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 meeting scheduled below will be conducted virtually via Zoom video conferencing.

- Members of the public may participate in the meeting by clicking on the following Zoom link: https://us02web.zoom.us/j/84646726161
- You may also participate via telephone by dialing 1(669) 900-6833 and entering Meeting ID number: 846 4672 6161.

COMMISSION MEETING AGENDA

Thursday, July 21, 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 June 16, 2022**
6. **List of Disbursements for June 2022 – See Item No. FM4**
7. **Treasurer's Report for June 2022 – See Item No. FM5**
8. **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
9. **General Manager's Report**
(The General Manager will report on EBDA issues.)

INFORMATION
10. **Report from the Manager's Advisory Committee**
(The General Manager will report on the meeting.)

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

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

RESOLUTION **13. Resolution Approving Amendments to the Authority's Conflict of Interest Code – See Item No. FM6**
(The Commission will consider the resolution.)

INFORMATION **14. Report from the Operations & Maintenance Committee**
(The Operations & Maintenance and General Managers will report on the meeting.)

INFORMATION **15. Items from the Commission and Staff**
(The Commission and staff may address items of general interest.)

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

The next Commission meeting will be held
Thursday, September 15, 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 June 16, 2022
Item No. 6 List of Disbursements for June 2022 – See Item No. FM4
Item No. 7 Treasurer's Report for June 2022 – See Item No. FM5
Item No. 8 Resolution Authorizing Remote Teleconference Meetings Pursuant to AB 361

Recommendation

Approve Consent Calendar

ITEM NO. 5 COMMISSION MEETING MINUTES OF JUNE 16, 2022

1. Call to Order

Chair Cutter called the telephonic meeting to order in compliance with AB 361 (2021) at 9:38 A.M. on Thursday, June 16, 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
	Anjali Lathi	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
	Eric Casher	Legal Counsel
	Alex Ameri	City of Hayward
	David Donovan	City of Hayward
	Dean Wilson	City of San Leandro
	Paul Eldredge	Union Sanitary District
	Jason Warner	Oro Loma Sanitary District
	Jimmy Dang	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 May 19, 2022
6. List of Disbursements for May 2022
7. Treasurer's Report for May 2022
8. Resolution Authorizing Remote Teleconference Meetings Pursuant to AB 361

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

Ayes:	Commissioners Johnson, Andrews, Lathi, 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) provided updates on the Hayward Area Shoreline Planning Agency (HASPA) Joint Powers Agreement (JPA) extension, biosolids management, and the Authority's Strategic Planning framework. The GM reported that the Regional Water Board recently inspected EBDA's facilities and the inspection report will be shared at a future meeting.

10. Report from the Financial Management Committee

The GM reported on the June 13 meeting of the Financial Management Committee. The Committee reviewed the May List of Disbursements and Treasurer's Report and recommended approval of the items. The Committee also reviewed Amendment No. 10 to the Authority's contract with Meyers Nave and recommended approval.

11. Motion Authorizing the General Manager to Execute Amendment No. 10 to the Fee Contract By and Between East Bay Dischargers Authority and Meyers Nave, a Professional Corporation

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

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

12. Report from the Operations and Maintenance Committee

The Operations and Maintenance (O&M) Manager and GM reported on the Operations and Maintenance Committee meeting of June 14. The O&M Manager discussed the status of EBDA facilities and provided updates on the OLEPS Emergency Outfall Upgrade, OLEPS Switchboard Upgrade, and Roof Replacement Projects. The GM updated the Commission on the Cargill project and the Advanced Quantitative Precipitation Information (AQPI) Project.

13. Motion to Approve the Renewal and Replacement Fund Project List for Fiscal Year 2022/2023

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

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

14. Motion Authorizing the General Manager to Issue a Purchase Order to Univar Solutions USA, Inc. for Sodium Bisulfite 25% Solution for Fiscal Year 2022/2023 in the Amount of $125,000

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

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

15. Report from the Personnel Committee

The GM reported on the June 14 meeting of the Personnel Committee. The Committee reviewed proposed revisions to the Authority's Conflict of Interest Code and supports bringing it to the Commission for approval. The Committee also discussed pending legislation that would amend the Brown Act.

16. Motion to Approve Fiscal Year 2022/2023 Commission Chairperson and Vice Chairperson

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

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

17. Motion to Accept Fiscal Year 2022/2023 Committee Appointments and Schedule

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

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

18. Resolution of Appreciation for Jason Warner

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

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

19. Items from Commission and Staff

Commissioners Andrews and Duncan announced a Juneteenth Wellness Festival taking place at the Hayward Heritage Plaza on Saturday, June 18.

23. Adjournment

Chair Cutter adjourned the meeting at 10:50 a.m.

ITEM NO. 8 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 2021 through June 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 May 19, 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.

As noted last month, several bills were introduced in the state legislature this session to allow flexibility in teleconferencing beyond a declared emergency or public health risk. These included AB 2449 (Rubio) and AB 1944 (Lee).

AB 1944 would have allowed a local agency to conduct public meetings via teleconference, as long as they provide both: a) a video stream accessible to members of the public and b) an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option. While this bill

passed out of the Assembly, the bill was pulled from the Senate Governance and Finance Committee hearing and was not put up for a vote. The Committee analysis for AB 1944 made reference to Assembly Bill 2449 (Rubio) and asserted that of the two bills, “AB 2449 provides more limited flexibility but greater transparency compared to AB 1944.”

AB 2449, amends the non-emergency teleconference provisions within the Brown Act to allow members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting, and without making each teleconference location accessible to the public, so long as at least a quorum of the public board does participate in person from an open and public location within the jurisdiction of the agency. AB 2449 was passed by the Senate Governance and Finance Committee and the Senate Judiciary Committee, and is continuing to move forward.

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

RESOLUTION NO. 22-11

INTRODUCED BY _____

RESOLUTION AUTHORIZING REMOTE TELECONFERENCE MEETINGS PURSUANT TO AB 361

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

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for an anticipated broader spread of the novel coronavirus disease 2019 ("COVID-19"), and 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, April 21, 2022, May 19, 2022, and June 16, 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, JULY 21, 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. 9 GENERAL MANAGER'S REPORT
The General Manager will discuss items of interest to EBDA.

ITEM NO. 10 REPORT FROM THE MANAGERS ADVISORY COMMITTEE

MANAGERS ADVISORY COMMITTEE
AGENDA

Thursday, July 14, 2022
1:30 P.M.

Via Zoom

1. **NPDES Permit Reissuance**
2. **Nutrients Watershed Permit Update**
3. **Strategic Planning Update**
4. **Brine Project**
5. **Biosolids Management**
6. **Emergency Reserves**
7. **EBDA Commission Agenda**
   - Regulatory
   - Finance
   - O&M
8. **Rescheduling August Meeting**
9. **EBDA Managers Information Sharing**

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ITEM NO. 11

REGULATORY AFFAIRS COMMITTEE AGENDA

Wednesday, July 20, 2022

11:00 A.M.

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

Committee Members: Lathi (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. Reporting Checklist
(The Committee will review a checklist of completed regulatory reporting items.)

RA6. NPDES Permit Reissuance
(The Committee will receive an update on the Authority's NPDES Permit renewal.)

RA7. BACWA Key Regulatory Issues Matrix
(The Committee will review BACWA's issue summary.)

RA8. NPDES Inspection of Marina Dechlorination Facility
(The Committee will review the Regional Water Board's Inspection Report.)

RA9. Adjournment

Any member of the public may address the Committee at the commencement of the meeting on any matter within the jurisdiction of the Committee. This should not relate to any item on the agenda. Each person addressing the Committee should limit their presentation to three minutes. Non-English speakers using a

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

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The next Regulatory Affairs Committee meeting is scheduled on Wednesday, October 19, 2022 at 11:00 a.m.

ITEM NO. RA5 REPORTING CHECKLIST

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

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

Discussion
The following checklist is extracted from a complete list of routine regulatory activities addressed throughout the year. The following items were completed during the period of January 1 through June 30, 2022; there are no outstanding activities.

Authority	*Required Action*	*Occurrence*	*Date Submitted*
ADP Business Payroll	Print Payroll Quarter-End Tax Returns (W-2 will be delivered)	Quarterly	2/10/2022
AlCo Environmental Health	OLEPS CUPA HMBP & Inventory Reporting (CERS ID 10188879)	Annual	1/27/2022
AlCo Environmental Health	HazMat Maintenance Inspection - AlCo Health Inspector will contact EBDA	Triennial	2/8/2022
Alliant Insurance Services, Inc	Pollution Liability Insurance Program Renewal	Annual	1/5/2022
Alliant Insurance Services, Inc	CSRMA AMVP Auto Physical Damage Insurance Program	Annual	3/24/2022
Alliant Insurance Services, Inc	CSRMA Property Insurance Program	Annual	4/8/2022
Bay Area Air Quality Management District	Complete *Data Update* form Plant #13187 - Permit Expiration Date: May 1, 2023	Annual	1/25/2022
Bay Area Air Quality Management District	Pay renewal fee for *Permit to Operate* Plant #13187	Annual	3/15/2022
Bureau of Automotive Repairs	Smog 2008 Ford Ranger in even years	Biennial	3/3/2022
Bureau of Automotive Repairs	Annual reporting transmittal (ART) 2008 Ford Ranger	Annual	3/7/2022
CalPERS	CERBT OPEB Valuation and Valuation Packet	Biennial	5/23/2022
CalPERS	Post Commission approved Compensation Plan to EBDA website	Annual	6/28/2022
City of San Leandro	MDF CUPA HMBP & Inventory Reporting (CERS)	Annual	1/27/2022
County of Alameda, Clerk/Recorder	Statement of Facts/Roster of Public Agencies Filing (FY changes to Commission)	Annual	6/28/2022
Department of Industrial Relations	Form 300A Posting	Annual	1/18/2022
Division of Occupational Safety & Health	OLEPS Crane Inspection/Certification	Annual	1/28/2022
East Bay Dischargers Authority	Review the OLSD SPCC Plan	Annual	4/12/2022
East Bay Dischargers Authority	Website review/update	Quarterly	6/20/2022
Fair Political Practices Commission	Statement of Economic Interests, Form 700 filing with Alameda County	Annual	4/1/2022
Internal Revenue Service	Distribute *Form 1099-MISC* to vendors/contractors	Annual	1/28/2022
Internal Revenue Service	File Form 1096 w/1099 forms to IRS	Annual	1/28/2022
Internal Revenue Service	Distribute W-2 forms to employees	Annual	1/31/2022
Regional Monitoring Program % SFEI	Participant Fee Installment (See: annual invoice)	Semi-Annual	5/16/2022
Regional Water Quality Control Board	Recycled Water monthly reports	Monthly	6/29/2022
Secretary of State	Statement of Facts/Roster of Public Agencies Filing (FY changes to Commission)	Annual	6/28/2022
State Compensation Insurance Fund	Payroll Report, Semi-Annual Jul 01 - Jan 01	Semi-Annual	1/5/2022
State Compensation Insurance Fund	Payroll Report, Semi-Annual Jan 01 - Jul 01	Semi-Annual	6/28/2022
State Controller	Special Districts Financial Transactions Report (FTR)	Annual	1/31/2022
State Controller	Government Compensation in CA Report (GCC)	Annual	4/12/2022
State Water Resources Control Board	Annual Waste Discharge Permit Fee	Annual	1/14/2022
State Water Resources Control Board	NPDES Quarterly Report (Oct-Dec)	Quarterly	1/26/2022
State Water Resources Control Board	NPDES Annual Report	Annual	1/26/2022
State Water Resources Control Board	Influent and Recycled Water Volumetric Reporting	Annual	4/28/2022
State Water Resources Control Board	MDF Compliance Inspection	Biennial	6/7/2022
State Water Resources Control Board	NPDES monthly reports	Monthly	6/27/2022
System for Award Management	Annual Renewal (See: sam.gov)	Annual	2/23/2022
US Census Bureau	Survey of public employment and payroll	Ten Years	4/18/2022

ITEM NO. RA6 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. While it technically was set to expire on June 30, 2022, the permit is automatically administratively continued until the next permit takes effect.

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
At its July 13, 2022 meeting, the Regional Water Board approved EBDA's new NPDES permit. The permit will be effective September 1, 2022. The permit was unanimously approved as an uncontested item, along with the permits for Livermore-Amador Valley Water Management Agency (LAVWMA) members Dublin San Ramon Services District (DSRSD) and City of Livermore. Water Board staff received two comment letters on the Tentative Order – one from EBDA complimenting staff on a productive reissuance process (see attached), and one from Alameda County Water District (ACWD). The ACWD letter focused on DSRSD's potential project to discharge purified water to Alameda Creek to recharge the Niles Cone Groundwater Basin, and was not directly relevant to EBDA's permit.

Overall, staff believes that the new permit was well-drafted and that EBDA will be able to consistently comply with its provisions. Items of note in the new permit, as discussed at the May 2022 meeting of this Committee, are as follows:

- **Total Residual Chlorine**: 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 is working to address 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 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.

- **Cargill Brine Project.** As requested by EBDA in the reissuance application, the 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: 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.

EBDA

EAST BAY DISCHARGERS AUTHORITY
2651 Grant Avenue
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FAX (510) 278-6547

A Joint Powers Public Agency

June 17, 2022

Mr. James Parrish, Environmental Scientist
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

Re: TENTATIVE ORDER FOR EAST BAY DISCHARGERS, EBDA COMMON OUTFALL (NPDES PERMIT NO. CA0037869)

Dear Mr. Parrish:

Thank you for the opportunity to comment on the Tentative Order for the reissuance of the East Bay Dischargers (EBDA)'s NPDES Permit. EBDA supports adoption of the Tentative Order and does not request any changes.

We wish to take this opportunity to extend our appreciation to you and the Water Board team for a productive and collaborative reissuance process. Your thorough, thoughtful, and transparent approach has led to a permit that is clear, adaptive to our proposed brine project, and most importantly, protective of San Francisco Bay. We look forward to continuing our collaboration through permit implementation.

Sincerely,

Jacqueline Zipkin, P.E.
General Manager

Cc: Tom Mumley, Interim Executive Officer
Bill Johnson, NPDES Division Chief
Robert Schlipf, Senior Water Resource Control Engineer
EBDA Managers Advisory Committee

ITEM NO. RA7 BACWA KEY REGULATORY ISSUE SUMMARY

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

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

Discussion
The most recent issue summary is attached. This latest version highlights updates made in purple. Previous versions are available at https://bacwa.org/regulatory-issues-summaries/.

BACWA BAY AREA CLEAN WATER AGENCIES

KEY REGULATORY ISSUE SUMMARY

Updated May 3, 2022

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

Contents

New updates in this version are shown in Purple highlighting

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
NUTRIENTS IN SAN FRANCISCO BAY			
• San Francisco Bay receives some of the highest nitrogen loads among estuaries worldwide, yet has not historically experienced the water quality problems typical of other nutrient-enriched estuaries. It is not known whether this level of nitrogen loading, which will continue to increase in proportion to human population increase, is sustainable over the long term. • Because of the complexity of the science behind nutrient impacts in SF Bay, stakeholders in the region are participating in a steering committee to prioritize scientific studies and ensure that all science to be used for policy decisions is conducted under one umbrella.	• For FY22, BACWA is contributing $2.2M to fund scientific research needed to make management decisions for the 3rd Watershed Permit. This level of funding is required by the 2nd Watershed Permit. • The focus of current scientific efforts is improving model representation of biogeochemistry, light attenuation, dissolved oxygen, and Harmful Algal Bloom dynamics. Field and lab observations are supporting these improvements. • The science team is developing an Assessment Framework for Open Bay habitats and Lower South Bay sloughs.	• Continue to assist with preparation of a brief "State of the Science" document summarizing the scientific accomplishments of the Nutrient Management Strategy team for public use. • Continue to participate in steering committee, Nutrient Management Strategy, Nutrient Technical Workgroup, and planning subcommittee meetings, and provide funding for scientific studies. • Continue to engage with Nutrient Technical Team and BACWA's Nutrient Management Strategy technical consultant, Mike Connor, to provide review of recent work products and charge questions for the science team.	BACWA Nutrients Page: https://bacwa.org/nutrients/ Nutrient Management Strategy FY22 Program Plan https://drive.google.com/file/d/1zUJLjdefBoFmzD0LZDMB4aH_O30wvebA/view Nutrient Management Strategy Reports and Work Products https://sfbaynutrients.sfei.org/books/reports-and-work-products

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
SF BAY NUTRIENT WATERSHED PERMIT			
• The 1st Nutrient Watershed Permit was adopted in 2014, and required a regional study on Nutrient Treatment by Optimization and Upgrades, completed in 2018. • The 2nd Nutrient Watershed Permit was adopted in 2019. It includes: o Continued individual POTW nutrient monitoring and reporting; o Continued group annual reporting; o Significantly increased funding for science; o Regional assessment of the feasibility and cost for reducing nutrients through nature-based systems and recycled water; o Establishing current performance for TIN, and "load targets" for nutrient loads based on 2014 to 2017 load data plus a 15% buffer for growth and variability o Recognition of "early actors" who are planning projects that will substantially decrease TIN loads. • Through the nutrient surcharge levied on permittees, BACWA funds compliance with the following provisions on behalf of its members: o Group Annual Reporting o Regional Studies on Nature-Based Systems and Recycled Water o Support of scientific studies through the Regional Monitoring Program (RMP) at $2.2M per year through the five-year permit term.	• Studies related to Recycled Water and Nature-Based Systems are underway, and will be completed by the due date of July 1, 2023. • Each year by February 1, BACWA submits a Group Annual Report on behalf of its members. The report summarizes trends in nutrient concentrations and loading for each agency, and for all the agencies as a whole. The annual reporting period in the 2nd Watershed Permit is based on a water year (October 1 – September 30th). The Group Annual Report for October 2020 – September 2021 includes several new sections, including analysis of influent loading trends and data regarding recycled water diverted from San Francisco Bay. The report showed a decline in TIN concentrations compared to the previous year. • Each year by February 1, BACWA and SFEI submit an annual science implementation plan and schedule update, as required by the 2nd Watershed Permit. • Agencies with plans to substantially reduce nutrients are recognized in the Fact Sheet of the 2nd watershed permit.	• BACWA continues to convene a Nutrient Strategy Team (NST) to develop BACWA's key tenets for the 3rd Watershed Permit. • Complete a statistical analysis of historical loading trends, and discuss results with the Nutrient Strategy Team. • Meet with Regional Water Board staff to discuss the statistical analysis and how it might be used to implement load caps in the 3rd Watershed Permit. • Agencies with plans to implement projects that will substantially reduce nutrient loads should keep the Regional Water Board and BACWA apprised, to get credit for "early actions." • Review draft reports by HDR and SFEI for the Nutrient Removal by Recycled Water Evaluation and the Nature-Based Systems study. Draft agency reports for the Recycled Water Evaluation have already begun to be distributed for agency review, and more are expected in early- to mid-2022.	2nd Nutrient Watershed Permit: https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2019/May/6_ssr.pdf Special Studies of Recycled Water and Nature-Based Systems: https://bacwa.org/document-category/2nd-watershed-permit-studies/ Optimization/Upgrade Study Information: https://bacwa.org/document-category/optimization-and-upgrade-studies/ BACWA Group Nutrient Annual Reports: http://bacwa.org/document-category/nutrient-annual-reports/

