a Report of Waste Discharge (ROWD) summarizing discharge data, and an application for permit reissuance. With the assistance of regulatory consultant EOA, Inc. (EOA), EBDA submitted its ROWD and renewal application to the Regional Water Board in September 2021.

Discussion
On April 4, 2022, staff received an administrative draft of EBDA's new NPDES permit with a request for comments within two weeks. With the rapid support of Member Agency staff, EOA, and legal counsel Meyers Nave, EBDA staff submitted a markup to the Regional Water Board on April 18, 2022, as requested. Overall, staff believes that the permit was well-drafted and that EBDA will be able to consistently comply with its provisions. Changes from the current permit and other items of note in the new draft are as follows:

- **Total Residual Chlorine**: As previously discussed, in 2020 the Regional Water Board updated the Basin Plan, the regional document that sets water quality standards, to remove the performance-based 0.0 mg/L instantaneous maximum limit for chlorine residual and replace it with a water quality-based objective and averaging period. Because it is water quality-based, this approach allows effluent limits for deep water dischargers to be calculated considering dilution. For EBDA, this means that instead of complying with an instantaneous maximum limit of 0.0 parts per million (or mg/L), EBDA's new proposed limit is 0.98 mg/L, measured as a one-hour average concentration. Compliance with this limit can be achieved with minimal SBS dosing, and perhaps no SBS addition under most conditions.

  Prior to implementing its new objectives in permits, the Basin Plan Amendment must be approved by the Environmental Protection Agency (EPA), which must consult with other federal agencies. Unfortunately, EPA has not yet approved the Amendment and recently received comments from the U.S. Fish and Wildlife Service (USFWS) on the document. It is not known how long it will take for EPA to resolve USFWS's comments. Regional Water Board staff has therefore included a

trigger in EBDA's permit so that the new limit will automatically take effect the first of the month following approval of the Basin Plan Amendment. Staff is working with Regional Water Board staff to identify ways to collaborate with the federal agencies to move the amendment more quickly toward approval.

- **Toxicity**: The State Water Board has been working for a long time on developing a new policy with an aim to improve consistency in the way that whole effluent toxicity is regulated in permits across the state. Toxicity is measured by testing live organisms' response to effluent exposure in order to assess any synergistic effects of pollutants in effluent. The Authority's current permit requires quarterly testing for chronic and acute toxicity using fathead minnow, a freshwater species. There is no effluent limit for chronic toxicity, but exceedance of a threshold triggers additional monitoring and studies to understand the cause.

  Based on the new policy, all dischargers that exceed five million gallons per day will have effluent limits for chronic toxicity. The new policy also requires use of the Test of Significant Toxicity (TST), which is a different statistical method for establishing toxicity based on organism data. The Toxicity Policy was adopted by the State Water Board and is currently awaiting EPA approval. Based on the experience with EPA approval of the non-controversial chlorine residual Basin Plan Amendment, Regional Water Board staff does not anticipate that the policy will be in place by the time EBDA's permit is renewed. Therefore, EBDA's draft NPDES permit contains toxicity language based on continuation of the existing framework for toxicity testing. A proposed contract for the toxicity tests to be performed by Pacific EcoRisk is included as Item No. RA9.

- **Cargill Brine Project.** As requested by EBDA in the reissuance application, the draft permit contains certain requirements that would change if/when EBDA notifies the Regional Water Board that a discharge of brine from Cargill has commenced. Inclusion of these changes using a notification trigger alleviates the need to amend the permit if/when the Cargill project is completed. Specifically, effluent limits for ammonia and total residual chlorine would be modified, along with EBDA's whole effluent toxicity testing species. The rationale for these changes is described below.

  - Effluent limits: Modeling performed for EBDA by Larry Walker Associates showed that the change in density of EBDA's effluent associated with the brine addition would slightly reduce the amount that the effluent is diluted by Bay water at the Authority's deep water outfall, from 75:1 dilution to 72:1. This change affects two parameters for which effluent limitations are calculated using dilution – ammonia and total residual chlorine. Therefore, the permit includes footnotes identifying changes to the ammonia and chlorine effluent limits upon notification of the brine discharge. Staff does not foresee any challenges complying with the lower limits. EBDA's peak

ammonia concentration during the last permit term was 41 mg/L, whereas the proposed ammonia limits are 86 mg/L pre-brine discharge and 83 mgL with brine. Similarly, EBDA expects to reliably comply with the change in chlorine residual limit from 0.98 mg/L pre-brine to 0.94 mg/L post-brine by managing dechlorination to maintain a safety factor.

- Toxicity: As noted above, EBDA currently uses fathead minnow to test for acute and chronic toxicity of its effluent. The minnow is a freshwater species that is expected to be sensitive to the additional salt associated with the brine. Upon notification that brine discharge has commenced, EBDA will switch to marine species, performing chronic toxicity testing using the blue mussel (*Mytilus galloprovincialis*) and acute testing using rainbow trout (*Onchorhynchus mykiss*). Because the test methods for toxicity using marine species include addition of salt to a specified level, EBDA could continue testing with the marine species in the future, even if the Cargill brine discharge is suspended.

- **Monitoring Updates to Fund Regional Monitoring of Contaminants of Emerging Concern (CECs):** In late 2021, the Regional Water Board adopted a blanket permit amendment, modifying all wastewater discharge permits to reduce certain monitoring requirements and, in exchange, increase funding requirements for agencies to contribute to the Regional Monitoring Program (RMP). The concept behind this "Alternative Monitoring and Reporting (AMR)" Program was to reduce unnecessary and duplicative monitoring, particularly associated with pretreatment programs, in favor of funding regional monitoring and studies of CECs in the Bay. The following changes to EBDA's permit were carried forward into the new draft:

  - Reduction for Oro Loma in influent and biosolids monitoring for volatile organic compounds and base/neutrals and acid extractable organic compounds. Oro Loma has fewer industrial dischargers than the other members and therefore benefits from reduced pretreatment monitoring.
  - Increase in mercury influent monitoring for EBDA and LAVWMA member agencies from annual to quarterly.
  - Reduction for member agencies in mercury effluent monitoring from monthly to quarterly.
  - Reduction for EBDA outfall in mercury effluent monitoring from monthly to quarterly.

  The net savings of $31,680 is now required to be paid to the RMP for CECs monitoring.

After reviewing and addressing EBDA's comments on the administrative draft, Regional Water Board staff plans to release a formal Tentative Order version of the permit in mid-May for a 30-day public comment period. The permit is currently on the Regional Water

Board's calendar for adoption at its July 13, 2022 meeting. The existing permit will automatically be continued until the new permit becomes effective, currently scheduled for September 1, 2022.

ITEM NO. RA9 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH PACIFIC ECORISK IN THE AMOUNT OF $119,619 FOR EFFLUENT TOXICITY TESTING

Recommendation
Approve a motion authorizing the General Manager to enter into a professional services agreement with Pacific EcoRisk in the amount of $119,619 for fiscal years 2022/2023 through 2026/2027.

Background
EBDA's NPDES discharge permit requires testing of the effluent's acute and chronic toxicity to ensure that the discharge is not impacting the biota living around the outfall. Tests are performed using live organisms, and their survival and growth response are measured while exposed to a range of concentrations of effluent. As noted in Item No. RA8, EBDA's new NPDES permit, expected to be approved in July 2022 and effective September 1, 2022, has similar whole effluent toxicity testing requirements.

Discussion
The Authority has used Pacific EcoRisk for bioassay testing services for the past eleven years. City of San Leandro staff previously conducted acute toxicity testing at the Marina Dechlorination Facility, while chronic toxicity was contracted to Pacific EcoRisk. Conducting toxicity testing is very labor intensive and contains significant inherent risk, since you are dealing with live organisms. Only a handful of large wastewater agency labs currently maintain chronic toxicity testing in-house.

Given the exceptional quality data and defensible results achieved by Pacific EcoRisk, their reputation as the highest quality bioassay laboratory in the state, and the potential for extensive regulatory costs if effluent toxicity limits are exceeded, staff recommends continuing with Pacific EcoRisk for NPDES permit chronic toxicity testing services through a sole source procurement continuation. Pacific EcoRisk has provided excellent customer service and has implemented numerous efforts that have streamlined the process and minimized waste of resources.

The current agreement with Pacific EcoRisk expires on June 30, 2022 at the end of this fiscal year. The term of the proposed new agreement would be July 1, 2022 through June 30, 2027, concluding at the expiration of the Authority's new 5-year NPDES permit. As noted in Item No. RA8, the new permit provides for EBDA to switch to toxicity testing with a marine species upon commencement of the Cargill brine discharge. Pacific EcoRisk has provided two quotes (see attached) – one for testing with the current freshwater species and one for testing with the future marine species.

The following table shows the estimated costs for each fiscal year of the contract. For conservatism, staff has assumed that testing continues with freshwater species (fathead minnow) for the duration of the five-year permit term. The estimate also assumes a

maximum of 5% annual price increases.

Fiscal Year	Cost	Test Assumed
2022/2023	$ 21,648	Acute and chronic Fathead Minnow
2023/2024	$ 22,730	Acute and chronic Fathead Minnow
2024/2025	$ 23,867	Acute and chronic Fathead Minnow
2025/2026	$ 25,060	Acute and chronic Fathead Minnow
2026/2027	$ 26,313	Acute and chronic Fathead Minnow
Total	$ 119,619	

As shown in the table below, if the brine discharge and associated switch from fathead minnow to rainbow trout and blue mussel occur in FY 2024/2025 as projected, the Authority will realize some cost savings. Pacific EcoRisk will only bill EBDA for work actually conducted.

Fiscal Year	Cost	Test Assumed
2022/2023	$ 21,648	Acute and chronic Fathead Minnow
2023/2024	$ 22,730	Acute and chronic Fathead Minnow
2024/2025	$ 22,208	Trout + Mytilus
2025/2026	$ 23,318	Trout + Mytilus
2026/2027	$ 24,484	Trout + Mytilus
Total	$ 114,389	

Pacific EcoRisk
2250 Cordelia Rd.
Fairfield, CA 94534
PH (707)207-7760

FAX (707)207-7916

Quote

Quote #:	**EB103**
Effective Date:	**7/1/22**
Good through:	**6/30/23**

East Bay Dischargers Authority	Contact: **Jacqueline Zipkin**
2651 Grant Ave.	Phone: 510-278-5910
San Lorenzo, CA 94580	email: jzipkin@ebda.org

Service	Quantity	Unit	Unit Fee	Net Fee
NPDES Toxicity Testing Services:				
Acute Toxicity Tests				
96-hr daily renewal test with fathead minnows	4	ea.	$777	$3,108
MOPS buffer and pH adjustment (2 samples)	4	ea.	$376	$1,504
Daily ammonia, alkalinity, and hardness analyses	4	ea.	$180	$720
Chronic Toxicity Tests				
7-day survival and growth test with fathead minnows (Dilution series)	4	ea.	$2,206	$8,824
MOPS buffer and pH adjustment (4 samples)	4	ea.	$511	$2,044
Concurrent reference toxicant test (50% discount)	4	ea.	$882	$3,528
Sample Pick-Up (4 sample pick-ups per test)	16	ea.	$120	$1,920
			Total =	**$21,648**

Notes and Assumptions:
- Total reflects annual costs for quarterly acute and chronic compliance testing.
- Cost is for fiscal year 2022/23.
- Rate increase applied annually not to exceed 5%.
- Cost includes standard report TAT of 14 calendar days from test termination.

