



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/87948013822>
- You may also participate via telephone by dialing 1(669) 900-6833 and entering Meeting ID number: 879 4801 3822.

## COMMISSION MEETING AGENDA

Thursday, February 16, 2023

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

## CONSENT CALENDAR

- |        |   |
|--------|---|
| MOTION | 5. Commission Meeting Minutes of January 19, 2023                           |
|        | 6. List of Disbursements for January 2023 – See Item No. FM4                |
|        | 7. Treasurer’s Report for January 2023 – See Item No. FM5                   |
|        | 8. Second Quarter Expense Summary, Fiscal Year 2022/2023 – See Item No. FM6 |

## REGULAR CALENDAR

- |             |   |
|-------------|---|
| INFORMATION | 9. General Manager’s Report<br>(The General Manager will report on EBDA issues.)  |
| INFORMATION | 10. Report from the Manager’s Advisory Committee<br>(The General Manager will report on Manager’s Advisory Committee activities.) |
| INFORMATION | 11. Report from the Regulatory Affairs Committee<br>(The General Manager will report on the meeting.)                             |

- MOTION 12. Motion Authorizing the General Manager to Execute Amendment No. 2 to the Contract with Ascent Environmental for CEQA Consulting Services for the Cargill Mixed Sea Salt Brine Discharge Project in the Amount of \$63,500, for a Total Not to Exceed Amount of \$556,555 – See Item No. RA9**  
(The Commission will consider the motion.)
- INFORMATION 13. Report from the Financial Management Committee**  
(The General Manager will report on the meeting.)
- MOTION 14. Motion Appointing Commissioner Simon as an Alternate Authorized Signer on the Authority’s Checking Account – See Item No. FM9**  
(The Commission will consider the motion.)
- INFORMATION 15. Report from the Operations & Maintenance Committee**  
(The Operations & Maintenance and General Managers will report on the meeting.)
- MOTION 16. Motion Authorizing the General Manager to Issue a Change Order to 4B On Site Services, LLC for Diesel Fuel for Fiscal Year 2022/2023 in the Amount of \$15,001, for a total purchase order value of \$40,000 – See Item No. OM6**  
(The Commission will consider approval of the motion.)
- MOTION 17. Motion Authorizing the General Manager to Issue a Change Order to Southern Counties Lubricants, LLC for Diesel Fuel for Fiscal Year 2022/2023 in the Amount of \$15,001, for a total purchase order value of \$40,000 – See Item No. OM7**  
(The Commission will consider approval of the motion.)
- MOTION 18. Motion Authorizing the General Manager to Issue a Change Order to Univar Solutions USA, Inc. for Sodium Bisulfite 25% Solution for Fiscal Year 2022/2023 in the Amount of \$150,000, for a total purchase order value of \$275,000 – See Item No. OM8**  
(The Commission will consider approval of the motion.)
- INFORMATION 19. Report from the Personnel Committee**  
(The General Manager will report on the meeting.)
- INFORMATION 20. Items from the Commission and Staff**  
(The Commission and staff may address items of general interest.)

## **21. 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.

Agenda Explanation  
East Bay Dischargers Authority  
Commission Agenda  
February 16, 2023

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 the EBDA office at (510) 278-5910 or [juanita@ebda.org](mailto:juanita@ebda.org). Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

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

**The next Commission meeting will be held  
Thursday, March 16, 2023 at 9:30 a.m.**

## **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 January 19, 2023
- Item No. 6 List of Disbursements for January 2023 – See Item No. FM4
- Item No. 7 Treasurer’s Report for January 2023 – See Item No. FM5
- Item No. 8 Second Quarter Expense Summary, Fiscal Year 2022/2023 – See Item No. FM6

## **Recommendation**

Approve Consent Calendar

**ITEM NO. 5 COMMISSION MEETING MINUTES OF JANUARY 19, 2023**

Chair Andrews called the telephonic meeting to order in compliance with AB 361 (2021) at 9:30 A.M. on Thursday, January 19, 2023. Dial-in information for the meeting was provided in the agenda for public attendees.

**1. Pledge of Allegiance – Deferred**

**2. Roll Call**

Present:	Bryan Azevedo	City of San Leandro
	Anjali Lathi	Union Sanitary District
	Fred Simon	Oro Loma Sanitary District
	Dave Sadoff	Castro Valley Sanitary District
	Angela Andrews	City of Hayward

Absent: None

Attendees:	Jacqueline Zipkin	East Bay Dischargers Authority
	Howard Cin	East Bay Dischargers Authority
	Juanita Villaseñor	East Bay Dischargers Authority
	Bert Manzo	East Bay Dischargers Authority
	Eric Casher	Legal Counsel
	Alex Ameri	City of Hayward
	David Donovan	City of Hayward
	Hayes Morehouse	City of San Leandro
	Jimmy Dang	Oro Loma Sanitary District
	Paul Eldredge	Union Sanitary District
	Roland Williams	Castro Valley Sanitary District

**3. 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 December 15, 2022**
- 6. Commission Workshop Minutes of December 16, 2022**
- 7. List of Disbursements for December 2022**
- 8. Treasurer's Report for December 2022**
- 9. Resolution Authorizing Remote Teleconference Meetings Pursuant to AB 361**

Commissioner Lathi moved to approve the consent calendar. The motion was seconded by Commissioner Sadoff and carried 4-0-1, by roll call vote.

Ayes:	Commissioners Azevedo, Lathi, Sadoff, Chair Andrews
Noes:	None
Absent:	None
Abstain:	Simon

## REGULAR CALENDAR

### **10. General Manager's Report**

The General Manager (GM) welcomed newly appointed Commissioners Azevedo and Simon to the EBDA Commission, representing the City of San Leandro and Oro Loma Sanitary District, respectively. The COVID-19 State of Emergency will end on February 28, 2023, eliminating the conditions allowing EBDA to hold remote meetings. Therefore, EBDA expects to resume in-person meetings in March 2023. In addition, the GM announced a Hayward Area Shoreline Planning Agency (HASPA) tour on Friday, January 20, at 10:00 a.m. The GM provided an update on the strategic planning process, a Water Research Foundation study on the fate of PFAS in biosolids thermal treatment that recently kicked off, and a grant for continued exploration of Nature Based Solutions that was awarded to the Hayward Water Pollution Control Plant.

### **11. Management Advisory Committee**

The GM reported that the MAC discussed recent wet weather and the Cargill project.

### **12. Report from the Financial Management Committee**

The GM reported on the January 18 meeting of the Financial Management Committee. The Committee reviewed the List of Disbursements and Treasurer's Report for December 2022 and recommended approval. The Committee also discussed the budget process for FY 2023/2024 and suggested the Financial Management Committee review the Renewal and Replacement Fund (RRF) project list in addition to the Operations and Maintenance (O&M) Committee.

### **13. Report from the Operations and Maintenance Committee**

The O&M Manager and GM reported on the January 18 meeting of the O&M Committee. The O&M Manager updated the Commission on EBDA's facilities, flow management following recent wet weather, and the roof replacement project. The GM provided an update on the Cargill project and implementation of the Advanced Quantitative Precipitation Information (AQPI) Project.

### **14. Motion Awarding the HEPS Pump Replacement Project to Pump Repair Service Company, Inc. for a Contract Value not to Exceed \$725,900 and Authorizing the General Manager to Negotiate a Negative Change Order**

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

Ayes: Commissioners Azevedo, Lathi, Simon, Sadoff, Chair Andrews  
Noes: None  
Absent: None  
Abstain: None

### **15. Motion Authorizing the General Manager to Execute an Amendment to Work Order 2 Under the Professional Services Agreement with Currie Engineers, Inc. in the Amount of \$18,930 for a Total Work Order Value of \$38,247 for Project and**

**Construction Management Services**

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

Ayes: Commissioners Azevedo, Lathi, Simon, Sadoff, Chair Andrews  
Noes: None  
Absent: None  
Abstain: None

**16. Items from Commission and Staff**

Staff advised the Commission that Statements of Economic Interest (Form 700) filings are due on April 1, 2023.

**17. Adjournment**

Chair Andrews adjourned the meeting at 10:17 a.m.

**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, February 9, 2023  
1:30 P.M.**

**Via Zoom**

- 1. OLSD Presentation on Denmark Technology Transfer Trip**
- 2. AQPI Feedback for Feb 13 Meeting**
- 3. FY 2023/2024 Budget and Special Studies Planning**
- 4. Cargill Brine Project**
- 5. Wet Weather Operations**
- 6. Strategic Planning**
- 7. EBDA Commission Agenda**
  - Regulatory Affairs
  - Finance
  - O&M
  - Personnel
- 8. EBDA Managers Information Sharing**





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### **ITEM NO. 11**

## **REGULATORY AFFAIRS COMMITTEE AGENDA**

**Wednesday, February 15, 2023**

**12:00 P.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. NPDES Annual Report**  
(The Committee will review the Authority's Annual Report submittal.)

**RA6. Nutrients Watershed Permit Update**  
(The Committee will review the regional annual report published by the Bay Area Clean Water Agencies.)

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

**RA8. Reporting Checklist**  
(The Committee will review a checklist of completed regulatory reporting items.)

**RA9. Motion Authorizing the General Manager to Execute Amendment No. 2 to the Contract with Ascent Environmental for CEQA Consulting Services for the Cargill Mixed Sea Salt Brine Discharge Project in the Amount of \$63,500, for a Total Not to Exceed Amount of \$556,555**

(The Committee will consider the motion.)

**RA10. Adjournment**

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**The next Regulatory Affairs Committee meeting is scheduled on  
Wednesday, April 19, 2023 at 11:00 a.m.**

**ITEM NO. RA5 NPDES ANNUAL REPORT**

**Recommendation**

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

**Background**

Each year at the end of January, EBDA is required by its NPDES permit to submit an annual report. The report provides a compendium of the status of EBDA's facilities, major projects undertaken by the Member Agencies, and discharge quality.

**Discussion**

EBDA's Annual Self-Monitoring Report is attached for the Commission's information. After reviewing the report, EBDA's permit engineer at the Regional Water Board, James Parrish, emailed the following:

Once again, I wanted to acknowledge EBDA's 2022 Annual Report. I really appreciate the summary of new information each year; it's well organized, informative, and convenient to have everything in one place for the Water Board to refer to and see how much EBDA is doing every year. I'm sure the other member agencies had a part in helping you compile the information, so this acknowledgement extends to all of them as well. I also genuinely appreciate all the work you and staff with EBDA and the member agencies do each year to operate well-run facilities and stay proactive and engaged with innovative projects (like the First Mile Project).

# 2022 NPDES SELF-MONITORING PROGRAM ANNUAL REPORT

NPDES PERMIT NO. CA0037869

East Bay Dischargers Authority  
City of San Leandro  
Oro Loma Sanitary District  
Castro Valley Sanitary District  
City of Hayward  
Union Sanitary District

January 30, 2023



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## Section 1: Comprehensive Discussion of Treatment Plant Performance and Compliance

EBDA's reissued permit was adopted in July 2022 and took effect September 1, 2022. EBDA has maintained consistent compliance with all provisions and effluent limits.

Major milestones and construction projects completed at the EBDA member treatment plants included the following:

- Oro Loma/Castro Valley Sanitary Districts (OLSD/CVSan)
  - Installed new washer compactor units (2) to replace existing grinder units (2) at the headworks in Spring of 2022. Screened material is being removed and hauled offsite.
  - Continuing to operate a full scale sidestream nitrification process using Microvi's biocatalyst. As constructed, approximately 100,000 gpd of belt press filtrate will be treated each day. The sidestream contains approximately 17% of the total influent nitrogen. To date, the process reduces ammonia concentrations by 70%. Staff continues to work to improve the performance with a 90% removal target. The process is designed to reduce ammonia to nitrite or nitrate, which is readily available for denitrification in the mainstream process.
  - Much of the Oro Loma Sanitary District's Capital Program spending has shifted to the collection system. The District is approximately 30% complete with its goal to replace 40 miles of sewer pipe by 2029 at an approximate cost of \$60M. The District has completed one of ten planned contracts in 2022 with four currently actively in construction and expects to award two more in 2023.
- Union Sanitary District (USD)
  - Construction of the first phase of the Enhanced Treatment and Site Upgrade Program, which includes nutrient removal options in the future has begun. The construction for phase 1a and for phase 1b has commenced. Phase 1a will modify the existing aeration basins, add an 8th aeration basin, and relocate existing administrative buildings to allow for phase 1b to be built. Phase 1b will construct new secondary clarifiers and new effluent pump station.
  - Digester #7 construction is completed and in service.
  - New Standby Generator system is currently under construction will be completed in 2025, barring any unforeseen construction delays.
- City of Hayward
  - Recycled water membrane treatment system was permitted by the Division of Drinking Water (DDW) and put in service during the first quarter of 2022. The system is capable of treating up to 500K gallons per day and the pump

station is capable of pumping up to 5 million gallons per day. The anticipated initial demand was expected to be around 300k gallons of recycled water per day to neighboring businesses and parks.

- The Headworks project was completed in 2021. This involved major reconstruction of the headworks building along with replacing the influent grinders with bar screens which will help protect the downstream plant equipment and processes. In 2022 the air handling system and a new Ferric Chloride dosing station were completed along with the construction of the biofilter. We are working with the contractor to install a dewatering system for the foul-air line, so it can convey the specified volume of air to the biofilter.
- The 12KV Switch Gear replacement project was awarded to Carollo in late 2021, and final designs were completed in the spring of 2022. The project went to bid and was awarded in summer of 2022. Due to lead times on electrical components, construction is scheduled to begin in late 2023.
- The Nutrient Management Upgrades and Administration Building project was awarded to Brown and Caldwell in August of 2022. Planning and design began in the Fall of 2022 with an expected 2-year timeline line for completion.
- City of San Leandro
  - Pending BAAQMD permit approval and analysis of the financial viability of the project, designs for a “micro-grid” battery system to provide peak shaving and other energy efficiency improvements are approaching completion, and work will begin in Spring 2023.
  - The Treatment Wetlands project is undergoing a modification to the original design. The NPDES permit has been issued, and other permits are pending CEQA, which will be completed in 2023. Construction will begin in 2024, pending funding approval. Installation of a pilot version of MABR nitrification units is planned for summer 2023.
  - Kickoff of a capital improvement planning project will begin in 2023, with expected completion in early 2024.
  - On the afternoon of December 31, 2022, the City bypassed approximately 300,000 gallons past the secondary treatment process to prevent severe damage to electrical pumping equipment. This was a result of the severe storm event that caused unprecedented flows that overwhelmed the primary and secondary processes and eventually the site drain system, causing a dangerous flood in the effluent pumping station. If the decision to bypass had not been made, the effluent pumping equipment may have been submerged and stopped functioning. The permit and 40 CFR 122.41(m)(4) allow bypasses under limited circumstances, including where there are no feasible alternatives during peak wet weather flow. This incident was further detailed to the Regional Water Board in a report dated January 17, 2023.

- A targeted I&I reduction study is planned for the 2023-24 rainy season in low lying areas with excessive rain-related flow, with more widespread studies to follow.

EBDA's major projects in 2022 included the following:

- EBDA continues to implement its Asset Management Plan to ensure appropriate renewal and replacement of infrastructure. The estimated total restoration cost over 20 years is approximately \$11.3 million. This includes \$420,000 annually through 2030 (for a total of \$4.2 million) that EBDA is contributing for capital improvements to the Union Effluent Pump station, per EBDA's Amended and Restated Joint Powers Agreement.
- In 2022, EBDA made significant improvements to the main electrical switchboard at the Oro Loma Effluent Pump Station (OLEPS). All breakers in the main electrical switchboard, including the main breaker, were replaced. Upgraded power monitoring equipment was also installed, that will allow OLEPS instantaneous power usage to be displayed on EBDA's SCADA system.
- EBDA went out to bid for the Hayward Effluent Pump Station (HEPS) Pump Replacement project. This project to replace all four pumps and motors was awarded in January 2023.
- EBDA initiated a project to replace the roofs on the EBDA Office Building, the Marina Dechlorination Facility (MDF) SBS Storage Building, and OLEPS. Work is underway and will be completed in Spring 2023.
- EBDA continued its key role in the Transforming Shorelines Project. This project, funded by an EPA Water Quality Improvement Fund grant, includes design of a full-scale horizontal levee south of Oro Loma ("First Mile" project), continued research at Oro Loma's horizontal levee pilot, advancement of pilot wetlands projects at San Leandro and Hayward, and building capacity for nature-based solutions among Bay Area wastewater agencies. In close coordination with East Bay Regional Park District, Hayward Area Shoreline Protection Agency, and San Francisco Estuary Partnership, EBDA has been managing the First Mile and Hayward projects. In 2022, the First Mile team developed a Design Decisions Memo, the first step toward preliminary design. The team also hosted a site tour and received valuable feedback from the Bay Restoration Regulatory Integration Team (BRRIT). A parallel process to engage the BRRIT's Policy Management Committee on regulatory challenges associated with horizontal levees and other multi-benefit projects has also been launched. The goal is to use the First Mile project as a case study to work through regulatory and other barriers to multi-benefit shoreline project implementation. The team also completed a high-level Feasibility Study for treatment wetlands and a horizontal levee at the Hayward Water Pollution Control Facility. Further feasibility assessment is being carried forward in 2023 as part of the City of Hayward's nutrient upgrade design.
- In late 2021, EBDA started a project to update programming and automation associated with sodium bisulfite (SBS) dosing at the Marina Dechlorination Facility (MDF). These updates are needed to implement the change to EBDA's effluent



limit for total residual chlorine (TRC), which was adopted as a blanket permit amendment by the Regional Water Board in October 2021. The new TRC effluent limit is expected to reduce SBS usage by approximately 85%, or a \$200,000 budgetary savings. The remainder of this project was put on hold in 2022 while EBDA awaits approval of the Basin Plan Amendment by EPA.

- EBDA has been working closely with Cargill, Inc. to develop a project that would deliver mixed sea salt brine from Cargill's solar salt ponds in Newark to EBDA's transport system for dilution and discharge. In 2022, Cargill and EBDA continued work to develop strategies to mitigate potential acceleration of corrosion induced by the brine addition. The team developed a schedule and cost estimate for protective measures at the Marina Dechlorination Facility as well as pipeline appurtenances. Work also progressed on a monitoring plan to assess corrosion in the conveyance system. The team also continued work on assessing the water quality of the brine-effluent blend and a sampling plan to ensure continued compliance with the NPDES permit. Lastly, the team developed a Draft Environmental Impact Report for the project, which was released in early January 2023 and is available here: <https://ebda.org/projects/cargill-partnership/>
- EBDA's Member Agencies recycled approximately 821 million gallons in 2022, a 44% increase over 2021. The increase is primarily attributed to the operation of the Russell City Energy Center (RCEC), which resumed larger scale recycled water deliveries from the City of Hayward. For consistency with recycled water totals submitted through GeoTracker, the totals presented below include in-plant reuse. Also of note, there was no discharge to the Hayward Marsh again in 2022, and the permit for this discharge was revoked.

As shown in the following table, including the LAVWMA agencies, water recycling accounted for more than 3.1 billion gallons, about 14% of EBDA's outfall discharge last year of approximately 22.2 billion gallons. Overall, this is consistent with last year's totals and ratio.

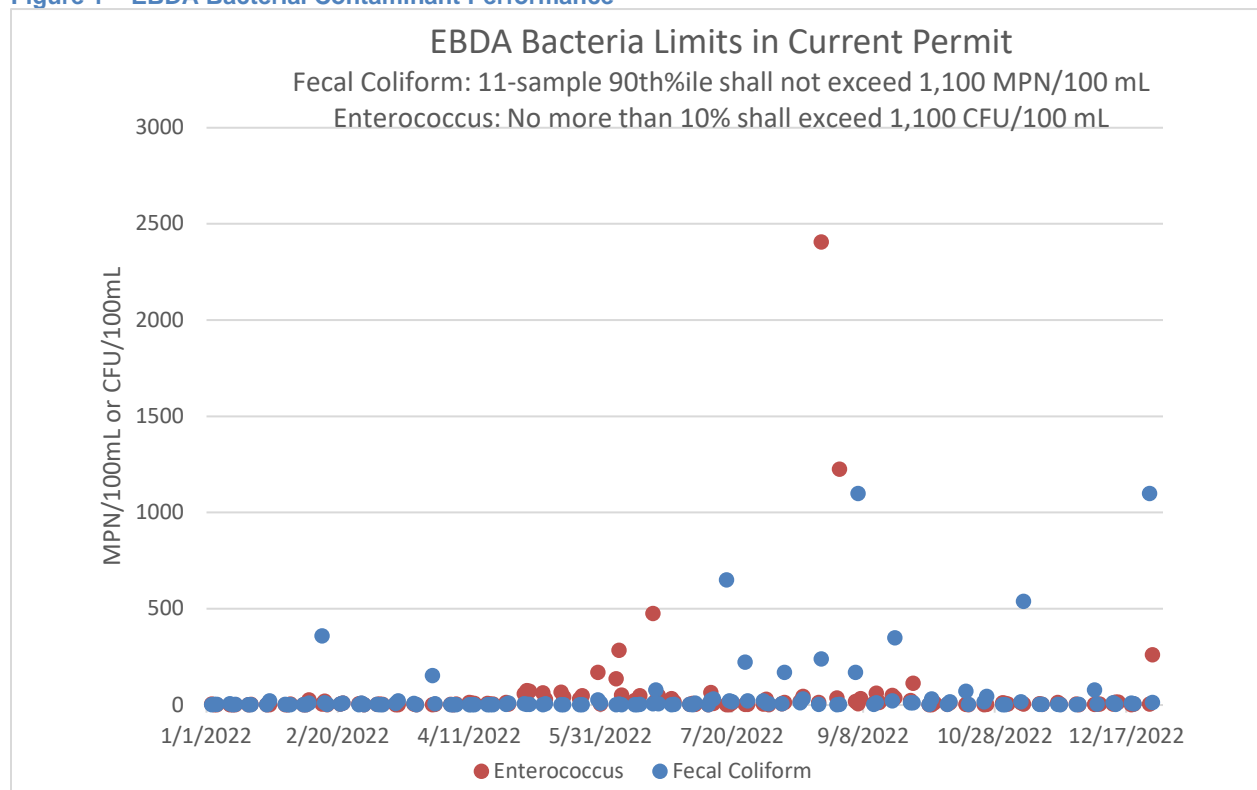
<i>Agency</i>	<i>2021 Recycled Water Production (MG)</i>	<i>2022 Recycled Water Production (MG)</i>
Hayward	129	345
San Leandro	89	94
EBDA Skywest Project	12	10
Oro Loma Sanitary District	18	18
Union Sanitary District	323	354
<b>EBDA Subtotal</b>	<b>571</b>	<b>821</b>
USD Hayward Marsh	0	0
<b>EBDA Total</b>	<b>571</b>	<b>821</b>
Livermore	706	636
Dublin San Ramon Services District (DSRSD)	1872	1733
<b>LAVWMA Total</b>	<b>2578</b>	<b>2368</b>
<b>Grand Total</b>	<b>3149</b>	<b>3190</b>

### Bacterial Compliance

The chart that follows presents pathogen data from samples through the year. Note that permit limits are calculated as monthly geometric means or monthly 90%ile samples. Sporadically, at random intervals, a high sample can be detected. This outcome is probably due to the sloughing of pipe biofilms into the sample line. These non-representative events are why permit compliance is determined by geometric means.

EBDA and its member agencies worked hard over the past few years to improve chlorine dosing to prevent periodic increases in bacterial contamination, which had occurred in prior years. This increased attention to chlorine dosing has led to consistent compliance with limits. EBDA prepared a Disinfection Master Plan in 2021 and began implementation of its recommendations during the 2022 dry season. This Master Plan has assisted EBDA in further optimizing chlorine dosing to prevent bacterial regrowth.

Figure 1 – EBDA Bacterial Contaminant Performance



## **Section 2: List of Analyses for Which the Discharger Is Certified**

EBDA conducts no analyses of its own. Each member agency is certified by the State Water Resources Control Board for standard water quality tests such as BOD, TSS, pH, DO, enterococcus, and fecal coliform. City of San Leandro staff performs these analyses on the combined effluent.

All metals and organics analyses are performed by the Authority's contract laboratory, Caltest Analytical Laboratory. Caltest's lab is certified for these analyses. Caltest subcontracts for analytical work on some items, including dioxin and furan compounds and PCBs to other certified labs.