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
CHLORINE RESIDUAL COMPLIANCE			
• The Basin Plan chlorine residual effluent limit is 0.0 mg/L. Chlorine residual is the most frequent parameter for violations for Region 2 POTWs. Because there are 24 hourly reporting events each day, the "opportunities" for violations are enormous. However, the actual violation rates are infinitesimal (~0.001%). • Agencies are overdosing their effluent with the dechlorination agent, sodium bisulfite, to prevent chlorine violations, a practice which costs more than $1 million regionally each year. • The Regional Water Board worked with BACWA to develop a Basin Plan Amendment modifying the effluent limit for chlorine residual.	• The Basin Plan Amendment includes: o A 0.013 mg/L Water Quality Objective in marine and estuarine waters, which will be applied as a WQBEL in permits and calculated incorporating dilution. The WQBEL will be applied as a one-hour average. o A Minimum Level (ML), or Reporting Limit of 0.05 mg/L for online continuous monitoring system. • The Basin Plan Amendment was adopted by the Regional Water Board in November 2020, approved by the State Water Board and Office of Administrative Law in 2021, and is now awaiting final review by EPA. • Sections of the Basin Plan Amendment related to removal of Oil & Grease effluent limits are now in effect. This change is being implemented in reissued NPDES permits. • In October 2021, the Regional Water Board adopted a blanket permit amendment (Order R2-2021-0019) implementing the Basin Plan Amendment within each individual NPDES permit. The order will become effective once the Basin Plan Amendment is approved by the EPA, but the schedule for this approval is currently undetermined.	• Prepare for a short turnaround time for implementation of the new chlorine residual limits, as follows: o Ensure compliance with the new minimum required frequency of once every 5 minutes. o Ensure the monitoring system complies with the new minimum level of 0.05 mg/L. o Members that plan to discharge detectable residual chlorine may need to adapt sampling and analysis procedures for other constituents for which residual chlorine could interfere, such as whole effluent toxicity and ammonia. o Use the highest one-hour arithmetic mean as the daily value reported into CIWQS.	Background and Status information about Basin Plan Amendment: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/chlorinebpa.html Final Amendment adopted by Regional Water Board: https://www.waterboards.ca.gov/sanfranciscobay//water_issues/programs/planningtmdls/amendments/chlorinebpa/2_Chlorine_Resolution_R2-2020-0031.pdf Blanket Permit Amendment for Chlorine and Oil & Grease: https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0019.pdf

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
PESTICIDES			
• Pesticides are regulated via FIFRA, and not the Clean Water Act. POTWs do not have the authority to regulate pesticide use in their service area, but may be responsible for pesticide impacts to their treatment processes or to surface water. • Through BAPPG, BACWA aims to proactively support a scientific and regulatory advocacy program so that pesticides will not impact POTWs' primary functions of collecting and treating wastewater, recycling water, and managing biosolids, or impact receiving waters via the "down the drain" route.	• EPA reviews all registered pesticides at least once every 15 years. Each review allows opportunity for public comment. • BACWA continues to fund consultant support to write comment letters advocating for the consideration of POTW and surface water issues during EPA's risk assessments as part of reregistration. Funding for pesticide regulatory outreach in FY22 is $60K. • The Regional Water Board leverages BACWA's efforts to provide their own comment letters to EPA. • With chronic toxicity limits likely in the near term, POTWs will be in compliance jeopardy if pesticides contribute to toxicity. • Baywise.org has launched webpages on flea and tick control messaging to pet owners and veterinarians.	• Continue to comment on pesticide re-registrations. • Work with veterinary associations on messaging with respect to flea and tick control alternatives. • Continue to develop summary of EPA actions on pesticides. • Look for opportunities to work with CalDPR on pesticides research. • Work with other regional associations, such as the California Stormwater Quality Association (CASQA), to collaborate on funding pesticide regulatory outreach.	BACWA Pesticides Regulatory Update and Call to action: https://bacwa.org/wp-content/uploads/2016/02/BACWA-Pesticide-Regulatory-Update-2016-1.pdf BACWA Pesticide Regulatory Support Page: https://bacwa.org/bappg-pesticides/ Baywise flea and tick pages: https://baywise.org/residential/pets/keep-pets-free-of-fleas-and-ticks/ https://baywise.org/residential/pets/
ENTEROCOCCUS LIMITS			
• In 2019, new statewide water quality objectives for bacteria were implemented to protect recreational users. The objectives are now part 3 of the Water Quality Control Plan for the SIP and Ocean Plan. • In February 2021, the Regional Water Board amended the Basin Plan to reflect the new statewide objectives. The same order also established a bacteria TMDL for two beaches in the Half Moon Bay area.	• The new enterococcus objective for saline waters is a six-week rolling geometric mean not to exceed 30 CFU/100 mL and a statistical threshold value of 110 CFU/100 mL • In July 2021, the State Water Board approved the Basin Plan Amendment and TMDL. In February 2022, the action received final EPA approval. The water quality objectives have already been in effect since 2019.	• Dischargers may request dilution credits when the new objective is implemented within NPDES permits, based on a study completed by BACWA and SFEI to establish background enterococcus levels in SF Bay. • The study, completed in June 2020, showed all stations in the Bay were below the objective of 30 CFU/100 mL	SFEI Report on Enterococci in SF Bay: https://bacwa.org/wp-content/uploads/2020/08/BACWA-2020_Enterococci-report_final.pdf Regional Water Board Basin Plan Amendment: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/PPH_TMDL.html

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
MERCURY AND PCBS			
• The Mercury & PCBs Watershed Permit was reissued in November 2017 with an effective date of January 1, 2018. The Watershed Permit is based on the TMDLs for each of these pollutants. • Aggregate mercury and PCBs loads have been well below waste load allocations through 2020, the last year for which data have been compiled. • Method 1668C for measuring PCB congeners has not been promulgated by EPA. Data collected during the first permit term varied widely depending on which laboratory performed the analyses. BACWA Laboratory Committee developed an updated PCB Protocol to reduce variability between laboratories running Method 1668C, effective January 1, 2014. Data have been more consistent since the distribution of this document. • In 2017, EPA adopted federal pretreatment program rules requiring dental offices to install dental amalgam separators. The rule is intended to reduce dental office discharge of mercury. The compliance date was July 14, 2020.	• The 2017 Watershed Permit requires continued risk reduction program funding. For FY22, BACWA granted an extension to an ongoing contract worth $12,500 to the California Indian Environmental Alliance to conduct risk reduction activities related to fish consumption. A previous contract for APA Family Support Services is now complete. • Beginning January 1, 2022, monitoring requirements for mercury have been reduced for most dischargers per Order R2-2021-0028 (see link at right). For most dischargers, this replaces the 2016 *Alternate Monitoring and Reporting Requirements for Municipal Wastewater Dischargers for the Purpose of Adding Support to the San Francisco Bay RMP*. • As part of the 2021 Triennial Review of the Basin Plan, the Regional Water Board has prioritized designation of three new beneficial uses: Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB) and Subsistence Fishing (SUB). Water bodies designated these beneficial uses could also be assigned lower mercury objectives. In September 2021, this basin planning project was ranked as a "high priority" in the Triennial Review	• Synthesize PCBs loading data analyzed via Method 1668C ahead of the 2022 reissuance of the Mercury & PCBs Watershed Permit. This large data set demonstrates compliance with the TMDL, but may also be useful in assessing necessary monitoring frequencies. Data compilation for PCB congeners will begin in Q2 2022. • The 2017 Permit expires in December 2022. Reissuance activities for the Mercury and PCBs Watershed Permit will occur in the second half of 2022. • Continue outreach to dentists BAPPG and BACWA's pretreatment committee. Per federal rules, all dental facilities were required to submit one-time compliance reports by October 2020. • Schedule risk reduction presentations by the grantees to the Regional Water Board in 2022. • Track potential Basin Plan Amendments resulting from the Triennial Review project related to new beneficial use designations. The new designations are not expected to impact the bay-wide mercury TMDL in the near term, but there could be localized or longer-term impacts.	2017 Mercury & PCBs Watershed Permit: https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2017/November/5b_final_to.pdf Risk Reduction Materials: https://bacwa.org/mercury pcb-risk-reduction-materials/ Updated BACWA PCBs Protocol: https://bacwa.org/wp-content/uploads/2014/02/PCBs-Sampling-Analysis-and-Reporting-Protocols-Dec13.pdf One-Time Compliance Report for Dental Offices: https://www.waterboards.ca.gov/water_issues/programs/npdes/docs/drinkingwater/one-time_compliance_report_for_dental_offices.pdf NPDES Permit Amendment for Monitoring and Reporting https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
STATE WATER BOARD TOXICITY PROVISIONS			
• The State Water Board has been working since before 2012 to establish Toxicity Provisions in the SIP that would introduce uniform Whole Effluent Toxicity Requirements for the State • During individual permit reissuances since 2015, the Regional Water Board has been performing RPAs for chronic toxicity and giving chronic toxicity limits to agencies with Reasonable Potential. • Proposed Final Statewide Toxicity Provisions were released in October 2020, incorporating revisions to previous versions from 2018 to 2020. The Provisions establish: o Use of Test of Significant Toxicity (TST) as statistical method to determine toxicity replacing EC25/IC25 (with concerns it will lead to more false positive results); o Numeric limits for chronic toxicity for POTWs >5 MGD and with a pretreatment program; smaller POTWs would receive effluent targets and only receive limits if Reasonable Potential is established; o Regional Water Board discretion on whether to require RPAs for acute toxicity; o For POTWs with *Ceriodaphnia dubia* as most sensitive species, numeric targets rather than limits until after completion of state-wide study on lab/ testing issues (Dec. 31, 2023).	• The State Water Board first adopted the Statewide Toxicity Provisions in December 2020. In October 2021, the State Water Board affirmed that the Statewide Toxicity Provisions were adopted as state policy for water quality control for all inland surface waters and estuaries. The Toxicity Provisions are expected to go into effect no sooner than mid-2022 after EPA approval. • Implementation will be on a permit-by-permit basis as new individual NPDES permits are issued. • Since 2016, agencies have had the option to skip sensitive species screening upon permit reissuance and pay the avoided funds to the RMP to be used for CECs studies. Once the Statewide Toxicity Provisions come into effect, agencies will once again be required by the provisions to do sensitive species screening once every 15 years. • BACWA joined SCAP, CVCWA and NACWA in a lawsuit alleging EPA did not follow proper procedure in requiring use of the TST, which has not been officially promulgated. The lawsuit was dismissed on Statute of Limitation grounds. An appeal to the 9th Circuit Court of Appeals was denied in September 2021 on the basis that the EPA guidance document is not a final agency action that can be reviewed by the courts. POTWs' only recourse is to challenge individual permits that include the procedure.	• **Continue to work with Regional Water Board on language for implementing Toxicity Provisions in Region 2 NPDES Permits.** • Regional Water Board staff provided revised draft permit language to BACWA in December 2021, and members provided feedback on this revised draft in January 2022. BACWA will work with the Regional Water Board to finalize the template in Spring 2022, ahead of its first use in mid-2022. The language will ultimately be copied into each newly adopted permit in the region, filling in details about monitoring and screening requirements that the Provisions leave to Regional Water Board discretion. • Share information on the special study on the *Ceriodaphnia dubia* test method with agencies who have that species in their permits.	SWRCB Toxicity Page: http://www.swrcb.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml Toxicity Provisions adopted December 2020: https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/provisions_final.pdf Toxicity Workshop Presentations from 2017 BACWA Workshop: https://bacwa.org/bacwa-toxicity-workshop-september-18-2017/ Regional Water Board presentation on implementation of Statewide Toxicity Provisions from December 2020: https://bacwa.org/wp-content/uploads/2021/01/Slides-from-RWQCB-Regarding-R2-Tox-Language-in-NPDES-Permits-2020-12-08.pdf

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
COMPOUNDS OF EMERGING CONCERN (CECS)			
• Pharmaceuticals and other trace compounds of emerging concern (CECs) are ubiquitous in wastewater at low concentrations and have unknown effects on aquatic organisms. • The State Water Board has formed a Pretreatment and CECs Unit. • Region 2's CEC strategy focuses on monitoring/tracking concentrations of constituents with high occurrence and high potential toxicity. Much of what the State Water Board is considering for its monitoring program is already being implemented in Region 2 through the RMP.	• The Regional Water Board has stated that voluntary and representative participation in RMP CECs studies is key to avoiding regulatory mandates for CECs monitoring. These studies are informational and not for compliance purposes. BACWA developed a White Paper on representative participation to be used to support facility selection for these studies. • Bay dischargers are continuing to provide supplemental funding for RMP CECs studies through the NPDES Permit Amendment for Monitoring and Reporting adopted in December 2021 by the Regional Water Board.	• Continue to participate in the RMP Emerging Contaminants Workgroup. • Participate in RMP studies by collecting wastewater samples at member facilities. Studies in 2022 will include ethoxylated surfactants in wastewater, in addition to the Regional PFAS Study and OPC-funded microplastic study (see below). • Provide ongoing updates to White Paper for use by the RMP in selecting representative POTWs for participation in CEC studies, and develop a proposal for ongoing monitoring.	RMP Emerging Contaminant Workgroup: http://www.sfei.org/rmp/ecwg#tab-1-4 BACWA CECs White Paper: https://bacwa.org/document/bacwa-cec-white-paper-updated-june-2020/ NPDES Permit Amendment for Monitoring and Reporting https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf
MICROPLASTICS			
• Microplastic pollution is a environmental threat with the potential to impact wastewater disposal and reuse, as well as biosolids end uses. • Microplastics have been a focus of the RMP in recent years. BACWA has participated in the Workgroup and developed a POTW Fact Sheet. One conclusion of the RMP work is that POTWs contribute much lower microplastic loads than stormwater. As a result, the RMP is focusing future microplastics sampling efforts on stormwater pathways.	• In February 2022, the Ocean Protection Council adopted a Statewide Microplastics Strategy that calls for increased water recycling, additional monitoring of wastewater, source control in wastewater, and additional scientific research. • In 2021, the OPC funded a study investigating microplastic removal through wastewater treatment processes. The study is being carried out by SCCWRP. The study commenced in 2021 with a pilot study involving BACWA member agency participation. Full-scale sampling and analysis of influent, effluent, and biosolids is planned for 2022.	• Continue to participate in the RMP Microplastics Workgroup. • One or more BACWA member agencies may be selected to participate in the OPC-funded microplastic study. • Continue tracking State Water Board and Ocean Protection Council actions via the CASA Microplastics Workgroup. CASA is working with SCCWRP to provide additional funding for testing of new sample collection and analysis methods.	BACWA Microplastics Fact Sheet: https://bacwa.org/wp-content/uploads/2019/09/BACWA-Microplastics-flyer.pdf SFEI Microplastics project: https://www.sfei.org/projects/microplastics Ocean Protection Council Microplastics Strategy: https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20220223/Item_6_Exhibit_A_Statewide_Microplastics_Strategy.pdf

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)			
• Per- and polyfluoroalkyl substances (PFAS) are a large group of human-made substances that are very resistant to heat, water, and oil. PFAS have been used extensively in surface coating and protectant formulations; common PFAS-containing products are non-stick cookware, cardboard/paper food packaging, water-resistant clothing, carpets, and fire-fighting foam. • Perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) are two types of PFAS that are no longer manufactured in the US; however, other types of PFAS are still produced and used in the US. • All PFAS are persistent in the environment, can accumulate within the human body, and have demonstrated toxicity at relatively low concentrations. PFOA and PFOS were found in the blood of nearly all people tested in several national surveys. • Potential regulatory efforts to address PFAS focus on drinking water in order to minimize human ingestion of these chemicals, although regulators have also expressed concern about uptake into food from land applied biosolids. • In April 2021, the formation of an "EPA Council on PFAS" was announced.	• DDW has developed drinking water notification levels (NLs) and response levels for PFOA, PFOS, and Perfluorobutane Sulfonic Acid (PFBS). • At DDW's request, OEHHA is developing NLs for seven other PFAS compounds and public health goals (PHGs) for both PFOA and PFOS as the next step in establishing drinking water MCLs. • In July 2021, OEHHA proposed a PHG of 0.007 ng/L for PFOA and 1 ng/L for PFOS. • In July 2020, the SWRCB issued an Investigative order for POTWs. Investigative orders have also been issued for landfills, airports, chrome platers, and refineries & bulk terminals. The July 2020 SWRCB investigative Order for POTWs is not applicable to Region 2 agencies. • EPA is beginning pretreatment standards rulemaking for two types of industrial users: Metal Finishing, and Organic Chemicals, Plastics and Synthetic Fibers. • In September 2021, EPA released Draft Method 1633 for analysis of PFAS in complex matrices like wastewater. • In October 2021, state legislation passed banning PFAS in children's products (AB 652) and food packaging (AB 1200).	• BACWA worked with RWB staff and obtained State Water Board approval to fund and conduct a Regional PFAS Study in lieu of the statewide investigative order. • SFEI is conducting this study in two phases: o In Phase 1, fourteen representative facilities collected samples in Q4 2020 for influent, effluent, RO concentrate, and biosolids. BACWA has prepared a Fact Sheet regarding Phase 1 results (see link at right). o Phase 2 of the PFAS Regional Study will be conducted in Spring 2022 and will include sampling of influent, effluent, and biosolids; residential sewersheds, commercial and industrial users; hauled waste; and groundwater. • BACWA's Phase 2 study results will support CASA's legislative efforts related to PFAS, such as sponsorship of AB 2247, which would initiate a publicly accessible reporting platform for PFAS in products. • BACWA will continue tracking developments at the State and Regional level.	BACWA PFAS Documents: https://bacwa.org/pfas-links/ SWRCB PFAS Resources: https://www.waterboards.ca.gov/pfas/ OEHHA Drinking Water: https://oehha.ca.gov/water EPA PFAS Resources https://www.epa.gov/pfas EPA PFAS Strategic Roadmap (Oct 2021) https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024 AB 2247: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2247

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
SSS WDR REISSUANCE			
• The State Water Board plans to reissue the statewide Sanitary Sewer System General Order (SSS-WDR) in 2022. • State Water Board staff sought out early stakeholder engagement through outreach to CASA and the Regional Associations, and NGOs. • The State Water Board's goals for the update are: o Updating the 2006 Order o Clarifying compliance expectations and enhancing enforceability o Addressing system resiliency, including climate change impacts o Identifying valuable data and eliminating non-valuable reporting requirements	• A draft for public review and comment was released on January 31, 2022. This version addressed many of BACWA and CASA's comments on the previous February 2021 informal staff draft. • BACWA worked with the Collection Systems committee, CASA, CVCWA, SCAP, and other allies to review the public review draft SSS-WDR, provide oral comments for the State Water Board and its staff, and prepare a detailed comment letter. Written comments were submitted in April 2022.	• Continue to coordinate with State Water Board staff as the revised draft version of the SSS-WDR is prepared. State Water Board staff plan to prepare a response-to-comments document and revised draft for State Water Board consideration by late 2022. • Continue to coordinate with CASA, CVCWA, and SCAP on proposed revisions to the SSS-WDR. • Discuss response to issues such as exfiltration via BACWA's Collection Systems Committee.	State Water Board SSS-WDR page: https://www.waterboards.ca.gov/water_issues/programs/sso/ Public Review Draft of SSS-WDR: https://www.waterboards.ca.gov/water_issues/programs/sso/docs/2022-01-draft-sanitary-sewer-systems-general-order.pdf BACWA Comment Letter on Public Review Draft: https://bacwa.org/wp-content/uploads/2022/04/BACWA-Comments-to-SWRCB-on-Draft-SSS-WDR-2022-04-08.pdf