Pacific EcoRisk
2250 Cordelia Rd.
Fairfield, CA 94534
PH (707)207-7760

FAX (707)207-7916

Quote

Quote #:	**EB104**
Effective Date:	**7/1/24**
Good through:	**6/30/25**

East Bay Dischargers Authority 2651 Grant Ave. San Lorenzo, CA 94580	Contact: **Jacqueline Zipkin** Phone: 510-278-5910 email: jzipkin@ebda.org

Service	Quantity	Unit	Unit Fee	Net Fee
NPDES Toxicity Testing Services:				
Acute Toxicity Tests				
96-hr daily renewal test with rainbow trout (Control + 1 treatment)	4	ea.	$900	$3,600
MOPS buffer and pH adjustment (2 samples)	4	ea.	$423	$1,692
Daily ammonia, alkalinity, and hardness analyses	4	ea.	$200	$800
Chronic Toxicity Tests				
48-hr larval development test with *Mytilus sp.* (Control + 5 treatments)	4	ea.	$2,319	$9,276
pH adjustment (1 sample)	4	ea.	$519	$2,076
Concurrent reference toxicant test (50% discount)	4	ea.	$927	$3,708
Sample Pick-Up (2 sample pick-ups per test)	8	ea.	$132	$1,056
			Total =	**$22,208**

Notes and Assumptions:
- Total reflects annual costs for quarterly acute and chronic compliance testing.
- Cost is for fiscal year 2024/25.
- Rate increase applied annually not to exceed 5%.
- Cost includes standard report TAT of 14 calendar days from test termination.

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

A Joint Powers Public Agency

NOTICE: In compliance with AB 361 (2021), the Financial Management Committee meeting scheduled below will be accessible via Zoom video conferencing. Members of the public may participate in the meeting through the Zoom link or phone number below.

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

ITEM NO. 15

FINANCIAL MANAGEMENT COMMITTEE AGENDA

Monday, May 16, 2022

10:00 A.M.

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

Committee Members: Duncan (Chair); Andrews

FM1. Call to Order

FM2. Roll Call

FM3. Public Forum

FM4. List of Disbursements for April 2022
(The Committee will review the List of Disbursements.)

FM5. Treasurer's Report for April 2022
(The Committee will review the Treasurer's Report.)

FM6. Third Quarter Expense Summary, Fiscal Year 2021/2022
(The Committee will review the third quarter expenses for FY 2021/2022.)

FM7. Motion Setting the City of Hayward Recycled Water Fee for FY 2022/2023 at $9000 per Quarter
(The Committee will consider the motion.)

FM8. Resolution Adopting the East Bay Dischargers Authority's Fiscal Year 2022/2023 Budget
(The Committee will consider the resolution.)

FM9. Adjournment

Any member of the public may address the Committee at the commencement of the meeting on any matter within the jurisdiction of the Committee. This should not relate to any item on the agenda. Each person

addressing the Committee should limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Committee on any agenda item should do so at the time the item is considered. Oral comments should be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available and are to be completed prior to speaking.

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

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

The next Financial Management Committee meeting is scheduled on Monday, June 13, 2022 at 10:00 a.m.

ITEM NO. FM4 LIST OF DISBURSEMENTS FOR APRIL 2022

The itemized List of Disbursements for the month of April 2022 totaled $303,964.48.

Reviewed and Approved by:

Rita Duncan, Chair Date
Financial Management Committee

Jacqueline T. Zipkin Date
Treasurer

EAST BAY DISCHARGERS AUTHORITY
List of Disbursements
April 2022

CHECKS (SORTED BY AMOUNT)

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
25604	04/18/2022	387199	CITY OF SAN LEANDRO	O&M - FEB	29,671.55	29,671.55
25605	04/18/2022	6604	ORO LOMA SANITARY DISTRICT	O&M - MAR	28,008.84	28,008.84
25620	04/28/2022	002841	UNION SANITARY DISTRICT	O&M - MAR	25,238.28	25,238.28
25633	04/28/2022	20210105.02-3	ASCENT ENVIRONMENTAL, INC	CONSULTING SERVICES - CARGILL CEQA	22,122.50	22,122.50
25619	04/28/2022	349405	CITY OF HAYWARD	O&M - QUARTERLY JAN-MAR	19,113.38	19,113.38
25629	04/28/2022	173669	ENVIRONMENTAL SCIENCE ASSOCIATES	FIRST MILE PROJECT WORK ORDER NO. 1	12,885.00	16,716.25
25629	04/28/2022	173670	ENVIRONMENTAL SCIENCE ASSOCIATES	HAYWARD FEASIBILITY STUDY WORK ORDER NO. 2	3,831.25	
25627	04/28/2022	50161248	UNIVAR	SODIUM BISULFITE - DELIVERED 04/15/2022	6,478.88	12,938.84
25627	04/28/2022	50127354	UNIVAR	SODIUM BISULFITE - DELIVERED 04/01/2022	6,459.96	
25616	04/18/2022	20210105.02-2	ASCENT ENVIRONMENTAL, INC	CONSULTING SERVICES - CARGILL CEQA	9,810.00	9,810.00
25624	04/28/2022	00013.14-4	LARRY WALKER ASSOCIATES	PROFESSIONAL SERVICES - WORK ORDER NO. 4	6,162.75	8,296.25
25624	04/28/2022	00013.12-9	LARRY WALKER ASSOCIATES	PROFESSIONAL SERVICES - WORK ORDER NO. 3	2,133.50	
25613	04/18/2022	11440236	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT	6,320.22	6,320.22
25608	04/18/2022	50828	CALCON	MDF AUTOMATION UPGRADE	2,380.00	5,966.50
25608	04/18/2022	50830	CALCON	ELECTRICAL, INSTRUMENTATION, AND MAINTENANCE SERVICES - OLEPS	1,882.76	
25608	04/18/2022	50825	CALCON	ELECTRICAL, INSTRUMENTATION, AND MAINTENANCE SERVICES - MDF	595.10	
25608	04/18/2022	50945	CALCON	ELECTRICAL, INSTRUMENTATION, AND MAINTENANCE SERVICES - OLEPS	595.10	
25608	04/18/2022	50697	CALCON	ELECTRICAL, INSTRUMENTATION, AND MAINTENANCE SERVICES - MDF	513.54	
25630	04/28/2022	4/5/2022	AZYURA	WATERBITS LICENSING AND SMR/EDMR REPORT SERVICES	4,750.00	4,750.00
25622	04/28/2022	Jan-22	DEBORAH QUINN	ACCOUNTING SERVICES - JAN	3,733.13	3,733.13
25601	04/18/2022	JAN-MAR 2022	KARL D. ROYER	QUARTERLY HEALTH PREMIUM REIMBURSEMENT	3,723.36	3,723.36
25604	04/18/2022	726625	VANTAGEPOINT	MISSION SQUARE DEFERRED COMPENSATION 04/15/2022	2,145.27	2,145.27
25618	04/28/2022	732225	VANTAGEPOINT	MISSION SQUARE DEFERRED COMPENSATION 03/31/2022	2,134.71	2,134.71
25614	04/18/2022	22016	NORTH BAY PENSIONS LLC	ACTUARIAL SERVICES FOR GASB 75 OPEB REPORTING	2,100.00	2,100.00
25606	04/18/2022	52205710	CITY OF HAYWARD	BENEFIT PREMIUMS - APR	1,366.83	1,366.83
25612	04/18/2022	4246044555687627	US BANK	PURCHASING CARD EXPENSES	1,217.93	1,217.93
25631	04/28/2022	631887	CALTEST	LAB TESTING SERVICES	833.90	833.90
25607	04/18/2022	1746192-21	SCIF	WORKERS COMPENSATION PREMIUM - APR	679.25	679.25
25625	04/28/2022	FB21504	CAROLLO ENGINEERS	ENGINEERING SERVICES - WORK ORDER NO. 4	621.00	621.00
25602	04/18/2022	JAN-MAR 2022	CHARLES V. WEIR	QUARTERLY HEALTH PREMIUM REIMBURSEMENT	396.18	396.18
25611	04/18/2022	8344	CAYUGA INFORMATION SYSTEMS	IT SERVICES	367.50	367.50
25626	04/28/2022	230608274	ORKIN	PEST CONTROL SERVICES - MDF	217.00	217.00
25617	04/18/2022	CD_000382330	RINGCENTRAL INC	DIGITAL PHONE SERVICE	204.00	204.00

EAST BAY DISCHARGERS AUTHORITY
List of Disbursements
April 2022

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
25621	04/28/2022	510-483-0439-716-6	AT&T	TELEPHONE SERVICE - MDF	198.31	198.31
25615	04/18/2022	50428	COMPUTER COURAGE	WEBSITE HOSTING - APR	150.00	191.25
25615	04/18/2022	50549	COMPUTER COURAGE	WEBSITE HOSTING - VIDEO	41.25	
25634	04/28/2022	9153	MBC CUSTODIAL SERVICES INC	JANITORIAL SERVICES - MAR	130.00	130.00
25610	04/18/2022	9261751383	GRAINGER	FORCE MAIN SUPPLIES	59.14	93.48
25610	04/18/2022	9261751375	GRAINGER	FORCE MAIN SUPPLIES	31.63	
25610	04/18/2022	9261943493	GRAINGER	FORCE MAIN SUPPLIES	2.71	
25628	04/28/2022	2043337	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES FOR SKYWEST	85.00	85.00
25632	04/28/2022	3479769	CALTRONICS	COPIER USAGE AND MAINTENANCE	70.71	70.71
25609	04/18/2022	9903097767	VERIZON WIRELESS	WIRELESS PHONE SERVICES	62.05	62.05
25623	04/28/2022	9903939345	VERIZON WIRELESS	MODEM FOR SCADA	22.02	22.02
				TOTAL PAYMENTS	**209,545.49**	**209,545.49**
				ELECTRNOIC PAYMENTS		
	04/04/2022	5105948980-0	PG&E	GAS & ELECTRIC SERVICE	30,409.24	30,409.24
	04/06/2022	100000016746029	CALPERS	HEALTH PREMIUMS - APR	7,136.03	7,136.03
	04/04/2022	100000016676158	CALPERS	PENSION CONTRIBUTION, CLASSIC 3/16 - 31/2022	4,704.60	4,704.60
	04/21/2022	100000016712491	CALPERS	PENSION CONTRIBUTION, CLASSIC 4/1 - 15/2022	4,704.60	4,704.60
	04/21/2022	100000016712529	CALPERS	PENSION CONTRIBUTION, PEPRA 4/1 - 15/2022	259.89	259.89
	04/04/2022	100000016676166	CALPERS	PENSION CONTRIBUTION, PEPRA 3/16 - 31/2022	196.89	196.89
	04/11/2022		WELLS FARGO	CLIENT ANALYSIS CHARGE	55.83	55.83
				TOTAL ELECTRONIC PAYMENTS	**47,467.08**	**47,467.08**
				PAYROLL		
	04/28/2022		ADP, LLC	PAYROLL PERIOD: 04/16-30/2022	24,349.66	24,349.66
	04/14/2022		ADP, LLC	PAYROLL PERIOD: 04/01-15/2022	22,439.00	22,439.00
	04/08/2022	603045924	ADP, LLC	PAYROLL FEES, 03/16-31/2022	88.25	88.25
	04/22/2022	603994049	ADP, LLC	PAYROLL FEES, 04/01-15/2022	75.00	75.00
				TOTAL PAYROLL	**46,951.91**	**46,951.91**
				TOTAL DISBURSEMENTS	**303,964.48**	**303,964.48**

ITEM NO. FM5 TREASURER'S REPORT FOR APRIL 2022

The beginning cash balance on April 1, 2022 was $4,596,590.60. The ending cash balance on April 30, 2022 was $4,295,393.56. Total receipts for the period were $2,767.44 and disbursements totaled $303,964.48. EBDA's LAIF balance is $3,764,588.67 and the average monthly effective yield for April was 0.52%.