Pacific Eco-Risk Laboratory (PERL), also a certified laboratory, conducts the required acute and chronic toxicity testing for the Authority.

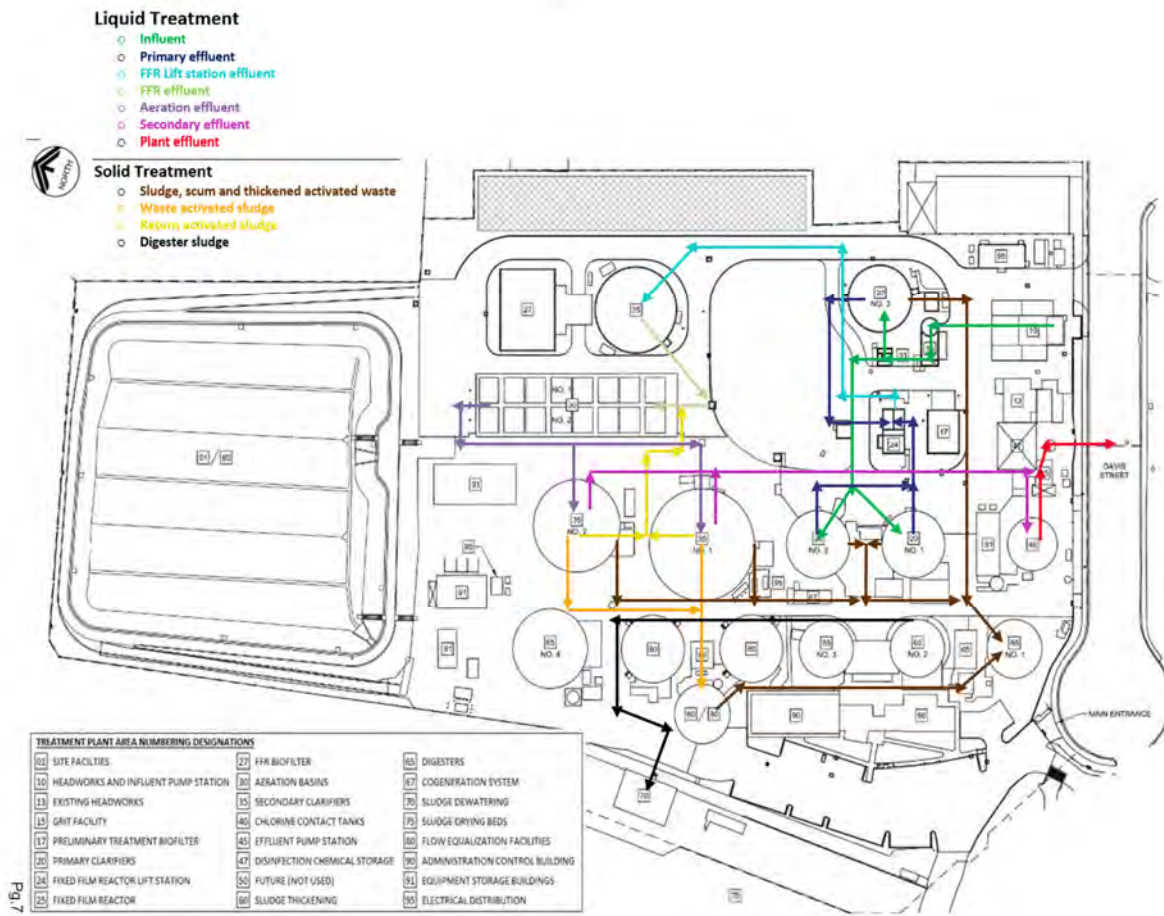
Copies of all laboratory reports are maintained on file at the Authority's office and are available for review upon request. Said reports are not included in this report.

### Section 3: Plan View Drawing or Map Showing the Discharger's Facility, Flow Routing, Sampling and Observation Station Locations

#### Marina Dechlorination Facility



## San Leandro Plant – Process Flow Diagram

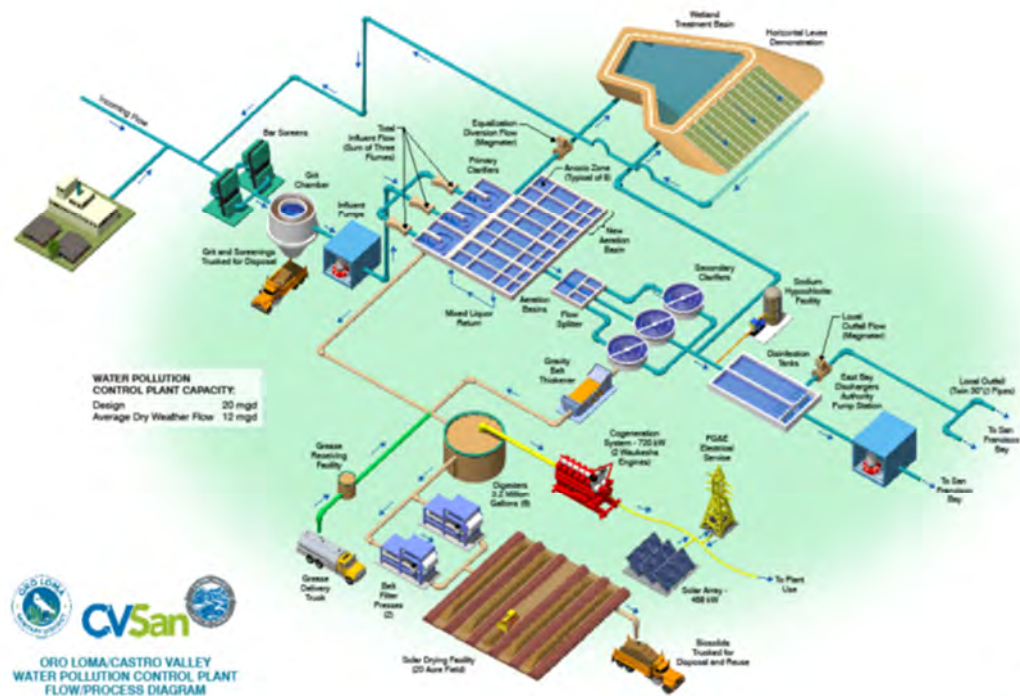




## San Leandro Plant – Sampling Locations



## OLSD/CVSan Plant – Process Flow Diagram



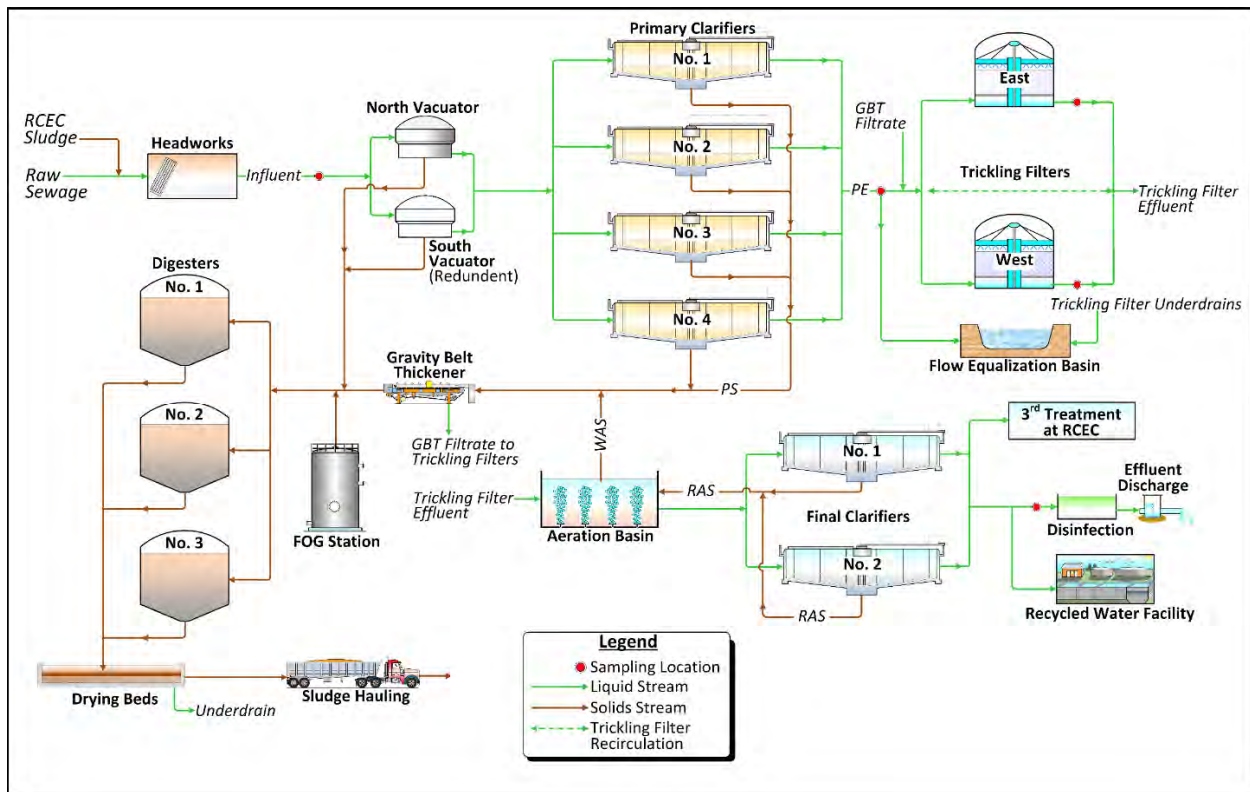


## OLSD/CVSan Plant – Sampling Locations





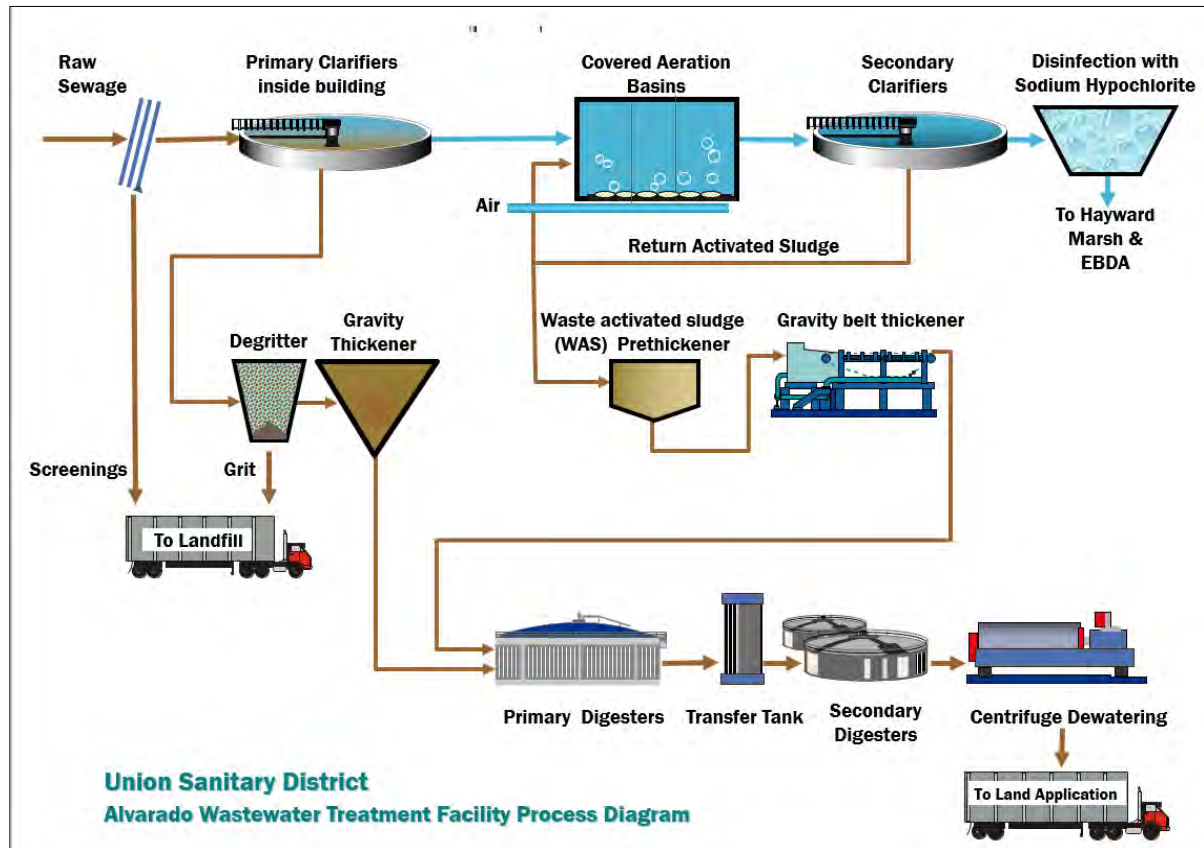
## Hayward Plant – Process Flow Diagram



## Hayward Plant – Sampling Locations



## USD Plant – Process Flow Diagram



## USD Plant – Sampling Locations





## Section 4: Results of Facility Report Reviews

The tables in this section summarize the status of reviewing and updating the following documents: Operations & Maintenance (O&M) Manual, Contingency Plan, Spill Prevention Plan, and Wastewater Facilities Status Report.

### EBDA Facilities

REPORTS	REVIEW DATE	REVIEW PROCEDURES	PLANNED ACTIONS	SCHEDULE
O&M Manual	Jan 2023	Updated on an as-needed basis and reviewed annually by the EBDA O&M Manager.	The Authority maintains a comprehensive O&M Manual for the joint-use facilities. Chapters of the Manual are regularly reviewed and updated. EBDA's Wet Weather SOP is reviewed annually and updated as needed.	Performed annually
Contingency Plan	Jan 2023	Updated annually by EBDA O&M and Administration Managers. EBDA is included in the Alameda County's Office of Emergency Service's Utility Unit.	The Emergency Operating Contingency Plan is supported by Operations & Maintenance Agreements between Member Agencies, which are compatible with their existing plans and known to all other local and county agencies for emergency purposes. Operation and maintenance activities are contracted with the Member Agencies for routine work. Emergency work is performed sometimes by Member Agencies and sometimes through contracts with private specialty firms.	Performed annually
Spill Prevention Plan	The SPCC Plan was updated in April and July of 2022.	Reviewed annually by EBDA O&M Manager	No major changes planned for 2023.	Performed as needed
Wastewater Facilities Status Report	Jan 2023	EBDA continues to implement a comprehensive Renewal and Replacement Program. The Authority has an Asset Management Plan that covers all critical equipment.	<p>In 2022, EBDA completed the following projects:</p> <ul style="list-style-type: none"> <li>• UEPS payment #2 of 10 for a total of \$4.2 M</li> <li>• OLEPS Main Electrical Switchboard Upgrade</li> </ul> <p>In 2023, the Authority is continuing work on the following upgrades to the EBDA system:</p> <ul style="list-style-type: none"> <li>• MDF Main Breaker and ATS Replacement</li> <li>• HEPS Pump Replacement Project</li> <li>• OLEPS ATS Replacement</li> <li>• OLEPS Emergency Outfall Upgrade</li> <li>• OLEPS Pump Station Bypass Evaluation</li> </ul>	<p>Anticipated Completion:</p> <p>Building Roof Replacements, April 2023</p> <p>HEPS Pump Replacements, December 2023</p>

## San Leandro Treatment Plant

Document	Review Date	Review Procedures	Planned Actions	Schedule
O&M Manual	Sections assigned and updated throughout the year	O&M manuals and SOPs are written and revised as necessary by designated Plant Operators and reviewed by the Operations Supervisor and Plant Manager	Review O&M chapters and SOPs as needed. Continue developing and revising SOPs for plant processes. O&M is still a mix of electronic and older paper as we transition; we have fewer and fewer paper versions per year.	Performed continuously
Contingency Plan	January 2022	WPCP management reviews, edits and approves	Current contingency plan updated as needed with changes. A significant revision is planned for 2023 with more detailed plans for specific scenarios.	Performed annually
Spill Prevention Plan	January 2022	WPCP management reviews, edits and approves	Currently up to date.	Performed annually
Wastewater Facilities Status Report	January 2023		<p>RFP to create 10-year capital improvement plan by the end of 2023.</p> <p>Annual Street Overlay and Sewer Point Repair Project</p> <p>Construction will be completed for energy efficiency and resiliency project. This includes new high strength waste receiving facility, renewable natural gas production and storage facility, microgrid battery backup system and other energy efficiency improvements.</p> <p>Treatment Wetland project will receive regulatory approval, and the City plans to begin construction in summer 2024. This project will treat approximately 20% of the ADWF to remove nitrogen and other contaminants through both technological and biological processes.</p> <p>Design and bid, rehab. and upgrade of 3 sewer lift stations and force main in 2023 and 2024.</p>	Maintenance and project schedule for 2023

## Oro Loma/Castro Valley Sanitary District Treatment Plant

Document	Review Date	Review Procedures	Planned Actions	Schedule
O&M Manual	Ongoing	Continual reviews and revisions as necessary when new processes come online or when modifications are made to current processes.	The District has completed developing a computer based training program for the 25 unit processes in the treatment plant (including the EBDA OLEPS pump station). Staff will continue to train on the modules.	Ongoing
Contingency Plan	September 2022	Management team completed its review and updated document to reflect changes in contact information or equipment/facility changes.	Continue to make updates as needed, at least annually.	Annually
Spill Prevention Plan	July 2022	The District performed a significant update to its plan in 2022 to reflect administrative audit findings from CUPA.	Currently up to date and will update as necessary.	As needed
Wastewater Facilities Status Report	December 2022		<p>The District continues to execute on its planned 10-Year, \$168M capital program. The program includes extensive sewer pipe renewal (1.5% of system/year), Digester Construction in 2025, and Cogeneration System Replacement in 2030.</p> <p>In 2021, the District obtained financing in the amount of \$50M from State (SRF) and Federal (WIFIA) sources for sewer replacement work. The District is working to replace 40 miles (15%) of its 270 mile collection system by 2029.</p>	10-Year Capital Plan (Updated December 2022)

## Hayward Water Pollution Control Facility

REPORTS	REVIEW DATE	REVIEW PROCEDURES	PLANNED ACTIONS	SCHEDULE
O&M Manual	Ongoing	COH WPCF electronic O&M manuals, including SOP's, are reviewed, and updated throughout the year by staff. Revisions are made to Sections and SOP's	Create new SOPs as required and review and updated older SOPs throughout the year. Continually review and update O&M sections. Brown and Caldwell will be looking into a fully revised O&M as part of the nutrient management project.	SOP's and O&M sections are reviewed continuously
Contingency Plan	January 2023	The entire plan is reviewed by the WPCF manager with updates and edits made by the Senior Secretary.	Continue to make updates as needed.	Performed annually
Spill Prevention Plan	January 2023	Plan reviewed by WPCF Manager every January. Changes made by Senior Secretary.	Make updates as needed.	Performed annually
Wastewater Facilities Status Report	Jan 2023	<p>The phase II Facilities Plan was completed in 2020.</p> <p>The city will implement projects as recommended in the 2020 Phase II Facilities Plan.</p>	<p>Planned for 2023:</p> <ul style="list-style-type: none"> <li>Construction of the Headworks bar screen project was near substantial completion and the bar screens were placed in service in 2021. In 2022, the Ferric Chloride station, and air handling system were be placed into service. The biofilter construction was complete. We are now working with the contractor for construction of a dewatering system, so the biofilter can be permanently put into service in 2023.</li> <li>The replacement of the effluent pumps is anticipated in 2023.</li> <li>Construction of the new 12KV switchgear replacement project will begin in 2023.</li> <li>There are several elements of the Phase Two WPCF Improvements that have been incorporated into the Sewer Replacement &amp; Sewer Improvement CIP's which will move forward in year 2023.</li> </ul>	10-year Master Plan CIP planning changes are made every year in July with mid-year adjustments made in January/February



## Union Sanitary District Treatment Plant

Document	Review Date	Review Procedures	Planned Actions	Schedule
O&M Manual	Ongoing	Plant O&M documents are incorporated into the District's Competency-Based Training Program. USD utilizes Microsoft Sharepoint software to track document review.	Plant management reviews training documents and SOP's as changes occur (i.e., following construction) or as scheduled.	Each individual training module and SOP has a review frequency of 3 years.
Contingency Plan	December 2022	Plant Manager reviews and updates the Contingency Plan annually.	None. Contingency Plan was updated in December 2022.	Complete next review by December 2023.
Spill Prevention Plan	December 2022	Spill Prevention Plan is incorporated into our Contingency Plan and is reviewed at the same time.	None. Spill Prevention Plan was reviewed in December 2022.	Complete next review by December 2023.
Wastewater Facilities Status Report	December 2022	<p>USD's Master Plans address most of the Facilities Evaluation requirements. Our Plant Master Plan is updated every 5 years and Pump Station and Collection System Master Plans are updated as needed. Asset management data is updated on an ongoing basis. CIP and Operating plans and budgets are reviewed and revised annually.</p> <p>2022 Projects Completed/in-progress:</p> <ul style="list-style-type: none"> <li>New Anaerobic Digester #7 (Complete)</li> <li>Alvarado Influent Pump Station (Complete)</li> <li>Old Alameda Creek Outfall Improvements. (Complete)</li> <li>New High-speed Aeration Blower (Complete)</li> <li>Calcium Thiosulfate Dosing Improvements (Complete)</li> <li>Centrifuge Building Improvements (Complete)</li> <li>Standby Power Upgrade. (Construction in progress)</li> </ul> <p><b>ETSU: Phase 1A</b></p> <ul style="list-style-type: none"> <li>Aeration Basin Modification (Construction in progress)</li> <li>Campus relocation (Construction in progress)</li> </ul>	<p>Complete capital improvements in accordance with 20-year CIP plan. Implement annual rate adjustments for Sewer Service Charges and Capacity Fees in accordance with 10-year financial plan.</p> <p>2023 Projects Planned:</p> <ul style="list-style-type: none"> <li>WAS Gravity Belt Thickener (In Design)</li> <li>Anaerobic Digester #6 Rehab (Design to commence)</li> <li>Plant Miscellaneous Improvements (structural, mechanical, and electrical) (Complete Design)</li> </ul> <p><b>ETSU: Phase 1B</b></p> <ul style="list-style-type: none"> <li>New Secondary Clarifiers. (In Design)</li> <li>New Effluent Pump Station (In Design)</li> </ul>	<p>20-year CIP annual update in June.</p> <p>Master Plans:</p> <ul style="list-style-type: none"> <li>Alvarado Basin MP 2023-25</li> <li>Newark Basin MP 2025-27</li> <li>Irvington Basin 2027-29</li> <li>Pump Station Asset Condition Assessment 2021-23</li> <li>Plant Asset Condition Assessment 2023-25</li> <li>Plant Solids System/Capacity Assessment 2025-27</li> </ul>

## **Section 5: BACWA Watershed Permitting and Monitoring**

EBDA participates in a number of group processes coordinated by the Bay Area Clean Water Agencies (BACWA) to fulfill permit requirements, including Receiving Water Quality Monitoring, TMDL/SSO Support, Mercury and PCBs Watershed Permit Support, Nutrients Watershed Permit Support, and Implementation of Copper Action. Participation in these items is described in an annual BACWA letter to the Regional Water Board found here:

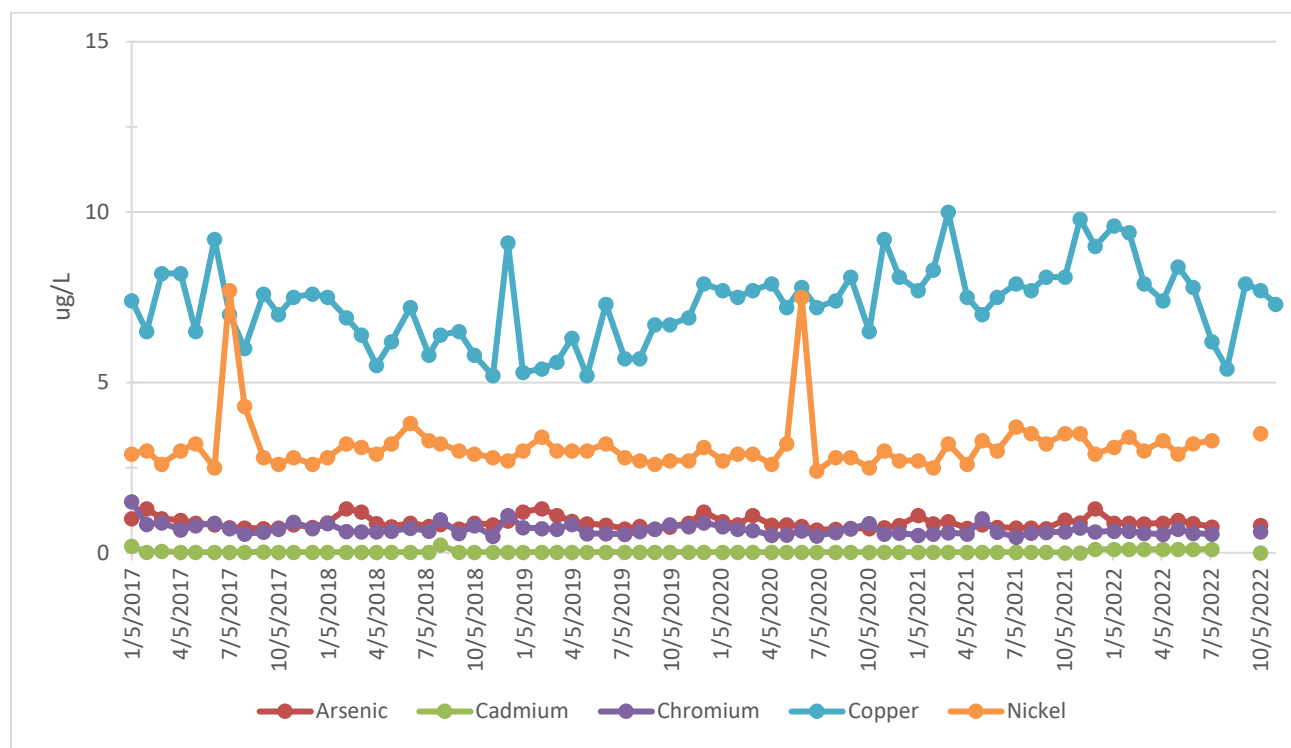
<https://bacwa.org/wp-content/uploads/2023/01/BACWA-NPDES-Permit-Letter-2023-with-SFEI-attach.pdf>

## Section 6: Effluent Characterization Study and Report

EBDA regularly monitors and evaluates discharges from the common outfall and each contributing plant's effluent to identify any concerning trends. No significant increases over past performance were noted in 2022 data.

