



EAST BAY DISCHARGERS AUTHORITY
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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/83506899576>
- You may also participate via telephone by dialing 1(669) 900-6833 and entering Meeting ID number 835 0689 9576.

ITEM NO. 13

REGULATORY AFFAIRS COMMITTEE AGENDA

Wednesday, December 14, 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. Motion Authorizing the General Manager to Execute an Agreement with Caltest Analytical Laboratory in the Amount of \$500,000
(The Committee will review and consider the item.)

RA6. Adjournment

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

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administration Manager at (510) 278-5910 or juanita@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the

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

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

**The next Regulatory Affairs Committee meeting is scheduled on
Wednesday, February 15, 2023 at 11:00 a.m.**

ITEM NO. RA5 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AGREEMENT WITH CALTEST ANALYTICAL LABORATORY IN THE AMOUNT OF \$500,000

Recommendation

Approve a motion authorizing an agreement with Caltest Analytical Laboratory in the amount of \$500,000.

Background

The Authority and each of the member agency's treatment plants have monitoring and reporting requirements as specified in NPDES Permit No. CA0037869 as issued by the San Francisco Bay Regional Water Quality Control Board (Water Board). DSRSD and Livermore operate under separate NPDES permits, but have nearly identical monitoring requirements.

In order to meet NPDES monitoring requirements, the Authority contracts with an external certified laboratory to perform water quality analyses. The contract covers samples provided both by the Authority (as collected and conveyed by San Leandro staff), and samples provided by the Member and LAVWMA Agencies, and pricing is consistent across the agencies.

EBDA bid this contract in 2010 and selected EBMUD as the lowest bidder, providing the highest quality testing. The contract happened to be bid at the end of the last "Great Recession," and EBMUD bid quite cost-effectively as a result. EBMUD provided a range of services to the EBDA agencies for seven years. However, at the conclusion of that contract, they determined that providing service to EBDA was no longer cost-effective, and that they needed to redirect staffing resources to address new lab certification requirements.

Therefore, in 2017, EBDA sought bids from other contract labs and selected Caltest Analytical Laboratory (Caltest) as the most cost-effective and qualified. The current contract expires on December 31, 2022.

The following table summarizes Authority spending under the existing contract. In the early implementation of the contract, the Authority would pay for Member Agency NPDES analyses and pass through those costs to the agencies. In FY 2019/2020, Authority and agency staff agreed that Caltest should bill the agencies directly for their samples, lowering transactional costs.

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	Amount Spent	Notes
FY2017/2018	19,787.80	partial year
FY2018/2019	66,643.25	included member agency analyses
FY2019/2020	28,425.55	included some member agency analyses
FY2020/2021	12,642.30	
FY2021/2022	14,796.40	

Discussion

In consultation with the Agency lab supervisors, staff is recommending awarding the next lab contract to Caltest. Caltest has provided exemplary service and quality to the Authority and the Agencies for the past five years. Currently, they are the only lab offering service to municipal clients in the Bay Area that provides the full range of analyses required in EBDA’s NPDES permit, and their prices are competitive with other labs for common analyses. Caltest has the highest level of certification per new requirements (TNI). Caltest also has low Method Detection Limits – an indication of the quality of a laboratory’s equipment and consistency of their procedures, lack of background contamination, and other factors. The lowest Method Detection Limits are preferred because data reported as “Below Detection Limits” are often considered by the regulatory agencies to be present at that level. Finally, continuing with the same laboratory ensures the comparability of data over time, allowing for trend analyses.

The NPDES permit was reissued last summer and will be in effect through August 31, 2027. Since it would be prudent to use the same laboratory for the duration of the permit, the contract is proposed to cover through December 2027. The contract includes analyses for EBDA samples, Member and LAVWMA Agency samples, and also samples that are expected to be required under any agreement between EBDA and Cargill, Inc. associated with the Mixed Sea Salt Brine Project.

The proposed contract pricing provides a discount over Caltest’s “book prices” for each analysis. Caltest’s bid included the most significant discount in 2023, with the discount decreasing slightly each year to cover cost of living escalation. The total not-to-exceed contract value of \$500,000 covers samples provided by EBDA as well as by the EBDA and LAVWMA member agencies and Cargill. Caltest will continue billing each party directly for their samples. EBDA’s cost under this contract is expected to be approximately \$65,000.