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
ELAP UPDATE			
• In May 2020, the State Water Board adopted new comprehensive regulations for the Environmental Laboratory Accreditation Program. • Adoption of the new regulations was required by AB 1438, legislation that became effective in 2018. • The new ELAP regulations will replace the current state-specific accreditation standards with a national laboratory standard established by The NELAC Institute (TNI).	• The new ELAP regulations became effective as of **January 1, 2021**. Compliance with TNI standards is required beginning **January 1, 2024**. • Adoption of TNI standards poses a challenge since there are more than 1,000 individual requirements. Setup costs may include: o Hiring and/or training staff; o Hiring consultants to set up the TNI documentation framework; o Purchasing Laboratory Information Management System (LIMS) software; o Purchasing documents and training material from TNI, etc. • The new standards will be a particular burden on small laboratories, which may choose to close if they cannot economically meet the new standards. • ELAP's "Roadmap to ELAP Accreditation" Program is the outreach and training component of the new regulations. ELAP staff have presented to the Lab Committee in June 2020, February 2021, and April 2021. ELAP has contracted with A2LA Workplace Training to provide training sessions. • The BACWA Lab Committee began providing monthly TNI training sessions beginning in July 2021.	• **Offer monthly training sessions to BACWA members.** The free virtual training sessions are open to BACWA members holding a valid copy of the 2016 TNI Standard, and are occurring on the 3rd Tuesday of each month throughout 2022. Training is provided by Diane Lawver of Quality Assurance Solutions, LLC, and other subject matter experts. • Communicate with ELAP staff on behalf of BACWA's Laboratory Committee as new guidance and training materials are developed for TNI implementation and methods updates (e.g., new timeline tool linked at right) • Continue to work through BACWA's Laboratory Committee to support members as they navigate laboratory accreditation under the new TNI standards. • Publicize training opportunities offered by consultants, ELAP, and others. • Provide a forum for BACWA laboratories to share experiences and lessons learned from various approaches to TNI implementation.	State Water Board's 'Roadmap to ELAP Accreditation' page: https://www.waterboards.ca.gov/drinking_water/certlic/labs/roadmap_to_elap_accreditation.html Roadmap to Accreditation Presentation to BACWA Lab Committee: https://bacwa.org/wp-content/uploads/2020/06/California-ELAP-Regulations-BACWA_06092020.pdf State Water Board's ELAP regulations page: http://www.waterboards.ca.gov/drinking_water/certlic/labs/elap_regulations.shtml Monthly Training Session flyer: https://bacwa.org/wp-content/uploads/2021/07/BACWA-Lab-TNI-Training-Series-Flyer.pdf ELAP Timeline Guidance Tool: https://www.waterboards.ca.gov/drinking_water/certlic/labs/docs/2022/elap-scheduler-1-1.xlsx

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
PHASE-OUT OF BIOSOLIDS AS ALTERNATIVE DAILY COVER			
• Regulatory drivers are indicating that biosolids used as alternative daily cover (ADC) or disposed in landfills will be phased out: o AB 341 set a goal to recycle 75% of solid waste by 2020 and CalRecycle's plan to achieve that goal called for a marked, but unquantified, reduction of organics to landfills. o SB 1383, adopted in September 2016 requires organics diversion: -50% by 2020 (relative to 2014) -75% by 2025 (relative to 2014) • Regulations implementing SB 1383 went into effect on January 1, 2022, so the State can begin enforcement on jurisdictions. Jurisdictions can begin local enforcement January 1, 2024, and compliance is required by January 1, 2025. • While the regulations implementing SB 1383 do not explicitly forbid biosolids disposal/reuse in landfills, it is assumed that since biosolids are a relatively "clean" waste stream that can be easily diverted, landfills will stop accepting biosolids. • The Bay Area Biosolids Coalition (BABC) was formed to find sustainable, cost-effective, all-weather options for biosolids management. BABC is a BACWA Project of Special Benefit.	• BACWA's 2021 Biosolids Trends Survey Report compiles member agency activities in 2018-2020, as well as survey responses regarding SB 1383 implementation. • Requirements for SB 1383 implementation include: o Diverted biosolids must be anaerobically digested and/or composted to qualify as landfill reduction. o Beginning Jan 1, 2022, CalRecycle will consider whether other specific treatment technologies can qualify as landfill reduction (per Article 2 of SB 1383). o Local ordinances restricting land application are disallowed. o Jurisdictions that divert organic waste must also procure the end products of diversion, such as biogas, biomethane, and compost (but not biosolids). • Currently, some County ordinances restrict the beneficial reuse of biosolids. CalRecycle considers bans on land application to be unenforceable, and Cal Recycle has agreed to approach Counties with restrictive ordinances to conduct outreach and assess compliance.	• Follow efforts of the Regional Water Board to revise biosolids permitting requirements for land application and disposal. • The recently completed *Biosolids in the Baylands* white paper will soon be released by the San Francisco Bay Joint Venture. The white paper identifies data gaps that may result in agencies with land application sites in the Baylands being required to conduct additional monitoring. • Actively work through CASA with California Air Resource Board, CalRecycle, State Water Board, and California Department of Food and Agriculture to develop sustainable long-term options for biosolids beneficial use. • Participate in BAAQMD's Organics Recovery Technical Working Group to educate their staff on implementation of SB 1383 at the Air District level. • Meet with BAAQMD regularly in 2022 to discuss alignment of state and local regulations. • Work with CASA and others to respond to CCDEH concerns regarding safety standards for land application (see July 2021 letter, link at right).	BACWA 2021 Biosolids Trends Survey Report: https://bacwa.org/wp-content/uploads/2021/12/BACWA-2021-Biosolids-Trends-Survey-Report.pdf BABC website: http://www.bayareabiosolids.com/ CASA White Paper on SB 1383 Implementation: https://bacwa.org/document/summary-of-sb-1383-and-its-implementation-casa-2020/ CASA July 2021 Response Letter to CCDEH https://casaweb.org/wp-content/uploads/2021/07/CASA-Response-to-CCDEH-Letters-071321.pdf CalRecycle website for California Short-Lived Climate Pollutant Reduction Strategy https://www.calrecycle.ca.gov/organics/slcp CalRecycle FAQ for SB 1383 Implementation https://calrecycle.ca.gov/organics/slcp/faq

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
CLIMATE CHANGE MITIGATION			
• CARB's Climate Change Scoping Plan Update lays out the approach for the State to meet its greenhouse gas (GHG) emissions reduction targets through 2030, including additional policies to achieve 40% reduction below 1990 levels by 2030: o Short-lived climate pollutants o Carbon sequestration on Natural and Working Lands o Largest emitters (transportation, electricity, and industrial sectors) The Scoping Plan is being updated in 2022 targeting carbon neutrality by 2045 and, if possible, 2035. • SB 1383 (Short-Lived Climate Pollutant Reduction) calls for: o 40% methane reduction by 2030 o 75% diversion of organic waste from landfills by 2025 o Policy / regulatory development encouraging production/use of biogas • BAAQMD developed a Clean Air Plan requiring GHG emissions supporting CARB's 2050 target. • BAAQMD has proposed the development of Regulation 13 (climate pollutants) targeting GHG reductions related to organics diversion and management. • CARB states POTWs are part of the solution for reducing fugitive methane, and encourages diversion of organics to POTWs to use excess digester capacity and produce biogas.	• CARB is pursuing rapid fleet electrification, including medium and heavy-duty vehicles, through the Advanced Clean Fleet rule. Complete electrification will be difficult for heavy-duty trucks, and will remove a potential market for biogas. CASA is engaging on this issue through the Scoping Plan Update and other avenues to request continued allowance of biogas as a sustainable transportation fuel. • Many POTWs are exploring energy generation, but BAAQMD TAC regulations could make such programs more difficult to implement. Direct injection of biogas to PG&E's pipelines or use as a transportation fuel may be more efficient. • The EPA is revisiting procedures for allocation of renewable fuel credits (RINs) for food waste-based and sludge-based biogas, and CASA is engaging on this issue. • CARB's previous interest in nitrous oxide emission estimates and/or emission factors for POTWs has shifted to toxic air contaminants. See Toxic Air Contaminants - BAAQMD Rule 11-18, AB 617, and AB 2588. • BAAQMD is developing a suite of Rules under Regulation 13 for climate pollutants methane and nitrous oxide. However, rule development has been suspended due to COVID-19 and lack of data. The delay is allowing time to summarize information about current best management practices.	• Review a summary of the AIR committee-led survey regarding current methane management practices at anaerobic digesters and sludge lagoons. After committee review, this summary will be shared with BAAQMD staff. • Look for ways to inform BAAQMD on opportunities and challenges for climate change mitigation by Bay Area POTWs, including education about anaerobic digesters and POTW operations. • Work with PG&E and BAAQMD to explore options for POTWs to inject biogas into PG&E pipelines. In February 2022, the CPUC approved a mandatory biomethane procurement program for CA's four large gas IOUs (including PG&E) under SB 1440. CASA has been discussing the barriers to pipeline injection with CPUC staff, proposing a reduction in their standard from 990 Btu/scf to 970 Btu/scf.	Climate Change Scoping Plan, including 2022 Update: https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan CARB Short Lived Climate Pollutant Reduction Strategy: https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf CARB Advanced Clean Fleet Rule: https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets/about SB 1383: https://www.calrecycle.ca.gov/organics/slcp BAAQMD Clean Air Plan: http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans BAAQMD Regulation 13 http://www.baaqmd.gov/rules-and-compliance/rules/regulation-13-climate-pollutants

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
CLIMATE CHANGE ADAPTATION			
• Climate change and water resilience are a strategic priority of both the State Water Board and Regional Water Board. • The Regional Water Board is planning to modify the Basin Plan to address climate change and wetland policy. The changes will occur through multiple Basin Plan amendments. • In April 2019, Governor Newsom signed Executive Order N-10-19 directing State Agencies to recommend a suite of priorities and actions to build a climate-resilient water system and ensure healthy waterways through the 21st century. • Bay Area coordination occurs through Bay Adapt, BayCAN, and other venues. BACWA has signed a letter of support for the Bay Adapt Joint Platform. • In April 2022, the State released a California Climate Adaptation Strategy, including an updated climate change assessment for the Bay Area.	• The California Coastal Commission's November 2021 Sea Level Rise Planning Guidance recommends that agencies "understand and plan" for 2.7 feet of sea level rise by 2050. • The State Water Board is planning to send a data request to all permitted facilities (collection systems and POTWs) in the State to better understand to what extent agencies are performing climate change vulnerability assessments and/or investing in adaptation measures. They plan to use this information to determine the need for funding assistance or permit requirements for climate change planning. • The February 2022 Executive Officer's Report included a synthesis of the Regional Water Board's 2021 POTW questionnaire regarding climate change vulnerability and adaptation. • In March 2022, the Regional Water released a draft Basin Plan amendment addressing dredge and fill procedures near the region's shorelines, especially for climate adaptation projects. The draft Amendment also references wastewater discharges to horizontal levee projects. BACWA prepared a comment letter supporting the amendment and suggesting minor edits. Although separate from the Basin Plan amendment, the NDPES division concurrently released draft guidance regarding NPDES permitting of nature-based solutions.	• **Discuss follow-on actions to the current draft Basin Plan Amendment** with Regional Water Board staff**.** The current Basin Plan amendment is focused on dredge and fill procedures, not NPDES permitting. Future Basin Plan amendments or other policy adjustments could incentivize wastewater agencies to participate in nature-based climate solutions. • Continue to coordinate with State Water Board on the status of their data request on climate change planning, so members can provide the information they request as effectively as possible. Survey expected to be released in 2022. • Continue to work with Regional Water Board and other resource agencies to look for regulatory solutions to encourage wetlands projects for shoreline resiliency. • Coordinate with BABC, SFEI and Sonoma Land Trust to circulate the final version of the Biosolids in the Baylands white paper (see also Biosolids section, above).	California Coastal Commission's *Critical Infrastructure at Risk* https://documents.coastal.ca.gov/assets/slr/SLR%20Guidance_Critical%20Infrastructure_12.6.2021.pdf "Are Municipal Wastewater Agencies Prepared for Climate Change?" https://www.waterboards.ca.gov/rwqcb2/board_info/agendas/2022/February/5_eo.pdf Draft Climate Change Basin Plan Amendment" https://www.waterboards.ca.gov/sanfranciscobay/public_notices/#basin California Climate Adaptation Strategy https://climateresilience.ca.gov/ Bay Adapt Joint Platform https://www.bayadapt.org/joint-platform/ Bay Area Climate Adaptation Network (BayCAN) https://www.baycanadapt.org/

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
TOXIC AIR CONTAMINANTS			
• Regulation 11, Rule 18 (Rule 11-18), adopted November 15, 2017, is BAAQMD's effort to protect public health from toxic air pollution from existing facilities, including POTWs. • Per the Rule, BAAQMD will conduct site-specific Health Risk Screening Analyses (HRSAs) and determine each facility's prioritization score (PS). BAAQMD will conduct Health Risk Assessments (HRAs) for all facilities with a cancer PS>10 or non-cancer PS>1.0. After verifying the model inputs, if the facility still has PS above that threshold, that facility would need to implement a Risk Reduction Plan that may include employing Best Available Retrofit Control Technology for Toxics (TBARCT). • AB 617 (Community Air Protection Program) – requires CARB to harmonize community air monitoring, reporting, & local emissions reduction programs for air toxics and GHGs). POTWs within communities already impacted by air pollution may have to accelerate implementation of risk reduction measures. • AB 2588 (Air Toxics "Hot Spots" Program) - Establishes a statewide program for the inventory of air toxics emissions from individual facilities, as well as requirements for risk assessment and public notification of potential health risks. 2020 updates expanded compound list from >500 to >1,000.	• BACWA developed a White Paper on BAAQMD Rule 11-18 to describe its potential impacts on the POTW community. • In response to a request by BAAQMD, the AIR Committee delivered a letter report summarizing specific challenges that POTWs would face in complying with the rule due to budgeting and planning constraints related to being public agencies. • In response, BAAQMD moved all POTWs to Phase 2 to give sufficient time to update the model's inputs, and plan for emissions reduction or TBARCT, as needed. • AIR Committee gathered data on proximity factors from each facility and submitted to BAAQMD for updating prioritization scores, which will be use in HRA development. • In the *Final Statement of Reasons* for rulemaking on AB 617 and AB 2588, CARB provided the wastewater sector time to develop a short-list of relevant compounds and perform a pooled emissions estimating effort to update outdated default emission factors (through 2028). • In December 2021, BAAQMD amended Rule 2-5 to reduce allowable levels of toxic air contaminants in new source permitting. In March 2022, BAAQMD and BACWA convened a working group to address concerns related to toxic air contaminants and rule-making, which will meet quarterly.	• Continue participating in the BAAQMD working group to discuss toxic air contaminants, rule development, and related issues. BACWA will provide information to BAAQMD about implementation of the two-step process. • Participate in CASA Subgroup meetings to develop Step 1 of the two-step process. • For Rule 11-18, respond to BAAQMD data request beginning in 2022. There will be a 60-day turn-around to comply with the data request. Following data collection and verification, BAAQMD will develop HRAs for facilities with a cancer PS>10 or non-cancer PS>1.0. • Use the tool developed by the AIR Committee to address emission contributions from influent flows, which will be used to update emissions inventory values. • Report "business as usual" for air toxics through 2028. If BAAQMD requests additional monitoring of air toxics, member agencies should refer to the one-page handout on this topic prepared by CASA. The wastewater sector has until 2028 to perform a statewide "two-step process" in collaboration with CARB and air districts to determine a shortlist of compounds relevant to the wastewater sector to report.	BAAQMD Rule 11-18 page: http://www.baaqmd.gov/rules-and-compliance/rule-development/rules-under-development/regulation-11-rule-18 Rule 11-18 Process Flowchart: https://bacwa.org/document/baaqmd-11-18-process-flowchart-08-17-17/ CARB page on AB 617 and AB 2588: https://ww2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting *Final Statement of Reasons* https://ww3.arb.ca.gov/board/15day/ctr/fsor.pdf CASA One-Page Handout on Air Toxics Reporting (Updated) https://bacwa.org/wp-content/uploads/2022/03/CTR-EICG_CASAOnePageIssue-Approach_March2022.pdf BAAQMD Rule 2-5 https://www.baaqmd.gov/rules-and-compliance/rules/reg-2-permits?rule_version=2021%20Amendments

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
RECYCLED WATER			
• Approximately 10 percent of the municipal wastewater of Region 2 POTWs is currently recycled. Expansion of recycled water projects is a goal of many BACWA members, but implementation is slowed by high costs, regulatory uncertainty, and administrative requirements. • As of 2018, the State Water Board has adopted uniform water recycling criteria for two types of Indirect Potable Reuse: surface water augmentation and groundwater augmentation. • As of 2020, virtually all recycled water in Region 2 was produced at centralized facilities using municipal wastewater, and was treated to meet standards for non-potable reuse.	• Beginning in 2020, all agencies have been required to report monthly wastewater and recycled water volumes into the State's Geotracker database. • Regulations for Direct Potable Reuse are under development. The State Water Board is required to adopt criteria for raw water augmentation by December 31, 2023. • By the end of 2022, the State Water Board is required to adopt risk-based water quality standards for onsite treatment and reuse of non-potable water in multi-family, mixed use, and commercial buildings. San Francisco has already begun to implement a similar Onsite Non-Potable Reuse program for large developments in the city. • BACWA is currently completing a Regional Evaluation of Potential Nutrient Discharge Reduction by Water Recycling, as required by the 2nd Nutrient Watershed Permit.	• Review draft regulations for Direct Potable Reuse and Onsite Non-potable Reuse and work through Recycled Water committee to develop comments, as needed. • Track California legislation with potential impacts on recycled water funding, mandates, or regulations. • For the study of nutrient removal via recycled water, review barriers and challenges to recycled water expansion identified by the study, and strategize next steps.	Water Boards Recycled Water Policy and Regulations https://www.waterboards.ca.gov/water_issues/programs/recycled_water/ "Purple Book" of Recycled Water Regulations https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/lawbook/rwregulations.pdf August 2021 Draft DPR Regulations https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/docs/2021/aug2021addendum_ep.pdf Volumetric Annual Reporting Data: https://www.waterboards.ca.gov/water_issues/programs/recycled_water/volumetric_annual_reporting.html

Previously covered issues with no updates can be found in previous BACWA issues summaries.

ACRONYMS

ADC	Alternate Daily Cover
BAAQMD	Bay Area Air Quality Management District
BACT	Best Available Control Technology
BTU/SCF	British thermal units per standard cubic foot
CARB	California Air Resources Board

CASA	California Association of Sanitation Agencies
CAP	Criteria Air Pollutant
CEC	Compound of Emerging Concern
CIWQS	California Integrated Water Quality System
CVCWA	Central Valley Clean Water Agencies
CWEA	California Water Environment Association
DDW	Division of Drinking Water, State Water Resources Control Board
EC25/IC25	25% Effect Concentration/25% Inhibition Concentration
ELAP	Environmental Laboratory Accreditation Program
ELTAC	Environmental Laboratory Technical Advisory Committee
EPA	United States Environmental Protection Agency
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FY	Fiscal Year
GHG	Greenhouse Gas
HRSA	Health Risk Screening Analyses
HRA	Health Risk Assessment
MCL	Minimum Contaminant Level (Drinking Water)
MGD	Million Gallons per Day
NACWA	National Association of Clean Water Agencies
NELAC	National Environmental Laboratory Accreditation Conference
OAL	Office of Administrative Law
OEHHA	Office of Environmental Health Hazard Assessment
PCB	Polychlorinated Biphenyl
PFAS	Per- and Polyfluoroalkyl Substances
PFBS	Perfluorobutane Sulfonic Acid
PFOA	Perfluorooctanoic Acid
PFOS	Perfluorooctane Sulfonic Acid
POTW	Publicly Owned Treatment Works
PS	Prioritization Score
RMP	Regional Monitoring Program
RPA	Reasonable Potential Analysis
SCAP	Southern California Alliance of POTWs
SF Bay	San Francisco Bay
SFEI	San Francisco Estuary Institute
TAC	Toxic Air Contaminant
TMDL	Total Maximum Daily Load
TIN	Total Inorganic Nitrogen
TNI	The NELAC Institute
TST	Test of Significant Toxicity
WQBEL	Water Quality Based Effluent Limitation
WQO	Water Quality Objective

ITEM NO. RA8 NPDES INSPECTION OF MARINA DECHLORINATION FACILITY

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

Background
Regional Water Quality Control Board (Water Board) staff conducts periodic inspections of permitted facilities, including EBDA's Marina Dechlorination Facility (MDF). The prior inspection at MDF was in 2019.

Discussion
Water Board staff conducted an inspection at MDF on June 7, 2022. The inspection included a walkthrough of the facility, review of EBDA's recent and planned facility upgrades, and discussion of the changes EBDA anticipates in operations once the new chlorine objectives are approved by EPA. Water Board staff also reviewed documentation including EBDA's Emergency Operating Contingency Plan, O&M Manuals, flow meter calibration records, and auxiliary power check logs.

Water Board staff was very complimentary regarding EBDA's operation and compliance record. The complete Inspection Report is attached.