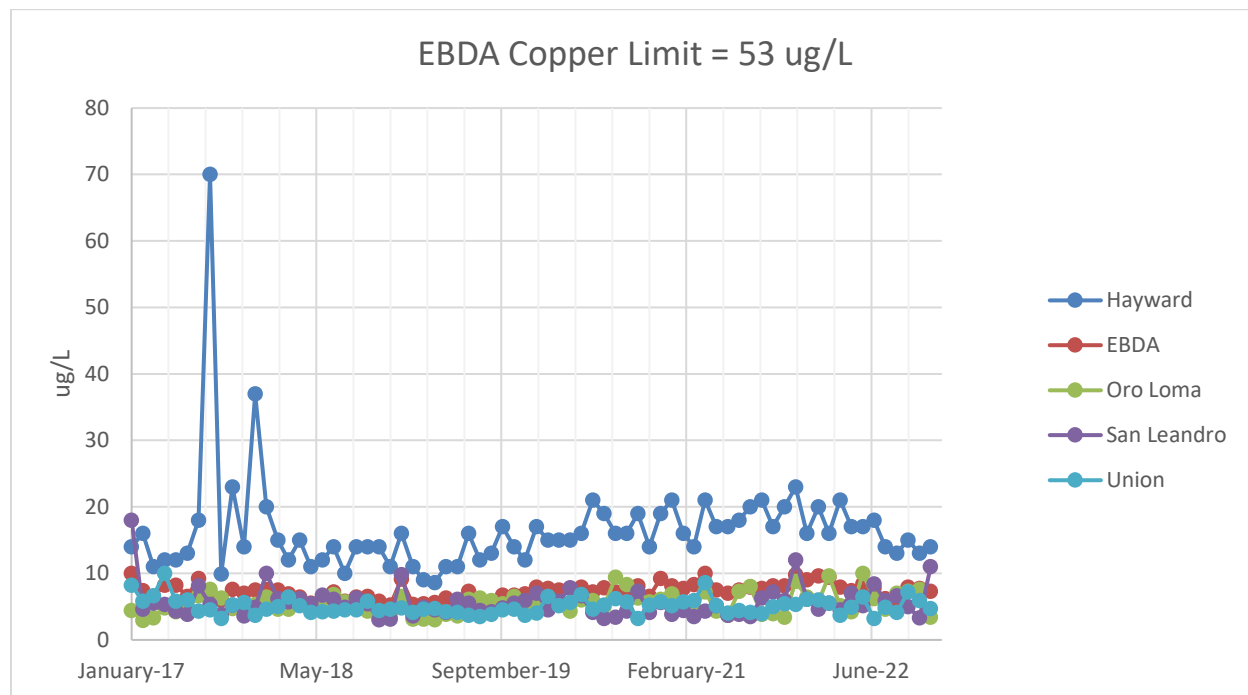
EBDA monitors monthly for metals and cyanide. Cyanide is rarely detected. As shown in Figure 2, five years of metals data continue to show flat trends.

Figure 2 – EBDA Effluent Metals Trends



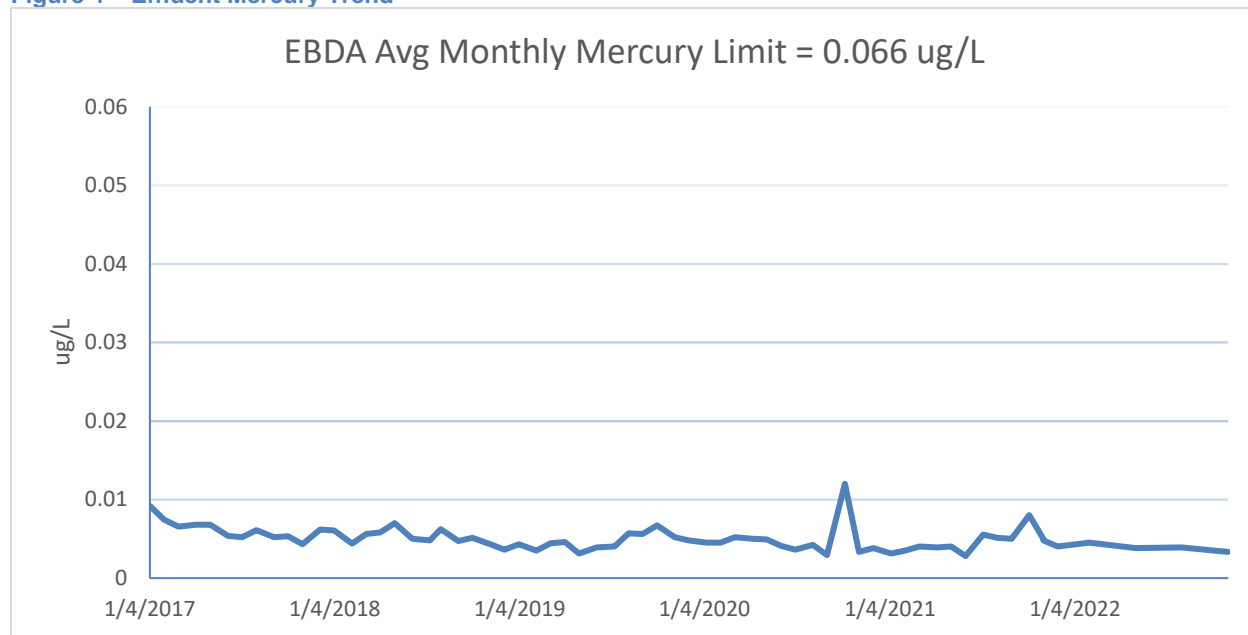
EBDA's five-year trend for copper shows that while individual member agency effluent concentrations have varied, EBDA's common outfall concentration consistently averaged less than 20 ppb, versus a permit limit of 53 ppb (see Figure 3).

Figure 3 – Effluent Copper Trend



EBDA's effluent mercury concentrations also continue to be well below permit limits, as shown in Figure 4.

Figure 4 – Effluent Mercury Trend



## **ITEM NO. RA6 NUTRIENTS WATERSHED PERMIT UPDATE**

### **Recommendation**

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

### **Background**

While the loads of nutrients such as nitrogen and phosphorus to San Francisco Bay are higher than other estuaries, the Bay has historically been very resilient, and negative impacts of nutrient enrichment such as eutrophication have not occurred. Scientists believe this resilience to stem at least in part from high turbidity (i.e., the Bay is cloudy); which blocks the light that phytoplankton need to grow; presence of filter-feeding clams, which reduce phytoplankton concentrations; and strong tidal mixing, which reduces nutrient concentrations.

Over the last decade, concerning trends caused the scientific and regulatory community to question whether the Bay's resilience is weakening. Dams in upstream watersheds have decreased the Bay's turbidity by trapping sediments, and clam populations have been on the decline. At the same time, climate conditions are changing.

To begin to proactively address these nutrient-related risks, Bay Area wastewater agencies, through the Bay Area Clean Water Agencies (BACWA), have participated since 2012 in a positive collaboration with a wide variety of stakeholders to implement a Nutrient Management Strategy that focuses on conducting scientific research and modeling to determine the effects of nutrients on the Bay ecosystem, and protective levels of nutrient loading going forward.

BACWA worked closely with staff of the San Francisco Bay Regional Water Quality Control Board (Water Board) to negotiate a second Watershed Permit for nutrients, which went into effect on July 1, 2019 and includes the following key elements:

- Influent and effluent monitoring and continued annual regional reporting.
- Increased funding for scientific research.
- A regional assessment of the feasibility and cost for reducing nutrients through multi-benefit nature-based solutions, including wetlands and horizontal levees.
- A regional assessment of nutrient reductions through water recycling.
- Inclusion of load targets for 2024.
- Recognition of agencies implementing early action projects that will reduce nutrient loads during this permit term.

This report contains an update on regional reporting and strategy discussions for the next Watershed Permit, including the impact of the Summer 2022 algal bloom on permit negotiations.

## Discussion

### Group Annual Report

As it has every year since 2014, on February 1, 2022 BACWA submitted its Group Annual Report under the Nutrients Watershed Permit. The Report, prepared by consultant HDR, summarizes the nitrogen and phosphorus concentrations and loads from the thirty-seven wastewater treatment plants that discharge to San Francisco Bay. This year, for the first time, the report also included data on recycled water produced by Bay Area wastewater agencies, since much of that recycling results in diversion of nutrients from the Bay.

While EBDA's Member Agencies are required to periodically monitor for nutrients, the data contained in this report is only for the combined effluent discharged through EBDA's common outfall. EBDA's influent values are the sums of contributing plants' influent numbers.

The full report can be found at the following link:

[https://bacwa.org/wp-content/uploads/2023/02/2022\\_BACWA\\_GAR\\_20230201\\_wAppendices.pdf](https://bacwa.org/wp-content/uploads/2023/02/2022_BACWA_GAR_20230201_wAppendices.pdf)

The table below summarizes dry season discharges and gives an indication of current trends for the Bay as a whole. The next Watershed Permit is likely to regulate dry season Total Inorganic Nitrogen, or TIN (in kg N/day), which as the report notes shows a slight downward trend. EBDA's TIN loading shows no trend. However, it should be noted that as of two years ago, EBDA's trend was slightly upward, likely as a result of population growth. The fact that TIN load has reverted back to flat is likely thanks to nutrient optimization at the EBDA plants, and the trend is likely to move downward over time. Oro Loma's average TIN load decreased 75% from 2020/2021 to 2021/2022 as a result of its Nutrient Optimization Project.

Table 8-6. Discharge: Summary of Dry Season Flow and Loads to the Bay

Constituent	2013 <sup>(a)</sup>	2014 <sup>(a)</sup>	2015 <sup>(a)</sup>	2016 <sup>(a)</sup>	2017 <sup>(a)</sup>	2018 <sup>(a)</sup>	2019 <sup>(a)</sup>	2020 <sup>(a)</sup>	2021 <sup>(a)</sup>	2022 <sup>(a)</sup>	Trend (b, c)	10-Year Average
Flow, mgd	393	374	351	372	396	383	394	363	339	337	Down (-1.1%/yr)	370
Ammonia, kg N/d	34,000	36,300	36,200	37,300	38,900	38,900	38,200	35,400	33,600	35,800	None	36,500
NOx, kg N/d	13,300	11,800	12,500	11,100	11,700	11,000	10,800	10,000	9,290	8,540	Down (-4.1%/yr)	11,010
TIN, kg N/d <sup>(d)</sup>	47,300	48,100	48,700	48,400	50,600	50,000	49,200	45,700	43,100	44,400	Down (-1.0%/yr)	47,500
TP, kg P/d	3,400	3,320	3,570	3,980	3,660	4,000	4,010	3,790	3,680	3,300	None	3,670

a. The dry season represents May 1 through September 30 for each calendar year.

b. Trend analysis is based on average monthly values. Discernible trends were identified based on the slope of a regression line determined using the method of least squares to fit the data ( $\alpha = 0.05$ ). Sample size is 45. Where "None" is stated, the limited dataset does not indicate a statistically relevant trend.

c. The percent change represents the change per year as a percentage of the average value over the entire dataset (2012-2022) (not considered if trend is "None").

d. The TIN values do not necessarily equal ammonia plus NOx due to a combination of rounding and instances when ammonia was sampled more frequently than NOx.

In the report, HDR notes the following observations about the TIN data set:

- The 2020/2021 dataset were the lowest since sampling began in 2012, whereas the 2021/2022 dataset were the second lowest since sampling began in 2012.
- The Central Bay and South Bay Subembayments receive the highest TIN loads, making up 65 to 75 percent of the TIN loads discharged to the Bay. The largest overall discharger of TIN on an annual average basis is EBMUD which contributes 15 to 20 percent of the overall Bay discharger, followed by SFPUC Southeast and EBDA.

For the first time, this year's Group Annual Report also contains an analysis of nitrogen loads diverted from the Bay via water recycling. The percentage of loads diverted from the Bay by reuse ranges from 6 to 9 percent Bay-wide. In 2021, EBDA diverted an average of 1098 kg TIN/day, or about 14% of average TIN loads to the Bay.

#### Negotiation of Third Watershed Permit

As discussed at the October 2022 Regulatory Affairs Committee meeting, a harmful algae bloom spread throughout the Bay in August 2022, causing unprecedented decreases in dissolved oxygen and significant fish kills. While it is unclear exactly what triggered this bloom, its timing did correspond with a prolonged period of unusually clear skies in the Bay Area, making available more light than usual for photosynthesis. Scientists believe that the bloom was nitrogen limited, meaning that nitrogen loads to the Bay sustained the bloom and likely contributed to its extent and duration. This conclusion, along with the increased media attention garnered by the event, has led to public and political pressure on wastewater agencies and on the regulators, particularly the Regional Water Quality Control Board (Water Board), to act quickly to reduce nutrient loads to the Bay, with a goal of preventing or lessening the impact of future blooms.

The EBDA member agencies have already made significant capital investments to reduce nutrient loads in advance of requirements to do so, including the following efforts:

- Oro Loma and Castro Valley Sanitary Districts implemented the [Nutrient Optimization Project](#) and a solids dewatering sidestream nutrient removal process using [Microvi](#) technology. These two projects have already significantly reduced nitrogen loading to EBDA and the Bay.
- Union Sanitary District has begun construction on its [Enhanced Treatment and Site Upgrade \(ETSU\) Program](#), a major upgrade that will include nutrient reduction from EBDA's largest plant.
- Hayward has begun design for a [project](#) that will reduce nutrient loads by 30% and is evaluating opportunities to integrate multi-benefit nature-based solutions into their strategy.
- San Leandro has plans to build a [treatment wetland](#) that will reduce nutrients by 20%.
- The LAVWMA treatment plants, owned and operated by Dublin San Ramon Services District and the City of Livermore, both have significant water recycling

programs that divert flows from EBDA almost entirely during the dry season, when the Bay is most sensitive to wastewater nutrient inputs, with plans to further expand recycling.

While agencies that are investing in nutrient upgrades in advance of load caps or reduction requirements are referred to as “early actors” in the current Watershed Permit, discussions with the Water Board are ongoing as to how early action will be reflected in the new permit. Negotiations prior to the algal bloom had focused on the concept of a Bay-wide load cap, limiting nitrogen discharges to treatment plants’ current performance, on the assumption that the Bay was resilient to that level of nutrient loading. Under that “antidegradation” model, no further reductions were expected from early actors until all wastewater agencies had made capital improvements. Now, the Water Board has determined that the Bay does not have assimilative capacity for current nutrient loads, and the focus has shifted to identifying specific actions to reduce nutrients. The Water Board has asked for BACWA to “make an offer” of a portfolio of nutrient reduction projects around the Bay and related efforts.

Though the wastewater community recognizes the need for action, BACWA will continue to advocate that time should be allowed for implementation of multi-benefit projects such as water recycling and nature-based solutions like horizontal levees. These projects are complex, and without incentives, agencies may feel compelled to pursue simpler traditional plant upgrades due to aggressive deadlines. BACWA and EBDA will also advocate that agencies taking early action should not be expected to make additional investments in nutrient reduction within the useful life of those improvements. Further, agencies who need more time to implement reduction projects should be able to buy credits from those can cost-effectively implement more significant nutrient reductions in the near-term.

BACWA and the Water Board are actively discussing next steps on the Watershed Permit, and staff will keep the Commission apprised as developments unfold.



**ITEM NO. RA7 BACWA KEY REGULATORY ISSUES MATRIX**

**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/>.



## KEY REGULATORY ISSUE SUMMARY

Updated January 30, 2023

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

Contents	Page		
Nutrients in San Francisco Bay	1	SSS WDR Reissuance	10
SF Bay Nutrient Watershed Permit	2	ELAP Update	11
Chlorine Residual Compliance	3	Phase-Out of Biosolids as Alternative Daily Cover	12
Pesticides	4	Climate Change Mitigation	13
Mercury and PCBs	5	Climate Change Adaptation	14
State Water Board Toxicity Provisions	6	Toxic Air Contaminants	15
Compounds of Emerging Concern (CECs)	7	Recycled Water	16
Microplastics	8	Acronyms	17
Per- and Polyfluoroalkyl Substances (PFAS)	9		

New updates in this version are shown in Purple highlighting

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>NUTRIENTS IN SAN FRANCISCO BAY</b>			
<ul style="list-style-type: none"> <li>San Francisco Bay receives some of the highest nitrogen loads among estuaries worldwide, yet has not historically experienced the water quality problems typical of other nutrient-enriched estuaries. It is not known whether this level of nitrogen loading, which will continue to increase in proportion to human population increase, is sustainable over the long term.</li> <li>Because of the complexity of the science behind nutrient impacts in SF Bay, stakeholders in the region are participating in the Nutrient Management Strategy (NMS) steering committee to prioritize scientific studies and ensure that all science to be used for policy decisions is conducted under one umbrella.</li> </ul>	<ul style="list-style-type: none"> <li>For FY23, BACWA is contributing \$1.8M to fund scientific research needed to make management decisions for the 3<sup>rd</sup> Watershed Permit. This funding is required by the 2<sup>nd</sup> Watershed Permit.</li> <li>The focus of current scientific efforts is improving model representation of biogeochemistry, light attenuation, dissolved oxygen, and Harmful Algal Bloom dynamics. Field and lab observations are supporting these improvements.</li> <li>The science team is developing an Assessment Framework for Open Bay habitats and Lower South Bay sloughs.</li> <li>In summer 2022, a harmful algae bloom in San Francisco Bay has brought increased public attention to this topic. The NMS science team is assisting with monitoring and data interpretation, and is revising the science plan accordingly.</li> </ul>	<ul style="list-style-type: none"> <li><b>Continue to participate in NMS steering committee, Nutrient Technical Workgroup, and planning subcommittee meetings, and provide funding for scientific studies.</b></li> <li>Continue to assist with preparation of a brief "State of the Science" document summarizing the scientific accomplishments of the NMS team for public use.</li> <li>Continue to engage with Nutrient Technical Team and BACWA's Nutrient Management Strategy technical consultant, Mike Connor, to provide review of recent work products and charge questions for the science team.</li> </ul>	<p>BACWA Nutrients Page: <a href="https://bacwa.org/nutrients/">https://bacwa.org/nutrients/</a></p> <p>NMS FY23 Program Plan (Revised Dec. 2022) <a href="https://docs.google.com/document/d/11IWlrDMpUw_OBQ6Lj-qj67sOLwl490lkRWW431e9nuU">https://docs.google.com/document/d/11IWlrDMpUw_OBQ6Lj-qj67sOLwl490lkRWW431e9nuU</a></p> <p>NMS Work Products <a href="https://sfbaynutrients.sfei.org/books/reports-and-work-products">https://sfbaynutrients.sfei.org/books/reports-and-work-products</a></p> <p>SFEI Presentation on Science of 2022 Bloom <a href="https://docs.google.com/presentation/d/1R468fFPMfq1d1xY6cHFU-uta9aMCynx5/">https://docs.google.com/presentation/d/1R468fFPMfq1d1xY6cHFU-uta9aMCynx5/</a></p> <p>BACWA Nutrient FAQ <a href="https://bacwa.org/wp-content/uploads/2023/01/BACWA-Nutrient-Fact-Sheet.pdf">https://bacwa.org/wp-content/uploads/2023/01/BACWA-Nutrient-Fact-Sheet.pdf</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>SF BAY NUTRIENT WATERSHED PERMIT</b>			
<ul style="list-style-type: none"> <li>• The 1<sup>st</sup> Nutrient Watershed Permit was adopted in 2014, and required a regional study on Nutrient Treatment by Optimization and Upgrades, completed in 2018.</li> <li>• The 2<sup>nd</sup> Nutrient Watershed Permit was adopted in 2019. It includes:             <ul style="list-style-type: none"> <li>◦ Continued individual POTW nutrient monitoring and reporting;</li> <li>◦ Continued group annual reporting;</li> <li>◦ Significantly increased funding for science;</li> <li>◦ Regional assessment of the feasibility and cost for reducing nutrients through nature-based systems and recycled water;</li> <li>◦ Establishing current performance for TIN, and “load targets” for nutrient loads based on 2014 to 2017 load data plus a 15% buffer for growth and variability</li> <li>◦ Recognition of “early actors” who are planning projects that will substantially decrease TIN loads.</li> </ul> </li> <li>• Through the nutrient surcharge levied on permittees, BACWA funds compliance with the following provisions on behalf of its members:             <ul style="list-style-type: none"> <li>◦ Group Annual Reporting</li> <li>◦ Regional Studies on Nature-Based Systems and Recycled Water</li> <li>◦ Support of scientific studies through the Regional Monitoring Program (RMP) with \$11M over the five-year permit term.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Studies related to Recycled Water and Nature-Based Systems are underway, and will be completed by the due date of July 1, 2023.</li> <li>• Each year by February 1, BACWA submits a Group Annual Report on behalf of its members. The report summarizes trends in nutrient concentrations and loading for each agency, and for all the agencies as a whole. The annual reporting period in the 2<sup>nd</sup> Watershed Permit is based on a water year (October 1 – September 30th). The 2021 report showed a decline in TIN concentrations compared to the previous year.</li> <li>• Agencies with plans to substantially reduce nutrients are recognized in the Fact Sheet of the 2<sup>nd</sup> watershed permit, and BACWA is continuing to track “early actor” nutrient reduction projects. BACWA has synthesized this information into a projection of Baywide nutrient loading.</li> <li>• BACWA has been working with a consultant team to complete a statistical analysis of historical TIN loading. In July 2022, BACWA met with Regional Water Board staff to propose use of these statistically-based load estimates within the 3<sup>rd</sup> Watershed Permit. Regional Water Board staff have signaled that the 3<sup>rd</sup> Watershed Permit is likely to include nutrient load reduction requirements (see presentation at right). The magnitude, timing, and format of these reductions have yet to be determined.</li> </ul>	<ul style="list-style-type: none"> <li>• BACWA continues to convene a Nutrient Strategy Team (NST) to develop BACWA’s key tenets for the 3<sup>rd</sup> Watershed Permit. The NST is actively engaging with the Regional Water Board to develop details related to load cap implementation in the 3<sup>rd</sup> Watershed Permit.</li> <li>• <b>BACWA staff are meeting with the 18 largest wastewater treatment plants (representing 95% of the regional TIN load from POTWs) to identify projects that could reduce nutrient loads during the term of the 3<sup>rd</sup> Watershed Permit and beyond. BACWA will also host a roundtable discussion for agencies to share with one another.</b></li> <li>• Review draft reports by HDR and SFEI for the Nutrient Removal by Recycled Water Evaluation and the Nature-Based Systems study. Individual agency reports have been drafted, and draft summary reports will be available later in the spring. <b>Agency sign-off on the final reports will be required.</b></li> <li>• Agencies will continue to report nutrient monitoring data both through CIWQS and directly to BACWA. The Group Annual Report for 2021-22 will be released on February 1<sup>st</sup>.</li> </ul>	<p>2nd Nutrient Watershed Permit:  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2019/R2-2019-0017.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2019/R2-2019-0017.pdf</a></p> <p>Special Studies of Recycled Water and Nature-Based Systems:  <a href="https://bacwa.org/document-category/2nd-watershed-permit-studies/">https://bacwa.org/document-category/2nd-watershed-permit-studies/</a></p> <p>Optimization/Upgrade Study Information:  <a href="https://bacwa.org/document-category/optimization-and-upgrade-studies/">https://bacwa.org/document-category/optimization-and-upgrade-studies/</a></p> <p>BACWA Group Nutrient Annual Reports:  <a href="http://bacwa.org/document-category/nutrient-annual-reports/">http://bacwa.org/document-category/nutrient-annual-reports/</a></p> <p>Presentations to SF Board of Supervisors Land Use and Transportation Committee (October 2022)  <a href="https://sfgov.legistar.com/View.ashx?M=F&amp;ID=11339273&amp;GUID=863B565D-6662-419D-B519-87D5FBB4BAE3">https://sfgov.legistar.com/View.ashx?M=F&amp;ID=11339273&amp;GUID=863B565D-6662-419D-B519-87D5FBB4BAE3</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>CHLORINE RESIDUAL COMPLIANCE</b>			
<ul style="list-style-type: none"> <li>The Basin Plan chlorine residual effluent limit is 0.0 mg/L. Chlorine residual is the most frequent parameter for violations for Region 2 POTWs. Because there are 24 hourly reporting events each day, the “opportunities” for violations are enormous. However, the actual violation rates are infinitesimal (~0.001%).</li> <li>Agencies are overdosing their effluent with the dechlorination agent, sodium bisulfite, to prevent chlorine violations, a practice which costs more than \$1 million regionally each year.</li> <li>The Regional Water Board worked with BACWA to develop a Basin Plan Amendment modifying the effluent limit for chlorine residual.</li> </ul>	<ul style="list-style-type: none"> <li>The Basin Plan Amendment includes: <ul style="list-style-type: none"> <li>A 0.013 mg/L Water Quality Objective in marine and estuarine waters, which will be applied as a WQBEL in permits and calculated incorporating dilution. The WQBEL will be applied as a 1-hour average.</li> <li>A Minimum Level (ML), or Reporting Limit of 0.05 mg/L for online continuous monitoring system.</li> </ul> </li> <li>The Basin Plan Amendment was adopted by the Regional Water Board in 2020, approved by the State Water Board and Office of Administrative Law in 2021, and is now awaiting final review by EPA.</li> <li>Sections of the Basin Plan Amendment related to removal of Oil &amp; Grease effluent limits are in effect. This change is being implemented in reissued NPDES permits.</li> <li>In 2021, the Regional Water Board adopted a blanket permit amendment implementing the Basin Plan Amendment within each individual NPDES permit. The order will only become effective once the Basin Plan Amendment is approved by the EPA.</li> <li>In late 2022 and early 2023, EPA consulted with federal natural resource agencies to update the biological evaluation of potential chlorine toxicity to fish. Due to significant concerns about fish toxicity expressed by the resource agencies, the future of both EPA’s chlorine water quality objective and the Basin Plan Amendment are unclear at this time.</li> </ul>	<ul style="list-style-type: none"> <li>Engage with Regional Water Board staff to support eventual approval of the Basin Plan Amendment, and provide updates to BACWA members on new developments.</li> <li><b>If the Basin Plan Amendment is approved, prepare for a short turnaround time for implementation of the new chlorine residual limits, as follows:</b> <ul style="list-style-type: none"> <li>Ensure compliance with the new minimum required frequency of once every 5 65minutes.</li> <li>Ensure the monitoring system complies with the new minimum level of 0.05 mg/L.</li> <li>Members that plan to discharge detectable residual chlorine may need to adapt sampling and analysis procedures for other constituents for which residual chlorine could interfere, such as whole effluent toxicity and ammonia.</li> <li>Use the highest one-hour arithmetic mean as the daily value reported into CIWQS.</li> </ul> </li> </ul>	<p>Background and Status information about Basin Plan Amendment:  <a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/chlorinebpa.html">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/chlorinebpa.html</a></p> <p>Final Basin Plan Amendment adopted by Regional Water Board:  <a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/chlorinebpa/2_Chlorine_Resolution_R2-2020-0031.pdf">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/chlorinebpa/2_Chlorine_Resolution_R2-2020-0031.pdf</a></p> <p>Blanket Permit Amendment for Chlorine and Oil &amp; Grease:  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0019.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0019.pdf</a></p>