EBDA currently has a two-pronged investment approach that includes Local Agency Investment Fund (LAIF) and traditional bank accounts.

Approval is recommended.

EAST BAY DISCHARGERS AUTHORITY
TREASURER'S REPORT
APRIL 30, 2022

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,674,144.24		218,506.93	1,455,637.31
13	PLANNING & SPECIAL STUDIES	388,756.06		32,322.78	356,433.28
14	RECLAMATION O & M (SKYWEST)	62,208.58		389.80	61,818.78
15	BRINE ACCEPTANCE	173,513.71		46,548.97	126,964.74
31	RENEWAL & REPLACEMENT	2,297,968.01	2,767.44	6,196.00	2,294,539.45
	TOTALS	4,596,590.60	2,767.44	303,964.48	4,295,393.56

Apr-22
5/2/2022

SUPPLEMENTAL TREASURERS REPORT

DATE	TRANSACTION	RECEIPT	DISBURSEMENT CHECKING	DISBURSEMENT PAYROLL	PAYROLL TRANSFER	LAIF TRANSFER	WELLS FARGO CHECKING BALANCE	WELLS FARGO PAYROLL BALANCE	LAIF BALANCE	TOTAL CASH
03/31/22	BALANCE						807,413.95	27,355.42	3,761,821.23	4,596,590.60
04/04/22	ELECTRONIC BILL PAY		4,704.60				802,709.35	27,355.42	3,761,821.23	4,591,886.00
04/04/22	ELECTRONIC BILL PAY		196.89				802,512.46	27,355.42	3,761,821.23	4,591,689.11
04/04/22	ELECTRONIC BILL PAY		30,409.24				772,103.22	27,355.42	3,761,821.23	4,561,279.87
04/06/22	ELECTRONIC BILL PAY		7,136.03				764,967.19	27,355.42	3,761,821.23	4,554,143.84
04/08/22	PAYROLL FEES			88.25			764,967.19	27,267.17	3,761,821.23	4,554,055.59
04/11/22	ANALYSIS FEE		55.83				764,911.36	27,267.17	3,761,821.23	4,553,999.76
04/11/22	PAYROLL TRANSFER				30,000.00		734,911.36	57,267.17	3,761,821.23	4,553,999.76
04/14/22	PAYROLL			22,439.00			734,911.36	34,828.17	3,761,821.23	4,531,560.76
04/15/22	INTEREST	2,767.44				2,767.44	734,911.36	34,828.17	3,764,588.67	4,534,328.20
04/18/22	DISBURSEMENT		92,324.21				642,587.15	34,828.17	3,764,588.67	4,442,003.99
04/21/22	ELECTRONIC BILL PAY		4,704.60				637,882.55	34,828.17	3,764,588.67	4,437,299.39
04/21/22	ELECTRONIC BILL PAY		259.89				637,622.66	34,828.17	3,764,588.67	4,437,039.50
04/22/22	PAYROLL FEES			75.00			637,622.66	34,753.17	3,764,588.67	4,436,964.50
04/25/22	PAYROLL TRANSFER				25,000.00		612,622.66	59,753.17	3,764,588.67	4,436,964.50
04/28/22	PAYROLL			24,349.66			612,622.66	35,403.51	3,764,588.67	4,412,614.84
04/28/22	DISBURSEMENT		117,221.28				495,401.38	35,403.51	3,764,588.67	4,295,393.56
	TOTAL	2,767.44	257,012.57	46,951.91	55,000.00	2,767.44				
	CURRENT BALANCE						495,401.38 ①	35,403.51 ②	3,764,588.67 ③	4,295,393.56

Reconciliation

①	Per Bank Statement @ 4/30/22	$ 628,289.42
	Less: Outstanding Checks	132,888.04
		$ 495,401.38
②	Per Bank Statement @ 4/30/22	$ 35,403.51
③	Per LAIF Statement @ 4/30/22	$ 3,764,588.67

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

ITEM NO. FM6 THIRD QUARTER EXPENSE SUMMARY, FISCAL YEAR 2021/2022

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

Background
The Third Quarter Expense Summary for FY 2021/2022 is attached for the Committee's review. Expenses are presented by Program and by Account Code. These categories have been grouped to provide an overview of Authority expenses. The tables include discussion of particular items that varied significantly (>10%) from the budget. The tables also show revenue that offsets agency expenses, including reimbursements associated with the Nature-based Solutions project grant and the Cargill project.

Discussion
At the end of the third quarter, 75% through the fiscal year, EBDA's spending overall is under budget, at 61% spent, with O&M spending at 65% through the third quarter. Much of the O&M savings stems from drier than expected conditions leading to decreased chemical, energy, and operations costs for the pump stations.

East Bay Dischargers Authority

EXPENSE SUMMARY BY PROGRAM

FY 2021/2022 THROUGH MARCH 31, 2022 (75% of YEAR)

	YTD Expenses	Budget	Revenues Cargill, Grant, & Skywest	Variance	% of Budget	Explanations for Variance Over 10%
O&M EFFLUENT DISPOSAL						
General Administration	$796,014	$1,293,380		($497,366)	62%	Budget for Commissioner compensation assumes maximum number of meetings and several Committees are currently on reduced schedules. Also, some salary costs are reimbursed by Cargill.
Outfall & Forcemains	$119,355	$181,977		($62,622)	66%	
Marina Dechlor Facility	$285,377	$510,454		($225,078)	56%	Low due to minimal wet weather and optimization of operations.
Oro Loma Pump Station	$338,649	$514,954		($176,305)	66%	
Hayward Pump Station	$102,525	$170,977		($68,452)	60%	Low due to minimal wet weather.
Union Pump Station	$247,566	$363,233		($115,667)	68%	
Bay & Effluent Monitoring	$420,186	$506,382		($86,196)	83%	BACWA annual dues paid in Q1.
TOTAL O&M EFFLUENT DISPOSAL	**$2,309,670**	**$3,541,357**		**($1,231,687)**	**65%**	
SPECIAL PROJECTS						
NPDES Permit Fees	$602,837	$593,473		$9,364	102%	Annual NPDES permit fee was paid in Q2 and was higher than budgeted due to State Water Board increase.
NPDES Permit Issues	$33,919	$100,000		($66,081)	34%	NPDES permit negotiation has gone smoothly to date.
Regional Monitoring Program	$203,736	$280,000		($76,264)	73%	
Nutrient Surcharge	$285,346	$285,346		$0	100%	Annual surcharge paid in Q1.
Water Research Foundation	$23,407	$25,580		($2,173)	92%	Annual membership fee paid in Q1.
Transport System Evaluation	$0	$20,000		($20,000)	0%	Work to date in this FY has not yet been invoiced.
JPA Legal Support	$6,165	$10,000		($3,835)	62%	Work is substantially complete.
AQPI	$0	$29,000		($29,000)	0%	EBDA will be invoiced next year by Sonoma Water due to project delays.
Operator Training Modules	$16,000	$16,000		$0	100%	Work is complete.
Strategic Planning	$0	$10,000		($10,000)	0%	Work will begin next fiscal year.
Disinfection Master Plan	$38,042	$45,726		($7,684)	83%	Work is nearing completion.
Nature-Based Solutions Study	$126,727	$150,000	$126,727	($150,000)	84%	All costs are reimbursed by EPA grant.
Biosolids Feasibility Study	$0	$100,000		($100,000)	0%	Work has begun, but external funds have not yet been needed.
Solar Feasibility Study	$0	$20,000		($20,000)	0%	Work has begun, but external funds have not yet been needed.
Bruce Wolfe Memorial	$1,000	$5,000		($4,000)	20%	Commission has committed $1k.
OLSD Outreach Support	$577	$0	$577	$0	0%	Staff support for OLSD project.
NPDES Testing - CSL	$1,500	$1,500		$0	100%	Hach WIMS invoice was paid in Q1.
NPDES Testing - OLSD	$1,500	$1,500		$0	100%	Hach WIMS invoice was paid in Q1.
NPDES Testing - HAY	$1,500	$1,500		$0	100%	Hach WIMS invoice was paid in Q1.
NPDES Testing - USD	$1,500	$1,500		$0	100%	Hach WIMS invoice was paid in Q1.
TOTAL SPECIAL PROJECTS	**$1,343,756**	**$1,696,125**	**$127,304**	**($479,672)**	**87%**	
TOTAL AGENCY-FUNDED PROGRAMS	**$3,653,426**	**$5,237,482**	**$127,304**	**($1,711,360)**	**67%**	
WATER RECYCLING						
Skywest Golf Course	$15,152	$36,000	$18,000			Operations spending reduced due to efficiencies, and capital deferred.
TOTAL WATER RECYCLING	**$15,152**	**$36,000**	**$18,000**			
BRINE ACCEPTANCE						
Brine Acceptance	$464,979	$480,000	$464,979			All work performed is reimbursed by Cargill. Not all expenses have yet been invoiced.
TOTAL BRINE ACCEPTANCE	**$464,979**	**$480,000**	**$464,979**			
TOTAL ALL PROGRAMS	**$4,133,557**	**$5,753,482**	**$610,283**	**($2,230,208)**	**61%**	

East Bay Dischargers Authority

EXPENSE SUMMARY BY ACCOUNT

FY 2021/2022 THROUGH MARCH 31, 2022 (75% OF YEAR)

	YTD Expenses	Budget	Revenues Cargill, Grant, & Skywest	Variance	% of Budget	Explanations for Variance Over 10%
4010 - Salary	$430,990	$586,101	$33,566	($188,676)	68%	Expenses for Cargill are reimbursed.
4020 - Benefits	$180,467	$269,324		($88,857)	67%	
4030 - Commissioner Compensation	$21,120	$45,000		($23,880)	47%	Budget assumes maximum number of meetings and several Committees are currently on reduced schedules.
4070 - Insurance	$64,122	$65,000	$3,000	($3,878)	94%	Insurance premiums paid for the year.
4080 - Memberships & Subscriptions	$144,054	$147,702		($3,648)	98%	BACWA and WRF annual dues paid in Q1.
4100 - Supplies, Variable	$181,351	$312,000		($130,649)	58%	Dry weather has led to reduced chemical and energy demands.
4100 - Supplies, Fixed	$6,723	$22,000		($15,277)	31%	Office supply needs to date lower than budgeted.
4110 - Contract Services	$59,649	$104,280		($44,631)	57%	Limited contract support for O&M has been required.
4120 - Professional Services	$892,210	$1,294,976	$558,717	($961,484)	26%	Certain Special Studies (e.g. biosolids) have been deferred while preliminary work proceeds.
4140 - Rents & Fees	$1,104,109	$1,161,099		($56,991)	95%	NPDES permit fee paid in Q2.
4141 - NPDES Fines	$0	$109,000		($109,000)	0%	Reserve funds in case of enforcement.
4150 - Maintenance & Repair	$428,512	$676,500	$5,000	($252,988)	63%	Low due to minimal wet weather.
4160 - Monitoring	$122,143	$175,000	$1,000	($53,857)	69%	
4170 - Travel	$705	$18,000		($17,295)	4%	Reduced travel due to COVID pandemic.
4190 - Utility, Fixed	$9,921	$17,500		($7,579)	57%	Negotiated more favorable telecom packages, including decreased costs for Verizon & AT&T.
4191 - Utility, Variable (PG&E)	$487,457	$660,000		($172,543)	74%	
4200 - Acquisitions & Other	$25	$90,000	$9,000	($98,975)	-10%	Budget includes DSRSD brine fees.
TOTAL ALL ACCOUNTS	**$4,133,557**	**$5,753,482**	**$610,283**	**($2,230,208)**	**61%**	

ITEM NO. FM7 MOTION SETTING THE CITY OF HAYWARD RECYCLED WATER FEE FOR FY 2022/2023 AT $9000 PER QUARTER

Recommendation
Approve the motion setting recycled water fees at $9000 per quarter ($3000 per month) for FY 2022/2023.