June 13, 2022

East Bay Dischargers Authority
Howard Cin, Superintendent of Operations & Maintenance (hcin@ebda.org)
2651 Grant Avenue
San Lorenzo, CA 94580

Subject: Report of Inspection, EBDA Common Outfall and Marina Dechlorination Facility, Order R2-2017-0016 (NPDES Permit CA0037869), San Leandro, Alameda County

Dear Howard Cin:

On June 7, 2022, Regional Water Board staff conducted a compliance evaluation inspection at the EBDA Common Outfall and Marina Dechlorination Facility. The details of the inspection are included in the attached report. If you have any questions concerning this report, please email me at James.Parrish@waterboards.ca.gov.

Sincerely,

James Parrish
Environmental Scientist

cc: Michael Weiss, U.S. EPA, Weiss.Michael@epa.gov
Jackie Zipkin, EBDA, jzipkin@ebda.org

Attachment: Compliance Evaluation Inspection Report

CW-220792

CIWQS Inspections: 47903132
Entered by: JP

NPDES Compliance Evaluation Inspection (CEI) Report

Facility Name and Location			Entry Date	Entry Time
Marina Dechlorination Facility at EBDA Joint Outfall 14150 Monarch Bay Drive San Leandro, CA 94577			6/08/2022	9:00 AM
			Permit Effective Date	Permit Expiration Date
			7/01/2017	6/30/2022
Mailing Address	Same as facility location?	Yes ☐ No ☒	Notified?	Yes ☒ No ☐
East Bay Dischargers Authority 2651 Grant Avenue San Lorenzo, CA 9458			If no, rationale:	

CIWQS Inspection ID	47903132	Receiving Water Name	Lower San Francisco Bay
NPDES Permit Number	CA0037869	County	Alameda
Order Numbers	R2-2017-0016	Plant Classification	POTW
Types of Discharge	Major	CIWQS Place ID	222123

Names and Titles of Onsite Representatives			
Name	Title	Phone	Email
Jacqueline Zipkin	General Manager	510-278-5910	jzipkin@ebda.org
Howard Cin	Operations and Maintenance Manager	510-362-2501	hcin@ebda.org

Name and Title of Responsible Official	
Name Title Phone Email	Jacqueline Zipkin General Manager 510-278-5910 jzipkin@ebda.org
Does responsible official match permit based contact information on file?	Yes ☒ No ☐
Does grade level comply with plant classification?	Yes ☒ No ☐

Inspector Information		Presented Credentials?	Yes ☐ No ☒
Organization Name Title Phone Email	San Francisco Bay Regional Water Quality Control Board James Parrish Environmental Scientist (510) 622-2381 James.Parrish@waterboards.ca.gov		

I. PRE-INSPECTION PERMIT REVIEW

	Yes	No	N/A
Is the facility as described in the permit?	☒	☐	☐
Has the Water Board been notified of any process/production modifications?	☐	☐	☒
Was a permit reissuance application submitted to the Water Board on time?	☐	☐	☒
Was the permit modified prior to any facility or discharge changes?	☐	☐	☒

Discharge Points
001 – Lower San Francisco Bay (EBDA Common Outfall)

Facility Class			
Chief Plant Operator	Howard Cin	Grade	III
Current ADWF Permitted ADWF Peak Design Flow	57 MGD (May 1 – October 31, 2021) 107.8 MGD 189.1 MGD		

	Yes	No	N/A
Are current loads less than 80% of design loads?	☐	☐	☒
If no, does annual report describe timing of next plant expansion?	☐	☐	☒

Permitting concerns that might affect inspection process

II. PRE-INSPECTION MONITORING REPORT REVIEW

Summary of effluent limit violations since last inspection

Constituent	No. of Violations	Corrective Action Reported	No action reported
-	-	No violations occurred since the last inspection (6/05/2019)	☐
			☐
			☐

Summary of receiving water violations since last inspection

Parameter	No. of Violations	No action reported
Dissolved oxygen	None	☐
Turbidity	None	☐
pH	None	☐
Temperature	None	☐
Aesthetic issues (e.g., excessive algae, bottom deposits, etc.)	None	☐

Corrective Actions Reported

Not applicable.

Monitoring and Reporting Program violations since last inspection

	Yes	No	N/A
Responsible person signs and certifies the DMRs and/or SMRs	☒	☐	☐
Discharger monitors at frequency required by permit	☒	☐	☐
All data collected are summarized	☒	☐	☐
Coliform concentrations are calculated as required by permit (median, mean, etc.)	☒	☐	☐
Detection limits are reported	☒	☐	☐
"Less than" and estimated values are properly carried through the calculations	☒	☐	☐
Flow measurement period used for load calculations brackets sampling period	☒	☐	☐
Loading rates are properly calculated	☒	☐	☐
Data reported in time frame and frequency required by permit	☒	☐	☐
Have any spills/bypasses been reported to the Regional Board?	☐	☒	☐

Dates and times of spills/bypasses

EBDA has not had any spills or bypasses that reached waters of the State since the Water Board's last inspection on June 5, 2019.

III. RECORDS AND REPORTS REVIEW

	Required onsite?		Available onsite?				
	Yes	No	Yes	No	N/A	Not Inspected	Comments
Current NPDES permit	☒	☐	☒	☐	☐	☐	
Permit modifications	☐	☐	☐	☐	☐	☒	
Permit amendments	☐	☐	☒	☐	☐	☐	See note below.
Compliance orders	☐	☐	☐	☐	☐	☒	
Monitoring and reporting program	☒	☐	☒	☐	☐	☐	
Standard provisions	☒	☐	☒	☐	☐	☐	
Industrial pretreatment program	☒	☐	☒	☐	☐	☒	
Maintenance records and log book	☒	☐	☒	☐	☐	☐	
Plant operation and maintenance manual	☒	☐	☒	☐	☐	☐	See note below.
Equipment manuals	☐	☐	☐	☐	☐	☒	
Plant engineering drawings	☐	☐	☐	☐	☐	☒	
Collection system drawings	☐	☐	☐	☐	☐	☒	
Maintenance records	☒	☐	☒	☐	☐	☐	
Spill and bypass records	☒	☐	☐	☐	☒	☐	
Pollution prevention plan	☒	☐	☐	☐	☐	☒	
Contingency Plan	☒	☐	☒	☐	☐	☐	See note below.
Spill prevention control and countermeasure (SPCC) plan	☒	☐	☒	☐	☐	☐	See note below.
Operational logs	☐	☐	☐	☐	☐	☒	
Auxiliary power check logs	☐	☐	☒	☐	☐	☐	

Notes

Permit Amendment

EBDA staff were aware of Order R2-2021-0019, effective November 1, 2021, which amended its NPDES permit with an updated total residual chlorine limit.

Operations and Maintenance (O&M) Manual

EBDA shared a portion of its O&M manual, which was a comprehensive, digital, and interactive interface for joint-use facilities, such as the Oro Loma Effluent Pump Station. The manual included pictures of equipment and step-by-step instructions for operations.

Contingency Plan

EBDA has an Emergency Operating Contingency Plan coordinating actions to be taken between the Marina Dechlorination Facility, EBDA member agency treatment plants, LAVWMA facilities, and joint-use facilities. The plan included emergency contacts and addressed all seven elements required under the Regional Standard Provisions (Attachment G) section I.C.1 as they pertained to the EBDA system.

Spill Prevention Control and Countermeasure (SPCC) Plan

According to the Operations and Maintenance Manager, the Facility is not required to maintain an SPCC Plan because it does not store, use, consume, or distribute oil above several exemption thresholds described in 40 C.F.R.

section 112.1(d) (Oil Pollution Prevention – Generally Applicability). The Facility only holds and consumes approximately 11,000 gallons of sodium bisulfite.

IV. OPERATIONS AND MAINTENANCE REVIEW

		Yes	No	N/A	Not Inspected
Were all records and reports required by permit organized and available?		☒	☐	☐	☐
Was influent flow meter calibration available onsite?		☒	☐	☐	☐
Date of last calibration	October 20, 2021 (Marina Dechlorination Facility)				
Calibration performed by…	Calcon Systems				
Was effluent flow meter calibration available onsite?		☒	☐	☐	☐
Date of last calibration	October 20, 2021 (Marina Dechlorination Facility)				
Calibration performed by…	Calcon Systems				
Were flow measurement records maintained for past 3 years?		☐	☐	☐	☒
Is a maintenance management program in place?		☒	☐	☐	☐
Number of open work orders					
Oldest date of open work order					
Are entries to the operational logs made in pen?		☒	☐	☐	☐
Were all operational log entry modifications made with suitable cause?		☐	☐	☐	☒
Were reported spills and bypasses recorded in operational logs?		☐	☐	☒	☐
Is the facility staffing requirement described in O&M manual?		☐	☒	☐	☐
Is the facility staffed in accordance with O&M manual?		☐	☐	☒	☐
Were there auxiliary power check logs?		☒	☐	☐	☐
Air Board permit number					

Notes

Calibration Records

The flow meters for the Hayward Effluent Pump Station, San Leandro Effluent Pump Station, Oro Loma Effluent Pump Station, Union Effluent Pump Station, and Marina Dechlorination Facility are calibrated annually.

Work Orders

Work orders for the Facility are sent to the City of San Leandro Water Pollution Control Plant, where they are generated for the Facility's Operations and Maintenance Manager.

Programmable Logic Controller

In June 2015, EBDA installed a master programmable logic controller (PLC) in the Facility's control room. The PLC allows an operator to control all Facility pumps in the centralized control room rather than manually operating them. A backup PLC accompanies the master PLC.

Staffing

The Facility is staffed four hours a day from three-to-four days a week. The Operations and Maintenance Manager explained that onsite personnel will calibrate the chlorine and sodium bisulfite analyzers each day they are on site. Operations are controlled and monitored via a SCADA system. The SCADA system is equipped with an alarm system in the event of equipment malfunction, and a call system is in place to notify operators on their mobile phones.

V. MONITORING RECORDS REVIEW

	Yes	No	N/A	Not Inspected
Are monitoring records and laboratory reports retained for 5 years?	☐	☐	☐	☒
Are data reported on DMRs/SMRs consistent with analytical results?	☒	☐	☐	☐
Is the onsite laboratory ELAP certified?	☒	☐	☐	☐
Certification Number	2281*			
Renewal Date	11/30/2023			

Parameters measured onsite	N/A	Not Inspected
	☐	☐

Total Residual Chlorine
Sodium bisulfite
Temperature
Dissolved Oxygen
pH

Additional parameters used for internal monitoring and process control	☐	☒

Constituents analyzed with hand-held equipment	☐	☒

	Most recent calibration date	Standard expiration date

Monitoring and Records Review Notes

*The City of San Leandro Water Pollution Control Plant laboratory staff analyzes EBDA's combined effluent for pH, dissolved oxygen, and bacteria (enterococcus and fecal coliform).

EBDA's contract laboratory, Caltest Analytical Laboratory, analyzes the combined effluent for priority pollutant metals and organics, and subcontracts analyses for PCBs, dioxins, and furans to other certified labs. Pacific Eco-Risk Laboratory analyzes the combined effluent for acute and chronic toxicity.

VI. MONITORING REPORT REVIEW

	Yes	No	N/A	Not Inspected
Are loading calculations prepared correctly?	☒	☐	☐	☐
Are contract laboratory records and chains of custody available?	☐	☐	☐	☒
Do sampling and analytical records include:				
a. Dates, times, and locations of sampling	☒	☐	☐	☐

b. Names of individuals performing sampling	☒	☐	☐	☐
c. Analytical methods	☒	☐	☐	☐
d. Results of analyses	☒	☐	☐	☐
e. Dates of analyses	☒	☐	☐	☐
f. Times of analyses, as necessary to verify holding times	☒	☐	☐	☐
g. Analysts names or initials	☒	☐	☐	☐
h. Instantaneous flow at grab sample locations, if required	☐	☐	☒	☐
MONITORING PROCEDURES				
Are adequate equipment and procedures used for onsite analyses?				
pH	☐	☐	☐	☒
Dissolved oxygen	☐	☐	☐	☒
Temperature	☐	☐	☐	☒
Turbidity	☐	☐	☐	☒
UV transmittance	☐	☐	☐	☒
Other	☐	☐	☐	☒
Is refrigeration satisfactory?	☒	☐	☐	☐
Are grab samples collected during representative discharge conditions?	☒	☐	☐	☐
Do monitoring locations appear to be appropriate?	☒	☐	☐	☐
Do composite sampling procedures comply with the permit?	☒	☐	☐	☐
Are automatic samplers properly cleaned and maintained?	☐	☐	☐	☒
Are samples adequately preserved?	☐	☐	☐	☒
Are sample containers appropriate for the samples collected?	☐	☐	☐	☒
Are samples collected using appropriate protocols?	☐	☐	☐	☒
Are coliform samples collected directly into sterile containers?	☐	☐	☐	☒
Does coliform sampling occur after the last introduction of wastes?	☐	☐	☐	☒
Is the number of discharge points as described in the permit?	☒	☐	☐	☐
Are the locations of the discharge outfalls as described in the permit?	☒	☐	☐	☐
Is the name of the receiving water as described in the permit?	☒	☐	☐	☐
Is site free of any evidence of spills or bypasses?	☒	☐	☐	☐
Do the sampling and monitoring appear representative of the discharge?	☒	☐	☐	☐
Are groundwater monitoring wells capped and locked?	☐	☐	☒	☐

Notes

The Facility had two effluent composite samplers, with one inactive for redundancy. The samplers connected to a sample holding tank containing the combined effluent from the EBDA member agencies.

Within the Facility's control and sampling room was a four-faucet sink that produced four different streams to sample from: (1) chlorinated influent north of the Facility (effluent from City of San Leandro); (2) chlorinated influent south of the Facility (combined effluent from Oro Loma Sanitary District, City of Hayward, Union Sanitary District, and the Livermore-Amador Valley Water Management Agency); (3) Total combined influent; and (4) Total combined dechlorinated effluent. The Operations and Maintenance Manager explained that the separate sample streams help EBDA track where certain pollutants may be coming from.

VII. FINAL EFFLUENT AND RECEIVING WATER MONITORING

APPEARANCE OF FINAL EFFLUENT	Yes	No	Not Inspected
Condition during the inspection			
Clear (not cloudy)	☒	☐	☐
Colorless	☒	☐	☐
Free of sheen	☒	☐	☐
Free of scum	☒	☐	☐
Free of foam	☒	☐	☐
Other	☐	☐	

Notes

APPEARANCE OF RECEIVING WATER	Yes	No	Upstream condition is similar	Not Inspected
Condition during the inspection				
Free of distinctly visible plume	☐	☐	☐	☒
Free of foam and sheen	☐	☐	☐	☒
Free of snails	☐	☐	☐	☒
Free of erosion at the discharge point	☐	☐	☐	☒
Free of bottom deposits	☐	☐	☐	☒
Free of filamentous algae growth	☐	☐	☐	☒
Free of microbial layers on aquatic plants	☐	☐	☐	☒
Other	☐	☐	☐	

Notes

The receiving water near the discharge point could not be observed because the effluent was discharged through the deepwater outfall about seven miles offshore from the Marina Dechlorination Facility.

VIII. SITE WALK INSPECTION

Weather and site conditions present during time of inspection

The weather was clear. Facility site was walkable without any obstruction or significant hazard.

Treatment Process (described in permit)	Appeared Compliant	Not Present	Non-Operational	Lacking Maintenance	Not Inspected
Wastewater Treatment					
Dechlorination	☒	☐	☐	☐	☐
	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐

Notes

Background

The Facility dechlorinates secondary-treated effluent from the following EBDA member agencies:

- Oro Loma and Castro Valley Sanitary Districts Water Pollution Control Plant
- City of Hayward Water Pollution Control Facility
- City of San Leandro Water Pollution Control Plant
- Union Sanitary District Wastewater Treatment Plant

Additionally, the Facility dechlorinates secondary-treated effluent from the Livermore-Amador Valley Wastewater Management Agency (LAVWMA) pipeline, which includes combined effluent from the Dublin San Ramon Services District Wastewater Treatment Plant and the City of Livermore Water Reclamation Plant.

The effluent from the above facilities (i.e., EBDA's influent) is received by two converging force mains: one 48 inches in diameter from the City of San Leandro Water Pollution Control Plant (i.e., influent entering the Facility from the north) and one 96 inches in diameter from all other contributing facilities (i.e., influent entering the Facility from the south). Dechlorination occurs through injecting sodium bisulfite into the pipeline after convergence of the force mains. Two 6,000-gallon tanks of sodium bisulfite (maintained at 5,500 gallons each when refilled) supply the dechlorinating agent through a metering pump at proportions dependent on flow and residual chlorine concentration. The Facility has two flow meters and sodium bisulfite is dosed based on the flow meter with the highest reading. Three sodium bisulfite metering pumps are maintained; one is operated at a time while two are backups. The active pump is rotated every week to ensure all three are regularly active and functioning.

Observations

The Facility appeared well maintained and free of potential hazards. The Operations and Maintenance Manager and General Manager provided all requested documents prior to the onsite visit and answered all questions. The Operations and Maintenance Manager also provided documents on the day of the inspection showing operations and maintenance records, with entries made each day personnel are on site (at least three days per week).

EBDA used Micro2000 chlorine analyzers to measure total residual chlorine in the influent and effluent. The Operations and Maintenance Manager explained that EBDA may replace the analyzers with new ones once EBDA's new chlorine effluent limitation goes into effect, pursuant to Order R2-2021-0019.

Total residual chlorine was monitored continuously. The Operations and Maintenance Manager explained that influent is briefly routed to the effluent chlorine analyzer once every two hours to confirm that it is accurately reading chlorine concentrations. Sodium bisulfite was also monitored continuously in the effluent to ensure zero residual chlorine. The Operations and Maintenance Manager described that EBDA doses sodium bisulfite two-to-three times the necessary amount to ensure there is zero chlorine residual in the effluent and compliance with its effluent limitation of 0.0 mg/L. This overdosing is largely due to the effluent needing to fully mix with the sodium bisulfite in a large space (96-inch force main) and in a short period of time before the effluent passes through the final effluent sampling location. The influent and effluent chlorine readings and the sodium bisulfite readings were displayed clearly on three adjacent screens in the Facility's control room for direct observation. At the time of the inspection, the influent chlorine analyzer read 0.31 mg/L, the effluent chlorine analyzer read 0.0 mg/L, and the sodium bisulfite analyzer read 0.87 mg/L. The Operations and Maintenance Manager explained that the analyzers are calibrated at least three times per week (i.e., each day personnel are on site).

At the time of the inspection, EBDA was evaluating the dissolved oxygen concentration in its sample holding tank. Since EBDA may accept around 2 million gallons per day (MGD) of brine from Cargill to dilute with its discharge in the next five years, the General Manager explained that EBDA was studying how dissolved oxygen in the discharge might react with the brine to corrode EBDA's concrete force main.

The force mains at the Facility appeared in good condition, and all operating pumps appeared in good working order. During the last inspection (June 2019), the Facility could rely on two methods of dosing its discharge with sodium bisulfite: (1) through two inductors, which inject sodium bisulfite into the effluent pipeline, or (2) through a chemical mixer called the Water Champ, which provided rapid mixing and diffusion of sodium bisulfite in the effluent

pipeline. The Operations and Maintenance Manager and General Manager explained that EBDA no longer uses the Water Champ due to the impracticality of replacing rare parts. The inductors appeared in good working order.

EBDA's bacteria sampling location was just prior to where sodium bisulfite was injected into the EBDA pipeline so that operators could collect chlorinated, but representative, samples uninterrupted by bacteria growths in the sampling line. Prior to 2017, EBDA had experienced unrepresentative bacteria samples caused by growths in the sampling line when the sampling location was located at a point after dechlorination.

Sodium bisulfite was stored within secondary containment in a locked building. The Operations and Maintenance Manager explained that the building contains heaters to prevent sodium bisulfite from crystallizing in cold temperatures. The heaters were set to prevent temperatures from dipping below 18 degrees Celsius. Within the sodium bisulfite containment building were three sodium bisulfite pumps, three sodium bisulfite flow meters, and three uninterruptible power supply boxes to support EBDA's programmable logic controller in the control room in the event of a power outage. The sodium bisulfite pumps were equipped with manual operating procedures. The Operations and Maintenance Manager explained that EBDA plans to replace the heaters and uninterruptible power supply boxes with new ones after July 1 (beginning of the new fiscal year).