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<b>PESTICIDES</b>			
<ul style="list-style-type: none"> <li>Pesticides are regulated via FIFRA, and not the Clean Water Act. POTWs do not have the authority to regulate pesticide use in their service area, but may be responsible for pesticide impacts to their treatment processes or to surface water.</li> <li>Through BAPPG, BACWA aims to proactively support a scientific and regulatory advocacy program so that pesticides will not impact POTWs' primary functions of collecting and treating wastewater, recycling water, and managing biosolids, or impact receiving waters via the "down the drain" route.</li> </ul>	<ul style="list-style-type: none"> <li>EPA reviews all registered pesticides at least once every 15 years. Each review allows opportunity for public comment.</li> <li>BACWA continues to fund consultant support to write comment letters advocating for the consideration of POTW and surface water issues by EPA and the California Department of Pesticide Registration (CalDPR). Funding for pesticide regulatory outreach in FY23 is \$60K. The pesticides regulatory team also supports the California Stormwater Quality Association (CASQA) on outreach work related to urban pesticide use.</li> <li>The Regional Water Board leverages BACWA's efforts to provide their own comment letters.</li> <li>With chronic toxicity limits likely in the near term, POTWs will be in compliance jeopardy if pesticides contribute to toxicity.</li> <li>Baywise.org has launched webpages on flea and tick control messaging to pet owners and veterinarians.</li> <li>Pet pesticides were the focus of BAPPG's public outreach campaign in Spring 2022.</li> <li>In January 2023, CalDPR released a Sustainable Pest Management Roadmap. The Roadmap identifies actions that would enhance understanding of pesticide use in urban areas and enhance outreach to urban pesticide users.</li> </ul>	<ul style="list-style-type: none"> <li>Advocate for implementation of actions from the Sustainable Pesticide Management Roadmap, which will require additional resources to be directed to CalDPR.</li> <li>Continue to comment on EPA pesticide re-registrations and CalDPR actions.</li> <li>Work with veterinary associations on messaging with respect to flea and tick control alternatives.</li> <li>Continue to develop summaries of EPA actions on pesticides.</li> <li>Look for opportunities to work with CalDPR on pesticides research.</li> <li>Work with other regional associations, such as the CASQA to collaborate on funding pesticide regulatory outreach.</li> </ul>	<p>BACWA Pesticides Regulatory Update and Call to action:  <a href="https://bacwa.org/wp-content/uploads/2016/02/BACWA-Pesticide-Regulatory-Update-2016-1.pdf">https://bacwa.org/wp-content/uploads/2016/02/BACWA-Pesticide-Regulatory-Update-2016-1.pdf</a></p> <p>BACWA Pesticide Regulatory Support Page:  <a href="https://bacwa.org/bappg-pesticides/">https://bacwa.org/bappg-pesticides/</a></p> <p>Baywise flea and tick pages:  <a href="https://baywise.org/residential/pets/keep-pets-free-of-fleas-and-ticks/">https://baywise.org/residential/pets/keep-pets-free-of-fleas-and-ticks/</a>  <a href="https://baywise.org/residential/pets/">https://baywise.org/residential/pets/</a></p> <p>BACWA-CASQA Urban Pesticides Collaboration Fact Sheet:  <a href="https://bacwa.org/wp-content/uploads/2022/08/CASQA-BACWA-Factsheet-July2022.pdf">https://bacwa.org/wp-content/uploads/2022/08/CASQA-BACWA-Factsheet-July2022.pdf</a></p> <p>CalDPR Sustainable Pest Management Roadmap  <a href="https://www.cdpr.ca.gov/docs/pressrls/2023/012623.htm">https://www.cdpr.ca.gov/docs/pressrls/2023/012623.htm</a></p>



Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>MERCURY AND PCBS</b>			
<ul style="list-style-type: none"> <li>• The Mercury &amp; PCBs Watershed Permit was reissued by the Regional Water Board in December 2022. The Watershed Permit is based on the TMDLs for each of these pollutants.</li> <li>• Aggregate mercury and PCBs loads have been well below waste load allocations through 2021, the last year for which data have been compiled.</li> <li>• Method 1668C for measuring PCB congeners has not been promulgated by EPA. Data collected during the first permit term varied widely depending on which laboratory performed the analyses. BACWA Laboratory Committee developed an updated PCB Protocol to reduce variability between laboratories running Method 1668C, effective January 1, 2014. Data have been more consistent since the distribution of this document.</li> <li>• In 2017, EPA adopted federal pretreatment program rules requiring dental offices to install dental amalgam separators. The rule is intended to reduce dental office discharge of mercury. The compliance date was July 14, 2020.</li> </ul>	<ul style="list-style-type: none"> <li>• The Mercury &amp; PCBs Watershed Permit (both the 2017 and 2022 versions) require risk reduction program funding. For FY23, 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.</li> <li>• In January 2022, monitoring requirements for mercury were reduced for most dischargers by a blanket NPDES Permit amendment (Order R2-2021-0028) (see link at right). Revised monitoring frequencies are also reflected in the reissued permit.</li> <li>• As part of the 2021 Triennial Review of the Basin Plan, the Regional Water Board has prioritized designation of three new beneficial uses: Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB) and Subsistence Fishing (SUB). Water bodies designated these beneficial uses could also be assigned lower mercury objectives.</li> <li>• The Mercury &amp; PCBs Watershed Permit reissued in December 2022 is very similar to the 2017 Permit. Effluent limitations are unchanged. The only significant difference is a reduction in the monitoring frequency for PCB Congeners for some agencies.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Some member agencies can modify effluent monitoring frequencies for PCB congeners after the reissued Permit's effective date of February 1, 2023.</b></li> <li>• In 2023, BACWA will solicit proposals to support risk reduction activities during the term of the reissued permit.</li> <li>• 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.</li> <li>• Schedule risk reduction presentations by the grantees to the Regional Water Board in 2023.</li> <li>• Track potential Basin Plan Amendments resulting from the Triennial Review project related to new beneficial use designations. The new designations are not expected to impact the bay-wide mercury TMDL in the near term, but there could be localized or longer-term impacts.</li> </ul>	<p>2022 Mercury &amp; PCBs Watershed Permit (Effective Feb. 1, 2023)  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2022/R2-2022-0038.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2022/R2-2022-0038.pdf</a></p> <p>Risk Reduction Materials:  <a href="https://bacwa.org/mercurypcb-risk-reduction-materials/">https://bacwa.org/mercurypcb-risk-reduction-materials/</a></p> <p>BACWA PCBs Protocol:  <a href="https://bacwa.org/wp-content/uploads/2014/02/PCBs-Sampling-Analysis-and-Reporting-Protocols-Dec13.pdf">https://bacwa.org/wp-content/uploads/2014/02/PCBs-Sampling-Analysis-and-Reporting-Protocols-Dec13.pdf</a></p> <p>One-Time Compliance Report for Dental Offices:  <a href="https://www.waterboards.ca.gov/water_issues/programs/npdes/docs/drinkingwater/one-time_compliance_report_for_dental_offices.pdf">https://www.waterboards.ca.gov/water_issues/programs/npdes/docs/drinkingwater/one-time_compliance_report_for_dental_offices.pdf</a></p> <p>NPDES Permit Amendment for Monitoring and Reporting  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf</a></p>

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<b>STATE WATER BOARD TOXICITY PROVISIONS</b>			
<ul style="list-style-type: none"> <li>• The State Water Board has been working since before 2012 to establish Toxicity Provisions in the SIP that would introduce uniform Whole Effluent Toxicity Requirements for the State</li> <li>• During individual permit reissuances since 2015, the Regional Water Board has been performing RPAs for chronic toxicity and giving chronic toxicity limits to agencies with Reasonable Potential.</li> <li>• Proposed Final Statewide Toxicity Provisions were released in October 2020, incorporating revisions to previous versions from 2018 to 2020. The Provisions establish: <ul style="list-style-type: none"> <li>○ Use of Test of Significant Toxicity (TST) as statistical method to determine toxicity replacing EC25/IC25 (with concerns it will lead to more false positive results);</li> <li>○ Numeric limits for chronic toxicity for POTWs &gt;5 MGD and with a pretreatment program; smaller POTWs would receive effluent targets and only receive limits if Reasonable Potential is established;</li> <li>○ Regional Water Board discretion on whether to require RPAs for acute toxicity;</li> <li>○ For POTWs with <i>Ceriodaphnia dubia</i> as most sensitive species, numeric targets rather than limits until after completion of state-wide study on lab/ testing issues (Dec. 31, 2023).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The State Water Board first adopted the Statewide Toxicity Provisions 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.</li> <li>• The Toxicity Provisions will go into effect following EPA approval, which is expected to occur in February 2023.</li> <li>• Since 2016, agencies have had the option to skip sensitive species screening upon permit reissuance and pay the avoided funds to the RMP to be used for CECs studies. Under the Toxicity Provisions, agencies will be required by the provisions to do sensitive species screening once every 15 years.</li> <li>• BACWA joined SCAP, CVCWA and NACWA in a lawsuit alleging EPA did not follow proper procedure in requiring use of the TST, which has not been officially promulgated. The lawsuit was dismissed. POTWs' only recourse is to challenge individual permits that include the procedure.</li> <li>• The State Water Board is collaborating with stakeholders on a special study to improve the quality of <i>Ceriodaphnia dubia</i> testing. The first phase of this multi-laboratory study of toxicity testing has been completed, and a second intercalibration round of testing will be conducted in March 2023.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Prepare for imminent approval of the Toxicity Provisions</b>, which could be as soon as February 2023. Member agencies that have had permits reissued after August 2022 will automatically transition to new toxicity testing requirements in the month following EPA approval.</li> <li>• <b>Plan to conduct a species sensitivity screening</b> to comply with the Toxicity Provisions, which require a study no more than 10 years old be used to determine a "Tier I" species for use in compliance monitoring.</li> <li>• <b>Review draft NPDES permits implementing the Toxicity Provisions.</b> As of August 2022, NPDES permit language implementing the Toxicity Provisions is being added to draft individual NPDES permits. Regional Water Board staff developed this language with BACWA member input. The permit language only becomes effective after EPA approves the Toxicity Provisions.</li> <li>• Share information on the special study on the <i>Ceriodaphnia dubia</i> test method with agencies who have that species in their permits.</li> </ul>	<p>SWRCB Toxicity Page:  <a href="http://www.swrcb.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml">http://www.swrcb.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml</a></p> <p>Toxicity Provisions adopted December 2020:  <a href="https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/provisions_final.pdf">https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/provisions_final.pdf</a></p> <p>Toxicity Workshop Presentations from 2017 BACWA Workshop:  <a href="https://bacwa.org/bacwa-toxicity-workshop-september-18-2017/">https://bacwa.org/bacwa-toxicity-workshop-september-18-2017/</a></p> <p>Regional Water Board presentation on implementation of Statewide Toxicity Provisions from December 2020: <a href="https://bacwa.org/wp-content/uploads/2021/01/Slides-from-RWQCB-Regarding-R2-Tox-Language-in-NPDES-Permits-2020-12-08.pdf">https://bacwa.org/wp-content/uploads/2021/01/Slides-from-RWQCB-Regarding-R2-Tox-Language-in-NPDES-Permits-2020-12-08.pdf</a></p> <p><i>Ceriodaphnia</i> Quality Assurance Study  <a href="https://www.sccwrp.org/about/research-areas/additional-research-areas/ceriodaphnia-toxicity-testing-quality-assurance/">https://www.sccwrp.org/about/research-areas/additional-research-areas/ceriodaphnia-toxicity-testing-quality-assurance/</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>COMPOUNDS OF EMERGING CONCERN (CECS)</b>			
<ul style="list-style-type: none"> <li>Pharmaceuticals and other trace compounds of emerging concern (CECs) are ubiquitous in wastewater at low concentrations and have unknown effects on aquatic organisms.</li> <li>The State Water Board has formed a Pretreatment and CECs Unit.</li> <li>Region 2's CEC strategy focuses on monitoring/tracking concentrations of constituents with high occurrence and high potential toxicity. Much of what the State Water Board is considering for its monitoring program is already being implemented in Region 2 through the RMP.</li> </ul>	<ul style="list-style-type: none"> <li>The Regional Water Board has stated that voluntary and representative participation in RMP CECs studies is key to avoiding regulatory mandates for CECs monitoring. These studies are informational and not for compliance purposes. BACWA developed a White Paper on representative participation to support facility selection for these studies.</li> <li>Bay dischargers are continuing to provide supplemental funding for RMP CECs studies through the NPDES Permit Amendment adopted in December 2021 by the Regional Water Board.</li> <li>The State Water Board has recently increased its focus on CECs. In November 2022, a State Water Board Science Advisory Panel released a report identifying risk-based and occurrence-based monitoring strategies in aquatic ecosystems. Similar approaches are already in use in the Bay Area by the RMP.</li> </ul>	<ul style="list-style-type: none"> <li>Continue to participate in the RMP Emerging Contaminants Workgroup.</li> <li>Participate in RMP studies by collecting wastewater samples at member facilities. Studies in FY23 include ethoxylated surfactants in wastewater, in addition to the Regional PFAS Study and OPC-funded microplastic study (see below).</li> <li>Provide ongoing updates to White Paper for use by the RMP or others in selecting representative POTWs for participation in CEC studies.</li> </ul>	<p>RMP Emerging Contaminant Workgroup:  <a href="http://www.sfei.org/rmp/ecwg#ab-1-4">http://www.sfei.org/rmp/ecwg#ab-1-4</a></p> <p>BACWA CECs White Paper:  <a href="https://bacwa.org/document/bacwa-cec-white-paper-updated-june-2020/">https://bacwa.org/document/bacwa-cec-white-paper-updated-june-2020/</a></p> <p>NPDES Permit Amendment for Monitoring and Reporting  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf</a></p> <p>State Water Board CECs webpage:  <a href="https://www.waterboards.ca.gov/water_issues/programs/cec/index.html">https://www.waterboards.ca.gov/water_issues/programs/cec/index.html</a></p>



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<b>MICROPLASTICS</b>			
<ul style="list-style-type: none"> <li>• Microplastic pollution is a environmental threat with the potential to impact wastewater disposal and reuse, as well as biosolids end uses.</li> <li>• Microplastics have been a focus of the RMP in recent years. BACWA has participated in the Workgroup and developed a POTW Fact Sheet. One conclusion of the RMP work is that POTWs contribute much lower microplastic loads than stormwater. As a result, the RMP is focusing future microplastics sampling efforts on stormwater pathways.</li> </ul>	<ul style="list-style-type: none"> <li>• In February 2022, the Ocean Protection Council (OPC) adopted a Statewide Microplastics Strategy that calls for increased water recycling, additional monitoring of wastewater, source control in wastewater, and additional scientific research.</li> <li>• 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 to be completed in 2023.</li> <li>• Ongoing microplastics investigations by the RMP are focused on tire particles in stormwater.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to participate in the RMP Microplastics Workgroup.</li> <li>• Three BACWA member agencies are participating in the OPC-funded microplastic study. As of January 2023, sampling efforts are ongoing.</li> <li>• 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/or analysis methods.</li> </ul>	<p>BACWA Microplastics Fact Sheet:  <a href="https://bacwa.org/wp-content/uploads/2019/09/BACWA-Microplastics-flyer.pdf">https://bacwa.org/wp-content/uploads/2019/09/BACWA-Microplastics-flyer.pdf</a></p> <p>SFEI Microplastics project:  <a href="https://www.sfei.org/projects/microplastics">https://www.sfei.org/projects/microplastics</a></p> <p>Ocean Protection Council Microplastics Strategy:  <a href="https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/2022/0223/Item_6_Exhibit_A_Statewide_Microplastics_Strategy.pdf">https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/2022/0223/Item_6_Exhibit_A_Statewide_Microplastics_Strategy.pdf</a></p>