Background
Since 1982, EBDA has been providing recycled water to Skywest Golf Course. The golf course property is owned by the City of Hayward (City) and was historically operated by Hayward Area Recreation and Park District (HARD). EBDA's goal for Skywest has always been for revenues to meet expenses so that the member agencies are not subsidizing the project. From 2015-2020, EBDA charged HARD $10,000 per month, which allowed for offset of expenses as well as build-up of a small fund for capital needs.

In March 2020, the golf course was closed to the public due to COVID-19 restrictions, and it has not reopened. Since the course closed, EBDA has continued to provide recycled water at reduced quantities. The water is no longer used for irrigation; water levels are maintained in the ponds to provide for local wildlife. In recognition of the reduced water use and associated cost, and in support of a fellow public agency that was facing budget shortfalls associated with the pandemic, the Commission adopted resolutions waiving the $10,000 per month charge to HARD for May through September 2020.

At the end of September 2020, HARD elected to allow their lease to expire, and management of the property was taken over by the City. The golf course has not reopened, and the City is currently undertaking a facility-planning process to determine future land uses.

In May 2021, the Commission adopted a motion setting the City of Hayward recycled water fee for FY 2021/2022 at $9000 per quarter.

Discussion
The balance in EBDA's water reclamation fund, which is currently set aside for the Skywest project, is $61,818.

Based on expenses incurred over the past year, staff recommends extending the recycled water price of $3000 per month for continued reduced service to Skywest. This amount covers operational costs and allows the remaining funds in the account to be retained for ultimate decommissioning or disposition of the system. EBDA would bill the City $9000 quarterly.

Staff believes that supplying EBDA's recycled water to the City's Skywest property provides financial benefits to the City, whose cost for potable water would be much higher, and environmental benefits to EBDA and its ratepayers. Staff will continue to work with the City to identify future recycled water needs as their plans for the property take shape.

One likely scenario is that the City provides recycled water from their Water Pollution Control Plant to the site in the future. That would allow the existing Skywest system to be decommissioned or repurposed for supply of freshwater to a horizontal levee.

ITEM NO. FM8 RESOLUTION ADOPTING THE EAST BAY DISCHARGERS AUTHORITY'S FISCAL YEAR 2022/2023 BUDGET

Recommendation
Adopt a resolution approving the Authority's FY 2022/2023 Budget.

Background
The Authority's Amended and Restated JPA states the following:

> The Commission will adopt an annual or biennial budget for the ensuing Fiscal Year(s) prior to July 1. The budget will include sufficient detail to constitute a fiscal control guideline, specify cash flow requirements from each Agency, grant reimbursements, and cash receipts and expenditures to be made for Operation and Maintenance Costs, Planning and Special Studies Costs, and Capital Costs for the Facilities, and other necessary and appropriate expenditures.

A draft budget was reviewed by the Committee in April 2022.

Discussion
The proposed FY 2022/2023 Budget is presented in the following format:

1. By Program
2. By Account Number
3. Allocation to Member Agencies

Carryover funds from last fiscal year, as well as outside revenues, are shown in a separate column to illustrate the portion of the budget that the Member Agencies and LAVWMA will not be responsible for. This includes revenues associated with the EPA grant for Nature Based Solutions and the Skywest water recycling project. Also, expenses and revenues associated with brine projects are shown as a separate fund. This includes the Cargill project, as well as fees associated with the Zone 7 Water Agency brine that Dublin San Ramon Services District agreed to pay EBDA as part of the overall agreement with LAVWMA.

Overall, the agency budget is essentially flat, with a difference of just $269, as compared to FY 2021/2022. Details of changes by line item are provided in the attached budget tables. Increases in NPDES fees (7.3%), labor costs (~5%), and energy costs are offset by a decrease in Special Studies spending. Also, while unit costs for chemicals are rising steeply, EBDA's overall chemical costs are expected to decrease as a result of the proposed change to EBDA's chlorine residual limit, which will significantly decrease use of sodium bisulfite (see Item No. RA8). Lastly, certain costs have been moved to alternate funds or accounts that staff believes better reflect the activities. These are noted in the tables but do not change the overall bottom line.

The agencies' Renewal and Replacement Fund (RRF) contribution remains flat at $750k. This includes $330k for ongoing asset management and $420k in credit to USD to fulfill the annual JPA obligation for UEPS capital. Note that because San Leandro and LAVWMA contributions are specific to certain facilities, they pay their share of RRF expenses at the end of each fiscal year.

Minor changes have been made to the budget following the Committee's review in April 2022. These include the following:

- As part of the Disinfection Master Planning process, LAVWMA agreed to pay a 5% premium over their variable cost allocation for sodium hypochlorite to account for their flow's diluting effect on chlorine residual. The draft did not fully account for this increase, which has now been adjusted.

- The budget line item for the Authority's IT consultant was lowered from $35k to $20k based on past actual expenditures.

- $12k was added to support ongoing partnership with OLSD for cybersecurity consulting and monitoring.

- Regional Monitoring Program and Alternative Monitoring and Reporting fees were increased to reflect the calendar year 2022 invoice, which was just received, and likely fee increases next calendar year.

FISCAL YEAR 2022/2023 BUDGET BY PROGRAM

FUND NO	PROGRAM DESCRIPTION	BUDGET FY 22/23	OTHER REVENUES/ CARRYOVER	AGENCY REVENUES FY 22/23	AGENCY REVENUES FY 21/22	% FY 22/23 to 21/22	$ Change	Explanations for Changes over $10,000
12	**O&M EFFLUENT DISPOSAL**							
12 06	General Administration	$ 1,383,713	$ -	$ 1,383,713	$ 1,293,381	107%	$ 90,332	Increases in salaries related to 4% COLA. O&M Manager costs related to pump station operation moved from pump stations. Cost allocation remains unchanged
12 10	Outfall & Forcemains	$ 181,300	$ -	$ 181,300	$ 181,977	100%	$ (677)	
12 14	Marina Dechlor Facility	$ 389,100	$ -	$ 389,100	$ 510,454	76%	$ (121,354)	Decrease in SBS use resulting from regulatory change.
12 16	Oro Loma Pump Station	$ 531,000	$ -	$ 531,000	$ 514,954	103%	$ 16,046	Increase in PG&E rates.
12 18	Hayward Pump Station	$ 173,000	$ -	$ 173,000	$ 170,977	101%	$ 2,023	
12 20	Union Pump Station	$ 390,000	$ -	$ 390,000	$ 363,233	107%	$ 26,767	Increase in PG&E rates.
12 21	Bay & Effluent Monitoring	$ 593,450	$ -	$ 593,450	$ 506,382	117%	$ 87,068	Increase in unit cost of hypo.
	TOTAL FUND # 12	$ 3,641,563		$ 3,641,563	$ 3,541,357	103%	$ 100,206	
13	**SPECIAL PROJECTS**							
13 36	NPDES Permit Fees	$ 656,019	$ -	$ 656,019	$ 593,473	111%	$ 62,546	State Water Boad projecting another significant increase in NPDES permit fees.
13 37	NPDES Permit Issues	$ 20,000	$ 20,000	$ -	$ -		$ -	
13 48	Regional Monitoring Program	$ 292,320	$ -	$ 292,320	$ 280,000	104%	$ 12,320	Projected fee increase.
13 49	Nutrient Surcharge	$ 237,114	$ -	$ 237,114	$ 285,346	83%	$ (48,232)	Decrease because science funding for 5-year plan was front-loaded to produce actionable information faster
13 46	Alternative Monitoring & Reporting	$ 32,155	$ -	$ 32,155	$ -	100%	$ 32,155	Included last year as part of RMP fee.
13 53	Water Research Foundation	$ 25,580	$ -	$ 25,580	$ 25,580	100%	$ -	
13 58	Transport System Inspection	$ 20,000	$ 20,000	$ -	$ -		$ -	
13 63	JPA Legal Support	$ -	$ -	$ -	$ 10,000		$ (10,000)	Work complete.
13 65	AQPI	$ 29,000	$ 29,000	$ -	$ -		$ -	
13 67	Operator Training Modules	$ -	$ -	$ -	$ -		$ -	
13 69	Strategic Planning	$ 10,000	$ 10,000	$ -	$ -		$ -	
13 74	Disinfection Master Plan	$ -	$ -	$ -	$ 25,726		$ (25,726)	Work will be completed in FY 21/22.
13 77	Nature-based Solutions	$ 200,000	$ 200,000	$ -	$ -		$ -	
13 78	Biosolids Feasibility Study	$ 100,000	$ 100,000	$ -	$ 100,000		$ (100,000)	Carryover of funds to evaluate feasibility of an EBDA biosolids collaboration/project.
13 79	Solar Feasibility Study	$ 28,000	$ 20,000	$ 8,000	$ 20,000		$ (12,000)	Carryover of funds to conduct feasibility evaluation of solar and/or other energy resiliency facilities at HEPS and OLEPS. New funds will supplement a corresponding USD study.
13 82	Bruce Wolfe Memorial	$ 1,000	$ 1,000	$ -	$ 5,000		$ (5,000)	
13 91	NPDES Testing - CSL	$ -	$ -	$ -	$ 1,500		$ (1,500)	
13 92	NPDES Testing - OLSD	$ -	$ -	$ -	$ 1,500		$ (1,500)	
13 93	NPDES Testing - HAY	$ -	$ -	$ -	$ 1,500		$ (1,500)	
13 94	NPDES Testing - USD	$ -	$ -	$ -	$ 1,500		$ (1,500)	
	TOTAL FUND # 13	$ 1,651,188	$ 400,000	$ 1,251,188	$ 1,351,125	93%	$ (99,937)	
TOTAL OPERATING BUDGET		**$ 5,292,751**	**$ 400,000**	**$ 4,892,751**	$ 4,892,482	100%	$ 269	
31 99	CONTRIBUTION TO R&R FUND	$ 750,000	$ -	$ 750,000	$ 750,000	100%	$ -	
TOTAL AGENCY FUNDING				**$ 5,642,751**	$ 5,642,482	100%	$ 269	
PROGRAMS WITH OTHER FUNDING								
14 00	**WATER RECYCLING**							
14 80	Skywest	$ 36,000	$ 36,000	$ -	$ -			
	TOTAL FUND # 14	$ 36,000	$ 36,000	$ -	$ -			
15 00	**BRINE ACCEPTANCE**							
15 68	Mixed Sea Salt Brine (Cargill)	$ 1,100,000	$ 1,100,000	$ -	$ -			
15 83	Zone 7 Brine (DSRSD)	$ 20,000	$ 20,000	$ -	$ -			
	TOTAL FUND # 15	$ 1,120,000	$ 1,120,000	**$ -**				
	TOTAL EXPENDITURES	$ 7,198,751	$ 1,556,000	**$ 5,642,751**	$ 5,642,482	100%	$ 269	