Facility Upgrades/Operation Changes

New Water Quality-Based Chlorine Effluent Limit

After EPA approves the Regional Water Board's new chlorine water quality objectives, EBDA's chlorine effluent limit will increase from 0.0 mg/L to 0.98 mg/L. This will dramatically reduce EBDA's reliance on sodium bisulfite. The Operations and Maintenance Manager explained that typically, the total residual chlorine concentration in EBDA's influent is below 0.98 mg/L, which would minimize or largely eliminate the need for dosing. This reduction in dosing will reduce annual sodium bisulfite costs from around $235,000 to around $35,000. The Operations and Maintenance Manager explained that EBDA will initially set an internal limit of around 0.5 mg/L to trigger sodium bisulfite dosing to ensure there is no exceedance of the new effluent limit but may eventually adjust the internal limit after personnel learn more about operating under different dosing standards. The Operations and Maintenance Manager also explained that EBDA plans to test the sodium bisulfite pumps one or two times per week to ensure they still operate.

Main Breaker and Automatic Transfer Switch Upgrades

The Operations and Maintenance Manager explained that EBDA plans to replace the Facility's main breaker and automatic transfer switch (for backup power) after EPA approves the Regional Water Board's new chlorine objectives. This is because replacing the breaker and automatic transfer switch when EBDA must comply with a chlorine limit of 0.0 mg/L increases the risk of noncompliance with the limit.

Force Main Adaptation

The General Manager explained that the portion of the converging force mains located at the Facility, which convey influent and discharge effluent to and from the Facility, are made of steel, despite their concrete exterior. Because EBDA may accept up to 2 MGD of brine from Cargill, and because steel is vulnerable to corrosion caused by brine, EBDA will need to adapt the interior of the force mains to prevent corrosion. This adaptation project will require EBDA to bypass the force mains. The General Manager explained that EBDA will be in contact with the Regional Water Board as this project approaches to discuss options.

EMERGENCY OPERATION	Yes	No	N/A	Not Inspected
Is available back-up power appropriate for emergency conditions?	☒	☐	☐	☐
Are there alarms systems for power and equipment failure?	☒	☐	☐	☐
Are treatment control procedures established for emergencies?	☒	☐	☐	☐

Notes

The Facility had a 150-kilowatt backup generator, which can power the entire Facility for up to 10 hours before requiring additional diesel. The Facility was also equipped with an alarm system that will notify personnel present at the Facility, the Operations and Maintenance Manager, EBDA's operations center, and the City of San Leandro when a power failure occurs. The Air Board allots 20 hours a year to test the generator.

CHEMICALS ONSITE	MSDS Available? Yes	MSDS Available? No	Secondary Containment? Yes	Secondary Containment? No	Not Inspected
Sodium bisulfite	☐	☐	☒	☐	☐
	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐

	Yes	No	N/A	Not Inspected
Is spill clean-up and containment equipment available?	☒	☐	☐	☐

Notes

The Facility was equipped with a chemical spill kit in its storage room.

IX. SITE WALK OPERATION AND MAINTENANCE INSPECTION

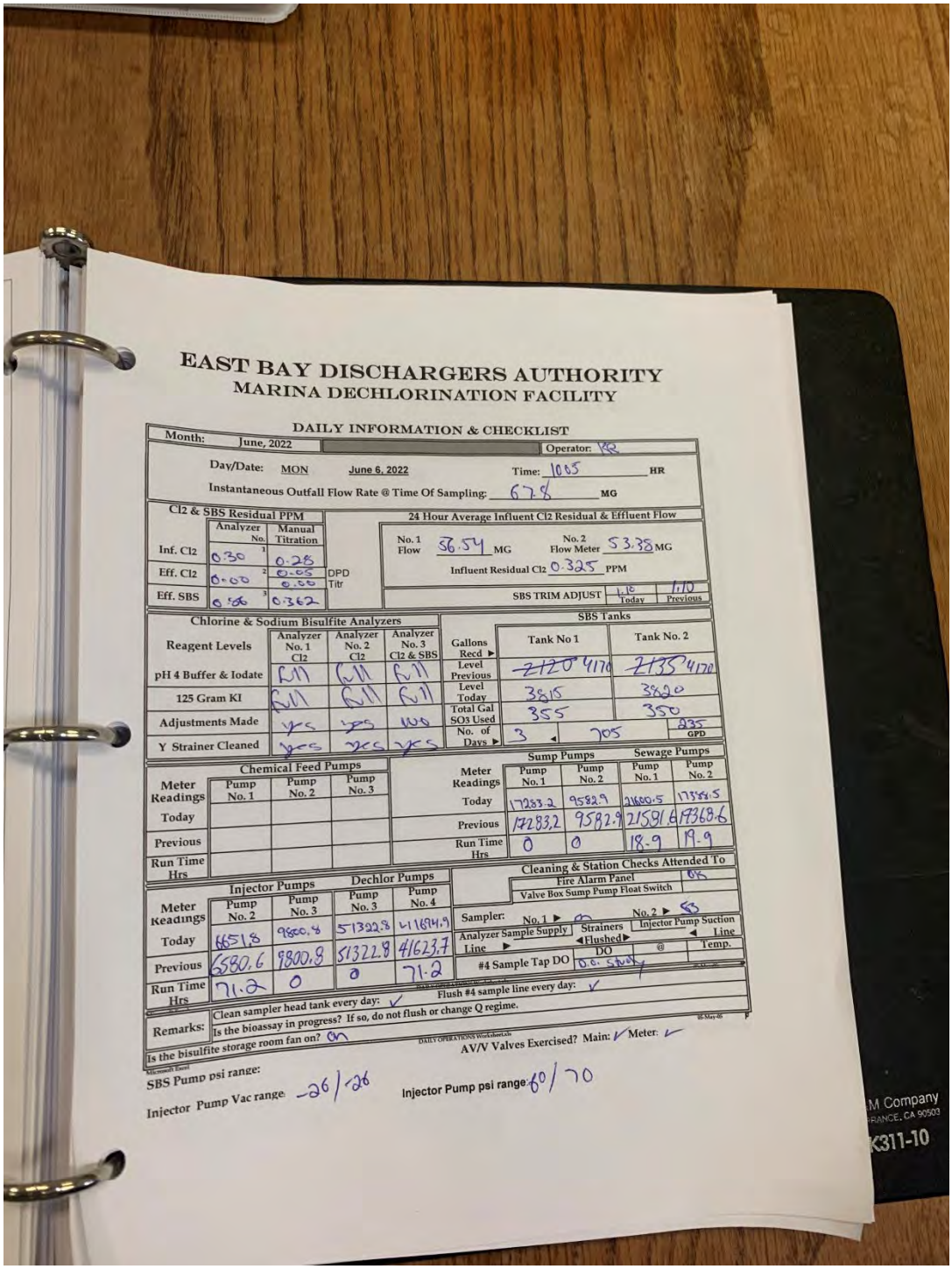
	Yes	No	N/A	Not Inspected
Maintenance program appears to be in place and being followed	☒	☐	☐	☐
Lift stations appear properly maintained and have back-up power	☐	☐	☒	☐
Odors are adequately controlled, including…	☐	☐	☒	☐
Ponds	☐	☐	☒	☐
Headworks	☐	☐	☒	☐
Sludge processing facilities	☐	☐	☒	☐
Storage appears to control leachate and runoff	☒	☐	☐	☐
Public access to storage is prevented	☒	☐	☐	☐
No safety concerns were observed that might interfere with proper O&M or monitoring	☒	☐	☐	☐
Flow devices appear to be property installed and maintained, and operating without interference	☒	☐	☐	☐

Notes

The Operations and Maintenance Manager showed a recently installed a guard that blocks a ladder attached to the sodium bisulfite storage building after evidence of people climbing onto the roof during after hours, which provides a nice view of Lower San Francisco Bay. The Operations and Maintenance Manager also explained that EBDA plans to raise the barbed wire fence surrounding the Facility to prevent people from climbing over. All buildings remain locked and inaccessible to the public.

Photo Log

June 7, 2022



EAST BAY DISCHARGERS AUTHORITY
MARINA DECHLORINATION FACILITY

DAILY INFORMATION & CHECKLIST

Month: June, 2022 Operator: RR

Day/Date: MON June 6, 2022 Time: 1005 HR

Instantaneous Outfall Flow Rate @ Time Of Sampling: 67.8 MG

Cl2 & SBS Residual PPM

	Analyzer No.	Manual Titration
Inf. Cl2	0.30 1	0.25
Eff. Cl2	0.00 2	0.05
Eff. SBS	0.56 3	0.362

DPD Titr

24 Hour Average Influent Cl2 Residual & Effluent Flow

No. 1 Flow 56.54 MG No. 2 Flow Meter 53.38 MG

Influent Residual Cl2 0.325 PPM

SBS TRIM ADJUST 1.18 Today 1.10 Previous

Chlorine & Sodium Bisulfite Analyzers

Reagent Levels	Analyzer No. 1 Cl2	Analyzer No. 2 Cl2	Analyzer No. 3 Cl2 & SBS
pH 4 Buffer & Iodate	Cal	Cal	Cal
125 Gram KI	Cal	Cal	Cal
Adjustments Made	yes	yes	No
Y Strainer Cleaned	yes	yes	yes

SBS Tanks

Gallons Recd ▶	Tank No 1	Tank No. 2
Level Previous	~~2120~~ 4170	~~2135~~ 4170
Level Today	3815	3820
Total Gal SO3 Used	355	350
No. of Days ▶	3 ◀ 705	835 GPD

Chemical Feed Pumps

Meter Readings	Pump No. 1	Pump No. 2	Pump No. 3
Today			
Previous			
Run Time Hrs			

Sump Pumps / Sewage Pumps

Meter Readings	Sump Pump No. 1	Sump Pump No. 2	Sewage Pump No. 1	Sewage Pump No. 2
Today	17283.2	9582.9	21600.5	17588.5
Previous	17283.2	9582.9	21581.6	17368.6
Run Time Hrs	0	0	18.9	19.9

Injector Pumps / Dechlor Pumps

Meter Readings	Injector Pump No. 2	Injector Pump No. 3	Dechlor Pump No. 3	Dechlor Pump No. 4
Today	6651.8	9800.8	51322.8	41694.9
Previous	6580.6	9800.8	51322.8	41623.7
Run Time Hrs	71.2	0	0	71.2

Cleaning & Station Checks Attended To

Fire Alarm Panel OK

Valve Box Sump Pump Float Switch

Sampler: No. 1 ▶ OK No. 2 ▶ OK

Analyzer Sample Supply Line ▶ | Strainers ◀Flushed▶ | Injector Pump Suction ◀ Line

#4 Sample Tap DO | DO | @ | Temp.

Flush #4 sample line every day: ✓

Remarks: Clean sampler head tank every day: ✓

Is the bioassay in progress? If so, do not flush or change Q regime.

Is the bisulfite storage room fan on? On

DAILY OPERATIONS Worksheet.xls

AV/V Valves Exercised? Main: ✓ Meter: ✓

SBS Pump psi range:

Injector Pump Vac range -26/-26 Injector Pump psi range: 60/70

M Company
RANCE, CA 90503
K311-10

Figure 1. EBDA personnel use a checklist to ensure proper operation and maintenance at the Facility.

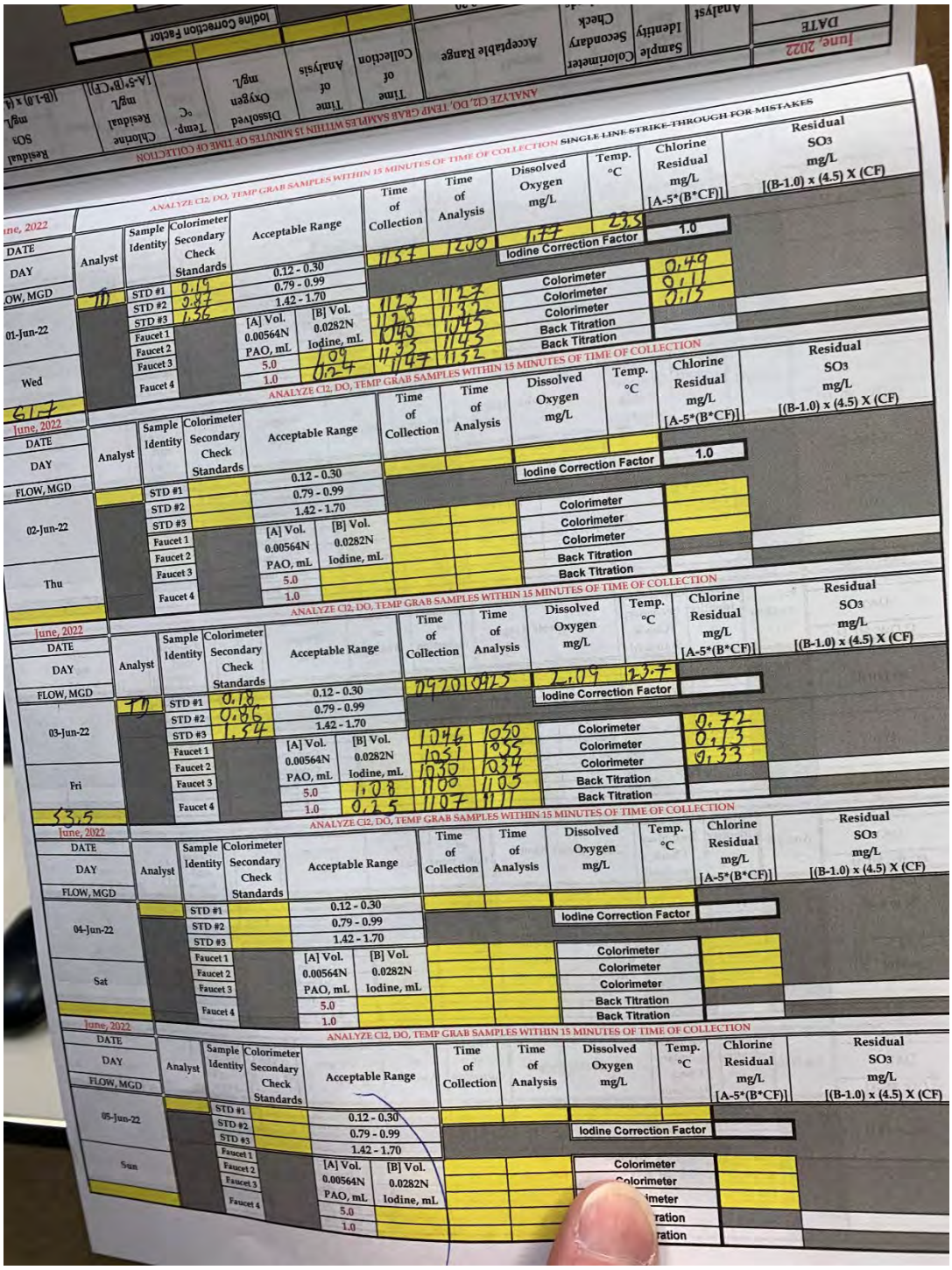


Figure 2. EBDA personnel record internal sample readings each day they are present onsite.

Figure 3. EBDA's sample holding tank is located in the control room, which contains dechlorinated effluent. At the time of the inspection, EBDA was evaluating dissolved oxygen concentrations in the discharge to determine how it might affect corrosion in the force mains once EBDA begins accepting brine.

Figure 4. EBDA's programmable logic controller displays a screen of live pump operations at the Facility.

Figure 5. The influent chlorine analyzer read 0.31 mg/L at the time of the inspection.

Figure 6. The effluent chlorine analyzer read 0.0 mg/L at the time of the inspection.

Figure 7. The effluent sodium bisulfite analyzer read 0.87 mg/L at the time of the inspection.

Figure 8. The Facility's storage room contained a spill kit (yellow bag) in the event of a chemical spill.

Figure 9. EBDA maintained spare equipment parts in its storage room.

Figure 10. The Facility's sodium bisulfite storage building contained two, 6,000-gallon tanks of sodium bisulfite.

Figure 11. One of the three sodium bisulfite pumps. EBDA keeps one online with two as backups and rotates between the three every week.

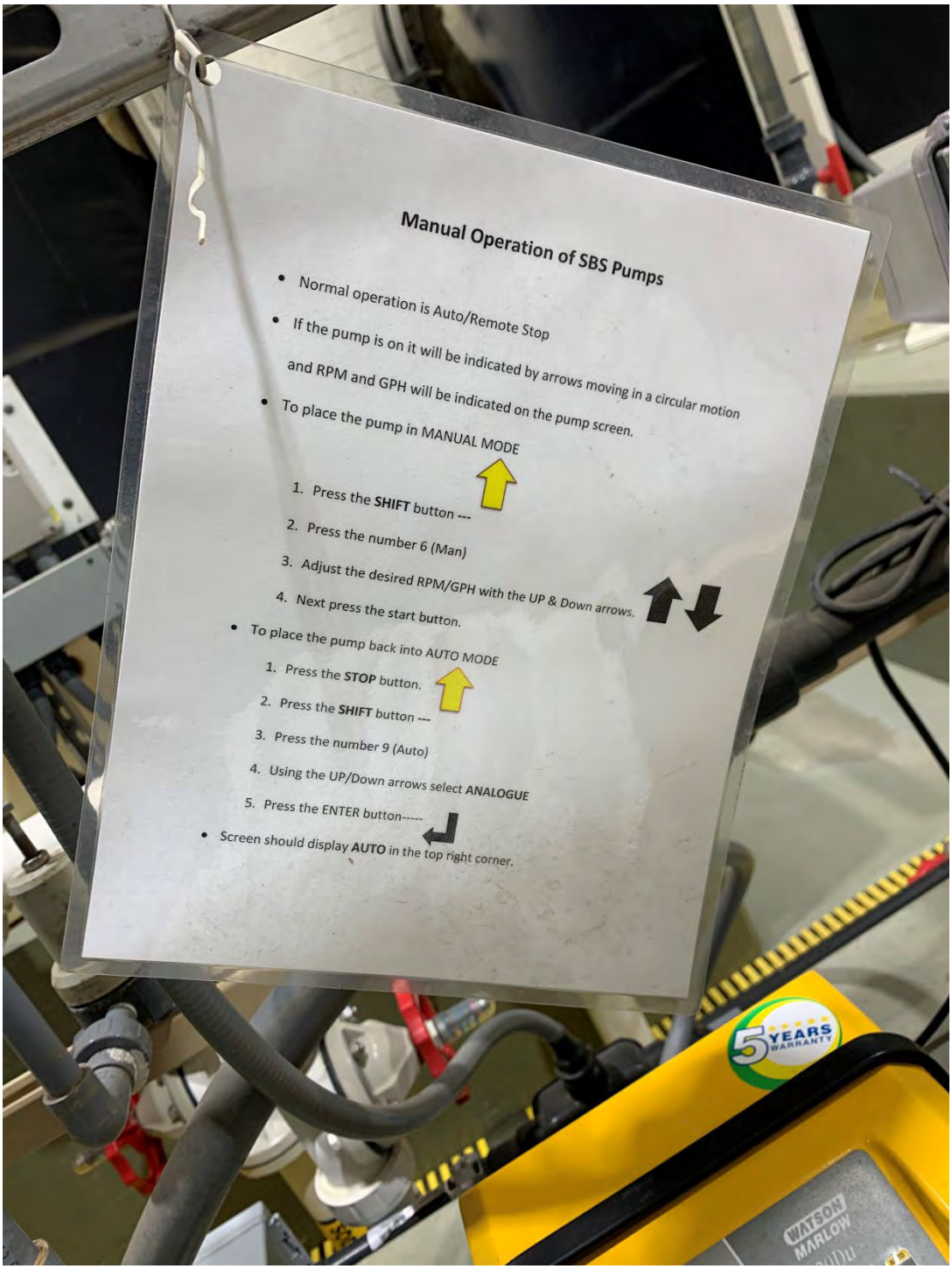


Figure 12. EBDA maintains manual operating procedures of the sodium bisulfite pumps adjacent to the pumps.