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<b>PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)</b>			
<ul style="list-style-type: none"> <li>• Per- and polyfluoroalkyl substances (PFAS) are a group of human-made substances that are very resistant to heat, water, and oil. PFAS have been used in surface coating and protectant formulations. Common PFAS-containing products are non-stick cookware, cardboard/paper food packaging, water-resistant clothing, carpets, and fire-fighting foam.</li> <li>• Perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) are two types of PFAS no longer manufactured in the US; however, other types of PFAS are still produced and used in the US.</li> <li>• All PFAS are persistent in the environment, can accumulate within the human body, and have demonstrated toxicity at relatively low concentrations.</li> <li>• Potential regulatory efforts to address PFAS focus on drinking water in order to minimize human ingestion of these chemicals, although regulators have also expressed concern about uptake into food from biosolids.</li> <li>• In July 2020, the SWRCB issued an investigative order for POTWs. At that time, BACWA obtained SWRCB approval to fund and conduct a Regional PFAS Study in lieu of the investigative order.</li> <li>• In April 2021, the formation of an “EPA Council on PFAS” was announced.</li> </ul>	<ul style="list-style-type: none"> <li>• The EPA and State of California are developing drinking water standards for PFAS compounds. <ul style="list-style-type: none"> <li>○ DDW has developed drinking water notification levels (NLs) and response levels for PFOA, PFOS, and Perfluorobutane Sulfonic Acid (PFBS), and has finalized a NL for Perfluorohexane Sulfonic Acid (PFHxS) as of October 2022.</li> <li>○ In 2021, OEHHA proposed draft public health goals for PFOA (0.007 ng/L) and PFOS (1 ng/L) as the next step in establishing drinking water MCLs.</li> <li>○ In 2022, EPA released interim health advisories for PFOA (0.004 ng/L) and PFOS (0.02 ng/L) that are lower than current detection limits in wastewater.</li> </ul> </li> <li>• EPA is conducting pretreatment standards rulemaking for two types of industrial users: Metal Finishing, and Organic Chemicals, Plastics and Synthetic Fibers.</li> <li>• EPA is developing a new analytical method for PFAS in complex matrices like wastewater. Draft Method 1633 is expected to be finalized later in 2023.</li> <li>• In August 2022, EPA proposed a rule designating PFOA and PFOS as hazardous substances under CERCLA (the Superfund law). BACWA submitted a comment letter on the proposal (link at right).</li> <li>• In late 2022, EPA issued permitting guidance for pretreatment programs and NPDES permits. It recommends use of Draft Method 1633.</li> </ul>	<ul style="list-style-type: none"> <li>• BACWA’s Regional PFAS Study is being conducted by SFEI in two phases: <ul style="list-style-type: none"> <li>○ In Phase 1, fourteen representative facilities collected samples in Q4 2020 for influent, effluent, RO concentrate, and biosolids. BACWA prepared a Fact Sheet regarding Phase 1 results (see link at right).</li> <li>○ Sample collection for Phase 2 of the PFAS Regional Study was completed in mid-2022 and included sampling of influent, effluent, and biosolids; residential sewersheds, commercial and industrial users; hauled organic waste used as digester feed; and groundwater. Phase 2 study results will be available in spring 2023.</li> </ul> </li> <li>• BACWA’s Phase 2 study results could support new legislative efforts in 2023. Legislation requiring reporting of PFAS in products (AB 2247) did not pass in 2022 due to concerns about fiscal impact. PFAS bans in cosmetics and textiles were passed in 2022.</li> <li>• BACWA will continue tracking developments at the federal, state and regional level, in particular to understand the impact of the CERCLA designation on biosolids reporting.</li> </ul>	<p>BACWA PFAS Documents: <a href="https://bacwa.org/pfas-links/">https://bacwa.org/pfas-links/</a></p> <p>SWRCB PFAS Resources: <a href="https://www.waterboards.ca.gov/pfas/">https://www.waterboards.ca.gov/pfas/</a></p> <p>OEHHA Drinking Water: <a href="https://oehha.ca.gov/water">https://oehha.ca.gov/water</a></p> <p>EPA PFAS Resources <a href="https://www.epa.gov/pfas">https://www.epa.gov/pfas</a></p> <p>EPA PFAS Strategic Roadmap <a href="https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024">https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024</a></p> <p>2022 PFAS Legislation Outcomes for CA: <a href="https://www.cwea.org/news/pfas-legislation-we-have-seen-in-2022/">https://www.cwea.org/news/pfas-legislation-we-have-seen-in-2022/</a></p> <p>BACWA Comment Letter on CERCLA Designation: <a href="https://bacwa.org/wp-content/uploads/2022/11/BACWA-PFAS-CERCLA-Ltr-2022-11-07.pdf">https://bacwa.org/wp-content/uploads/2022/11/BACWA-PFAS-CERCLA-Ltr-2022-11-07.pdf</a></p> <p>EPA NPDES Permitting Guidance (Dec. 2022) <a href="https://www.epa.gov/system/files/documents/2022-12/NPDES_PFAS_State%20Memo_December_2022.pdf">https://www.epa.gov/system/files/documents/2022-12/NPDES_PFAS_State%20Memo_December_2022.pdf</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>SSS WDR REISSUANCE</b>			
<ul style="list-style-type: none"> <li>• In 2021, the State Water Board began the process of reissuing the statewide Sanitary Sewer System General Order (SSS-WDR) by issuing an informal staff draft. A draft for public comment was released in January 2022, and BACWA submitted formal comments in April 2022.</li> <li>• State Water Board staff participated in multiple rounds of stakeholder engagement with BACWA, CASA, CVCWA, SCAP, and non-governmental organizations.</li> <li>• The State Water Board's goals for the update were:               <ul style="list-style-type: none"> <li>○ Updating the 2006 Order</li> <li>○ Clarifying compliance expectations and enhancing enforceability</li> <li>○ Addressing system resiliency, including climate change impacts</li> <li>○ Identifying valuable data and eliminating non-valuable reporting requirements</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The SSS-WDR was reissued in December 2022. The reissued order replaces the 2006 Order and the 2013 Monitoring and Reporting Program. BACWA and partner organizations were successful in working with the State Water Board to make many favorable modifications to the draft prior to its final adoption.</li> <li>• The reissued order effective date is June 5, 2023.</li> <li>• The reissued SSS-WDR contains numerous new and modified requirements, such as:               <ul style="list-style-type: none"> <li>○ A prohibition on discharges to groundwater;</li> <li>○ Reduced spill reporting requirements for small spills (spills from laterals or &lt;50 gallons);</li> <li>○ New spill monitoring requirements such as photo documentation and faster water quality sampling;</li> <li>○ New requirements for preparation of Sewer System Management Plans (SSMPs), including a focus on system resiliency, prioritizing corrective actions, and coordinating with stormwater agencies;</li> <li>○ Modified annual reporting requirements;</li> <li>○ New mapping requirements; and</li> <li>○ Modified timelines for preparation of audits and SSMPs. The State Water Board has prepared an online tool to assist agencies in determining compliance dates (at right).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Members that are currently enrolled in the SSS-WDR will need to meet several compliance deadlines by June 5, 2023, such as:               <ul style="list-style-type: none"> <li>○ Re-enrolling between April 4 and June 5, 2023</li> <li>○ Uploading existing SSMPs to CIWQS</li> <li>○ Updating Spill Emergency Response Plans</li> </ul> </li> <li>• Work with the Collection System committee and CASA to identify and fulfill member needs for guidance and templates materials, such as guidance for Sewer System Management Plans</li> <li>• Continue to coordinate with CASA and CWEA on training opportunities for members as they transition to enrollment under the new SSS-WDR.</li> </ul>	<p>State Water Board SSS-WDR page:  <a href="https://www.waterboards.ca.gov/water_issues/programs/ssso/">https://www.waterboards.ca.gov/water_issues/programs/ssso/</a></p> <p>Reissued SSS-WDR (General Order 2022-0103-DWQ), Effective June 5, 2023  <a href="https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo-2022-0103-dwg.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo-2022-0103-dwg.pdf</a></p> <p>Clean Water Summit Partners Webinar on Reissued SSS-WDR (January 2023)  <a href="https://casaweb.org/resources/speaker-presentations/">https://casaweb.org/resources/speaker-presentations/</a></p> <p>SSMP and Audit Due Dates Lookup Tool from State Water Board  <a href="https://www.waterboards.ca.gov/water_issues/programs/ssso/lookup/">https://www.waterboards.ca.gov/water_issues/programs/ssso/lookup/</a></p>

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<b>ELAP UPDATE</b>			
<ul style="list-style-type: none"> <li>• In May 2020, the State Water Board adopted new comprehensive regulations for the Environmental Laboratory Accreditation Program.</li> <li>• Adoption of the new regulations was required by AB 1438, legislation that became effective in 2018.</li> <li>• The new ELAP regulations will replace the current state-specific accreditation standards with a national laboratory standard established by The NELAC Institute (TNI).</li> </ul>	<ul style="list-style-type: none"> <li>• The new ELAP regulations became effective as of <b>January 1, 2021</b>. Compliance with TNI standards is required beginning <b>January 1, 2024</b>.</li> <li>• Adoption of TNI standards poses a challenge since there are more than 1,000 individual requirements. Setup costs may include: <ul style="list-style-type: none"> <li>○ Hiring and/or training staff;</li> <li>○ Hiring consultants to set up the TNI documentation framework;</li> <li>○ Purchasing Laboratory Information Management System (LIMS) software;</li> <li>○ Purchasing documents and training material from TNI, etc.</li> </ul> </li> <li>• The new standards will be a particular burden on small laboratories, which may choose to close if they cannot economically meet the new standards.</li> <li>• ELAP's "Roadmap to ELAP Accreditation" Program is the outreach and training component of the new regulations. ELAP staff have presented to the Lab Committee in June 2020, February 2021, April 2021, and June 2022. ELAP has contracted with A2LA Workplace Training to provide training sessions.</li> <li>• The BACWA Lab Committee began providing monthly TNI training sessions beginning in July 2021. BACWA has provided funding for the TNI training sessions to continue through FY23.</li> </ul>	<ul style="list-style-type: none"> <li>• 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 3<sup>rd</sup> Tuesday of each month. Training is provided by Diane Lawver of Quality Assurance Solutions, LLC, and other subject matter experts. BACWA's TNI training sessions are recorded, and a link is available upon request.</li> <li>• 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.</li> <li>• Continue to work through BACWA's Laboratory Committee to support members as they navigate laboratory accreditation under the new TNI standards.</li> <li>• Publicize training opportunities offered by consultants, ELAP, and others.</li> <li>• Provide a forum for BACWA laboratories to share experiences and lessons learned from various approaches to TNI implementation.</li> </ul>	<p>State Water Board's 'Roadmap to ELAP Accreditation' page:  <a href="https://www.waterboards.ca.gov/drinking_water/certlic/labs/roadmap_to_elap_accreditation.html">https://www.waterboards.ca.gov/drinking_water/certlic/labs/roadmap_to_elap_accreditation.html</a></p> <p>Roadmap to Accreditation Presentation to BACWA Lab Committee:  <a href="https://bacwa.org/wp-content/uploads/2020/06/California-ELAP-Regulations-BACWA_06092020.pdf">https://bacwa.org/wp-content/uploads/2020/06/California-ELAP-Regulations-BACWA_06092020.pdf</a></p> <p>State Water Board's ELAP regulations page:  <a href="http://www.waterboards.ca.gov/drinking_water/certlic/labs/elap_regulations.shtml">http://www.waterboards.ca.gov/drinking_water/certlic/labs/elap_regulations.shtml</a></p> <p>Monthly Training Session flyer:  <a href="https://bacwa.org/wp-content/uploads/2021/07/BACWA-Lab-TNI-Training-Series-Flyer.pdf">https://bacwa.org/wp-content/uploads/2021/07/BACWA-Lab-TNI-Training-Series-Flyer.pdf</a></p> <p>ELAP Timeline Guidance Tool:  <a href="https://www.waterboards.ca.gov/drinking_water/certlic/labs/docs/2022/elap-scheduler-1-1.xlsx">https://www.waterboards.ca.gov/drinking_water/certlic/labs/docs/2022/elap-scheduler-1-1.xlsx</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>PHASE-OUT OF BIOSOLIDS AS ALTERNATIVE DAILY COVER</b>			
<ul style="list-style-type: none"> <li>Regulatory drivers are indicating that biosolids used as alternative daily cover (ADC) or disposed in landfills will be phased out:               <ul style="list-style-type: none"> <li>AB 341 set a goal to recycle 75% of solid waste by 2020 and CalRecycle's plan to achieve that goal called for a marked, but unquantified, reduction of organics to landfills.</li> <li>SB 1383, adopted in September 2016 requires organics diversion: -50% by 2020 (relative to 2014) -75% by 2025 (relative to 2014)</li> </ul> </li> <li>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.</li> <li>While the regulations implementing SB 1383 do not explicitly forbid biosolids disposal/reuse in landfills, it is assumed that since biosolids are a relatively "clean" waste stream that can be easily diverted, landfills will stop accepting biosolids.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>BACWA's 2021 Biosolids Trends Survey Report compiles member agency activities in 2018-2020, as well as survey responses regarding SB 1383 implementation.</li> <li>Requirements for SB 1383 implementation include:               <ul style="list-style-type: none"> <li>Diverted biosolids must be anaerobically digested and/or composted to qualify as landfill reduction.</li> <li>In 2022, CalRecycle began accepting applications to consider whether other specific treatment technologies can qualify as landfill reduction (per Article 2 of SB 1383).</li> <li>Local ordinances restricting land application are disallowed.</li> </ul> </li> <li>Jurisdictions that divert organic waste must also procure the end products of diversion, such as biogas, biomethane, and compost (but not biosolids). Per legislation signed in 2022 (AB 1985), procurement rules are being phased in over three years (2023 to 2025) and there are interim rules regarding procurement of biogas from POTWs.</li> <li>Currently, some County ordinances restrict the beneficial use of biosolids. CalRecycle considers bans on land application to be unenforceable, and CalRecycle has agreed to approach several counties with restrictive ordinances to conduct outreach and assess compliance.</li> <li>CalRecycle continues to make new training materials available for jurisdictions regarding 1383 compliance.</li> </ul>	<ul style="list-style-type: none"> <li>The <i>Biosolids in the Baylands</i> white paper was released in 2022 by the San Francisco Bay Joint Venture. The white paper identifies data gaps that need to be filled. Studies funded by BACWA and BABC (e.g., PFAS) and other current studies will be considered to help fill remaining data gaps before identifying new monitoring requirements at land applications sites.</li> <li>Continue to engage with Regional Water Board regarding supplemental monitoring requirements for biosolids land application sites in the Baylands.</li> <li>Actively work through CASA with California Air Resource Board, CalRecycle, State Water Board, and California Department of Food and Agriculture to develop sustainable long-term options for biosolids beneficial use.</li> <li>Meet with BAAQMD regularly in 2023 to discuss alignment of state and local regulations.</li> </ul>	<p>BACWA 2021 Biosolids Trends Survey Report: <a href="https://bacwa.org/wp-content/uploads/2021/12/BACWA-2021-Biosolids-Trends-Survey-Report.pdf">https://bacwa.org/wp-content/uploads/2021/12/BACWA-2021-Biosolids-Trends-Survey-Report.pdf</a></p> <p>BABC website: <a href="http://www.bayareabiosolids.com/">http://www.bayareabiosolids.com/</a></p> <p>CASA White Paper on SB 1383 Implementation: <a href="https://bacwa.org/document/summary-of-sb-1383-and-its-implementation-casa-2020/">https://bacwa.org/document/summary-of-sb-1383-and-its-implementation-casa-2020/</a></p> <p>CalRecycle website for California Short-Lived Climate Pollutant Reduction Strategy <a href="https://www.calrecycle.ca.gov/organics/slcp">https://www.calrecycle.ca.gov/organics/slcp</a></p> <p>CalRecycle Procurement FAQ (Updated per AB 1985) <a href="https://calrecycle.ca.gov/organics/slcp/faq/recycledproducts/">https://calrecycle.ca.gov/organics/slcp/faq/recycledproducts/</a></p> <p><i>Biosolids in the Baylands</i> White Paper <a href="https://bacwa.org/wp-content/uploads/2022/07/Biosolids-in-the-Baylands-White-Paper-March-2022.pdf">https://bacwa.org/wp-content/uploads/2022/07/Biosolids-in-the-Baylands-White-Paper-March-2022.pdf</a></p>



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<b>CLIMATE CHANGE MITIGATION</b>			
<ul style="list-style-type: none"> <li>• CARB's Climate Change Scoping Plan Update lays out the approach for the State to meet its greenhouse gas (GHG) emissions reduction targets through 2030. The latest Scoping Plan was updated in 2022 targeting carbon neutrality by 2045, including policies addressing:               <ul style="list-style-type: none"> <li>◦ Short-lived climate pollutants</li> <li>◦ Carbon sequestration on Natural and Working Lands</li> <li>◦ Largest emitters (transportation, electricity, and industrial sectors)</li> </ul> </li> <li>• SB 1383 (Short-Lived Climate Pollutant Reduction) calls for:               <ul style="list-style-type: none"> <li>◦ 40% methane reduction by 2030</li> <li>◦ 75% diversion of organic waste from landfills by 2025</li> <li>◦ Policy / regulatory development encouraging production/use of biogas</li> </ul> </li> <li>• BAAQMD developed a Clean Air Plan requiring GHG emissions supporting CARB's 2050 target (80% below 1990 levels).</li> <li>• BAAQMD proposed the development of Regulation 13 (climate pollutants) targeting methane and nitrous oxide reductions related to organics diversion and management, but that effort is now on pause and lower priority than air toxics regulations.</li> <li>• CARB states POTWs are part of the solution for reducing fugitive methane, and encourages diversion of organics to POTWs to use available digester capacity and produce biogas.</li> </ul>	<ul style="list-style-type: none"> <li>• CARB is pursuing rapid fleet conversion to zero-emission vehicles (ZEVs), including medium and heavy-duty vehicles, through the Advanced Clean Fleet rule. The proposed regulations will allow organizations to opt into one of two programs:               <ul style="list-style-type: none"> <li>◦ <b>Public Fleets:</b> With exceptions, requiring 50% of vehicles added to be ZEV by 2024, and 100% by 2027.</li> <li>◦ <b>High Priority Fleet (Group 3):</b> With exceptions, requiring 10% of vehicles added to be ZEV by 2030 and 100% by 2042.</li> </ul> </li> <li>• Complete conversion will be difficult for heavy-duty specialty trucks, and will remove a potential market for biogas. CASA is engaging to request continued allowance of biogas as a sustainable transportation fuel.</li> <li>• In addition to pushing for ZEVs, CARB is proposing changes to the Low Carbon Fuel Standard that reflect increasing emphasis on hydrogen as a transportation fuel. Conversion of biogas into hydrogen is currently in research &amp; development stage.</li> <li>• Many POTWs are exploring energy generation, but BAAQMD TAC regulations could make such programs more difficult to implement. Direct injection of biogas to PG&amp;E's pipelines or use as a transportation fuel may be more efficient.</li> <li>• As of late 2022, EPA is finalizing a proposal for apportionment of renewable fuel credits (RINs) for food waste-based and sludge-based biogas.</li> </ul>	<ul style="list-style-type: none"> <li>• The Advanced Clean Fleet rule is expected to be adopted in April 2023. BACWA is supporting CASA's enhanced advocacy to CARB to preserve existing pathways that allow biogas to be used for fueling vehicles. The outreach is required so that biogas produced at treatment plants continues to have a permissible and economical end use, and so utilities have reliable power for heavy-duty vehicles. CASA and BACWA members are also providing public comments at CARB's public workshops.</li> <li>• 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.</li> <li>• Work with PG&amp;E and BAAQMD to explore options for POTWs to inject biogas into PG&amp;E pipelines. In February 2022, the CPUC approved a mandatory biomethane procurement program for CA's four large gas IOUs (including PG&amp;E) under SB 1440. CASA has been discussing the barriers to pipeline injection with CPUC and CalOSHA staff.</li> </ul>	<p>Climate Change Scoping Plan, including 2022 Update:  <a href="https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan">https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan</a></p> <p>CARB Low Carbon Fuel Standard:  <a href="https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard">https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard</a></p> <p>CARB Advanced Clean Fleet Rule:  <a href="https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets">https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets</a></p> <p>SB 1383:  <a href="https://www.calrecycle.ca.gov/organics/slcip">https://www.calrecycle.ca.gov/organics/slcip</a></p> <p>BAAQMD Clean Air Plan:  <a href="http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans">http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans</a></p> <p>BAAQMD Regulation 13  <a href="http://www.baaqmd.gov/rules-and-compliance/rules/regulation-13-climate-pollutants">http://www.baaqmd.gov/rules-and-compliance/rules/regulation-13-climate-pollutants</a></p> <p>EPA Renewable Fuel Standards  <a href="https://www.epa.gov/renewable-fuel-standard-program/proposed-renewable-fuel-standards-2023-2024-and-2025">https://www.epa.gov/renewable-fuel-standard-program/proposed-renewable-fuel-standards-2023-2024-and-2025</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>CLIMATE CHANGE ADAPTATION</b>			
<ul style="list-style-type: none"> <li>Climate change and water resilience are a strategic priority of both the State Water Board and Regional Water Board.</li> <li>In April 2019, Governor Newsom signed Executive Order N-10-19 directing State Agencies to recommend a suite of priorities and actions to build a climate-resilient water system and ensure healthy waterways through the 21st century.</li> <li>Bay Area coordination occurs through Bay Adapt, the Bay Area Climate Adaptation Network (BayCAN), and other venues. BACWA has signed a letter of support for the Bay Adapt Joint Platform.</li> <li>In April 2022, the State released a Climate Adaptation Strategy, including an updated climate change assessment for the Bay Area region.</li> <li>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.</li> <li>The Regional Water Board is modifying the Basin Plan to address climate change and wetland policy. The changes will occur through multiple Basin Plan amendments.</li> </ul>	<ul style="list-style-type: none"> <li>Despite previous announcements, as of 2023 the State Water Board no longer has plans to conduct a survey of permitted facilities regarding climate change vulnerability assessments adaptation measures, and is looking to Regional Water Boards to be responsible for this effort.</li> <li>In 2023, the Bay Conservation and Development Commission (BCDC) plans to develop "Regional Shoreline Adaptation Guidance" and standards for the Bay Area.</li> <li>In 2022, the Regional Water Board adopted a Climate Change Basin Plan amendment addressing dredge and fill procedures near the region's shorelines, especially for climate adaptation projects.</li> <li>Separately from the Basin Plan amendment, the NPDES division has released information regarding NPDES permitting of nature-based solutions.</li> <li>Shallow groundwater response to Sea Level Rise is a concern in low-lying Bay Area communities. Information about current and future depth-to-groundwater maps is summarized in a January 2023 report now available from Pathways Climate Institute and SFEI.</li> </ul>	<ul style="list-style-type: none"> <li>Follow up with members regarding sea level rise planning, as discussed at a member agency roundtable in August 2022. Prepare for engagement with the Regional Water Board and on expectations for sea level rise planning</li> <li>Work with members to identify a suitable way to track sea level rise adaptation plans, per the request of Regional Water Board staff.</li> <li>Engage with BCDC during the agency's development of Regional Shoreline Adaptation Plan guidance, which will likely impact most BACWA member agencies. BACWA is participating in an advisory group for the Regional Shoreline Adaptation Plan.</li> <li>Continue to work with Regional Water Board and other resource agencies to look for regulatory solutions to encourage wetlands projects for shoreline resiliency.</li> </ul>	<p>California Coastal Commission's <i>Critical Infrastructure at Risk</i>  <a href="https://documents.coastal.ca.gov/assets/slr/SLR%20Guidance_Critical%20Infrastructure_12.6.2021.pdf">https://documents.coastal.ca.gov/assets/slr/SLR%20Guidance_Critical%20Infrastructure_12.6.2021.pdf</a></p> <p>OPC Sea Level Rise Action Plan – August 2022  <a href="https://www.opc.ca.gov/webmaster/media_library/2022/08/SLR-Action-Plan-2022-508.pdf">https://www.opc.ca.gov/webmaster/media_library/2022/08/SLR-Action-Plan-2022-508.pdf</a></p> <p>Climate Change Basin Plan Amendment  <a href="https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2022/July/7_ssr.pdf">https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2022/July/7_ssr.pdf</a></p> <p>California Climate Adaptation Strategy  <a href="https://climateresilience.ca.gov/">https://climateresilience.ca.gov/</a></p> <p>Bay Adapt Joint Platform  <a href="https://www.bayadapt.org/">https://www.bayadapt.org/</a></p> <p>NPDES Permitting for Nature-Based Solutions  <a href="https://bacwa.org/wp-content/uploads/2022/08/NPDES-Permitting-for-Nature-Based-Solutions-5.pdf">https://bacwa.org/wp-content/uploads/2022/08/NPDES-Permitting-for-Nature-Based-Solutions-5.pdf</a></p> <p>2023 Report on Shallow Groundwater Response  <a href="https://www.sfei.org/projects/shallow-groundwater-response-sea-level-rise">https://www.sfei.org/projects/shallow-groundwater-response-sea-level-rise</a></p>