FISCAL YEAR 2022/2023 BUDGET BY ACCOUNT NUMBER

ACCT NUMBER	ACCT TITLE	BUDGET FY 22/23	OTHER REVENUES/ CARRYOVER	AGENCY REVENUES	BUDGET FY 21/22	% FY 22/23 to 21/22	$ Change	Explanations for Changes over $10,000
4010	Salary	632,367		632,367	586,101	108%	$ 46,266	4% COLA. Salary increase for O&M Manager.
4020	Benefits	264,960		264,960	269,324	98%	$ (4,364)	
4030	Commissioner Compensation	45,000		45,000	45,000	100%	$ -	
4070	Insurance	75,900	3,000	72,900	62,000	118%	$ 10,900	Insurance rates are increasing across the market.
4080	Memberships & Subscriptions	149,475		149,475	147,702	101%	$ 1,773	
4100	Supplies, Fixed	22,000		22,000	22,000	100%	$ -	
4100	Supplies, Variable	269,000		269,000	312,000	86%	$ (43,000)	Decrease in SBS due to regulatory change.
4110	Contract Services	58,611	1,000	57,611	104,280	55%	$ (46,669)	Calcon services for instrumentation and controls were moved to Maintenance & Repair.
4120	Professional Services	1,825,150	1,499,000	326,150	641,976	51%	$(315,826)	Lab costs moved to Monitoring. Calcon SCADA costs moved to Maintenance & Repair. Auditor cost decrease.
4140	Rents & Fees	895,413		895,413	1,161,099	77%	$(265,686)	RMP fees moved to Monitoring.
4141	NPDES Fines	9,000		9,000	9,000	100%	$ -	
4150	Maintenance & Repair	833,600	17,000	816,600	667,500	122%	$ 149,100	Calcon services for instrumentation and controls moved from Contract Services.
4160	Monitoring	579,475	5,000	574,475	170,000	338%	$ 404,475	Lab costs moved from Professional Services. RMP costs moved from Rents & Fees.
4170	Travel & Training	18,000		18,000	18,000	100%	$ -	
4190	Utility, Fixed	1,000	1,000	0	16,500	0%	$ (16,500)	Admin Building utility costs moved to Variable.
4191	Utility, Variable (PG&E)	739,800		739,800	660,000	112%	$ 79,800	Increase in PG&E rates. Admin Building utility costs moved from Fixed.
4200	Acquisitions & Other	30,000	30,000	0	0	0%	$ -	
	SUBTOTAL ALL ACCOUNTS	6,448,751	1,556,000	4,892,751	4,892,482	100%	$ 269	
	CONTRIBUTION TO R&R FUND	750,000		750,000	750,000	750,000	$ -	
	TOTAL EXPENDITURES	7,198,751		5,642,751	5,642,482	100%	$ 269	

ESTIMATED ANNUAL BILLS TO THE EBDA MEMBER AGENCIES FOR FISCAL YEAR 2022/2023

Rates for various agencies

	San Leandro	O.L.S.D.	C.V.S.D.	Hayward	U.S.D.	LAVWMA
Special Study Rate	13%	18%	6%	30%	33%	varies
Variable Rate	8.9%	17.5%	6.5%	21.1%	46.0%	15.3%
Variable Rate - MAs w/o CSL	-	19.2%	7.1%	23.2%	50.5%	16.6%
Fixed Rate	13.7%	19.1%	10.3%	14.7%	42.1%	26.10%
Fixed Rate - MAs w/o CSL	-	22.2%	11.9%	17.1%	48.8%	-
RRF	varies	22.2%	11.9%	17.1%	48.8%	varies
Regional Monitoring Program	5.6%	8.7%	3.3%	38.5%	26.3%	17.6%
Nutrient Surcharge	7.7%	3.0%	1.6%	18.6%	48.8%	20.3%
NPDES	7.1%	12.1%	6.5%	17.2%	30.6%	26.6%
Alternative Monitoring and Reporting	17%	11%	6%	17%	17%	33%

	San Leandro	O.L.S.D.	C.V.S.D.	Hayward	U.S.D.	LAVWMA	REVENUES	MA Total	Grand Total
O&M									
O&M Fixed Charges w/CSL	$ 178,708	$ 248,943	$ 133,966	$ 191,454	$ 547,570	$ 459,361		$ 1,300,641	$ 1,760,002
O&M Fixed Charges w/o CSL	$ -	$ 10,704	$ 5,738	$ 8,245	$ 23,529	$ 7,945		$ 48,215	$ 56,161
O&M Variable Charges w/CSL	$ 42,259	$ 82,745	$ 30,826	$ 100,044	$ 218,237	$ 92,989		$ 474,111	$ 567,100
O&M Variable Charges w/o CSL	$ -	$ 224,646	$ 83,692	$ 271,612	$ 592,497	$ 85,854		$ 1,172,446	$ 1,258,300
Total O&M	$ 220,967	$ 567,037	$ 254,222	$ 571,355	$ 1,381,833	$ 646,148		$ 2,995,414	$ 3,641,563
Last year	$ 225,192	$ 527,143	$ 247,495	$ 551,637	$ 1,343,680	$ 646,209		$ 2,895,148	$ 3,541,357
Special Projects									
NPDES Permit Fee	$ 46,250	$ 79,112	$ 42,599	$ 112,582	$ 200,822	$ 174,654		$ 481,365	$ 656,019
Regional Monitoring Program	$ 16,256	$ 25,492	$ 9,632	$ 112,688	$ 76,856	$ 51,395		$ 240,925	$ 292,320
Nutrient Surcharge	$ 18,342	$ 7,105	$ 3,826	$ 44,032	$ 115,701	$ 48,108		$ 189,006	$ 237,114
Alternative Monitoring and Reporting	$ 5,359	$ 3,483	$ 1,876	$ 5,359	$ 5,359	$ 10,718		$ 21,437	$ 32,155
Water Research Foundation	$ 2,280	$ 4,464	$ 1,663	$ 5,398	$ 11,775	$ -		$ 25,580	$ 25,580
Special Studies Fee	$ 1,040	$ 1,440	$ 480	$ 2,400	$ 2,640	$ -		$ 8,000	$ 8,000
Total Special Projects	$ 89,527	$ 121,097	$ 60,076	$ 282,459	$ 413,153	$ 284,877		$ 966,312	$ 1,251,188
Last Year	$ 99,825	$ 152,552	$ 74,504	$ 289,295	$ 450,472	$ 284,477		$ 1,066,648	$ 1,351,125
Total Operating Budget								$ 3,961,726	$ 4,892,751
Last Year								$ 3,961,796	$ 4,892,482
Programs with Other Funding									
Skywest							$ 36,000		$ 36,000
Mixed Sea Salt Brine (Cargill)							$ 1,100,000		$ 1,100,000
Zone 7 Brine (DSRSD)							$ 20,000		$ 20,000
Total							$ 1,156,000		$ 1,156,000
Last Year							$ 516,000		$ 516,000
						Total Outside Funding			$ 1,156,000
Renewal and Replacement Fund									
RRF Contribution		$ 166,500	$ 89,250	$ 128,250	$ 366,000	$ -		$ 750,000	$ 750,000
Total RRF	$ -	$ 166,500	$ 89,250	$ 128,250	$ 366,000	$ -		$ 750,000	$ 750,000
						Total Capital Contribution		$ 750,000	$ 750,000
Overall Total for FY 22/23	**$ 310,494**	**$ 854,634**	**$ 403,547**	**$ 982,064**	**$ 2,160,986**	**$ 931,025**	**$ 1,156,000**	**$ 4,711,726**	**$ 6,798,751**
Total FY 21/22	$ 325,018	$ 846,196	$ 411,249	$ 969,182	$ 2,160,152	$ 930,686	$ 516,000	$ 4,711,796	$ 6,158,482

Total for MAs plus LAVWMA **$ 5,642,751**

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

RESOLUTION NO. 22-07

INTRODUCED BY _____

RESOLUTION ADOPTING THE EAST BAY DISCHARGERS AUTHORITY'S FISCAL YEAR 2022/2023 BUDGET

WHEREAS, the East Bay Dischargers Authority Joint Exercise of Powers Agreement ("JPA") requires that a Fiscal Year Budget be adopted annually, to provide an operating guideline and authorize expenditure of funds; and

WHEREAS, the General Manager has prepared a budget for Fiscal Year 2022/20223 which is attached to the accompanying Staff Report and reflects the anticipated need for the effective management of the East Bay Dischargers Authority ("Authority") during the ensuing fiscal year; and

WHEREAS, the Managers Advisory Committee and the Financial Management Committee reviewed the proposed FY 2022/2023 Budget and recommend adoption by the Commission; and

WHEREAS, the Managers Advisory Committee and the Financial Management Committee further recommend that unspent FY 2021/2022 funds for ongoing Special Projects shall be carried over into FY 2022/2023; and

WHEREAS, the Managers Advisory Committee and the Financial Management Committee further recommend that the Authority bill the Member Agencies for their allocated contributions on a semi-annual basis; and

NOW, THEREFORE, BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby adopts the Fiscal Year 2022/2023 Budget for the Authority, as outlined in the accompanying Staff Report.

BE IT FURTHER RESOLVED, that the sums set forth in the Fiscal Year 2022/2023 Budget for the Authority, as outlined in the accompanying Staff Report are hereby appropriated for expenditure as detailed, and that any and all expenditures for or relating to the Budget, when expended or entered into under authority of or by the General Manager, are hereby approved and authorized, and warrants therefore may be drawn by the General Manager/Treasurer, commencing July 1, 2022, and ending June 30, 2023.

SAN LORENZO, CALIFORNIA, MAY 19, 2022, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
CHAIR
EAST BAY DISCHARGERS COMMISSION

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

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

A Joint Powers Public Agency

NOTICE: In compliance with AB 361 (2021), the Operations & Maintenance Committee meeting scheduled below will be accessible via Zoom video conferencing. Members of the public may participate in the meeting through the Zoom link or phone number below.

- Zoom link: https://us02web.zoom.us/j/84250769407
- Telephone dial-in: 1(669) 900-6833, meeting ID #842 5076 9407

ITEM NO. 18

OPERATIONS & MAINTENANCE COMMITTEE AGENDA

Tuesday, May 17, 2022

9:00 A.M.

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

Committee Members: Toy (Chair); Cutter

OM1. Call to Order

OM2. Roll Call

OM3. Public Forum

OM4. EBDA Permit Compliance
(The Committee will be updated on EBDA's NPDES compliance.)

OM5. Status Report
(The Committee will be updated on EBDA's O&M activities.)

OM6. Draft Renewal and Replacement Fund Project List for Fiscal Year 2022/2023
(The Committee will review the proposed RRF project list for FY 2022/2023.)

OM7. Motion Authorizing the General Manager to Execute Amendment 1 to Work Order No. 3 and Work Order No. 5 with Carollo Engineers, Inc. for Engineering Services, for a Total Contract Amount of $194,452
(The Committee will consider the motion.)

OM8. Adjournment

Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or

ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.