Figure 13. The three sodium bisulfite flow meters. One was online at the time of the inspection, consistent with the one sodium bisulfite pump that was also online.

Figure 14. The three uninterruptible power supply boxes support the Facility's programmable logic controller during a power outage. EBDA plans to replace these boxes with new ones after July 1.

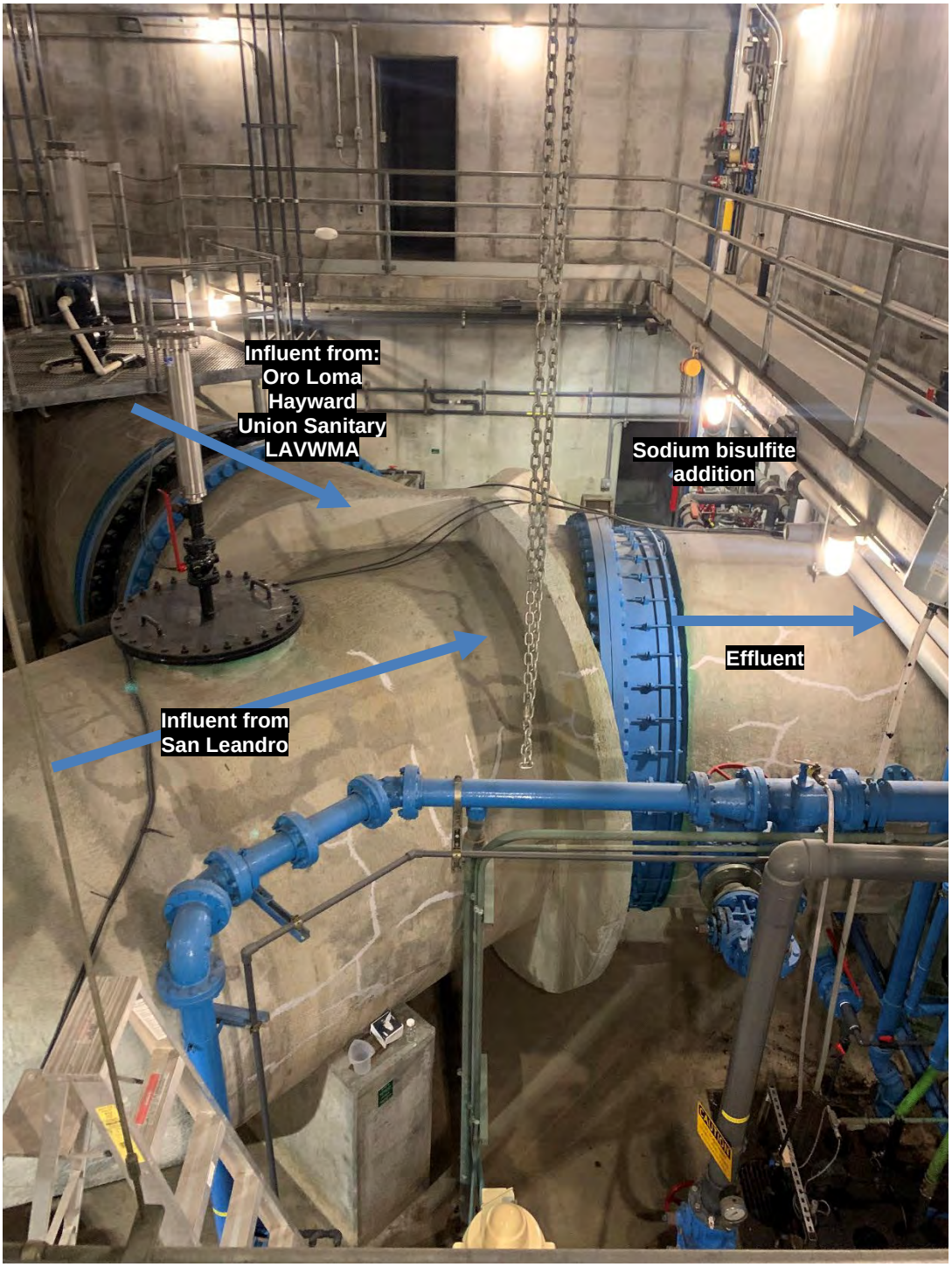


Figure 15. Influent from EBDA member agencies and LAVWMA is pumped to the Facility through converging force mains. Sodium bisulfite is injected into the converged influent.

Figure 16. Sodium bisulfite is injected into effluent pipeline by two inductors immediately proceeding the convergence of the two influenced force mains. The decommissioned chemical mixer, or Water Champ, used to be EBDA's primary method of dechlorinating its effluent.

Figure 17. The bacteria sampling location just precedes the addition of sodium bisulfite.

Figure 18. EBDA recently installed a metal ladder guard to prevent people from climbing to the roof of the sodium bisulfite storage building after hours.

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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 meeting scheduled below will be accessible via Zoom video conferencing.

- Members of the public may participate in the meeting by clicking on the following Zoom link: https://us02web.zoom.us/j/88633216376
- You may also participate via telephone by dialing 1(669) 900-6833 and entering Meeting ID number 886 3321 6376.

ITEM NO. 12

FINANCIAL MANAGEMENT COMMITTEE AGENDA

Monday, July 18, 2022

11:00 A.M.

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

Committee Members: Duncan (Chair); Andrews

FM1. Call to Order

FM2. Roll Call

FM3. Public Forum

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

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

FM6. Resolution Approving Amendments to the Authority's Conflict of Interest Code
(The Commission will consider the resolution.)

FM7. Adjournment

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

Agenda Explanation
East Bay Dischargers Authority
Financial Management Committee
July 18, 2022

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, September 12, 2022 at 11:00 a.m.

ITEM NO. FM4 LIST OF DISBURSEMENTS FOR JUNE 2022

The itemized List of Disbursements for the month of June 2022 totaled $402,066.41.

Reviewed and Approved by:

Rita Duncan, Chair Date
Financial Management Committee

Jacqueline T. Zipkin Date
Treasurer

EAST BAY DISCHARGERS AUTHORITY
List of Disbursements
June 2022

CHECKS (SORTED BY AMOUNT)

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
25694	06/30/2022	002847	UNION SANITARY DISTRICT	O&M - APR	33,609.93	65,760.64
25694	06/30/2022	002851	UNION SANITARY DISTRICT	O&M - MAY	32,150.71	
25710	06/30/2022	20210105.02-5	ASCENT ENVIRONMENTAL, INC	CONSULTING SERVICES - CARGILL CEQA	43,759.77	43,759.77
25675	06/15/2022	387983	CITY OF SAN LEANDRO	O&M - APR	31,197.64	31,197.64
25687	06/15/2022	11444804	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT	12,835.98	27,696.29
25687	06/15/2022	11445592	BROWN & CALDWELL	ENGINEERING SERVICES - TRANSPORT SYSTEM	12,048.89	
25687	06/15/2022	11445414	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT	2,811.42	
25685	06/15/2022	192862	MEYERS NAVE	LEGAL SERVICES - BRINE PROJECT	14,490.00	18,537.90
25685	06/15/2022	192861	MEYERS NAVE	LEGAL SERVICES - APR	4,047.90	
25705	06/30/2022	May-80	ENVIRONMENTAL SCIENCE ASSOCIATES	FIRST MILE PROJECT WORK ORDER NO. 1	14,311.00	14,311.00
25702	06/30/2022	50313384	UNIVAR	SODIUM BISULFITE - DELIVERED 06/04/2022	6,573.44	13,136.08
25702	06/30/2022	50319047	UNIVAR	SODIUM BISULFITE - DELIVERED 06/15/2022	6,562.64	
25676	06/15/2022	6622	ORO LOMA SANITARY DISTRICT	O&M - APR	12,160.41	12,160.41
25688	06/15/2022	174810	ENVIRONMENTAL SCIENCE ASSOCIATES	FIRST MILE PROJECT WORK ORDER NO. 1	9,819.15	11,155.00
25688	06/15/2022	174818	ENVIRONMENTAL SCIENCE ASSOCIATES	HAYWARD FEASIBILITY STUDY WORK ORDER NO. 2	1,335.85	
25706	06/30/2022	5112022	AZYURA	WATERBITS LICENSING AND SMR/EDMR REPORT SERVICES	10,250.00	10,250.00
25693	06/30/2022	6636	ORO LOMA SANITARY DISTRICT	O&M - MAY	7,714.93	7,714.93
25698	06/30/2022	00013.14-6	LARRY WALKER ASSOCIATES	PROFESSIONAL SERVICES - WORK ORDER NO. 4	6,770.25	6,770.25
25699	06/30/2022	FB24177	CAROLLO ENGINEERS	ENGINEERING SERVICES - WORK ORDER NO. 3	5,995.25	5,995.25
25689	06/15/2022	Feb-00	CURRIE ENGINEERS, INC	PROJECT / CONSTRUCTION MANAGER SERVICES - WORK ORDER NO. 2	5,582.75	5,582.75
25683	06/15/2022	18239	PACIFIC ECORISK	NPDES TOXICITY TESTING: ACUTE & CHRONIC TOXICITY TESTS	4,726.00	4,726.00
25696	06/30/2022	Mar-22	DEBORAH QUINN	ACCOUNTING SERVICES - MAR	3,114.38	3,114.38
25703	06/30/2022	0622-20	BEECHER ENGINEERING, INC	ELECTRICAL ENGINEERING SERVICES - WORK ORDER NO. 1	2,940.00	2,940.00
25681	06/15/2022	FB23691	CAROLLO ENGINEERS	ENGINEERING SERVICES - WORK ORDER NO. 1	2,392.50	2,392.50
25709	06/30/2022	15658	PRESIDIO SYSTTEMS INC	VAC CON TRUCK SERVICE	2,200.00	2,200.00
25674	06/15/2022	742724	VANTAGEPOINT	MISSION SQUARE DEFERRED COMPENSATION 06/15/2022	2,143.57	2,143.57
25692	06/30/2022	766988	VANTAGEPOINT	MISSION SQUARE DEFERRED COMPENSATION 06/30/2022	2,143.57	2,143.57
25707	06/30/2022	633814	CALTEST	LAB TESTING SERVICES	2,087.80	2,087.80
25677	06/15/2022	52205712	CITY OF HAYWARD	BENEFIT PREMIUMS - JUN	1,371.42	1,371.42
25679	06/15/2022	51305	CALCON	ELECTRICAL, INSTRUMENTATION, AND MAINTENANCE SERVICES - OLEPS	595.10	1,097.55
25679	06/15/2022	51306	CALCON	ELECTRICAL, INSTRUMENTATION, AND MAINTENANCE SERVICES - OPS CENTER	502.45	
25684	06/15/2022	4246044555687627	US BANK	PURCHASING CARD EXPENSES	970.26	970.26
25700	06/30/2022	8355	CAYUGA INFORMATION SYSTEMS	IT SERVICES	840.00	840.00
25678	06/15/2022	1746192-21	SCIF	WORKERS COMPENSATION PREMIUM - JUN	679.25	679.25

EAST BAY DISCHARGERS AUTHORITY
List of Disbursements
June 2022

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
25711	06/30/2022	CD000341956	RINGCENTRAL INC	DIGITAL PHONE SERVICE	204.91	533.26
25711	06/30/2022	CD000328995	RINGCENTRAL INC	DIGITAL PHONE SERVICE	204.91	
25711	06/30/2022	INV2337174	RINGCENTRAL INC	DIGITAL PHONE SERVICE	123.44	
25701	06/30/2022	40721	BA MORRISON	HVAC SERVICE - HEPS	484.00	484.00
25691	06/15/2022	CD_000410065	RINGCENTRAL INC	DIGITAL PHONE SERVICE	203.93	203.93
25695	06/30/2022	510-483-0439-716-6	AT&T	TELEPHONE SERVICE - MDF	198.47	198.47
25682	06/15/2022	3105528371	PITNEY BOWES INC	QUARTERLY LEASING CHARGE FOR DIGITAL MAILING SYSTEM	179.18	179.18
25690	06/15/2022	50828	COMPUTER COURAGE	WEBSITE HOSTING - JUN	150.00	150.00
25712	06/30/2022	9238	MBC CUSTODIAL SERVICES INC	JANITORIAL SERVICES - MAY	130.00	130.00
25686	06/15/2022	2055845	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES FOR SKYWEST	85.00	85.00
25704	06/30/2022	2064201	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES FOR SKYWEST	85.00	85.00
25708	06/30/2022	3521588	CALTRONICS	COPIER USAGE AND MAINTENANCE	59.86	71.86
25708	06/30/2022	3447611	CALTRONICS	FREIGHT	12.00	
25680	06/15/2022	9905426764	VERIZON WIRELESS	WIRELESS PHONE SERVICES	62.05	62.05
25697	06/30/2022	9908609490	VERIZON WIRELESS	MODEM FOR SCADA	22.02	22.02
				TOTAL PAYMENTS	**302,938.98**	**302,938.98**
				ELECTRONIC PAYMENTS		
	06/10/2022	5105948980-0	PG&E	GAS & ELECTRIC SERVICE	35,260.16	35,260.16
	06/07/2022	100000016777106	CALPERS	HEALTH PREMIUMS - JUN	7,134.87	7,134.87
	06/02/2022	100000016772024	CALPERS	PENSION CONTRIBUTION, CLASSIC 6/1 - 15/2022	4,781.77	4,781.77
	06/02/2022	100000016742863	CALPERS	PENSION CONTRIBUTION, CLASSIC 5/16 - 31/2022	4,781.77	4,781.77
	06/02/2022	100000016772026	CALPERS	PENSION CONTRIBUTION, PEPRA 6/1 - 15/2022	157.51	157.51
	06/02/2022	100000016742903	CALPERS	PENSION CONTRIBUTION, PEPRA 5/16 - 31/2022	157.51	157.51
	06/13/2022	119026698	WELLS FARGO	CLIENT ANALYSIS CHARGE	101.62	101.62
				TOTAL ELECTRONIC PAYMENTS	**52,375.21**	**52,375.21**
				PAYROLL		
	6/29/2022		ADP, LLC	PAYROLL PERIOD: 05/16-31/2022	24,466.77	24,466.77
	6/14/2022		ADP, LLC	PAYROLL PERIOD: 06/01-15/2022	22,122.20	22,122.20
	6/3/2022	603045924	ADP, LLC	PAYROLL FEES, 05/16-31/2022	88.25	88.25
	6/17/2022	603994049	ADP, LLC	PAYROLL FEES, 06/01-15/2022	75.00	75.00
				TOTAL PAYROLL	**46,752.22**	**46,752.22**
				TOTAL DISBURSEMENTS	**402,066.41**	**402,066.41**

ITEM NO. FM5 PRELIMINARY TREASURER'S REPORT FOR JUNE 2022

The beginning cash balance on June 1, 2022 was $4,041,322.06. The ending cash balance on June 30, 2022 was $3,730,964.56. Total receipts for the period were $91,708.91 and disbursements totaled $402,066.41. EBDA's LAIF balance is $3,264,588.67 and the average monthly effective yield for June was 0.86%.

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

PRELIMINARY

TREASURER'S REPORT

June 30, 2022

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,258,441.61		263462.37	994,979.24
13	PLANNING & SPECIAL STUDIES	196,998.78	42,360.01	43,510.14	195,848.65
14	RECLAMATION O & M (SKYWEST)	61,648.78	18,000.00	3,511.23	76,137.55
15	BRINE ACCEPTANCE	231,730.44	31,348.90	83,059.92	180,019.42
31	RENEWAL & REPLACEMENT	2,292,502.45		8,522.75	2,283,979.70
	TOTALS	4,041,322.06	91,708.91	402,066.41	3,730,964.56

Jun-22
7/11/2022

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
05/31/22	BALANCE						262,477.69	14,255.70	3,764,588.67	4,041,322.06
06/02/22	ELECTRONIC BILL PAY		4,781.77				257,695.92	14,255.70	3,764,588.67	4,036,540.29
06/02/22	ELECTRONIC BILL PAY		157.51				257,538.41	14,255.70	3,764,588.67	4,036,382.78
06/03/22	PAYROLL FEES			88.25			257,538.41	14,167.45	3,764,588.67	4,036,294.53
06/06/22	DEPOSIT - CITY OF HAYWARD	18,000.00					275,538.41	14,167.45	3,764,588.67	4,054,294.53
06/07/22	DEPOSIT - ABAG	42,360.01					317,898.42	14,167.45	3,764,588.67	4,096,654.54
06/07/22	ELECTRONIC BILL PAY		7,134.87				310,763.55	14,167.45	3,764,588.67	4,089,519.67
06/08/22	PAYROLL TRANSFER				60,000.00		250,763.55	74,167.45	3,764,588.67	4,089,519.67
06/10/22	ELECTRONIC BILL PAY		35,260.16				215,503.39	74,167.45	3,764,588.67	4,054,259.51
06/13/22	ANALYSIS FEE		101.62				215,401.77	74,167.45	3,764,588.67	4,054,157.89
06/14/22	PAYROLL			22,122.20			215,401.77	52,045.25	3,764,588.67	4,032,035.69
06/15/22	DISBURSEMENT		120,390.70				95,011.07	52,045.25	3,764,588.67	3,911,644.99
06/16/22	ELECTRONIC BILL PAY		157.51				94,853.56	52,045.25	3,764,588.67	3,911,487.48
06/16/22	ELECTRONIC BILL PAY		4,781.77				90,071.79	52,045.25	3,764,588.67	3,906,705.71
06/17/22	PAYROLL FEES			75.00			90,071.79	51,970.25	3,764,588.67	3,906,630.71
06/23/22	DEPOSIT - CARGILL	31,348.90					121,420.69	51,970.25	3,764,588.67	3,937,979.61
06/29/22	PAYROLL			24,466.77			121,420.69	27,503.48	3,764,588.67	3,913,512.84
06/30/22	LAIF TRANSFER					(500,000.00)	621,420.69	27,503.48	3,264,588.67	3,913,512.84
06/30/22	DISBURSEMENT		182,548.28				438,872.41	27,503.48	3,264,588.67	3,730,964.56
	TOTAL	91,708.91	355,314.19	46,752.22	60,000.00	(500,000.00)				
	CURRENT BALANCE						438,872.41 ①	27,503.48 ②	3,264,588.67 ③	3,730,964.56

Reconciliation

①	Per Bank Statement @ 6/30/22	$ 621,420.69
	Less: Outstanding Checks	182,548.28
		$ 438,872.41
②	Per Bank Statement @ 6/30/22	$ 27,503.48
③	Per LAIF Statement @ 6/30/22	$ 3,264,588.67

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 RESOLUTION APPROVING AMENDMENTS TO THE AUTHORITY'S CONFLICT OF INTEREST CODE

Recommendation:
Adopt the resolution approving amendments to the Authority's Conflict of Interest Code.

Background
The Political Reform Act requires every local government agency to review its Conflict of Interest Code (Code) for accuracy biennially and to notify the County Board of Supervisors whether it does or does not need to be amended. The Biennial Notice must be submitted to the County Board of Supervisors no later than October 1, 2022.

Discussion
Updates to the Authority's Code were approved by the Alameda County Board of Supervisors on November 22, 2016. Since the 2016 review, EBDA had not had any changes to its organizational structure, and no revisions were recommended through the last two biennial review cycles.

Based on review by Authority staff and legal counsel, clarifying revisions to the Code were presented to the Personnel Committee in June 2022. The Personnel Committee recommended moving forward with staff's proposed changes. A clean copy of the updated Code is provided here, along with an adoption resolution for the Committee's consideration.

CONFLICT OF INTEREST CODE

OF EAST BAY DISCHARGERS AUTHORITY OF ALAMEDA COUNTY

SECTION 1. Purpose. Pursuant to the provisions of Government Code sections 87300 et seq., EAST BAY DISCHARGERS AUTHORITY ("AUTHORITY") OF ALAMEDA COUNTY hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the California Political Reform Act of 1974.