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<b>TOXIC AIR CONTAMINANTS</b>			
<ul style="list-style-type: none"> <li>Regulation 11, Rule 18 (Rule 11-18), adopted in 2017, is BAAQMD's effort to protect public health from toxic air pollution from existing facilities, including POTWs.</li> <li>Per the Rule, BAAQMD will conduct site-specific Health Risk Screening Analyses (HRSAs) and determine each facility's prioritization score (PS). BAAQMD will conduct Health Risk Assessments (HRAs) for all facilities with a cancer PS&gt;10 or non-cancer PS&gt;1.0. After verifying the model inputs, if the facility still has PS above that threshold, that facility would need to develop and implement a Risk Reduction Plan that may include employing Best Available Retrofit Control Technology for Toxics (TBARCT).</li> <li>AB 617 (Community Air Protection Program) – requires CARB to harmonize community air monitoring, reporting, &amp; local emissions reduction programs for air toxics and GHGs). POTWs within communities already impacted by air pollution may have to accelerate implementation of risk reduction measures.</li> <li>AB 2588 (Air Toxics “Hot Spots” Program) - Establishes a statewide program for the inventory of air toxics emissions from individual facilities, as well as requirements for risk assessment and public notification of potential health risks. 2020 updates expanded compound list from &gt;500 to &gt;1,000.</li> </ul>	<ul style="list-style-type: none"> <li>BACWA developed a White Paper on BAAQMD Rule 11-18 to describe its potential impacts on the POTW community.</li> <li>In response to a request by BAAQMD, the AIR Committee delivered a letter report summarizing specific challenges that POTWs would face in complying with the rule due to budgeting and planning constraints related to being public agencies.</li> <li>In response, BAAQMD moved all POTWs to Phase 2 to give sufficient time to update the model's inputs, and plan for emissions reduction or TBARCT, as needed.</li> <li>AIR Committee gathered data on proximity factors from each facility and submitted to BAAQMD for updating prioritization scores, which will be use in HRA development.</li> <li>In the <i>Final Statement of Reasons</i> for rulemaking 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).</li> <li>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 is meeting quarterly.</li> </ul>	<ul style="list-style-type: none"> <li>Continue participating in the BAAQMD working group to discuss toxic air contaminants, rule development, and related issues. BACWA is coordinating with BAAQMD about implementation of the two-step process and its timing relative to BAAQMD Rule 11-18 and 2-5.</li> <li>Report “business as usual” for air toxics through 2028 (for year 2027). If BAAQMD requests additional monitoring of air toxics, member agencies should refer to the one-page handout on this topic prepared by CASA. The wastewater sector has until 2028 to perform a statewide “two-step process” in collaboration with CARB and air districts to determine a shortlist of compounds relevant to the wastewater sector to report.</li> <li>Continue to Participate in CASA Subgroup meetings to plan the “two-step process” study.</li> <li>For budgeting planning purposes, BACWA members with permitted capacity &gt; 5 MGD should expect the study to cost approximately \$2,000 per MGD of permitted average dry weather flow. Study costs will be spread over FY24 to F27.</li> </ul>	<p>BAAQMD Rule 11-18 page: <a href="https://www.baaqmd.gov/rules-and-compliance/rules/regulation-11-rule-18-reduction-of-risk-from-air-toxic-emissions-at-existing-facilities">https://www.baaqmd.gov/rules-and-compliance/rules/regulation-11-rule-18-reduction-of-risk-from-air-toxic-emissions-at-existing-facilities</a></p> <p>Rule 11-18 Process Flowchart: <a href="https://bacwa.org/document/baaqmd-11-18-process-flowchart-08-17-17/">https://bacwa.org/document/baaqmd-11-18-process-flowchart-08-17-17/</a></p> <p>CARB page on AB 617 and AB 2588: <a href="https://ww2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting">https://ww2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting</a> <i>Final Statement of Reasons</i> <a href="https://ww3.arb.ca.gov/board/15day/ctr/fsor.pdf">https://ww3.arb.ca.gov/board/15day/ctr/fsor.pdf</a></p> <p>CASA One-Page Handout on Air Toxics Reporting (March 2022) <a href="https://bacwa.org/wp-content/uploads/2022/03/CTR-EICG_CASAOnePageIssue-Approach_March2022.pdf">https://bacwa.org/wp-content/uploads/2022/03/CTR-EICG_CASAOnePageIssue-Approach_March2022.pdf</a></p> <p>BAAQMD Rule 2-5 <a href="https://www.baaqmd.gov/rules-and-compliance/rules/reg-2-permits?rule_version=2021%20Amendments">https://www.baaqmd.gov/rules-and-compliance/rules/reg-2-permits?rule_version=2021%20Amendments</a></p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
<b>RECYCLED WATER</b>			
<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>The State Water Board is developing regulations for Direct Potable Reuse. Regulations for raw water augmentation must be adopted by December 31, 2023. The State Water Board is pursuing a regulatory path that also includes treated water augmentation. The State Water Board will issue draft regulations for Direct Potable Reuse in early 2023.</li> </ul>	<ul style="list-style-type: none"> <li>Beginning in 2020, all agencies have been required to report monthly wastewater and recycled water volumes into the State's Geotracker database. The 2023 survey includes new questions about future plans for increased recycled water production. Response are due April 30.</li> <li>The State Water Board is currently developing standards for onsite treatment and reuse of non-potable water in multi-family, mixed use, and commercial buildings. Draft regulatory concepts for onsite non-potable reuse were released in August 2022. The State Water Board is expected to begin rulemaking for onsite non-potable recycled water by late spring and complete the regulations by the end of 2023.</li> <li>BACWA is currently completing a Regional Evaluation of Potential Nutrient Discharge Reduction by Water Recycling, as required by the 2<sup>nd</sup> Nutrient Watershed Permit.</li> <li>The State Water Board is launching a "Strike Team" to assess how California will meet new recycled water goals listed in California's Water Supply Strategy (August 2022). The new goals call for 800,000 acre-feet per year of recycled water by 2030 and 1.8 million acre-feet per year by 2040. The Strike Team will also document challenges to meeting these goals, including but not limited to funding.</li> </ul>	<ul style="list-style-type: none"> <li><b>This spring, BACWA members should plan to sign off on individual facility reports and review the draft overall report for the Regional Evaluation of Potential Nutrient Discharge Reduction.</b> The consultant team has completed most individual reports, and will produce the overall draft report by mid-April 2023. The overall report, including individual facility reports, must be submitted by July 1, 2023.</li> <li>Review draft regulations for Direct Potable Reuse and Onsite Non-potable Reuse and work through Recycled Water committee to develop comments, as needed.</li> <li>Track California legislation with potential impacts on recycled water funding, mandates, or regulations.</li> </ul>	<p>Water Boards Recycled Water Policy and Regulations  <a href="https://www.waterboards.ca.gov/water_issues/programs/recycled_water/">https://www.waterboards.ca.gov/water_issues/programs/recycled_water/</a></p> <p>Direct Potable Reuse framework documents  <a href="https://www.waterboards.ca.gov/drinking_water/certic/drinkingwater/direct_potable_reuse.html">https://www.waterboards.ca.gov/drinking_water/certic/drinkingwater/direct_potable_reuse.html</a></p> <p>Volumetric Annual Reporting Data:  <a href="https://www.waterboards.ca.gov/water_issues/programs/recycled_water/volumetric_annual_reporting.html">https://www.waterboards.ca.gov/water_issues/programs/recycled_water/volumetric_annual_reporting.html</a></p> <p>Special Studies of Recycled Water and Nature-Based Systems:  <a href="https://bacwa.org/document-category/2nd-watershed-permit-studies/">https://bacwa.org/document-category/2nd-watershed-permit-studies/</a></p> <p>California's Water Supply Strategy (August 2022)  <a href="https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Water-Resilience/CA-Water-Supply-Strategy.pdf">https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Water-Resilience/CA-Water-Supply-Strategy.pdf</a></p>

Previously covered issues with no updates can be found in previous [BACWA issues summaries](#).

## ACRONYMS

ADC	Alternate Daily Cover	PCB	Polychlorinated Biphenyl
BAAQMD	Bay Area Air Quality Management District	PFAS	Per- and Polyfluoroalkyl Substances
BACT	Best Available Control Technology	PFBS	Perfluorobutane Sulfonic Acid
BCDC	Bay Conservation and Development Commission	PFHxS	Perfluorohexane Sulfonic Acid
BTU/SCF	British thermal units per standard cubic foot	PFOA	Perfluorooctanoic Acid
CalDPR	California Department of Pesticide Registration	PFOS	Perfluorooctane Sulfonic Acid
CARB	California Air Resources Board	POTW	Publicly Owned Treatment Works
CASA	California Association of Sanitation Agencies	PS	Prioritization Score
CAP	Criteria Air Pollutant	RMP	Regional Monitoring Program
CEC	Compound of Emerging Concern	RPA	Reasonable Potential Analysis
CIWQS	California Integrated Water Quality System	SCAP	Southern California Alliance of POTWs
CVCWA	Central Valley Clean Water Agencies	SF Bay	San Francisco Bay
CWEA	California Water Environment Association	SFEI	San Francisco Estuary Institute
DDW	Division of Drinking Water, State Water Resources Control Board	SSMP	Sewer System Management Plan
EC25/IC25	25% Effect Concentration/25% Inhibition Concentration	TAC	Toxic Air Contaminant
ELAP	Environmental Laboratory Accreditation Program	TMDL	Total Maximum Daily Load
ELTAC	Environmental Laboratory Technical Advisory Committee	TIN	Total Inorganic Nitrogen
EPA	United States Environmental Protection Agency	TNI	The NELAC Institute
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act	TST	Test of Significant Toxicity
FY	Fiscal Year	WQBEL	Water Quality Based Effluent Limitation
GHG	Greenhouse Gas	WQO	Water Quality Objective
HRSA	Health Risk Screening Analyses	ZEV	Zero-Emission Vehicle
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		
NMS	Nutrient Management Strategy		
OEHHA	Office of Environmental Health Hazard Assessment		
OPC	Ocean Protection Council		

## ITEM NO. RA8 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 October 1, 2022 through January 31, 2023; there are no outstanding activities.

<i>Authority</i>	<i>Required Action</i>	<i>Occurrence</i>	<i>Date Completed</i>
Alameda County	Review <i>Conflict of Interest Code</i> and submit to Clerk of the Board	Biennial	10/10/2022
Department of Industrial Relations	Federal & State employment law postings	Annual	10/22/2022
State Water Resources Control Board	NPDES Quarterly Report (Jul-Sep)	Quarterly	10/27/2022
ADP Business Payroll	Print Payroll Quarter-End Tax Returns	Quarterly	11/3/2022
Division of Occupational Safety & Health	Permit to Operate Air Pressure Tank Serial No. A019148-92 (Inspection & Renewal) NOTE: Inspections provided by APIP, call to schedule.	Quinquennial	12/13/2022
State Water Resources Control Board	Annual Waste Discharge Permit Fee	Annual	12/15/2022
East Bay Dischargers Authority	Website review/update	Quarterly	1/5/2023
Alameda County	Financial Statements Submittal	Annual	1/5/2023
State Controller's Office	Financial Statements Submittal	Annual	1/5/2023
Various	Financial Statements Submittal	Annual	1/5/2023
ADP Business Payroll	Print W-2 copies for EBDA payroll file (EE W-2 forms will be delivered)	Annual	1/6/2023
County of Alameda, Clerk/Recorder	Statement of Facts/Roster of Public Agencies Filing (Post-election changes to Commission)	Annual	1/9/2023
Secretary of State	Statement of Facts/Roster of Public Agencies Filing (Post-election changes to Commission)	Annual	1/9/2023
State Compensation Insurance Fund	Payroll Report, Semi-Annual Jul 01 - Jan 01	Semi-Annual	1/9/2023
Alliant Insurance Services, Inc	Pollution Liability Insurance Program Renewal	Annual	1/11/2023
Department of Industrial Relations	Form 300A Posting	Annual	1/17/2023
Bureau of Labor Statistics	Report monthly employment figures	Monthly	1/19/2023
Internal Revenue Service	Distribute <i>Form 1099-MISC</i> to vendors/contractors	Annual	1/23/2023
Internal Revenue Service	File Form 1096 w/1099 forms to IRS - If paper forms are submitted	Annual	1/23/2023
Regional Water Quality Control Board	Recycled Water monthly reports	Monthly	1/27/2023
AICo Environmental Health	OLEPS CUPA HMBP & Inventory Reporting (CERS ID 10188879)	Annual	1/27/2023
City of San Leandro	MDF CUPA HMBP & Inventory Reporting (CERS)	Annual	1/27/2023
East Bay Dischargers Authority	Review the OLSO SPCC Plan	Annual	1/27/2023
State Controller's Office	Special Districts Financial Transactions Report (FTR)	Annual	1/27/2023
State Water Resources Control Board	NPDES monthly reports	Monthly	1/30/2023
State Water Resources Control Board	NPDES Quarterly Report (Oct-Dec)	Quarterly	1/30/2023
State Water Resources Control Board	NPDES Annual Report	Annual	1/30/2023
Division of Occupational Safety & Health	OLEPS Crane Inspection/Certification	Annual	1/31/2023
Internal Revenue Service	Distribute W-2 forms to employees/commissioners	Annual	1/31/2023
Division of Occupational Safety & Health	Crane Inspection/Certification	Quadrennial	1/31/2023

**ITEM NO. RA9 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE AMENDMENT NO. 2 TO THE CONTRACT WITH ASCENT ENVIRONMENTAL FOR CEQA CONSULTING SERVICES FOR THE CARGILL MIXED SEA SALT BRINE DISCHARGE PROJECT IN THE AMOUNT OF \$63,500, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$556,555**

**Recommendation**

Approve a motion authorizing the General Manager (GM) to execute Amendment No. 2 to the contract with Ascent Environmental in the amount of \$63,500.

**Background**

In July 2020, the Commission approved a term sheet with Cargill Inc. (Cargill) for a project to discharge mixed sea salt (MSS) brine from Cargill's Newark solar salt facility through EBDA's transport system and outfall to the Bay. In February 2021, the Commission approved a CEQA Review and Reimbursement Agreement between EBDA and Cargill. Under the agreement, EBDA committed to act as the CEQA Lead Agency to analyze environmental impacts associated with the overall project, which includes construction of a pump station at Cargill's facility, a pipeline connecting Cargill's facility to EBDA's transport system at the Oro Loma Effluent Pump Station (OLEPS), and discharge of the MSS brine through EBDA's system. Cargill in turn, committed to reimburse EBDA for all staff and consultant costs associated with CEQA analysis.

Following a Request for Proposals process, EBDA received two proposals to perform the CEQA analysis. Staff selected Ascent Environmental (Ascent), and the Commission approved a contract with Ascent in June 2021. Ascent's initial scope included review of the Initial Study for the project that was developed by AECOM under contract to Cargill, and development of a mitigated negative declaration (MND). Subsequently, due to changes in the project scope, EBDA and Cargill concluded that the appropriate environmental document for the project scope was an Environmental Impact Report (EIR). In November 2021, the Commission approved an amendment to Ascent's scope to include preparation of the EIR and associated activities.

**Discussion**

At the time the Ascent's EIR scope was approved, the preferred pipeline route through Hayward was primarily along Hesperian Blvd. Ascent developed an EIR Notice of Preparation (NOP) and began their environmental impacts analyses focused on this route. Subsequently, based on discussions with City of Hayward staff, the pipeline route was modified to run through a more industrial section of Hayward to reduce traffic disruptions. This change required issuance of a revised NOP and rework of environmental analyses. Along with work associated with another route change around Costco in Hayward, these efforts required expenditures beyond Ascent's approved scope. In order to keep the EIR process on schedule, Ascent proceeded with the work, noting the divergence from the scope in their monthly invoices. The proposed amendment, detailed in Ascent's attached request, would compensate them for the out-of-scope expenditures.

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

The Draft EIR is currently available for public review at <https://ebda.org/projects/cargill-partnership/>, along with a recording of the public meeting held via zoom on January 24, 2023. Comments on the Draft EIR are due on February 17, 2023. Following the close of the public comment period, Ascent will work with staff to develop a Response to Comments document and a Final EIR. Staff anticipates bringing certification of the Final EIR to the Commission later this Spring, along with consideration of the operating agreement between Cargill and EBDA. Staff and Cargill have also worked in close coordination with the cities along the pipeline route – Newark, Fremont, Union City, and Hayward – as well as East Bay Regional Park District and the Alameda County Public Works.

February 2, 2023

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

via email: [jzipkin@ebda.org](mailto:jzipkin@ebda.org)

**Subject: Budget and Schedule Amendment for Work on Cargill Mixed Sea Salts Processing and Brine Discharge Project, Amendment 2**

Dear Jackie,

Ascent requests execution of Amendment 2 to its existing contract, dated June 29, 2021, for work on the Cargill Mixed Sea Salts Processing and Brine Discharge Project (project) to increase our authorized budget by \$38,500, add a contingency fund of \$25,000, and extend the contract termination date to August 31, 2023. The budget amendment and contingency fund are intended to replenish funds originally included in tasks not yet completed to cover out-of-scope efforts previously authorized by EBDA, address rate increases in effect this year (2023), and to provide a contingency fund for future potential out-of-scope effort associated with the project. While project completion is currently anticipated in late May 2023, the extension through August 2023 is requested to provide some flexibility should any further project delays occur.

**Amendment Summary:**

Ascent was directed to consider two optional routes for the MSS brine transport pipeline through an industrial portion of the City of Hayward at an equal level of detail to the original proposed route along Hesperian Blvd. Additional time was needed to obtain and incorporate the routes and construction assumptions into the project description and NOP. The evaluation of the optional routes in the EIR was not included in Ascent's scope of work and the effort to incorporate them was out-of-scope.

Following issuance of the NOP and conducting the scoping meeting, a new alignment through Hayward was identified and agreed on by the parties. Based on a discussion with EBDA, it was determined that the original proposed alignment and two options could be eliminated and the new alignment addressed as the proposed project. This change required additional out-of-scope effort to (1) revise the Project Description, (2) obtain new construction assumptions and revise the AQ, GHG, and Noise modeling already performed, (3) revise and reissue the NOP, and (4) revise the impact analyses already completed to date (Geo/Soils, Hazards, AQ, GHG, Energy, Noise, Hydro/WQ, cumulative impacts, and alternatives). In



addition, based on comments received at the scoping meeting, it was determined that a Recreation section should be added to the EIR. This section was not scoped previously and the effort to incorporate this analysis was out-of-scope.

Following preparation of the administrative Draft EIR, Cargill requested the addition of an optional MSS brine transport pipeline route around the Costco in Hayward. The addition of this optional route required figure modifications throughout the EIR and revisions to the Noise analysis, including additional modeling, to address the potential for impacts to sensitive receptors along the optional route. This additional effort was out-of-scope.

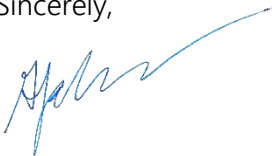
To avoid delay, Ascent was verbally authorized to proceed with performing the additional work described above and received email authorization from EBDA to expend existing funds allocated for future work to cover the out-of-scope effort until an amendment could be executed at a later date to replenish the borrowed funds. To this end, budget from Task 1 (\$3,737.50), Task 3 (\$3,913.75) and Task 6 (\$27,492.50) has been reallocated to Task 2 (\$11,330.00), Task 4 (\$22,551.25), and Task 9 (\$1,262.50), totaling \$35,143.75, to cover the out-of-scope technical effort to date. However, due to rate increases in effect for 2023 (see attached 2023 Rate Schedule), the total needed to replenish borrowed funds and complete the remaining scope is \$38,500.

Given the history of the project, Ascent further recommends that a contingency fund, in the amount of \$25,000, be allocated such that if additional out-of-scope effort becomes necessary or further schedule delays occur, funds from the contingency fund could be made available for use by Ascent.

Lastly, the changes summarized above have also resulted in some schedule delay. The current termination date of Ascent's Agreement with EBDA is March 31, 2023. However, project completion is not anticipated until late May 2023. Rather than request a schedule extension through May or June 2023 though, an extension to August 31, 2023, is requested to allow some flexibility in the event of any further schedule delays.

Please let us know if you have any questions.

Sincerely,



Gary Jakobs AICP  
President/CEO

p: 916.930.3182

e: gary.jakobs@ascentenvironmental.com



Andrea L. Shephard, PhD  
Project Manager

p: 916.842.3179

e: andrea.shephard@ascentenvironmental.com

Enclosure: Ascent Environmental 2023 Rate Schedule

Project File (20210105.02)

**ASCENT ENVIRONMENTAL, INC.**  
**2023 RATE SCHEDULE**  
(EFFECTIVE UNTIL MARCH 1, 2024)

After March 1, 2024, budget augmentations and contract amendments will be calculated using updated billing rates, unless precluded by contract terms.

Labor Classification	Billing Rate
Principal, Director	\$225 to \$375
Senior Environmental Manager, Senior Planner/Scientist/Biologist	\$175 to \$250
Environmental Manager, Project Planner/Scientist/Biologist	\$145 to \$200
Staff Planner, Environmental Planner, Staff Scientist/Staff Biologist	\$105 to \$175
Graphics/GIS	\$115 to \$150
Document Production/Word Processor/Administrative Assistant	\$95 to \$145
Project Assistant	\$75 to \$125
Direct Costs	Rates
Reproduction: 8½" by 11"	\$0.07/page (black and white); \$0.26/page (color)
Reproduction: 11" by 17"	\$0.14/page B&W; \$0.52/page color
Reproduction: Plotter	\$5/square foot
Reproduction: CDs	\$10/disc
Automobile Mileage (IRS rate in effect)	\$0.585
Noise Meter	\$100/half day, \$150/day, \$200/day plus overnight, \$500/week
GPS Unit	\$100/half day, \$150/day, \$200/day plus overnight, \$500/week
Bat Detector (Echo Meter Touch for iOS)	\$50/full day, \$200/week
Bat Detector (Song Meter SM4Bat FS)	\$125/full day, \$500/week
Spotting Scope	\$50/day, \$200/week
Lodging and/or Per Diem	Government rates or as negotiated
Other Direct Costs	As incurred
Subcontractors	As incurred*

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

**Lump-Sum Price.** Work is authorized based on a lump sum price. Monthly invoices will be issued based on the percentage of progress toward completion of the work.

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



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. 13**

## **FINANCIAL MANAGEMENT COMMITTEE AGENDA**

**Monday, February 13, 2023**

**11:00 A.M.**

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

**Committee Members: Simon (Chair); Andrews**

**FM1. Call to Order**

**FM2. Roll Call**

**FM3. Public Forum**

**FM4. Disbursements for January 2023**  
(The Committee will review the List of Disbursements.)

**FM5. Treasurer's Report for January 2023**  
(The Committee will review the Treasurer's Report.)

**FM6. Second Quarter Expense Summary, Fiscal Year 2022/2023**  
(The Committee will review the FY 2022/2023 second quarter expenses.)

**FM7. Insurance Program Review**  
(The Committee will review changes from the Authority's insurance providers.)

**FM8. State Controller's Special District Financial Transactions Report Fiscal Year 2021/2022**  
(The Committee will review the report submitted to the State Controller's Office.)

**FM9. Motion Appointing Commissioner Simon as an Alternate Authorized Signer on the Authority's Checking Account**  
(The Committee will consider the motion.)

## **FM10. Adjournment**

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

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Juanita Villasenor at [juanita@ebda.org](mailto: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, March 13, 2023 at 11:00 a.m.**

**ITEM NO. FM4 DISBURSEMENTS FOR JANUARY 2023**

Disbursements for the month of January were a total of \$494,172.52.