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

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

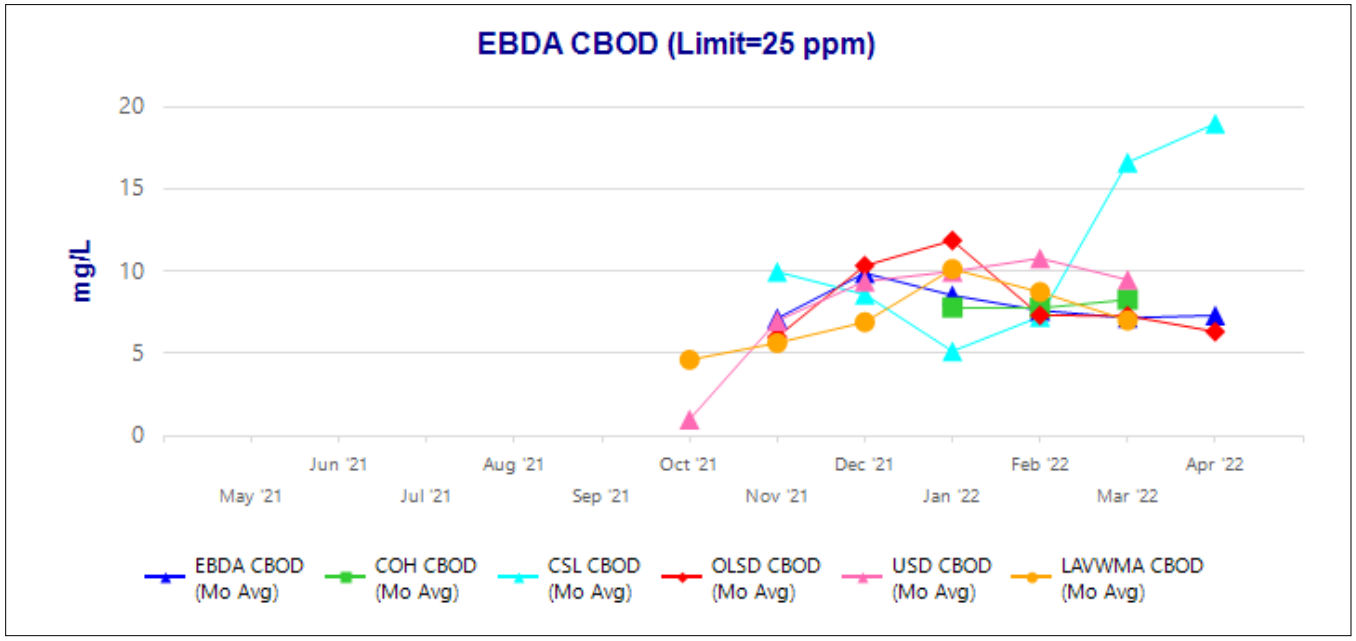
The next O&M Committee meeting will be held
Tuesday, June 14, 2022, at 9:00 a.m.

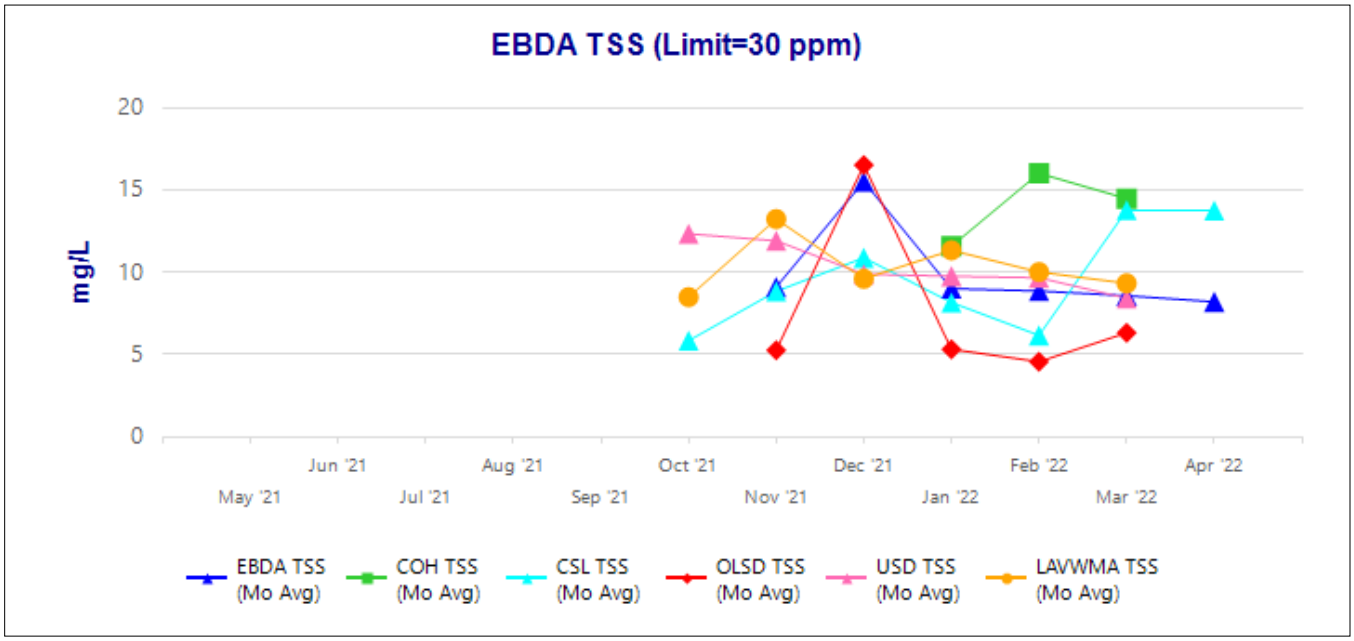
ITEM NO. OM4 EBDA PERMIT COMPLIANCE

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

Discussion
There were no NPDES permit violations in March, and preliminary data from April are also free of permit exceedances. Member Agency CBOD and TSS performance are shown below. These graphs were generated using EBDA's new Laboratory Information Management System (LIMS), XLIMS. EBDA began using the system in late 2021 and has been working with City of San Leandro staff and vendor Ethosoft to customize and implement the system. EBDA wishes to thank San Leandro Lab Manager, Angie Berumen and her team for all of the work that has gone into getting this system up and running. Staff notes that for the first time, LAVWMA CBOD and TSS data is now also included in the graphs.

A table with bacterial indicators is also included.




EBDA TSS (Limit=30 ppm)
mg/L
20
15
10
5
0
May '21
Jun '21
Jul '21
Aug '21
Sep '21
Oct '21
Nov '21
Dec '21
Jan '22
Feb '22
Mar '22
Apr '22
EBDA TSS (Mo Avg)
COH TSS (Mo Avg)
CSL TSS (Mo Avg)
OLSD TSS (Mo Avg)
USD TSS (Mo Avg)
LAVWMA TSS (Mo Avg)

EBDA Bacterial Indicators

Date	FECAL	ENTERO
	MPN/ 100mL	MPN/ 100mL
Limit (90th Percentile)	1100	
Limit (Geomean)	500	240
May 2021 Geomean	**10**	**6**
June 2021 Geomean	**13**	**4**
July 2021 Geomean	**11**	**2**
August 2021 Geomean	**52**	**32**
September 2021 Geomean	**26**	**10**
October 2021 Geomean	**33**	**4**
November 2021 Geomean	**13**	**8**
December 2021 Geomean	**22**	**8**
January 2022 Geomean	**4**	**2**
February 2022 Geomean	**6**	**6**
3/1/2022	11	10
3/2/2022	< 2	2
3/7/2022	5	4
3/8/2022	< 2	6
3/9/2022	2	4
3/14/2022	10	< 2
3/15/2022	22	3
3/21/2022	9	6
3/22/2022	< 2	2
3/28/2022	154	< 2
3/29/2022	8	5
March 2022 Geomean	**7**	**4**
4/4/2022	< 2	4
4/5/2022	< 2	2
4/6/2022	2	6
4/11/2022	< 2	15
4/12/2022	< 2	11
4/13/2022	2	10
4/18/2022	3	10
4/19/2022	< 2	6
4/20/2022	2	6
4/25/2022	4	15
4/26/2022	11	6
April 2022 Geomean	**2**	**7**

ITEM NO. OM5 STATUS REPORT

Union Effluent Pump Station (UEPS)

No change; all equipment is operational.

Hayward Effluent Pump Station (HEPS)

Effluent Pump Replacement Project

Project bid documents are still under review. Staff expects the project to go out to bid shortly, with installation of the new pumps occurring in late-2022.

Oro Loma Effluent Pump Station (OLEPS)

Emergency Outfall Evaluation

EBDA staff is working with Carollo Engineers (Carollo) on an evaluation of the OLEPS emergency outfall. The purpose of the evaluation is to determine the outfall's maximum capacity and whether modifications to the outfall weir would increase system detention time and delay or prevent an unanticipated bypass in the event of a catastrophic failure at OLEPS. The report was completed on March 28, 2022 and the findings were discussed at the April MAC Meeting. Carollo is recommending that the existing lumber weir be replaced with a permanent concrete weir at an increased elevation. Carollo will provide a one-page drawing and pertinent material specifications that can be used for construction of the new elevated weir. In addition, the drawing will include specifications and/or direction for the preparation of the existing concrete surface and associated reinforcing. EBDA staff will then request contractor quotes to construct the new weir. Funds for this project were approved by the Commission on a previous Renewal and Replacement Fund Project List.

Main Electrical Switchboard Upgrade

The new breakers have arrived at the contractor's warehouse in Livermore, and an electrical shutdown is scheduled for June 23, 2022 for their installation.

Skywest Pump Station

Recycled Water Production

During the month of April 2022, the Skywest Recycled Water System operated for two days and produced 1.1 million gallons of recycled water.

Marina Dechlorination Facility (MDF)

SBS Building Heating System Replacement

The SBS Storage Building is heated because the chemical SBS will crystalize in cold temperatures. As discussed at a previous Committee meeting, one of the heaters in the SBS Building failed, causing the main breaker to trip. With the failed heater electrically

isolated, the main breaker was reset. The SBS Building has two heaters, and the second heater is online at this time.

A project to replace both heaters and the heating control system is included on the FY 2022/2023 Renewal and Replacement Fund project list (see Item No. OM6). Pending approval of the project list, Calcon, EBDA's electrical and instrumentation contractor, will upgrade the electrical and the control system, and B. A. Morrison, EBDA's HVAC contractor, will replace both heaters in the SBS Storage Building.

Total Residual Chlorine (TRC) Effluent Limit Implementation and Automation Upgrades
As discussed previously, in 2021 the Regional Water Quality Control Board adopted a blanket permit amendment revising the TRC effluent limits for all wastewater dischargers to San Francisco Bay. The permit amendment raises EBDA's TRC effluent limit from 0.0 mg/L at all times to 0.98 mg/L measured as a one-hour average. It is expected to take effect in the next few months as soon as the EPA approves the underlying Basin Plan Amendment. As discussed in Item No. RA8, the new limit has also been included in EBDA's new NPDES permit, which is set to take effect in September 2022. Work continues on the programmable logic controller (PLC) programming and control system modifications necessary to implement this new effluent limit.

Force Main

No change; all equipment is operational.

Operations Center

No change; all equipment is operational.

Miscellaneous Items

Underground Service Alerts
EBDA received eleven (11) Underground Service Alert (USA) tickets during the month of April 2022. Four required an Electronic Positive Response (EPR) and calls/emails to the excavators, and two required field verification.

Wet Weather
During the month of April 2022, there were no significant rain events that required the operation of an OLEPS diesel pump.