SECTION 2. Incorporation of Regulation. The California Fair Political Practices Commission adopted a regulation (Title 2 California Code of Regulations section 18730) which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. Therefore, the terms of Title 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the California Fair Political Practices Commission are hereby incorporated herein by this reference. The provisions of Title 2 California Code of Regulations section 18730 and the provisions below, designating officials and employees and establishing disclosure categories, along with the applicable sections of the California Political Reform Act, shall constitute the Conflict of Interest Code of the Authority.

SECTION 3. Designated Positions and Disclosure Categories. Persons holding a Designated Position listed below shall file a Statement of Economic Interest in the form of a Form 700. Those individuals holding a Designated Position are deemed to be in a position to make, or participate in the making of, decisions on behalf of the AUTHORITY which may foreseeably have a material effect on their economic interests.

Designated Position	Disclosure Category
Commission Member	1
General Manager	1
Treasurer/Controller	1
Legal Counsel	1
Consultant	2

Disclosure Category 1: Designated Positions in this category shall disclose all of the following interests: investments, interests in real property within the AUTHORITY's jurisdiction*, personal income, business entity income, and business positions held or received during the previous calendar year.

Disclosure Category 2: Persons in this category shall disclose investments and business positions in business entities, and income from business entities of the type to provide bids, supplies, vehicles and equipment of the type used by the AUTHORITY.

Disclosure Category 3: Consultants shall disclose all of the interests required to be

disclosed pursuant to Disclosure Category 2, subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

*The AUTHORITY's "jurisdiction" as set forth above in the disclosure categories is Alameda County. For the purposes of this Conflict of Interest Code, an interest in real property is located within the jurisdiction of the AUTHORITY if any part of the property is located in, or within two miles of, Alameda County, or if the property is located within two miles of any land owned or used by the AUTHORITY.

SECTION 4. Place, Manner and Time of Filing.

(a) Individuals holding a Designated Position shall file their Statements of Economic Interests with the AUTHORITY, which will make the statements available for public inspection and reproduction (Government Code Section 81008). The AUTHORITY will retain copies of the Statements of Economic Interests and file the original statements with the Alameda County Clerk of the Board of Supervisors.

(b) All designated filers shall comply with the provisions of Title 2 California Code of Regulations section 18730 along with the applicable sections of the California Political Reform Act, (and as that section may be amended), which contains detailed instructions regarding the scope and types of interests to be reported as well as the manner of reporting them. The regulation can be found online at: https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730Provisions-of-Conflict-of-Interest-Codes.pdf.

(c) Initial Statements. All designated filers shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an Initial Statement within 30 days after the effective date of the amendment.

(d) Assuming Office Statements. All persons assuming Designated Positions after the effective date of this code shall file an Assuming Office Statement within 30 days after assuming the designated positions.

(e) Leaving Office Statements. All persons who leave designated positions shall file a Leaving Office Statement within 30 days after leaving office.

(f) Annual Statements. All designated filers shall file an Annual Statement no later than April 1 every calendar year.

SECTION 5. Disqualification. No designated filer shall make, participate in making, or in any way attempt to use their position to influence the making of any governmental decision which they know or has a reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of the official's immediate family or on any reportable interest of the public official as defined in Title 2 California Code of Regulations section 18730(b)(9).

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

RESOLUTION NO. 22-12

INTRODUCED BY _____

RESOLUTION APPROVING AMENDMENTS TO THE AUTHORITY'S CONFLICT OF INTEREST CODE

WHEREAS, the East Bay Dischargers Authority adopted its Conflict of Interest Code on February 22, 1977 and amended said Code on May 7, 1981; September 19, 1996; May 21, 1988; July 19, 2001; July 15, 2004; June 15, 2006; November 18, 2010; and August 18, 2016; and

WHEREAS, the Conflict of Interest Code has been reviewed and modified pursuant to law by Legal Counsel; and

WHEREAS, the Conflict of Interest Code has been reviewed by the Personnel and Financial Management Committees and recommended for approval by the Commission.

NOW, THEREFORE, BE IT RESOLVED, the Conflict of Interest Code of the East Bay Dischargers Authority is hereby approved, effective July 21, 2022.

BE IT FURTHER RESOLVED, that a copy of the Code, as amended, shall be forwarded to the Alameda County Board of Supervisors for its approval, in accordance with California Government Code Section 87306.5.

SAN LORENZO, CALIFORNIA, JULY 21, 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

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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 meeting scheduled below will be conducted virtually via Zoom video conferencing.

- Members of the public may participate in the meeting by clicking on the following Zoom link: https://us02web.zoom.us/j/83944888857
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ITEM NO. 14

OPERATIONS & MAINTENANCE COMMITTEE AGENDA

Monday, July 18, 2022

9:00 A.M.

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

Committee Members: Johnson (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. 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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Agenda Explanation
East Bay Dischargers Authority
O&M Agenda
July 18, 2022

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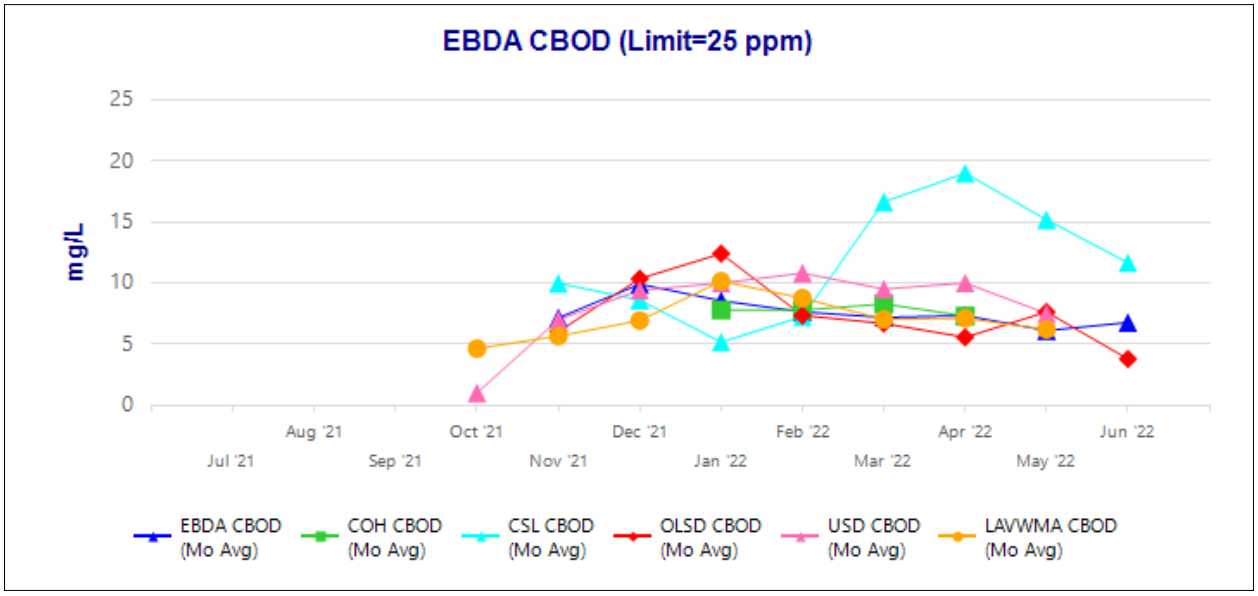
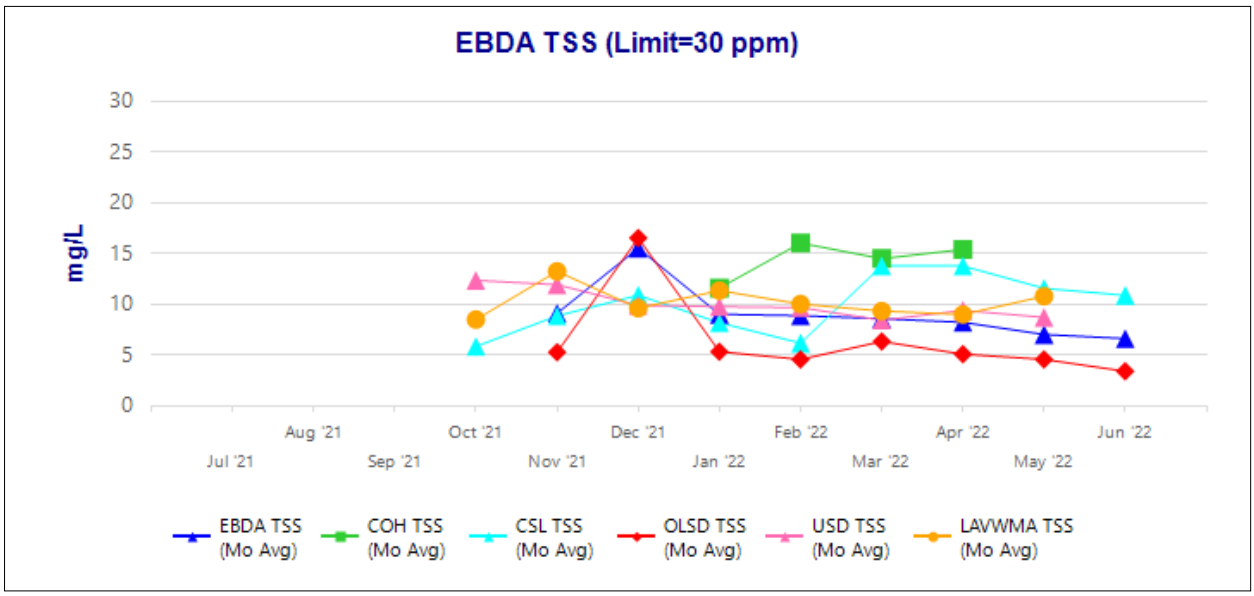
The next O&M Committee meeting will be held
Monday, September 12, 2022, at 9:00 a.m.

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 May, and preliminary data from June are also free of permit exceedances. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators is also included. Though EBDA did have a number of high Enterococcus values in June, the geomean remained well below the permit limit. Values for the first week of July are in the single digits. EBDA staff appreciates the cooperation with the Member Agencies' lab and operations staff on additional sampling and chlorine dosing.





EBDA Bacterial Indicators

Date	FECAL	ENTERO
	MPN/ 100mL	MPN/ 100mL
Limit (90th Percentile)	1100	
Limit (Geomean)	500	240
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**
March 2022 Geomean	**7**	**4**
April 2022 Geomean	**2**	**7**
5/2/2022	8	60
5/3/2022	4	76
5/4/2022	4	72
5/9/2022	3	65
5/10/2022	8	31
5/16/2022	3	67
5/17/2022	2	43
5/23/2022	< 2	32
5/24/2022	2	49
5/30/2022	28	171
5/31/2022	11	6
May 2022 Geomean	**5**	**48**
6/6/2022	3	137
6/7/2022	6	286
6/8/2022	2	53
6/13/2022	3	24
6/14/2022	< 2	24
6/15/2022	5	49
6/20/2022	7	476
6/21/2022	79	23
6/22/2022	8	50
6/27/2022	3	35
6/28/2022	4	17
June 2022 Geomean	**5**	**57**

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 mid-2023.

Oro Loma Effluent Pump Station (OLEPS)

Emergency Outfall Upgrade
EBDA staff worked with Carollo Engineers (Carollo) on an evaluation of the OLEPS emergency outfall. The purpose of the evaluation was 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 evaluation was completed and discussed with the MAC and the Commission. Carollo recommended that the existing lumber weir be replaced with a permanent concrete weir at an increased elevation. Carollo is in the process of preparing a one-page drawing and pertinent material specifications that will 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 previously approved by the Commission.

Main Electrical Switchboard Upgrade
On June 23, 2022, PG&E was scheduled to disconnect the power at OLEPS for 10 hours to facilitate completion of the main electrical switchboard upgrade project. However, the shutdown was postponed for three weeks due to oversights by Schneider Electric, the project contractor.

The shutdown has been rescheduled for July 14, 2022, at which time PG&E will disconnect the power from 12:30 am to 10:30 am. The shutdown will allow for the installation of new breakers, new busbar sections to connect the new breakers, new main electrical switchboard front panels, and upgraded power monitoring equipment. The San Leandro force main crew will open the OLEPS bypass valve and close the valve that connects the flows from UEPS and HEPS to OLEPS, allowing the UEPS and HEPS flows to bypass OLEPS during the electrical shutdown. Additionally, OLSD will divert its flow to its equalization basin for 7 hours out of the 10-hour shutdown. During the remainder of the shutdown, EBDA will operate one diesel pump.

Skywest Pump Station

Recycled Water Production

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

Chlorine Contact Tank (CCT) Cleaning

On June 15, 2022, the Skywest CCT was cleaned. OLSD Operations staff emptied the CCT, and EBDA contracted with Presidio Systems, Inc. (PSI) to perform the cleaning. After the CCT was cleaned, preventative maintenance inspections of the pumps were completed. EBDA would like to thank the OLSD Operations Department for their assistance with this project. The photos below show a comparison before and after the CCT cleaning.

Before

After

Before

After

Marina Dechlorination Facility (MDF)

New Meter Vault Fence & Main Fence Security Improvements

On June 30, 2022, a new fence was installed around the meter vault hatch, next to the path, across from MDF. The new fence has safety yellow posts and rails for high visibility. The photos below show a comparison before and after the new fence installation. Additional security improvements, such as barbed wire along the back fence, were also completed at that time. The original fence at MDF only had barbed wire on the front and the two sides, but not the back of the facility. The additional security improvements should deter people from trying to unlawfully access MDF. The total cost of the new meter vault fence and the facility fence improvements was $6,400.

Before

After

Before

After

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. The new limit will take effect as soon as the EPA approves the underlying Basin Plan Amendment. Work on this project is on hold until the new TRC effluent limit takes effect.

Force Main

No change; all equipment is operational.

Operations Center

Air Conditioner Condenser Replacement
On June 24, 2022, one of the EBDA office air conditioning units failed. On June 27, 2022, B. A. Morrison, EBDA's HVAC contractor, determined that the unit's compressor failed and recommended that the whole condenser be replaced. The condenser was replaced on July 12, 2022. The total cost of the new air conditioning condenser was $5,306 including parts and labor.

Miscellaneous Items

Underground Service Alerts
EBDA received seventeen (17) Underground Service Alert (USA) tickets during the month of June 2022. Fourteen required an Electronic Positive Response (EPR), and of the fourteen, four required calls/emails to the excavators, and three required field verification.

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. 8.

Special Projects

Roof Replacement Projects
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, a national bidding structure. Garland has performed this type of assessment in the past and completed several roof replacement projects for EBDA's Member Agencies.

Garland will serve as the General Contractor overseeing the roofing contractor, using Garland's roofing products.

The assessment report was completed on April 4, 2022, and a job walk with potential bidders was conducted on May 2, 2022. All of the bids received were higher than expected. On June 28, 2022, a second job walk was completed with a different set of roofing contractors. EBDA will have the new bid results by the third week of July.

Cargill Brine Project
Staff is continuing to work with the Authority's CEQA consultant, Ascent Environmental, on preparation of the Environmental Impact Report (EIR) for the project. A Notice of Preparation of the EIR was released on May 19, 2022, and a CEQA Scoping Meeting was held on June 1, 2022. The NOP and a recording of the Scoping Meeting are available on EBDA's website: https://ebda.org/projects/cargill-partnership/. Following additional discussions with City of Hayward staff, the project team identified a new preferred route for the pipeline through Hayward. A new NOP was posted on July 8, 2022, with a new 30-day comment period (see attached).

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 additional delays and is no longer likely to be completed in Summer 2022. American Tower, who controls the Rocky Ridge site via lease from EBMUD, will not approve the project's contractor/crane-operator as an "approved vendor" because of an outstanding OSHA case. The installation previously scheduled for the week of July 18, 2022, will therefore be postponed, probably a few months, until the team can get another contractor on board and the building permit transferred to that new contractor.

A new East Bay AQPI Agreement is still circulating to extend the funding terms from the previous agreement, which has expired. Staff now expects to bring the new agreement to the Commission for consideration in September 2022.

EAST BAY DISCHARGERS AUTHORITY

REVISED

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE CARGILL MIXED SEA SALT PROCESSING AND BRINE DISCHARGE PROJECT

SCH NO. 2022050436

Date: July 8, 2022

To: Responsible Agencies, Trustee Agencies, and Interested Persons

RE: Notice of Preparation of a Draft Environmental Impact Report for the Cargill Mixed Sea Salt Processing and Brine Discharge Project, SCH No. 2022050436

INTRODUCTION

On May 20, 2022 the East Bay Dischargers Authority (EBDA) issued a Notice of Preparation (NOP) for the proposed project described below (State Clearinghouse [SCH] No. 2022050436). A scoping meeting was conducted on June 1, 2022. This NOP is being re-issued due to a change in the location of part of the project (specifically, a portion of the pipeline alignment). All comments on the original NOP will be considered; if you already commented and have no new comments as a result of the change in the project, you need not comment again.

PROJECT BACKGROUND AND SUMMARY

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

Cargill, Incorporated (Cargill) operates a solar sea salt production facility (Solar Salt Facility) in Newark, California. The facility commercially harvests two salts from Bay water, sodium chloride (NaCl) and magnesium chloride ($MgCl_2$). No additives or chemicals are used to produce these salts; evaporation through solar and wind energy drive the process. Water from the Bay is introduced into concentrator ponds, where most of the water evaporates, creating a concentrated brine. Once this brine achieves saturation, it is transferred into crystallizers, where additional evaporation results in the production of NaCl crystals (table salt). The harvested NaCl is further processed and packaged to individual customer's specifications. The brine exiting the NaCl crystallizers is further evaporated through a series of ponds to achieve a concentrated magnesium chloride brine product, also known as liquid bittern,

which is harvested to produce additional commercial products used for road de-icing and dust suppressant. Within the intermediate ponds a variety of salt compounds are crystallized and settle in the ponds. Some additional NaCl is recovered and recycled in the process. Salts that have not yet been recovered as commercial products are referred to as mixed sea salts (MSS); they include small residues of unharvested sodium chloride and magnesium chloride, as well as other salts that naturally exist at lower concentrations in sea water. The remaining excess MSS that is not sold as an alternative salt product is stored in ponds adjacent to the Bay at the Solar Salt Facility. Currently, there are approximately 6 million tons of MSS stored in these ponds.

Facing the potential long-term threat of sea level rise from the Bay, Cargill is proposing to implement innovative technology to enhance extraction of additional salts from the MSS inventory. The proposed project exclusively involves the construction and operation of new infrastructure to facilitate the enhanced harvesting method, tailored to the MSS in ponds 12 and 13 at the Solar Salt Facility, and to dissolve the residual MSS in Bay water to produce a brine that could be pumped into EBDA's combined effluent conveyance system. Once in EBDA's conveyance system, the brine would be blended with and further diluted by EBDA Member Agency effluent and then discharged back into the Bay in accordance with EBDA's NPDES permit. Through this process, the volume of brine and precipitated salts stored in ponds closest to the Bay at the Solar Salt Facility in Newark would be reduced. Therefore, with implementation of the proposed project, Cargill would be accelerating and enhancing the recovery of commercial product from MSS and, as an ancillary benefit, proactively addressing threats associated with sea level rise by reducing the amount of concentrated salts stored in close proximity to the Bay.

The proposed project would involve modifications within a limited portion of Cargill's Solar Salt Facility, including new pipelines and pumping facilities in and around ponds 12 and 13, and construction of approximately 16 miles of new underground pipeline, primarily off site and within roadway rights-of-way, to connect the Solar Salt Facility to EBDA's outfall system on the site of the Oro Loma Sanitary District/Castro Valley Sanitary District Water Pollution Control Plant in the community of San Lorenzo.

It is anticipated that the MSS brine would be discharged to the EBDA system at an average rate ranging from 0.9 million gallons per day (MGD) to up to 2 MGD (taking approximately 20 to 10 years respectively). Discharge of the MSS brine by Cargill to the EBDA system would be subject to an agreement between EBDA and Cargill. The EBDA JPA term expires on June 30, 2040. Therefore, the proposed project would either terminate on or before that date or could continue under a renegotiated agreement.

In accordance with the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.), EBDA has determined that the proposed project will require preparation of an Environmental Impact Report (EIR). EBDA will serve as the lead agency for CEQA compliance.