Reviewed and Approved by:

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Fred Simon, Chair	Date
Financial Management Committee	

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Jacqueline T. Zipkin	Date
Treasurer	

# EAST BAY DISCHARGERS AUTHORITY

## List of Disbursements

January 2023

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
25967	01/30/2023	42785240943	GARLAND	ROOF REPLACEMENT PROJECT	88,934.85	145,975.22
25967	01/30/2023	42785240591	GARLAND	ROOF REPLACEMENT PROJECT	57,040.37	
25944	01/17/2023	7077	CSRMA	POOLED LIABILITY PROGRAM RENEWAL	50,009.00	50,009.00
25954	01/30/2023	390458	CITY OF SAN LEANDRO	O&M - NOV	30,633.24	30,633.24
25940	01/17/2023	002934	UNION SANITARY DISTRICT	O&M - NOV	30,611.35	30,611.35
25961	01/30/2023	50822524	UNIVAR	SODIUM BISULFITE - DELIVERED 12/29/2022	7,986.73	23,693.41
25961	01/30/2023	50829613	UNIVAR	SODIUM BISULFITE - DELIVERED 01/06/2023	7,904.39	
25961	01/30/2023	50858206	UNIVAR	SODIUM BISULFITE - DELIVERED 01/03/2023	7,802.29	
25948	01/17/2023	20210105.02-12	ASCENT ENVIRONMENTAL, INC	CONSULTING SERVICES - CARGILL CEQA	22,465.00	22,465.00
25952	01/17/2023	3234	4B ON SITE SERVICES LLC	DIESEL FUEL FOR OLEPS	20,136.34	20,136.34
25962	01/30/2023	11470177	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT	12,925.50	12,925.50
25965	01/30/2023	763444	SOUTHERN COUNTIES LUBRICANTS	DIESEL FUEL FOR OLEPS	11,559.11	11,559.11
25958	01/30/2023	Sep-22	DEBORAH QUINN	ACCOUNTING SERVICES - SEP	8,788.73	8,788.73
25957	01/30/2023	52798	CALCON	MDF SBS BUILDING HEATING UPGRADE & MAINTENANCE	2,456.25	5,512.50
25957	01/30/2023	52799	CALCON	OPS CENTER MAINTENANCE	1,800.00	
25957	01/30/2023	52801	CALCON	HEPS MAINTENANCE	1,256.25	
25960	01/30/2023	18631	PACIFIC ECORISK	NPDES TOXICITY TESTING: ACUTE & CHRONIC TOXICITY TESTS	5,412.00	5,412.00
25937	01/17/2023	OCT-DEC 2022	KARL D. ROYER	QUARTERLY HEALTH PREMIUM REIMBURSEMENT	3,681.36	3,681.36
25946	01/17/2023	4246044555687627	US BANK	PURCHASING CARD EXPENSES	2,623.54	2,623.54
25966	01/30/2023	I-01	SOTIROS L KOLLIAS	MAINTENANCE SERVICES	2,250.61	2,250.61
25951	01/17/2023	880	STRATEGY DRIVER	STRATEGIC PLANNING FACILITATOR	2,196.88	2,196.88
25945	01/17/2023	8385	CAYUGA INFORMATION SYSTEMS	IT SERVICES	1,575.00	1,575.00
25939	01/17/2023	52205707	CITY OF HAYWARD	BENEFIT PREMIUMS - JAN	1,495.87	1,495.87
25941	01/17/2023	1000924862	SCIF	WORKERS COMPENSATION	810.00	810.00
25959	01/30/2023	2196473	ALLIANT INSURANCE	POLLUTION LIABILITY INSURANCE RENEWAL	722.26	722.26
25963	01/30/2023	704168	CALTEST	LAB TESTING SERVICES	558.90	558.90
25943	01/17/2023	FB31077	CAROLLO ENGINEERS	ENGINEERING SERVICES - WORK ORDER NO. 5	3,216.00	519.00
25943	01/17/2023	FB26999	CAROLLO ENGINEERS	ENGINEERING SERVICES - WORK ORDER NO. 1	2,285.00	
25943	01/17/2023	FB31681	CAROLLO ENGINEERS	ENGINEERING SERVICES - WORK ORDER NO. 1	(4,982.00)	
25948	01/17/2023	OCT-DEC 2022	CHARLES V. WEIR	QUARTERLY HEALTH PREMIUM REIMBURSEMENT	354.18	354.18
25956	01/30/2023	510-483-0439-716-6	AT&T	TELEPHONE SERVICE - MDF	247.25	247.25
25953	01/30/2023	Jan-23	DAVE SADOFF	COMMISSIONERS COMPENSATION	240.00	240.00
25949	01/17/2023	CD_000517651	RINGCENTRAL INC	DIGITAL PHONE SERVICE	205.99	205.99
25947	01/17/2023	52300	COMPUTER COURAGE	WEBSITE HOSTING - JAN	150.00	150.00
25950	01/17/2023	9524	MBC CUSTODIAL SERVICES INC	JANITORIAL SERVICES - DEC	130.00	130.00
25955	01/30/2023	44777800001	EBMUD	WATER SEWER, ADMIN	121.59	121.59

# EAST BAY DISCHARGERS AUTHORITY

## List of Disbursements

January 2023

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
25942	01/17/2023	9924246622	VERIZON WIRELESS	WIRELESS PHONE SERVICES	101.99	101.99
25964	01/30/2023	3675450	CALTRONICS	COPIER USAGE AND MAINTENANCE	41.61	41.61
<b>TOTAL CHECK PAYMENTS</b>					<b>385,747.43</b>	<b>385,747.43</b>
<b>ELECTRONIC PAYMENTS</b>						
	01/03/2023	5105948980-0	PG&E	GAS & ELECTRIC SERVICE	38,082.00	38,082.00
	01/04/2023	100000017030113	CALPERS	HEALTH PREMIUMS - JAN	7,571.33	7,571.33
	01/04/2023	100000016998558	CALPERS	PENSION CONTRIBUTION, CLASSIC 12/16 - 31/2022	4,975.51	4,975.51
	01/20/2023	100000017026163	CALPERS	PENSION CONTRIBUTION, CLASSIC 01/16 - 31/2023	4,975.51	4,975.51
	01/04/2023	6062118	MISSION SQUARE	DEFERRRED COMPENSATION CONTRIBUTION	2,256.24	2,256.24
	01/19/2023	6641972	MISSION SQUARE	DEFERRRED COMPENSATION CONTRIBUTION	2,256.24	2,256.24
	01/20/2023	100000017026199	CALPERS	PENSION CONTRIBUTION, PEPRA 01/1 - 15/2023	162.45	162.45
	01/20/2023	100000016998599	CALPERS	PENSION CONTRIBUTION, PEPRA 12/16 - 31/2022	162.45	162.45
<b>TOTAL ELECTRONIC PAYMENTS</b>					<b>60,441.73</b>	<b>60,441.73</b>
<b>PAYROLL</b>						
	1/30/2023		ADP, LLC	PAYROLL PERIOD: 01/16-31/2023	24,839.75	24,839.75
	1/12/2023		ADP, LLC	PAYROLL PERIOD: 01/01-15/2023	22,972.69	22,972.69
	1/6/2023		ADP, LLC	PAYROLL FEES, 12/16-31/2022	93.62	93.62
	1/20/2023		ADP, LLC	PAYROLL FEES, 01/1-15/2023	77.30	77.30
<b>TOTAL PAYROLL</b>					<b>47,983.36</b>	<b>47,983.36</b>
<b>TOTAL DISBURSEMENTS</b>					<b>494,172.52</b>	<b>494,172.52</b>



**ITEM NO. FM5 TREASURER'S REPORT FOR JANUARY 2023**

The beginning cash balance on January 1, 2023 was \$3,684,975.87. Total receipts for the month were \$1,551,284.63 and disbursements totaled \$494,172.52, bringing the cash balance to \$4,742,087.98 at January 31. EBDA's LAIF balance is \$2,801,535.05 and the average monthly effective yield for January was 2.425%.

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

**Approval is recommended.**

**EAST BAY DISCHARGERS AUTHORITY  
TREASURER'S REPORT  
January 31, 2023**

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	943,717.32	981,929.06	301,340.31	1,624,306.07
13	PLANNING & SPECIAL STUDIES	30,453.87	516,019.49	2,196.88	544,276.48
14	RECLAMATION O & M (SKYWEST)	65,202.16		5,000.00	60,202.16
15	BRINE ACCEPTANCE	(167,710.53)	18,621.79	35,690.50	(184,779.24)
31	RENEWAL & REPLACEMENT	2,813,313.05	34,714.29	149,944.83	2,698,082.51
TOTALS		3,684,975.87	1,551,284.63	494,172.52	4,742,087.98

Jan-23

2/7/2023

## 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
12/31/22	BALANCE						879,582.08	22,598.59	2,782,795.20	3,684,975.87
01/03/23	ELECTRONIC BILL PAY		38,082.00				841,500.08	22,598.59	2,782,795.20	3,646,893.87
01/03/23	PAYROLL TRANSFER				30,000.00		811,500.08	52,598.59	2,782,795.20	3,646,893.87
01/04/23	DEPOSIT - CARGILL	91,319.42					902,819.50	52,598.59	2,782,795.20	3,738,213.29
01/04/23	ELECTRONIC BILL PAY		2,256.24				900,563.26	52,598.59	2,782,795.20	3,735,957.05
01/04/23	ELECTRONIC BILL PAY		7,571.33				892,991.93	52,598.59	2,782,795.20	3,728,385.72
01/04/23	ELECTRONIC BILL PAY		4,975.51				888,016.42	52,598.59	2,782,795.20	3,723,410.21
01/04/23	ELECTRONIC BILL PAY		162.45				887,853.97	52,598.59	2,782,795.20	3,723,247.76
01/06/23	PAYROLL FEES			93.62			887,853.97	52,504.97	2,782,795.20	3,723,154.14
01/10/23	DEPOSIT	407.55					888,261.52	52,504.97	2,782,795.20	3,723,561.69
01/12/23	DEPOSIT - OLSD	259,974.42					1,148,235.94	52,504.97	2,782,795.20	3,983,536.11
01/12/23	PAYROLL			22,972.69			1,148,235.94	29,532.28	2,782,795.20	3,960,563.42
01/13/23	DEPOSIT - DSRSD	338,701.16					1,486,937.10	29,532.28	2,782,795.20	4,299,264.58
01/13/23	INTEREST	18,739.85				18,739.85	1,486,937.10	29,532.28	2,801,535.05	4,318,004.43
01/17/23	DISBURSEMENT		137,065.50				1,349,871.60	29,532.28	2,801,535.05	4,180,938.93
01/19/23	ELECTRONIC BILL PAY		2,256.24				1,347,615.36	29,532.28	2,801,535.05	4,178,682.69
01/20/23	ELECTRONIC BILL PAY		4,975.51				1,342,639.85	29,532.28	2,801,535.05	4,173,707.18
01/20/23	ELECTRONIC BILL PAY		162.45				1,342,477.40	29,532.28	2,801,535.05	4,173,544.73
01/20/23	PAYROLL FEES			77.30			1,342,477.40	29,454.98	2,801,535.05	4,173,467.43
01/23/23	DEPOSIT - HAYWARD	336,154.90					1,678,632.30	29,454.98	2,801,535.05	4,509,622.33
01/24/23	PAYROLL TRANSFER				60,000.00		1,618,632.30	89,454.98	2,801,535.05	4,509,622.33
01/30/23	DEPOSIT - CVSD	104,096.01					1,722,728.31	89,454.98	2,801,535.05	4,613,718.34
01/30/23	PAYROLL			24,839.75			1,722,728.31	64,615.23	2,801,535.05	4,588,878.59
01/31/23	DEPOSIT - USD	401,891.32					2,124,619.63	64,615.23	2,801,535.05	4,990,769.91
01/31/23	DISBURSEMENT		248,681.93				1,875,937.70	64,615.23	2,801,535.05	4,742,087.98
	TOTAL	1,551,284.63	446,189.16	47,983.36	90,000.00	18,739.85				
	CURRENT BALANCE						1,875,937.70	64,615.23	2,801,535.05	4,742,087.98

①

②

③

## Reconciliation

① Per Bank Statement @ 1/31/23 \$ 2,196,789.97  
Less: Outstanding Checks 320,852.27  
\$ 1,875,937.70

② Per Bank Statement @ 1/31/23 \$ 64,615.23

③ Per LAIF Statement @ 1/31/23 \$ 2,801,535.05

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 SECOND QUARTER EXPENSE SUMMARY, FISCAL YEAR 2022/2023**

**Recommendation**

Approve the Second Quarter Expense Summary for Fiscal Year 2022/2023.

**Background**

The Second Quarter Expense Summary for FY 2022/2023 is attached for the Committee's review. Expenses are presented by Program and by Account Code. These categories have been grouped to provide an overview of Authority expenses. The tables include discussion of particular items that varied significantly (>10%) from the budget.

**Discussion**

At the end of the second quarter, 50% through the fiscal year, EBDA's spending is slightly over budget, at 54% spent. Staff notes that the Authority's most significant annual fees including BACWA dues, Nutrient Surcharge, Water Research Foundation, and NPDES permit fee have been paid in the first half of the year, and therefore those line items are expected to revert to budget at year end.

Unlike in the past several dry years where O&M spending was low, O&M spending is tracking right on budget at 50% through the second quarter. O&M expenditures are likely to exceed the budget overall for the year, driven by the significant wet weather in January, which has yet to be reflected in this report that goes through December 31. As noted in Items No. OM6, OM7, and OM8, unprecedented rains led to historic flows in late December and January. High flows have required additional labor, electricity, diesel, and chemicals, driving expenditures above average.

# East Bay Dischargers Authority

## EXPENSE SUMMARY BY PROGRAM

FY 2022/2023 THROUGH DECEMBER 31, 2022 (50% of YEAR)

	YTD Expenses	Budget	Revenues Cargill, Grant, & Skywest	Variance	% of Budget	Explanations for Variance Over 10%
<b>O&amp;M EFFLUENT DISPOSAL</b>						
General Administration	\$606,887	\$1,383,712		(\$776,825)	44%	
Outfall & Force mains	\$64,648	\$181,300		(\$116,652)	36%	Expenses are expected to revert to budget later in the year as wet weather-related costs are billed.
Marina Dechlor Facility	\$206,559	\$389,100		(\$182,541)	53%	
Oro Loma Pump Station	\$248,504	\$531,000		(\$282,496)	47%	
Hayward Pump Station	\$75,085	\$173,000		(\$97,915)	43%	
Union Pump Station	\$207,658	\$390,000		(\$182,342)	53%	
Bay & Effluent Monitoring	\$418,252	\$593,450		(\$175,198)	70%	BACWA dues paid for the FY.
<b>TOTAL O&amp;M EFFLUENT DISPOSAL</b>	<b>\$1,827,592</b>	<b>\$3,641,562</b>		<b>(\$1,813,970)</b>	<b>50%</b>	
<b>SPECIAL PROJECTS</b>						
NPDES Permit Fees	\$627,544	\$656,019		(\$28,475)	96%	Fee paid for the FY.
NPDES Permit Issues	\$4,552	\$20,000		(\$15,448)	23%	Estimate for finalizing the reissued NPDES permit was conservative. Will likely finish under budget.
Regional Monitoring Program	\$143,595	\$292,320		(\$148,726)	49%	
Alternative Monitoring and Reporting	\$15,840	\$32,155		(\$16,315)	49%	
Nutrient Surcharge	\$237,125	\$237,114		\$11	100%	Fee paid for the FY.
Water Research Foundation	\$26,282	\$25,580		\$702	103%	Dues paid for the FY.
Transport System Evaluation	\$1,623	\$7,951		(\$6,328)	20%	Final work has not yet been billed.
AQPI	\$0	\$29,000		(\$29,000)	0%	Radar installed, but EBDA has not yet been billed. Anticipate billing in Q3.
Strategic Planning	\$2,197	\$10,000		(\$7,803)	22%	Work is ongoing and will likely revert to budget by year end.
Nature-Based Solutions Study	\$49,337	\$200,000	\$49,337	(\$200,000)	25%	All costs are reimbursed by EPA grant.
Biosolids Feasibility Study	\$0	\$100,000		(\$100,000)	0%	Work has begun, but external funds have not yet been needed.
Solar Feasibility Study	\$0	\$28,000		(\$28,000)	0%	Work has begun in collaboration with USD, but EBDA has not yet been billed.
Bruce Wolfe Memorial	\$0	\$1,000		(\$1,000)	0%	Contribution will be made later this year.
<b>TOTAL SPECIAL PROJECTS</b>	<b>\$1,108,094</b>	<b>\$1,639,139</b>	<b>\$49,337</b>	<b>(\$580,382)</b>	<b>65%</b>	
<b>TOTAL AGENCY-FUNDED PROGRAMS</b>	<b>\$2,935,687</b>	<b>\$5,280,701</b>	<b>\$49,337</b>	<b>(\$2,394,351)</b>	<b>55%</b>	
<b>WATER RECYCLING</b>						
Skywest Golf Course	\$7,977	\$36,000	\$7,047		22%	Operations spending reduced due to efficiencies, and capital deferred.
<b>TOTAL WATER RECYCLING</b>	<b>\$7,977</b>	<b>\$36,000</b>	<b>\$7,047</b>		<b>22%</b>	
<b>BRINE ACCEPTANCE</b>						
Brine Acceptance	\$400,660		400,660			All work performed is reimbursed by Cargill.
<b>TOTAL BRINE ACCEPTANCE</b>	<b>\$400,660</b>		<b>\$400,660</b>			
<b>TOTAL ALL PROGRAMS</b>	<b>\$3,344,323</b>	<b>\$5,316,701</b>	<b>\$457,043</b>	<b>(\$2,429,421)</b>	<b>54%</b>	

# East Bay Dischargers Authority

## EXPENSE SUMMARY BY ACCOUNT

FY 2022/2023 THROUGH DECEMBER 31, 2022 (50% OF YEAR)

	YTD Expenses	Budget	Revenues Cargill, Grant, & Skywest	Variance	% of Budget	Explanations for Variance Over 10%
4010 - Salary	\$309,137	\$632,367	\$19,042	(\$342,272)	46%	
4020 - Benefits	\$137,802	\$264,959		(\$127,157)	52%	
4030 - Commissioner Compensation	\$14,160	\$45,000		(\$30,840)	31%	Budget assumes maximum number of meetings and several Committees are currently on reduced schedules.
4070 - Insurance	\$27,025	\$75,900		(\$48,875)	36%	Major policy premiums have not been billed yet this FY.
4080 - Memberships & Subscriptions	\$147,334	\$149,475		(\$2,141)	99%	BACWA & WRF dues paid for the FY.
4100 - Supplies, Variable	\$229,704	\$269,000		(\$39,296)	85%	Sodium bisulfite budget was reduced in expectation of regulatory change that has not yet taken effect. Also, more sodium hypochlorite was required than typical to control bacteria. See Item No. OM8 for additional detail.
4100 - Supplies, Fixed	\$3,406	\$22,000		(\$18,594)	15%	Office supply needs have been lower than budgeted.
4110 - Contract Services	\$14,708	\$58,611		(\$43,903)	25%	Some significant annual software fees have not yet been billed for the FY.
4120 - Professional Services	\$614,386	\$713,101	\$430,954	(\$529,670)	26%	External support for certain Special Studies (e.g. biosolids) has been deferred while preliminary work proceeds. Also much of the Professional Services costs are for Cargill and the Nature-based Solutions grant project, and are reimbursed.
4140 - Rents & Fees	\$874,548	\$895,413		(\$20,865)	98%	Annual NPDES Permit Fee paid in Q2.
4141 - NPDES Fines	\$0	\$9,000		(\$9,000)	0%	Reserve funds in case of enforcement.
4150 - Maintenance & Repair	\$309,598	\$833,600	\$6,197	(\$530,198)	36%	Expenses are expected to revert to budget later in the year as wet weather-related costs are billed.
4160 - Monitoring	\$261,530	\$579,475	\$850	(\$318,795)	45%	
4170 - Travel	\$3,092	\$18,000		(\$14,908)	17%	Reduced travel due to many meetings transitioning to video conference.
4190 - Utility, Fixed	\$328	\$1,000		(\$672)	33%	Lower than expected utility costs for Skywest recycled water operations.
4191 - Utility, Variable (PG&E)	\$397,559	\$739,800		(\$342,241)	54%	
4200 - Acquisitions & Other	\$5	\$10,000		(\$9,996)	0%	
<b>TOTAL ALL ACCOUNTS</b>	<b>\$3,344,323</b>	<b>\$5,316,701</b>	<b>\$457,043</b>	<b>(\$2,429,421)</b>	<b>54%</b>	

## **ITEM NO. FM7 INSURANCE PROGRAM REVIEW**

### **Recommendation**

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

### **Background**

The Authority is a member of the California Sanitation Risk Management Authority JPA (CSRMA). CSRMA offers shared risk and group purchase programs to its members. The shared risk programs, which include Pooled Liability and Workers' Compensation, are member owned and operated. Interest-earning funds are placed on deposit with CSRMA, where they are used to pay claims and related expenses. Funds not spent or reserved are refunded to members through retrospective rating adjustments and dividend payments. In addition, members have access to an array of group purchase programs including primary insurance, auto physical damage, and storage tank programs.

### **Discussion**

The Authority participates in the Pooled Liability Program (PLP), which provides members with third-party liability coverage specifically designed to meet the exposures faced by the wastewater industry. The PLP, which EBDA renewed on December 31, 2022, provides members with General, Auto, Errors and Omissions, Employment Practices, and Excess Liability coverages. The CSRMA Executive Board approved the renewal with an increase in the Pooled Layer. The total limits of coverage in the PLP are now at \$25,750,000. Increases in member payroll, loss development in the PLP, and re/insurance market conditions contributed to a rise in the total costs for the program. The 2022/2023 premium increased by \$1,092 (2.23%) to \$50,009. In previous years, PLP participants have received an annual dividend representing favorable loss experience. Due to minimum threshold requirements in CSRMA's Dividend Policy & Procedure, a dividend was not declared this year.

In July 2021, CSRMA implemented a pooled layer for the Property Program funded by program participants in response to the hardening insurance market. Property insurance rates continue to rise. The 2022/2023 renewal premium increased by \$5,394 (24%) to \$27,497.

Additional coverages afforded by CSRMA to the Authority include:

- Public Entity Vehicle Physical Damage Program – Physical damage coverage for the Authority owned vehicle.
- Storage Tank Program – Third-party pollution legal liability and clean-up for above ground storage tank exposure at OLEPS.

The Authority does not participate in the CSRMA Workers' Compensation Program due to the minimum premium requirement of \$15,000. Instead, the Authority purchases workers' compensation coverage through the State Compensation Insurance Fund at a current cost of \$8,151.



**ITEM NO. FM8 STATE CONTROLLER'S SPECIAL DISTRICT FINANCIAL  
TRANSACTIONS REPORT FISCAL YEAR 2021/2022**

**Recommendation**

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

**Background**

The Special District Financial Transactions Report is required to be submitted each year to the State Controller's Office (SCO) by January 31. The report is prepared in conformance with requirements set by the SCO and submitted electronically.

**Discussion**

While this report is consistent with the Authority's audited financial statements and provides no new information, it is attached for the Committee's review and knowledge of what has been submitted.

# SPECIAL DISTRICTS' FINANCIAL TRANSACTIONS REPORT

## COVER PAGE

**Special District Name: East Bay Dischargers Authority**

Fiscal Year: **2022**

ID Number: **12500108500**

**Certification:**

I hereby certify that, to the best of my knowledge and belief, the report forms fairly reflect the financial transactions of the special district in accordance with the requirements as prescribed by the California State Controller.

Special District Fiscal Officer

  
xMHaNbV5R0IDB...

Signature

General Manager

Title

Jacqueline Zipkin

Name (Please Print)

Date

Per Government Code section 53891(a), this report is due within seven months after the close of the fiscal year or within the time prescribed by the Controller, whichever is later. The report shall contain underlying data from audited financial statements prepared in accordance with generally accepted accounting principles, if this data is available.

If submitted manually, please complete, sign, and mail this cover page to either address below:

Mailing Address:  
State Controller's Office  
Local Government Programs and Services Division  
Local Government Reporting Section  
P.O. Box 942850  
Sacramento, CA 94250

Express Mailing Address:  
State Controller's Office  
Local Government Programs and Services Division  
Local Government Reporting Section  
3301 C Street, Suite 700  
Sacramento, CA 95816

The Financial Transactions Report was successfully submitted to the State Controller's Office on 1/27/2023 1:01:03 PM

Special District Name: East Bay Dischargers Authority  
Special Districts' Financial Transactions Report  
General Information

Fiscal Year: 2022

**District Mailing Address**

Street 1 2651 Grant Avenue

☐ Has Address Changed?

Street 2

City San Lorenzo State CA Zip 94580

Email juanita@ebda.org

**Members of the Governing Body**

	First Name	M. I.	Last Name	Title
Member 1	Pauline		Cutter	Chair
Member 2	Angela		Andrews	Vice-Chair
Member 3	Jennifer		Toy	Commissioner
Member 4	Rita		Duncan	Commissioner
Member 5	Ralph		Johnson	Commissioner
Member				

**District Fiscal Officers**

	First Name	M. I.	Last Name	Title	Email
Official 1	Jacqueline	T	Zipkin	General Manager	jzipkin@ebda.org
Officials					

**Report Prepared By**

First Name	Deborah	M. I.	Last Name	Quinn
Telephone	(510) 278-5910	Email	dquinn@ebda.org	

**Independent Auditor**

Firm Name	Cropper Accountancy Corporation			
First Name	John	M. I.	Last Name	Cropper
Telephone	(925) 932-3860			

1. Is this district a component unit of a City, County, or Special District (Choose one)? If "Yes", answer question 2. ☐ Yes ☒ No

2. Is this district a blended component unit (BCU) or a discretely presented component unit (DPCU) of a City, County, or Special District (Choose one)? Refer to the Financial Transactions Report (FTR) instructions for definitions of these terms. If the district is a BCU, answer questions 3 - 5.

☐ BCU ☐ DPCU

3. Is financial data of this BCU included in the financial statements or Annual Comprehensive Financial Report (ACFR) of a City, County, or Special District (Choose one)?

☐ City ☐ County ☐ Special District

4. In which City, County, or Special District financial statements or ACFR is the financial data of this BCU included?

City name:

County name:

Special District name:

5. Is financial data of this BCU included in the City, County, or Special District FTR (Choose one)? ☐ Yes ☐ No

Special District Name: East Bay Dischargers Authority  
Special Districts' Financial Transactions Report  
Statement of Net Position  
Proprietary Funds

Form has been completed.