COVID-19 Response
All EBDA staff members are fully vaccinated and boosted. Staff will continue to work with the Commission to determine, on a month-to-month basis, whether Commission and Committee meetings will continue to be conducted via Zoom or whether to resume in-person meetings. To continue conducting remote meetings, the Commission must adopt a resolution compliant with AB 361 – see Item No. 9.

Special Projects

Roof Replacement Projects

Recently, EBDA requested that The Garland Company, Inc. (Garland) complete an assessment of the roofs on the EBDA Office Building, the MDF SBS Storage Building, and OLEPS. EBDA selected Garland through a competitive bidding process managed by OMNIA Partners. Through this national bidding structure, local agencies can take advantage of bids issued by other local agencies in lieu of doing their own bidding for certain services. Garland has performed this type of assessment in the past and completed several roof replacement projects for EBDA's Member Agencies. Garland's past work includes OLSD's Administration Building roof which connects to EBDA's, allowing for consistency with warranties where the two roofs connect.

The assessment report was completed on April 4, 2022 and was discussed at the April MAC Meeting. On May 2, 2022, a job walk was completed that included three roofing contractors that are bidding on the roof replacement project. Garland will serve as the General Contractor overseeing the roofing contractor, using Garland's roofing products. Once the bids are received the last week of May, the cost will be included in the Renewal and Replacement Fund Project List for FY 2022/2023.

Disinfection Master Plan

Staff is continuing to work with Carollo on a Disinfection Master Plan with a goal to develop a strategy for sodium hypochlorite (hypo) dosing and monitoring to prevent bacteria outbreaks and ensure consistent permit compliance while optimizing chemical dosage – both for disinfection and for dechlorination. Carollo presented their findings to the MAC at its February meeting, and the draft report was shared with the MAC in early April. Recommendations will be discussed with this Committee after the MAC has reviewed and discussed the draft report. The goal is to implement recommendations in time for Summer, when bacteria levels tend to elevate with the heat. Because the Disinfection Master Planning process has stretched longer than originally scoped, Carollo is requesting an amendment to their task order for this project. See Item No. OM7.

Cargill Brine Project

Staff is continuing to work with the Authority's CEQA consultant, Ascent Environmental, to begin preparation of the Environmental Impact Report (EIR) for the project. A Notice of Preparation of the EIR will be released soon and will be posted on the website. EBDA staff and Cargill are also continuing to evaluate pipeline route options and discuss them with affected stakeholders.

Advanced Quantitative Precipitation Information (AQPI) Project

The regional AQPI project continues to move forward with a goal of improving prediction of rainfall events in the Bay Area. Installation of the radar at Rocky Ridge has faced some delays and is now planned for Summer 2022. A site tour is planned for May 20, 2022. A new East Bay AQPI Agreement will be circulated to extend the funding terms from the previous agreement, which has expired. National Oceanographic and Atmospheric

Administration (NOAA) staff is continuing to make refinements to the user interface, which EBDA member agencies can access now for precipitation data and projections.

ITEM NO. OM6 DRAFT RENEWAL AND REPLACEMENT FUND PROJECT LIST FOR FISCAL YEAR 2022/2023

Recommendation
Review proposed Renewal and Replacement Fund (RRF) Project List and provide direction to staff.

Background
Each year, the Commission is asked to approve a list of capital projects to be undertaken in the upcoming fiscal year using funds from the Authority's Renewal and Replacement Fund. The project list is developed using the Authority's Asset Management Plan (AMP) with input from the Managers Advisory Committee (MAC).

Discussion
The Authority's draft RRF Project List for FY 2022/2023 is presented on the following page for the Committee's review and comment, with project explanations on the subsequent page. Staff plans to bring the final FY 2022/2023 project list to the Commission for consideration in June 2022. Per Item No. FM9, staff is recommending that the agencies' contribution to the RRF for FY 2022/2023 is $750,000, consistent with the AMP 20-year projection of funding needs.

Because the Roof Replacement Project is currently out to bid, staff has not included an estimated budget for it in this agenda. The results of the bidding process will be included in the final RRF Project List in the June agenda.

Staff notes that work on several of the RRF projects approved in prior years will also continue this fiscal year. The following table provides some examples of the ongoing projects:

Project	Budget
HEPS Effluent Pump Replacement	$400,000
OLEPS Electrical Upgrade	$260,000 ($100,000 of which is for the Main Electrical Switchboard Upgrade)
EBDA Office Upgrade	$40,000
MDF Automation Upgrade	$35,000

RRF Projects for FY 2022/2023

Facility	Renewal Replacement Fund Items	Projected Completion Date	Estimated Costs
UEPS	Payment #3 of 10 Per JPA	July 2022	$ 420,000
OLEPS, MDF & EBDA Office	Roof Replacement Project	September 2022	Out to Bid
MDF	SBS Building Heating System Replacement	September 2022	$ 25,000
		FY 2022/2023 Sub-Total	$ TBD
		Small Projects Fund	$ 100,000
		FY 2022/2023 Total	**$ TBD**

UEPS – Payment #3 of 10 per JPA – $420,000
The Amended and Restated Joint Powers Agreement (JPA) states that "in fiscal years from 2020/21 through 2029/30, the Authority will pay Union a total of Four Million, Two-Hundred Thousand dollars ($4,200,000), divided in ten equal and annual installments, as a credit toward their annual budget contribution for Operation and Maintenance Costs, for all Capital Costs associated with the Union Effluent Pump Station during the Term of the Agreement."

OLEPS, MDF & EBDA Office – Roof Replacement Project – Out to Bid
Installation of new roofs at OLEPS, MDF & EBDA Office. See Item No. OM5 for further details.

MDF – SBS Building Heating System Replacement – $25,000
Installation of a new heating system in the SBS storage building at MDF. See Item No. OM5 for further details.

Small Projects Fund (formerly Contingency Fund) – $100,000
The purpose of the Small Projects Fund is to provide additional funding for unidentified projects and/or equipment that may need to be replaced or refurbished in FY 2022/2023. Much of the smaller ancillary equipment and components that the Authority owns are operated with the intent to 'run to failure'. This is a common practice at wastewater facilities with these types of assets, which include fans, valves, actuators, and small pumps and motors. While preventive maintenance is completed on a regular basis, forecasting an exact date of failure is not possible. The criteria for 'run to failure' are both that the equipment can be readily procured and that there is sufficient redundancy to meet system firm capacity. In some cases, staff will purchase critical items and have them on the shelf, reducing system equipment downtime.

ITEM NO. OM7 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE AMENDMENT 1 TO WORK ORDER NO. 3 AND WORK ORDER NO. 5 WITH CAROLLO ENGINEERS, INC. FOR ENGINEERING SERVICES, FOR A TOTAL CONTRACT AMOUNT OF $194,452

Recommendation
Adopt the proposed motion to approve the amendment and new work order for Carollo Engineers, Inc.

Background
Carollo Engineers, Inc. (Carollo) is a Walnut Creek-based engineering consulting firm specializing in water and wastewater. Carollo has performed engineering services for the Authority for a number of years. Recent projects include development of a transport system hydraulic model and scenario analysis in preparation for Joint Powers Agreement (JPA) negotiations, and the Union Effluent Pump Station Cavitation Study.

In July 2020, the Authority entered into an agreement with Carollo to provide engineering services on a work order basis. The agreement provided a vehicle to engage Carollo to perform specific tasks on a time and materials basis, each of which would be outlined in a work order including a cost ceiling. Staff issued the first work order under this contract to Carollo in July 2020. Under that work order (Work Order No. 1), Carollo used their existing hydraulic model to perform scenario analyses associated with the Cargill brine project. The initial Work Order was for $9,900.

In February 2021, the Commission approved an amendment to that work order, increasing the cost ceiling to $19,900, all of which will be fully reimbursed by Cargill. At the same time, the Commission approved two additional Work Orders – one for General Engineering Services (Work Order 2) and one for the Disinfection Master Plan (Work Order 3) – bringing the contract total to $105,626.

In October 2021, the Commission approved Amendment 2 to Work Order No. 1 to increase scope for Cargill Project to include additional hydraulic modeling and initial lab testing to determine the chlorine demand of the Cargill brine. At the same time, the Commission approved Work Order No. 4 for Emergency Outfall Evaluation, looking at EBDA's emergency near-shore outfall at OLEPS. These revisions brought the overall contract total to $160,710.

Discussion
Under the proposed motion, staff is asking the Commission to consider two actions associated with the Carollo agreement:

Approve Amendment 1 to Work Order No. 3 to Cover Additional Project Management for the Disinfection Master Plan
Carollo has been developing a Disinfection Master Plan for EBDA with a goal of optimizing chlorine and sodium bisulfite use while maintaining compliance with bacteria limits. Carollo has gone through a thorough process of visiting each site and documenting current

disinfection practices, performing hydraulic modeling to assess travel times in each force main segment as a means to consider regrowth of bacteria in the system, and documenting recommendations in a draft report. Because of the significant engagement with EBDA and Member Agency staff, the project has been of longer duration than originally anticipated. Carollo has requested additional funds to cover project management and meetings associated with the longer duration.

Staff is proposing to increase the Work Order scope by $5,871, for a total scope of $71,597.

Approve Work Order No. 5 for OLEPS Bypass Evaluation

Under Work Order 5, staff is proposing that Carollo use their hydraulic model and design capabilities to evaluate the cost and feasibility of routing flows around OLEPS during most conditions, with a view to using OLEPS as a wet weather-only station at some point in the future. The project will consider the necessity and capital cost of upsizing the bypass line as well as installing new Oro Loma effluent pumps and will evaluate the overall net cost or savings of bypassing OLEPS. Staff is recommending a cost ceiling of $22,000 for this work, per the attached proposal.

The following table summarizes the proposed contract budget, with the new items for approval outlined in red:

Work Order #	1	2	3	4	5
Source of Funds	Cargill (Fund 15)	RRF (Fund 31)	Special Studies (Fund 13)	RRF (Fund 31)	RRF (Fund 31)
Topic	Cargill	General Engineering	Disinfection Master Plan	Emergency Outfall Evaluation	OLEPS Bypass Evaluation
	$ 9,900	$ 20,000	$ 65,726	$ 12,100	$ 22,000
Amendment 1	$ 10,000		$ 5,871		
Amendment 2	$ 42,984				
Total	$ 62,884	$ 20,000	$ 71,597	$ 12,100	$ 22,000
			May 2022 Increase	$ 27,871	
			Contract Total	$ 194,452	

Amendment No.1 to Work Order Number 3 Disinfection Master Plan

TASK / DESCRIPTION		Technical Advisor	Project Professional	Total Hours	Labor Cost	PECE	Total ODC	Total Cost
Labor Rate [1]		$273.00	$188.00			$ 13		
Task 4 - Meetings and Management								
4.1	Meetings and PM (See note 2)	7	19	26	$ 5,530	$ 341	$ 341	$ 5,871
	Subtotal - Task 4	**7**	**19**	**26**	**$ 5,530**	**$ 341**	**$ 341**	**$ 5,871**
	TOTAL	**7**	**19**	**26**	**$ 5,530**	**$ 341**	**$ 341**	**$ 5,871**

Notes:

1 Labor rates from original contract.

2 Original scope duration 8 months. Current project is 15 months through May 2022. Seven additional months of PM and meetings.