SECOND NOTICE OF PREPARATION AVAILABILITY AND REVIEW PERIOD

EBDA has prepared this second NOP to provide the public, interested parties, and public agencies with updated information about the proposed project and its potential environmental effects, and solicit comments on the scope and proposed content of the EIR, including any additional comments resulting from the change in the project pipeline route.

This second NOP initiates a 30-day CEQA scoping process. A hard copy of the NOP is available for public review at:

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

The NOP is also available for public review online at: https://ebda.org/projects/cargill-partnership/

EBDA welcomes public and agency input during this review. However, if you or your agency has already provided written comments in response to the previous NOP, and none of those comments would change considering the

proposed changes to the project, those comments do not need to be resubmitted. All comments received on the original NOP have been reviewed and will be considered and addressed in the Draft EIR.

PROVIDING COMMENTS ON THIS SECOND NOTICE OF PREPARATION

Agencies and interested parties may provide EBDA with written and/or email comments on topics to be addressed in the EIR. Because of time limits mandated by State law, comments must be received by **5:00 p.m.** on **August 9, 2022**. Please send all comments on the NOP by mail or email to:

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

Attn: Jacqueline Zipkin, General Manager
Phone: (510) 278-5910
E-mail: jzipkin@ebda.org

Comments provided by email should include "Cargill MSS Processing and Brine Discharge Project NOP Scoping Comment" in the subject line, and the name and physical address of the commenter in the body of the email. If you are from an agency that will need to consider the EIR when deciding whether to issue permits or other approvals for the project, please provide the name of a contact person. A new scooping meeting will not be held.

All comments on environmental issues received during the public comment period will be considered and addressed in the Draft EIR, which is anticipated to be available for public review in summer 2022.

Focus of Input

EBDA relies on responsible and trustee agencies to provide information relevant to the analysis of resources falling within their jurisdiction. EBDA encourages input for the proposed EIR, with a focus on the following topics:

- **Scope of Environmental Analysis.** Guidance on the scope of analysis for this EIR, including identification of specific issues that will require closer study due to the location, scale, and character of the proposed project.
- **Mitigation Measures.** Ideas for feasible mitigation, including mitigation that could potentially be imposed by EBDA and that would avoid, eliminate, or reduce potentially significant or significant impacts.
- **Alternatives.** Suggestions for alternatives to the proposed project that could potentially reduce or avoid potentially significant or significant impacts.
- **Interested Parties.** Identification of public agencies, public and private groups, and individuals that EBDA should notice regarding the proposed project and associated EIR.

PROJECT LOCATION

Proposed project features are located in the eastern San Francisco Bay Area, including portions of San Lorenzo, an unincorporated community in Alameda County, and portions of the Cities of Hayward, Union City, Fremont, and Newark. Specifically, project improvements would be constructed at Cargill's Solar Salt Facility, located at 7220 Central Avenue in Newark, California, and primarily within roadway rights-of-way between the Solar Salt Facility and the Oro Loma Sanitary District/Castro Valley Sanitary District Water Pollution Control Plant in San Lorenzo. The MSS are primarily situated in Ponds 12 and 13 of Cargill's Solar Salt Facility, which are located within the United States Fish and Wildlife Service's (USFWS) Don Edwards San Francisco Bay National Wildlife Refuge. In 1979, Cargill transferred this real property, along with additional acreage, through a condemnation process and retained perpetual rights to continue sea salt manufacturing operations within 8,000 acres of the Refuge, including Ponds 12 and 13. The project location and proposed features are shown in Figure 1 below.

PROJECT DESCRIPTION

The proposed project would enable the enhanced processing and removal of MSS in existing Cargill ponds by harvesting additional liquid bittern, a concentrated magnesium chloride brine, from the MSS matrices in these ponds as commercial product, dissolving the residual MSS solids in the ponds using Bay water, and transferring the resulting brine to EBDA's combined effluent pipeline for discharge into the Bay under EBDA's NPDES permit. Harvesting the liquid bittern and final disposition of the residual MSS brine would not require the use of any chemicals. It is anticipated that the MSS brine would be discharged to the EBDA system at an average rate ranging from 0.9 million gallons per day (MGD) up to 2.0 MGD.

The change in the project pertains to the alignment of the pipeline transporting the MSS brine, as described below.

The proposed project has an onsite component of pipelines and pumping facilities within the existing Solar Salt Facility and an offsite component that would involve construction of approximately 16 miles of new underground pipeline primarily within roadway rights-of-way to connect the Solar Salt Facility into EBDA's system just downstream of the Oro Loma Sanitary District/Castro Valley Sanitary District Water Pollution Control Plant in San Lorenzo.

The proposed project consists of the following components, as shown in Figure 1:

- Dissolution Water Pond and Plummer Creek Pump Station. A new pump station would be installed to pump water indirectly from Plummer Creek to a new dissolution water pond.
- Dissolution Water Pump Station and Distribution System. A new dissolution water pump station would be constructed as a cast-in-place slab-on-grade facility located at the Dissolution Water Pond and connected to an onsite high-density polyethylene piping distribution system installed above grade along the internal slope of the existing berms to deliver dissolution water to micro-trenches excavated in the crystallized salt layer above the Bay mud in Ponds 12 and 13 for MSS processing.
- Two MSS Brine Pump Stations. New MSS brine pump stations would be constructed at Ponds 12 and 13 consisting of cast-in-place concrete wet wells connected to cast-in-place slab-on-grade pump stations to pump the resultant brine out of the processing ponds and into the offsite brine discharge pipeline.
- MSS Liquid Brine Recovery. During the processing of Pond 12, sections of the pond would be temporarily isolated using vinyl sheet piling to enable liquid bittern recovery. Two new pipelines would be installed along the internal slope of the berm on the northern shore of Pond 12: (1) a 12-inch header pipe to deliver dissolution water to Pond 12; and (2) a 4-inch pipe to transfer liquid bittern from Pond 12 to Pond 13, where it would be further processed and harvested as commercial product.
- Rainwater Decanting. A new weir box structure, which includes a weir plate (barrier) to control the flow of water, and a pipe would be installed at the northeastern corner of Pond 13 to enable decanting of rainwater from the surface of Pond 13 to supplement dissolution water for Pond 12.
- MSS Brine Transport Pipeline. A MSS brine transport pipeline, up to 16 inches in diameter, would extend north primarily along roadway rights-of-way for approximately 16 miles from the Solar Salt Facility to the Oro Loma Effluent Pump Station (OLEPS), located adjacent to and immediately downstream of the Oro Loma Sanitary District/Castro Valley Sanitary District Water Pollution Control Plant in San Lorenzo. Figure 1 shows the location of the proposed pipeline, as well as the previously proposed alignment and two options through the City of Hayward that were identified in the original NOP. The proposed pipeline alignment is the same as described in the previous NOP except within the City of Hayward. The proposed alignment through the City of Hayward has been moved to the east to avoid a large segment of Hesperian Blvd, and the two optional alignments in Hayward have been eliminated from consideration.

  The MSS brine transport pipeline would be constructed primarily using open-cut methods, except where the pipeline would cross creeks, channels, canals, drains, rail lines, and major roadways. In these locations, trenchless construction methods (i.e., horizontal directional drilling, micro-tunneling) would be used.

Pipeline appurtenances would include isolation valves, air release/vacuum valves, blowoff valves, tracer wire, and a "pig" delivery system. Pigs, or pipeline inspection gauges, are maintenance projectiles used for cleaning and inspecting pipelines.

Construction of the pipeline would affect portions of the following roadways and public facilities in Newark, Fremont, Union City, Hayward, and San Lorenzo: Newark Slough Trail (San Francisco Bay Trail), Thornton Ave, Paseo Padre Pkwy, Ardenwood Blvd, Union City Blvd, Hesperian Blvd, Industrial Blvd, Arden Rd, Corporate Ave, Investment Blvd, Production Ave, Clawiter Rd, W. Winton Ave, Corsair Blvd, Skywest Golf Course, and the Oro Loma Sanitary District/Castro Valley Sanitary District Water Pollution Control Plant.

To minimize future disruption to the streets in the City of Hayward, an agreement to install a 4-inch HDPE fiber optic cable conduit and 12-inch HDPE recycled water pipeline ("purple pipe") at the same time trenching and installation of the underground MSS brine transport pipeline would occur, along the segment of pipeline alignment within the City of Hayward, is also being explored.

- Discharge to the EBDA System. The MSS brine transport pipeline would tie into EBDA's combined effluent conveyance system immediately downstream of the Oro Loma Sanitary District/Castro Valley Sanitary District Water Pollution Control Plant in San Lorenzo, either by connection directly to the OLEPS, or to the pump discharge manhole approximately 75 feet north of the OLEPS. The MSS brine would then be combined with the treated wastewater effluents from the other agencies that discharge into the EBDA system before being discharged back to the Bay.

Project construction is estimated to start in summer of 2023 and would take approximately 12-18 months to complete. Pump station construction would occur concurrently with pipeline construction and would require approximately 8 months to complete. Construction of the on-site Pond 12 and Pond 13 processing facilities would be phased, with the facilities required for Pond 12 processing being completed in the first year and facilities for Pond 13 processing being installed approximately 6 years later.

Staging areas would be provided on Cargill property and along the MSS Brine Transport Pipeline alignment at locations approved by the local jurisdiction.

POTENTIAL ENVIRONMENTAL EFFECTS

As required by CEQA, the EIR will describe existing conditions and evaluate the potential environmental effects of the proposed project and a reasonable range of alternatives, including the no-project alternative. It will address direct, indirect, and cumulative effects. The EIR will identify feasible mitigation measures, if available, to reduce potentially significant impacts. At this time, EBDA has identified a potential for environmental effects in the areas identified below:

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

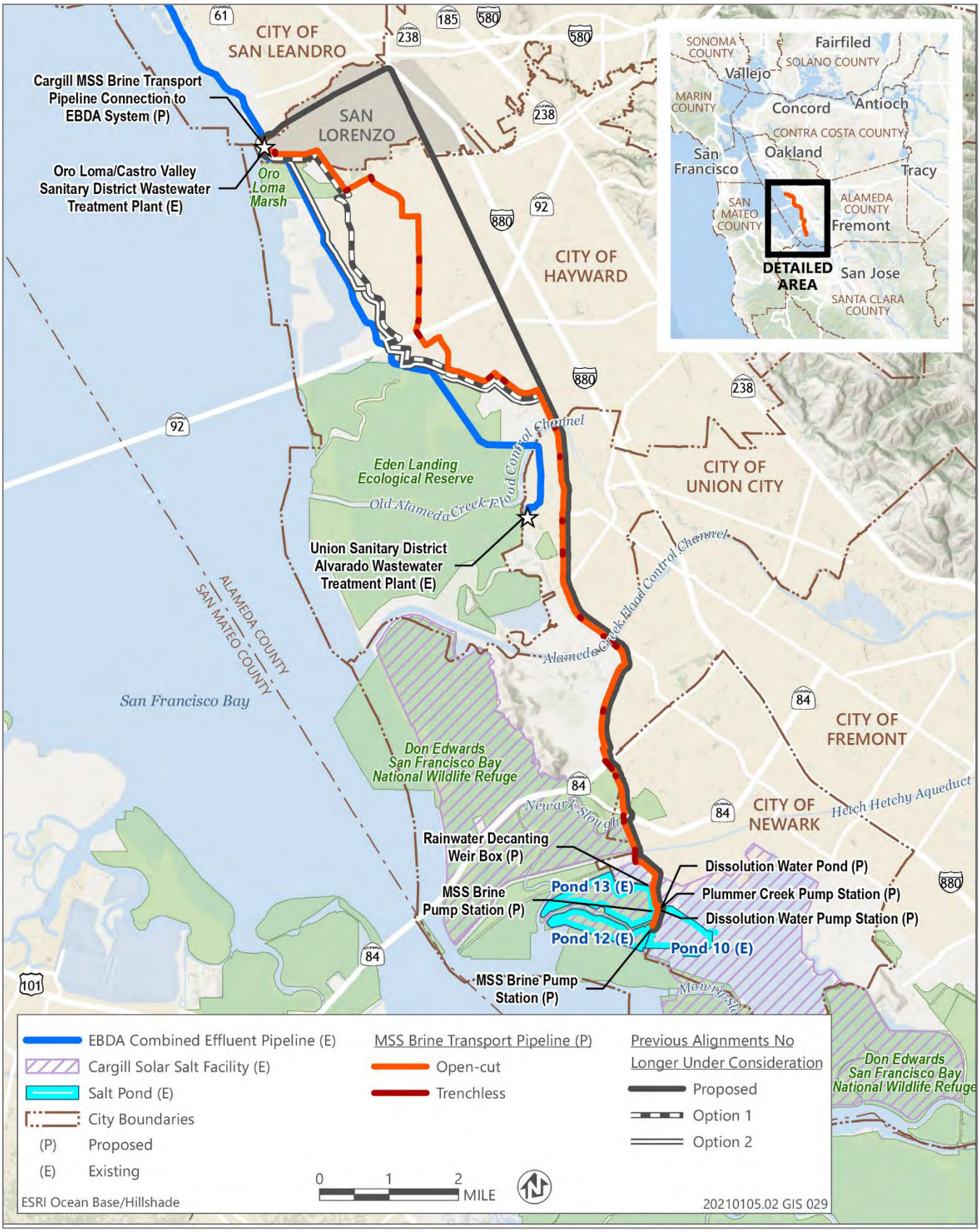
The EIR will evaluate all environmental topic areas included in the State CEQA Guidelines, including the topics identified above. Feasible and practicable mitigation measures will be recommended to reduce any identified potentially significant and significant impacts.

ALTERNATIVES TO BE EVALUATED IN THE EIR

In accordance with the State CEQA Guidelines (14 CCR Section 15126.6), the EIR will evaluate a range of reasonable alternatives to the proposed project that are capable of meeting most of the objectives and would avoid or

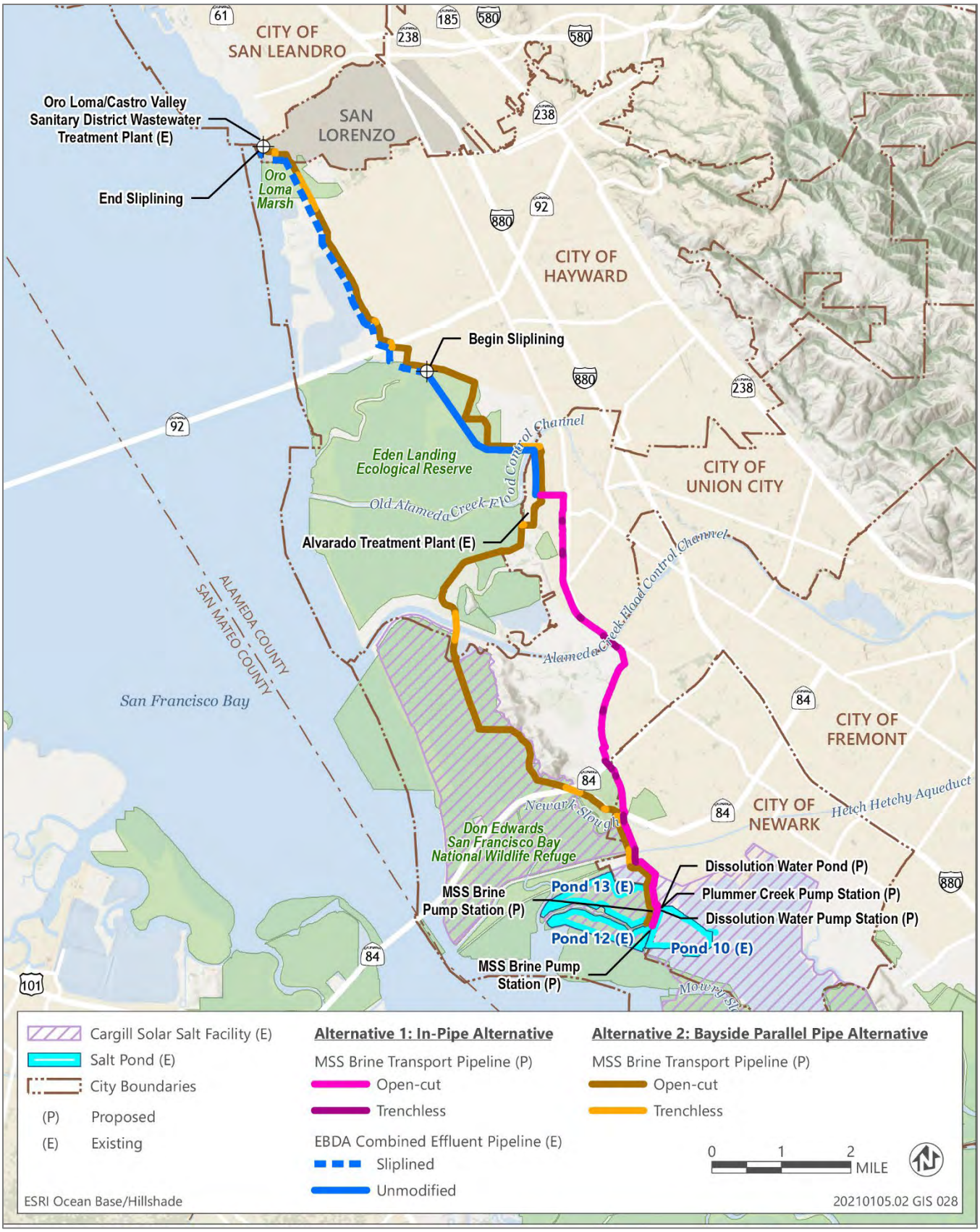
substantially lessen one or more significant effects of the project. The EIR will also identify any alternatives that were considered but rejected by the lead agency as infeasible and briefly explain the reasons why.

Two action alternatives are currently under consideration by EBDA and Cargill (Figure 2). The first action alternative, referred to as the "In-Pipe Alternative" would involve the same improvements at the Solar Salt Facility as those included in the proposed project, but instead of constructing 16 miles of new underground pipeline along the proposed MSS brine transport pipeline alignment shown in Figure 1, the In-Pipe Alternative would involve construction of approximately 7.5 miles of new underground pipeline connecting the Solar Salt Facility to EBDA's system just downstream of the Union Sanitary District Alvarado Wastewater Treatment Plant in Union City and then installation of approximately 4 miles of slip-liner within EBDA's existing combined conveyance pipeline to prevent corrosion in EBDA's system. The 4 miles of slip-liner within the EBDA combined conveyance pipeline would start approximately 3 miles downstream of the MSS brine transport pipeline connection to the EBDA system and extend to the Oro Loma Sanitary District/Castro Valley Sanitary District Water Pollution Control Plant in San Lorenzo. In addition to laydown areas along the 7.5-mile new underground pipeline route, this alternative would require access pits periodically along the 4-mile slip-liner section of EBDA's system. The second action alternative under consideration by EBDA and Cargill, referred to as the "Bayside Parallel Pipe Alternative," also would involve the same improvements at the Solar Salt Facility as those included in the proposed project, but under this alternative, the MSS brine transport pipeline would consist of approximately 17 miles of new underground pipeline that would skirt the edges of existing or former Cargill-owned or operated salt ponds and then run almost parallel to EBDA's existing pipeline until connecting into EBDA's system downstream of the Oro Loma Sanitary District/Castro Valley Sanitary District Water Pollution Control Plant in San Lorenzo. This alternative would rely on directional drilling in several areas to minimize impacts to wetlands and sensitive habitat. The EIR will also provide an analysis of the No Project Alternative and will identify the environmentally superior alternative from among the alternatives evaluated in the EIR.



Source: Data provided by AECOM and Jacobs in 2021 and 2022, adapted by Ascent Environmental, Inc. in 2022

Figure 1 Project Location and Proposed Project Features



Source: Data provided by Jacobs in 2022, adapted by Ascent Environmental, Inc. in 2022

Figure 2 Project Alternatives

ITEM NO. 15 ITEMS FROM THE COMMISSION AND STAFF
The Commission and staff may comment on items of general interest.

ITEM NO. 16 ADJOURNMENT