Engineers...Working Wonders With Water®

2795 Mitchell Drive, Walnut Creek, California 94598
P. 925.932.1710 F. 925.930.0208

May 5, 2022

Mr. Howard Cin
East Bay Dischargers Authority
2651 Grant Avenue
San Lorenzo, CA 94580

Subject: OLEPS Flow Bypass Evaluation

Dear Mr. Cin,

In accordance with your request, Carollo Engineers, Inc., (Carollo) is pleased to provide you with the scope and estimated fee required to complete an analysis of EBDA's discharge system utilizing the hydraulic model developed as part of the System Flow Master Plan. The model was updated in 2021 to reflect current conditions and system configurations. EBDA staff have asked Carollo to evaluate alternatives to route system flows around the Oro Loma Effluent Pump Station (OLEPS) during normal operations. The goal is to determine if all discharge flows from OLSD, UEPS, and HEPS can be routed around OLEPS to allow for a limited operation of OLEPS. The analysis would also determine necessary upgrades to the 42-inch bypass line and the flow triggers that would facilitate the need to operate OLEPS during peak flow conditions, such as wet weather events.

Task 1 – Configure OLEPS Bypass Model

Carollo will include the OLSD near shore effluent pump station in the model and simulate the pumping capacity. In the updated model, OLSD's current effluent pumps or new/additional effluent pumps will connect to the forcemain that bypasses OLEPS from HEPS and UEPS. Carollo will use the pump curves and system operational parameters for the pump station within the model. The assumptions would include OLSD flows capped at 30 mgd, HEPS flows capped at 15 mgd, and UEPS flows capped at 42.9 mgd.

Task 2 – Conduct Hydraulic Analysis

Carollo will use the updated hydraulic model to conduct an analysis of the flows in the Discharge System with the bypass of OLSD, UEPS, and HEPS flows around OLEPS. Carollo will use the model to conduct analysis to determine the following:

- The amount of flow that can bypass OLEPS through the existing bypass line, and through an upsized bypass line if necessary.
- The most efficient way to upsize the bypass line, if required.
- The amount of time that OLEPS can be shutdown with flow bypassing the pump station.
- High level costs for upsizing the OLEPS bypass line and new OLSD effluent pumps.
- High level net operational savings at OLEPS as the result of bypassing flow, taking into account the cost of additional operation of OLSD's effluent pumps, HEPS and UEPS.

Task 3 – Project Reporting

Carollo will develop a letter report to summarize the findings of the model update and the analysis. Carollo will document the main findings, and results from the analysis. Carollo will develop a draft letter report. Carollo will incorporate EBDA comments on the analysis and develop a final letter report.

Fee Estimate

Carollo will complete the three tasks above for a total not to exceed value twenty-two thousand dollars ($22,000). Carollo can complete the proposed scope of work within four weeks of the notice to proceed assuming all requested information can be delivered to Carollo within one week of the initial request.

Should you need additional information, or have questions regarding this proposal, please do not hesitate to call us. We look forward to hearing from you.

Sincerely,

CAROLLO ENGINEERS, INC.

Timothy J. Loper
Project Manager
Vice President

TJL:ro

Enclosures:

ITEM NO. 20 RESOLUTION ADOPTING THE FISCAL YEAR 2022/2023 COMPENSATION PLAN

Recommendation
Adopt a resolution adopting the FY 2022/2023 Compensation Plan.

Background
Each year, the Commission adopts a Compensation Plan that reflects the salaries and benefits provided to Authority employees. The Compensation Plan is generally adopted in May in parallel with the budget. A draft of the Compensation Plan was reviewed by the Personnel Committee in April 2022.

Discussion
The attached Compensation Plan was endorsed by the Personnel Committee following its review last month. The proposed Plan reflects a 4% increase to all salaries, consistent with the cost-of-living-adjustment process outlined in the Authority's Personnel Plan. The Plan also includes a 3% increase to the Authority's contribution under the Public Employees' Medical and Hospital Care Act (PEMHCA), as adopted by the Commission in March 2022, bringing the contribution amount to $487 per month. A number of benefits descriptions have also been reworded for clarity.

The FY 2022/2023 budget proposed for consideration in Item No. FM8 incorporates the assumptions contained in the proposed Compensation Plan.

EAST BAY DISCHARGERS AUTHORITY
COMPENSATION PLAN
JULY 1, 2022 TO JUNE 30, 2023

MONTHLY SALARY SCHEDULE					
CLASSIFICATION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
Administration Manager	8,415.34	8,836.12	9,277.90	9,741.80	10,228.90
Administrative Support Specialist	4,950.40	5,197.92	5,457.82	5,730.72	6,017.26
General Manager	18,363.30	19,281.48	20,245.56	21,257.86	22,320.76
Operations & Maintenance Manager	13,729.60	14,416.08	15,136.90	15,893.74	16,688.42

SUMMARY OF BENEFITS	
BENEFIT	DESCRIPTION
Medicare	The employee and the Authority each pay the Medicare tax rate of 1.45% on taxable earnings.
Retirement – CalPERS Classic Members	Benefit Formula: 2.5% @ 55, 1 year final average compensation Authority shall contribute 100% of the required Employer Normal Cost Rate as determined by the CalPERS annual actuarial valuation. Classic Members[1] shall contribute 100% of the plan's Employee Contribution Rate.
Retirement – CalPERS New Members	Benefit Formula: 2% @ 62, 3 years final average compensation Authority shall contribute 100% of the required Employer Normal Cost Rate as determined by the CalPERS annual actuarial valuation. New Members[2] shall contribute 100% of the plan's Employee Contribution Rate.
Medical Coverage – CalPERS Kaiser Permanente	Insurance premiums paid by Authority for employees and their eligible dependents enrolled in the employer sponsored health plan.
Retiree Medical Coverage – CalPERS	Authority contributes up to a maximum of $487 per month for EBDA retirees and their eligible dependents enrolled in the employer sponsored health plan. The fixed employer contribution includes the PEMHCA minimum. The minimum qualification for retiree health benefits is five years of continual employment at EBDA.
Dental & Vision Care	Authority pays dental and vision insurance premiums for employees and their eligible dependents enrolled in the employer sponsored programs.
Basic Life Insurance and AD&D	Benefit: 1 x Annual Salary Authority provides basic life insurance and accidental death & dismemberment coverage.
Short Term/Long Term Disability Insurance	Benefit: 66 2/3% of salary Authority provides coverage up to the date of permanent separation from EBDA. Employee must exhaust all available leave. Note: EBDA does not pay into State Disability Insurance.

SUMMARY OF BENEFITS (Continued)	
BENEFIT	DESCRIPTION
Deferred Compensation	An Authority-sponsored deferred compensation plan is available to employees. For participants that defer 0.32% of gross earnings, the Authority contributes 2.32% to the employee's plan account. In addition, employees may elect to defer a voluntary dollar amount to which the Authority will match $0.50 for each $1, up to a maximum employer contribution of $500 per calendar year, per employee.
Holidays	11 paid holidays plus 28 hours of floating holiday annually.

MISCELLANEOUS	
Prorated Benefits	An employee hired or placed into a part-time position will receive prorated benefits proportionate to their scheduled work hours.
Compensatory Time Off	Unclassified, exempt employees do not receive additional payment for overtime. In lieu of payment, the General Manager may adjust working hours to compensate the employee for time worked in excess of 40 hours per week. Classified, non-exempt employees are compensated at the rate of one and one-half time the employee's regular rate of pay for all hours worked in excess of 40 hours per week. The Authority shall pay overtime worked by non-exempt employees in a manner consistent with the Fair Labor Standards Act.
Calculation Method of Hourly Rate	Hourly rate equivalents shall be determined by dividing the employee's actual monthly salary rate by 173.33, which is considered to be the average number of working hours per month.
Use of Authority Vehicle	The General Manager may authorize the use of Authority vehicles by employees for business travel when determined that such use would be in the best interest of the Authority.
Flexible Spending Accounts (FSA)	Benefit eligible employees may enroll in the Authority's FSA to make pre-tax salary contributions up to the IRS limits.

[1] Definition of a Classic Member – A classic member is defined as:

- An existing member of a California public retirement system as of December 31, 2012. Please note, however, that because new member determination is based on an appointment-by-appointment basis, upon appointment, new hires will be required to self-certify their classic member status by submitting a form that tests against the new member definition and which may ultimately result in a change in status to new member.

[2] Definition of a New Member – A new member is defined as any of the following:

- A new hire who is brought into a California public retirement system membership for the first time on or after January 1, 2013, and who has no prior membership in a California public retirement system.
- A new hire who was an active member of a California public retirement system and who, after a break in service of more than six months, returned to active membership in that system.

EAST BAY DISCHARGERS COMMISSION

EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 22-08

INTRODUCED BY _____

RESOLUTION ADOPTING THE FISCAL YEAR 2022/2023 COMPENSATION PLAN

WHEREAS, the East Bay Dischargers Authority Personnel Policy provides that annually, prior to the beginning of the fiscal year, a Compensation Plan shall be presented to the Commission; and

WHEREAS, in March 2022, the Commission adopted Resolution 22-04, fixing the Authority's employer contribution under the Public Employees' Medical and Hospital Care Act at $487 per month; and

WHEREAS, the FY 2022/2023 Compensation Plan, prepared in consideration of salary comparisons with member agencies and changes to the San Francisco-Oakland-Hayward Consumer Price Index, provides a 4% cost-of-living adjustment for all classifications listed in the Compensation Plan; and

WHEREAS, aside from the two changes noted above, the FY 2022/2023 Compensation Plan is substantively consistent with the FY 2021/2022 Compensation Plan, adopted by the Commission in May 2021; and

WHEREAS, the Personnel Committee has reviewed the Compensation Plan and recommends its adoption.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the East Bay Dischargers Authority does hereby adopt the FY 2022/2023 Compensation Plan, effective July 1, 2022.

SAN LORENZO, CALIFORNIA, MAY 19, 2022, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
CHAIR
EAST BAY DISCHARGERS AUTHORITY

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

Agenda Explanation
East Bay Dischargers Authority
Commission Agenda
May 19, 2022

ITEM NO. 21 COMMITTEE PREFERENCE FORM FOR FISCAL YEAR 2022/2023

The Committee Preference form allows Commissioners to indicate their individual preferences for Committee assignments in FY 2022/2023. The incoming Chairperson will consider Commissioner preferences and changes to member agency representatives when appointing Committee members. Committee assignments will be provided at the June Commission meeting. Email completed forms to juanita@ebda.org by Wednesday, June 1, 2022.

1 = highly interested
2 = somewhat interested
3 = not very interested
4 = not interested

	Financial Management Committee
	Operations and Maintenance Committee
	Personnel Committee
	Regulatory Affairs Committee

Generally, Committee meetings take place on the Monday, Tuesday, and Wednesday preceding the Commission. Please indicate your preferences in the table below.

1 = I can meet at this time
2 = I can meet at this time but prefer to meet at (write in time).
3 = I cannot meet at this time but I can meet at (write in time).

	Monday	Tuesday	Wednesday
8:00 a.m. to 9:00 a.m.			
9:00 a.m. to 10:00 a.m.			
10:00 a.m. to 11:00 a.m.			
11:00 a.m. to 12:00 p.m.			
12:00 p.m. to 1:00 p.m.			
1:00 p.m. to 2:00 p.m.			
2:00 p.m. to 3:00 p.m.			
3:00 p.m. to 4:00 p.m.			
4:00 p.m. to 5:00 p.m.			

ITEM NO. 22 ITEMS FROM THE COMMISSION AND STAFF

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

ITEM NO. 23 ADJOURNMENT