**Fiscal Year: 2022**

	Enterprise	Internal Service
<b>Assets</b>		
Current Assets		
Cash and Investments		
R01. Unrestricted	3,730,966	
R02. Restricted		
R03. Accounts Receivable (net)	400,908	
R04. Taxes Receivable		
R05. Interest Receivable (net)	7,038	
R06. Due from Other Funds		
R07. Due from Other Governments	137,918	
R08. Inventories	152,627	
R09. Prepaid Items	44,687	
R10. Other Current Assets 1	4,726	
R11. Other Current Assets 2		
R12. Total Current Assets	\$4,478,870	\$0
Noncurrent Assets		
R13. Cash and Investments, Restricted		
R14. Investments		
R14.5 Lease Receivable		
R15. Other Loans, Notes, and Contracts Receivable		
Capital Assets		
R16. Land	461,689	
R17. Buildings and Improvements	19,783,206	
R18. Equipment	908,676	
R18.5 Infrastructure	36,369,660	
R18.6 Lease Assets (Lessee)		
R19. Other Intangible Assets – Amortizable		
R20. Construction in Progress		
R21. Intangible Assets – Nonamortizable		
R22. Other Capital Assets		
R23. Less: Accumulated Depreciation/Amortization	-33,188,568	
R23.5 Net Pension Asset	414,993	
R23.6 Net OPEB Asset	96,635	
R24. Other Noncurrent Assets 1		
R25. Other Noncurrent Assets 2		
R26. Total Noncurrent Assets	\$24,846,291	\$0
R27. Total Assets	\$29,325,161	\$0
<b>Deferred Outflows of Resources</b>		
R28. Related to Pensions	851,151	

R28.5	Related to OPEB	32,072	
R28.6	Related to Debt Refunding		
R29.	Other Deferred Outflows of Resources		
R30.	<b>Total Deferred Outflows of Resources</b>	\$883,223	\$0
R31.	<b>Total Assets and Deferred Outflows of Resources</b>	\$30,208,384	\$0
<b>Liabilities</b>			
Current Liabilities			
R32.	Accounts Payable	406,646	
R33.	Contracts and Retainage Payable		
R34.	Interest Payable		
R35.	Due to Other Funds		
R36.	Due to Other Governments	724,378	
R37.	Deposits and Advances		
R38.	Compensated Absences		
R39.	Long-Term Debt, Due Within One Year	0	0
R40.	Other Long-Term Liabilities, Due Within One Year		
R41.	Other Current Liabilities 1	6,450	
R42.	Other Current Liabilities 2		
R43.	<b>Total Current Liabilities</b>	\$1,137,474	\$0
Noncurrent Liabilities			
R44.	Deposits and Advances		
R45.	Compensated Absences	87,915	
R46.	General Obligation Bonds		
R47.	Revenue Bonds		
R48.	Certificates of Participation		
R49.	Other Bonds		
R50.	Loans (Other Long-Term Debt)		
R51.	Notes (Other Long-Term Debt)		
R52.	Other (Other Long-Term Debt)		
R53.	Construction Financing – Federal		
R54.	Construction Financing – State		
R54.5	Lease Liability		
R55.	Lease Obligations (Purchase Agreements)		
R56.	Net Pension Liability		
R57.	Net OPEB Liability		
R58.	Other Noncurrent Liabilities 1	12,900	
R59.	Other Noncurrent Liabilities 2		
R60.	<b>Total Noncurrent Liabilities</b>	\$100,815	\$0
R61.	<b>Total Liabilities</b>	\$1,238,289	\$0
<b>Deferred Inflows of Resources</b>			
R62.	Related to Pensions	411,286	
R62.5	Related to OPEB	223,478	
R62.6	Related to Debt Refunding		
R62.7	Related to Leases		

R63. Other Deferred Inflows of Resources

R64. Total Deferred Inflows of Resources	\$634,764	\$0
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R65. Total Liabilities and Deferred Inflows of Resources	\$1,873,053	\$0
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R66. Total Net Position (Deficit)	\$28,335,331	\$0
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**Net Position (Deficit)**

R67. Net Investment in Capital Assets	24,334,663	
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R68. Restricted		
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R69. Unrestricted	4,000,668	
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R70. Total Net Position (Deficit)	\$28,335,331	\$0
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Special District Name: East Bay Dischargers Authority  
Special Districts' Financial Transactions Report  
Sewer Enterprise Fund  
Statement of Revenues, Expenses, and Changes in Fund Net Position

**Fiscal Year: 2022**

**Operating Revenues**

R01.	Service Charges	5,015,848
R02.	Permit and Inspection Fees	
R03.	Connection Fees	
R04.	Standby and Availability Charges	
R05.	Service-Type Assessments	
R06.	Service Penalties	
R07.	Other Operating Revenues	44,874
R08.	<b>Total Operating Revenues</b>	<b>\$5,060,722</b>

**Operating Expenses**

R09.	Transmission	
R10.	Treatment and Disposal	3,358,566
R11.	Taxes	
R12.	Personnel Services	
R13.	Contractual Services	
R14.	Materials and Supplies	
R15.	General and Administrative Expenses	-51,839
R16.	Depreciation and Amortization Expenses	919,901
R17.	Other Operating Expenses	
R18.	<b>Total Operating Expenses</b>	<b>\$4,226,628</b>
R19.	<b>Operating Income (Loss)</b>	<b>\$834,094</b>

**Nonoperating Revenues**

R20.	Investment Income	12,882
R21.	Rents, Leases, Concessions, and Royalties	

**Taxes and Assessments**

SD22.	Current Secured and Unsecured (1%)	
SD23.	Voter-Approved Taxes	
SD24.	Pass-through Property Taxes (ABX1 26)	
SD25.	Property Assessments	
SD26.	Special Assessments	
SD27.	Special Taxes	
SD28.	Prior-Year Taxes and Assessments	
SD29.	Penalties and Cost of Delinquent Taxes and Assessments	

**Intergovernmental – Federal**

R30.	Aid for Construction	
R31.	Other Intergovernmental – Federal	167,474

**Intergovernmental – State**

R32.	Aid for Construction	
SD33.	Homeowners Property Tax Relief	
SD34.	Timber Yield	

R35.	In-Lieu Taxes	
R36.	Other Intergovernmental – State	
R37.	Intergovernmental – County	
R38.	Intergovernmental – Other	
R39.	Gain on Disposal of Capital Assets	
R40.	Other Nonoperating Revenues	856,403
R41.	<b>Total Nonoperating Revenues</b>	<b>\$1,036,759</b>
	<b>Nonoperating Expenses</b>	
R42.	Interest Expense	
R43.	Loss on Disposal of Capital Assets	
R44.	Other Nonoperating Expenses	1,364,436
R45.	<b>Total Nonoperating Expenses</b>	<b>\$1,364,436</b>
R46.	<b>Income (Loss) Before Capital Contributions, Transfers, and Special and Extraordinary Items</b>	<b>\$506,417</b>
	<b>Capital Contributions</b>	
R47.	Federal	
R48.	State	
R49.	Connection Fees (Capital)	
R50.	County	
R51.	Other Government	
R52.	Other Capital Contributions	
R53.	<b>Total Capital Contributions</b>	<b>\$0</b>
R54.	<b>Transfers In</b>	<b>78,668</b>
R55.	<b>Transfers Out</b>	<b>-78,668</b>
	<b>Special and Extraordinary Items</b>	
R55.5	Special Item	
R55.6	Extraordinary Item	
R55.7	<b>Total Special and Extraordinary Items</b>	<b>\$0</b>
R56.	<b>Change in Net Position</b>	<b>\$506,417</b>
R57.	<b>Net Position (Deficit), Beginning of Fiscal Year</b>	<b>\$28,248,914</b>
R58.	<b>Adjustment</b>	<b>-420,000</b>
R59.	Reason for Adjustment	Correct classification of obligation to USD
R60.	<b>Net Position (Deficit), End of Fiscal Year</b>	<b>\$28,335,331</b>
	<b>Net Position (Deficit)</b>	
R61.	Net Investment in Capital Assets	24,334,663
R62.	Restricted	
R63.	Unrestricted	4,000,668
R64.	<b>Total Net Position (Deficit)</b>	<b>\$28,335,331</b>

**Note:**

(R59) Reason for Adjustment: Correct classification of obligation to USD

Special District of East Bay Dischargers Authority  
Special District Financial Transactions Report  
Footnotes

Fiscal Year: 2022		
FORM DESC	FIELD NAME	FOOTNOTES
SewerEnterpriseFund	(R07)OtherOperatingRevenues	Sale of reclaimed water \$36,000 Other Operating Revenues \$8,874
SewerEnterpriseFund	(R15)GeneralandAdministrativeExpenses	Reduction in liabilities for employee pension and OPEB benefits
SewerEnterpriseFund	(R31)OtherIntergovernmentalFederal	Federal grant managed by Association of Bay Area Governments (ABAG)
SewerEnterpriseFund	(R40)OtherNonoperatingRevenues	Reimbursements from Cargill for brine project development \$774,507 Zone 7 Brine \$80,000 OLSD Outreach Support \$1,896
SewerEnterpriseFund	(R44)OtherNonoperatingExpenses	Expenses related to Cargill brine project development \$774,507 Expenses related to federal grant by Association of Bay Area Governments (ABAG) \$167,474 UEPS Capital costs \$420,000 Bruce Wolfe Memorial \$1,000 OLSD Outreach Support \$1,455
SewerEnterpriseFund	(R54)TransfersIn	Transfer of capital assets from Renewal and Replacement Fund to Operations and Maintenance Fund.
SewerEnterpriseFund	(R55)TransfersOut	Transfer of capital assets from Renewal and Replacement Fund to Operations and Maintenance Fund.
ProprietaryFunds	(R10)Entpr-OtherCurrentAssets1	Deposit
ProprietaryFunds	(R41)Entpr-OtherCurrentLiabilities1	Right-to-use lease liability
ProprietaryFunds	(R56)Entpr-NetPensionLiability	See R23.5 Net Pension Asset of \$414,993
ProprietaryFunds	(R58)Entpr-OtherNoncurrentLiabilities1	Right-to-use lease liability

Total Footnote: 11

**ITEM NO. FM9 MOTION APPOINTING COMMISSIONER SIMON AS AN ALTERNATE AUTHORIZED SIGNER ON THE AUTHORITY'S CHECKING ACCOUNT**

**Recommendation**

Adopt a motion appointing Commissioner Simon as an authorized signer on the EBDA checking account.

**Background**

The Authority's Financial Management Policy states that all checks require any two of the following signatures: General Manager, O&M Manager, or designated alternate as appointed by the Commission. In addition to the General Manager and O&M Manager, the Commission appointed Commissioners Johnson and Duncan as alternate signers on the Authority's business checking account in January 2021.

As of January 03, 2023, Rita Duncan is no longer serving on the EBDA Commission and will be removed as an authorized signer from the Authority's account.

**Discussion**

Although it is unlikely that both the General Manager and O&M Manager would be unavailable to sign checks, thereby requiring two alternates, staff believes that it remains prudent to have four authorized signers on the account in case of unexpected circumstances. The general practice has been to appoint the CVSan and OLSD Commissioners as authorized signers since they generally attend meetings at OLSD from time to time and can easily come to the EBDA side of the building to sign checks. Staff is therefore recommending that Commissioner Simon replace Ms. Duncan as an alternate signer.

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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>
- You may also participate via telephone by dialing 1(669) 900-6833 and entering Meeting ID number 839 4488 8857.

## **ITEM NO. 15**

### **OPERATIONS & MAINTENANCE COMMITTEE AGENDA**

**Monday, February 13, 2023**

**9:00 A.M.**

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

**Committee Members: Johnson (Chair); Azevedo**

**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. Motion Authorizing the General Manager to Issue a Change Order to 4B On Site Services, LLC for Diesel Fuel for Fiscal Year 2022/2023 in the Amount of \$15,001, for a total purchase order value of \$40,000**

(The Committee will consider the motion.)

**OM7. Motion Authorizing the General Manager to Issue a Change Order to Southern Counties Lubricants, LLC for Diesel Fuel for Fiscal Year 2022/2023 in the Amount of \$15,001, for a total purchase order value of \$40,000**

(The Committee will consider the motion.)

**OM8. Motion Authorizing the General Manager to Issue a Change Order to Univar Solutions USA, Inc. for Sodium Bisulfite 25% Solution for Fiscal Year 2022/2023 in the Amount of \$150,000, for a total purchase order value of \$275,000**

(The Committee will consider the motion.)

## **OM9. Adjournment**

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

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

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

**The next O&M Committee meeting will be held  
Monday, March 13, 2023, at 9:00 a.m.**



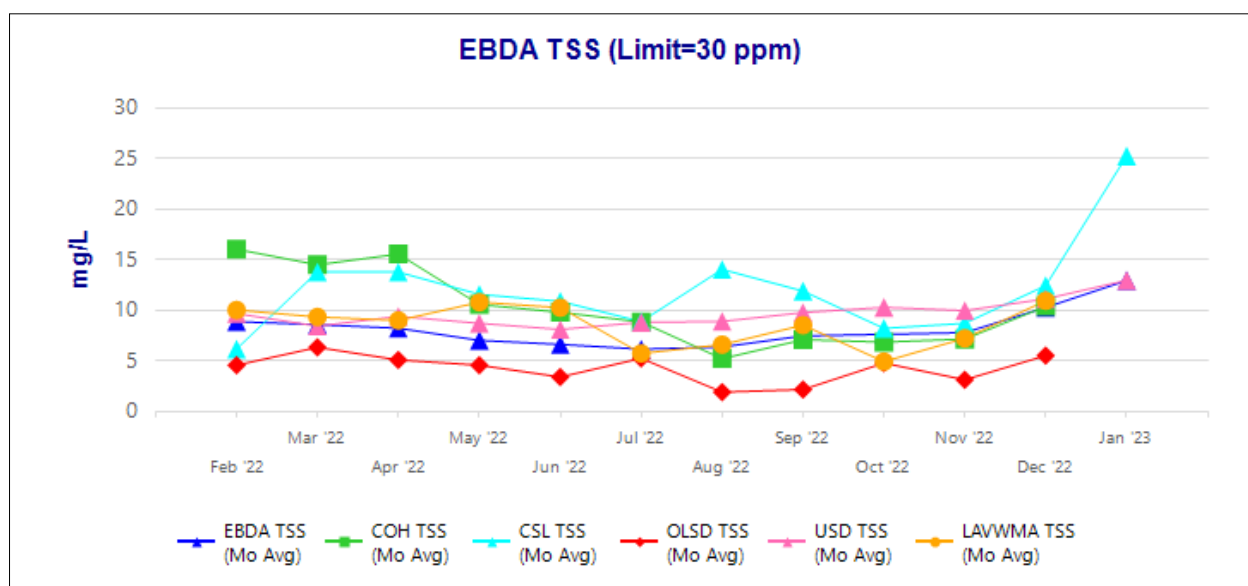
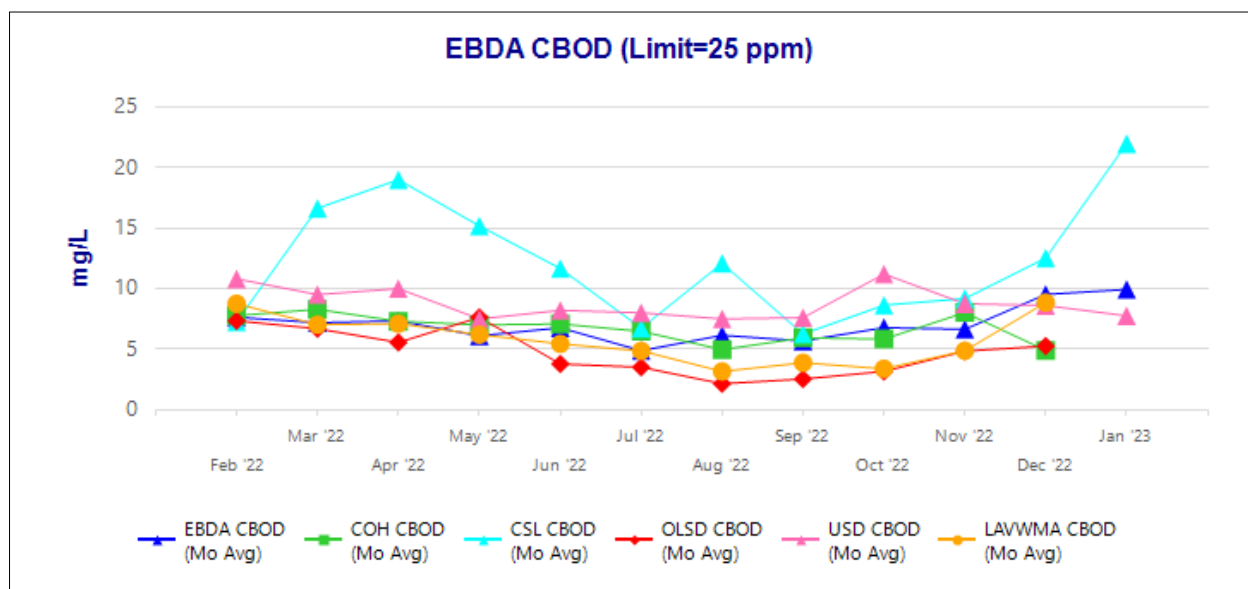
## ITEM NO. OM4 EBDA PERMIT COMPLIANCE

### Recommendation

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

### Discussion

There were no NPDES permit violations in December, and preliminary data from January are also free of permit exceedances. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators is also included. Despite many challenges associated with wet weather, EBDA maintained permit compliance through the December and January storms.



## EBDA Bacterial Indicators

Date	FECAL	ENTERO
	MPN/ 100mL	MPN/ 100mL
Limit (90th Percentile)	1100	1100
Limit (Geomean)	500	280
<b>February 2022 Geomean</b>	<b>6</b>	<b>6</b>
<b>March 2022 Geomean</b>	<b>7</b>	<b>4</b>
<b>April 2022 Geomean</b>	<b>2</b>	<b>7</b>
<b>May 2022 Geomean</b>	<b>5</b>	<b>48</b>
<b>June 2022 Geomean</b>	<b>5</b>	<b>57</b>
<b>July 2022 Geomean</b>	<b>20</b>	<b>6</b>
<b>August 2022 Geomean</b>	<b>15</b>	<b>34</b>
<b>September 2022 Geomean</b>	<b>43</b>	<b>28</b>
<b>October 2022 Geomean</b>	<b>12</b>	<b>4</b>
<b>November 2022 Geomean</b>	<b>6</b>	<b>6</b>
12/5/2022	79	4
12/6/2022	6	6
12/7/2022	NA	6
12/12/2022	13	6
12/13/2022	4	16
12/14/2022	NA	16
12/19/2022	11	< 2
12/20/2022	8	6
12/26/2022	1100	6
12/27/2022	14	263
<b>December 2022 Geomean</b>	<b>21</b>	<b>9</b>
1/2/2023	< 2	40
1/3/2023	36	51
1/9/2023	240	1842
1/10/2023	< 2	8
1/16/2023	21	24
1/17/2023	4	4
1/23/2023	33	6
1/24/2023	8	4
1/30/2023	7	< 2
1/31/2023	8	2
<b>January 2023 Geomean</b>	<b>12</b>	<b>14</b>

## **ITEM NO. OM5 STATUS REPORT**

### **Union Effluent Pump Station (UEPS)**

#### **Effluent Pump No. 6 Variable Frequency Drive (VFD)**

On December 29, 2022, the VFD for Effluent Pump No. 6 failed. USD maintenance staff ordered new fuses and is scheduling Rockwell Automation Field Service to further troubleshoot the issue.

### **Hayward Effluent Pump Station (HEPS)**

#### **Effluent Pump Replacement Project**

At its January 2023 meeting, the Commission approved a motion authorizing the General Manager to negotiate and execute an agreement with Pump Repair Service Company, Inc. (PRS). PRS's bid was \$725,900, and EBDA has successfully negotiated a negative Change Order for a total contract cost of \$623,606. The breakdown of the total cost is as follows:

- Furnish and install four new pumps, motors and couplings. Including factory testing, dynamic analysis, startup, field testing, and tax - \$533,606
- Time and materials work includes core drilling holes to anchor the pumps, preparation of and coating the metal sump rings, painting the pumps, motors, and couplings, and additional field labor as necessary - \$90,000

The lead time for the new pumps is 28 weeks after submittal approval.

### **Oro Loma Effluent Pump Station (OLEPS)**

#### **Lighting Upgrade**

Recently, EBDA replaced six fluorescent light fixtures on the 25-foot-high ceiling of OLEPS with LED fixtures. The new fixtures use the same amount of energy and put out much more light. The cost of the project was approximately \$10,000 including the new light fixtures, lift rental, and labor. The new lights will last six times longer than the old fluorescent lights bulbs and will pay for themselves in cost savings associated with lift rental and labor for light bulb replacements. Additionally, the extra light from the new LED fixtures allows 23 other old fluorescent fixtures along the east and west side of the large bay of the pump station to be turned off, adding energy savings. The new lights can be seen in the top right photo under the next item.

#### **Overhead Crane Inspection & Quadrennial Load Testing**

On January 30 and 31, 2023, Crane Tech Inc. (CTI) conducted the annual OLEPS overhead crane inspection and quadrennial load testing. The overhead crane or bridge crane, as it is commonly referred to, spans the pump station's main floor ceiling. The

crane has a 15-ton capacity and is used for repair and maintenance of the pumps and associated equipment. The quadrennial load testing calls for the crane to be tested with weights that exceed the 15-ton crane load capacity. This load test was conducted with 18.75 tons. Although the crane is 44 years old, it passed the inspection and testing without any issues.



OLEPS Overhead Crane



OLEPS Overhead Crane Quadrennial Load Testing

### **Emergency Outfall Upgrade**

Carollo Engineers (Carollo) completed an evaluation of the OLEPS emergency outfall 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. Carollo recommended that the existing lumber weir be replaced with a permanent concrete weir at an increased elevation. Carollo completed the drawing and specifications that will be used for construction of the

new elevated weir. Staff is in the process of requesting bids for this project from contractors.

### **Main Electrical Switchboard Upgrade**

There are two outstanding items that still need to be addressed prior to completing the OLEPS Main Electrical Switchboard Upgrade Project. Schneider Electric, the project contractor, must fabricate and install new blanks or spacers to cover the space between the new breakers and the front panels. Schneider Electric also needs to issue a credit of approximately \$4,800 to reimburse EBDA for expenses incurred during the June 23, 2022, shutdown that was cancelled due to their oversights.

### **Skywest Pump Station**

#### **Recycled Water Production**

During the month of January 2023, the Skywest Recycled Water System did not produce any recycled water.

### **Marina Dechlorination Facility (MDF)**

No change; all equipment is operational.

### **Force Main**

The 60-inch valve in Hayward was historically used by USD to send flow to the now decommissioned Hayward Marsh. The valve was transferred from EBDA to USD ownership in 2007. On January 19, 2023, at 16:25 hours, EBDA staff received a call from USD indicating that the 60-inch valve in Hayward had closed, preventing UEPS from pumping flow to the EBDA system. USD was sending staff to investigate the issue but traffic was heavy at that time. EBDA staff immediately headed to the 60-inch valve vault and called City of Hayward (COH) staff to request the use of a portable generator and ventilation fan. At 16:44 hours, EBDA staff informed USD that the 60-inch valve vault was flooded, but the valve was opening. The City of San Leandro (CSL) force main crew was requested to respond, and USD sent staff to dewater the valve vault. After the vault was dewatered, USD staff replaced the vault sump pump and installed a vault flooding alarm that will prevent this from occurring in the future. EBDA would like to thank the staff from USD, COH, and CSL that responded to the incident.

### **Operations Center**

No change; all equipment is operational.

### **Miscellaneous Items**

#### **Underground Service Alerts**

EBDA received six (6) Underground Service Alert (USA) tickets during the month of January 2023. Four required an Electronic Positive Response (EPR) and calls/emails to the excavators.

### Wet Weather

Total rainfall for the month of December 2022 (in inches) was as follows:

Oakland	Hayward	Livermore
11.96	10.52	8.09

Total rainfall for the month of January 2023 (in inches) was as follows:

Oakland	Hayward	Livermore
8.34	7.97	6.36

Significant daily rainfall for the month of January 2023 (in inches) was as follows:

Date	Oakland	Hayward	Livermore
1/02/2023	0.41	0.39	0.32
1/04/2023	1.42	0.99	0.74
1/05/2023	0.30	0.53	0.50
1/07/2023	0.72	0.26	0.17
1/08/2023	0.74	0.79	0.30
1/09/2023	0.85	1.06	0.97
1/10/2023	0.16	0.10	0.25
1/11/2023	0.29	0.27	0.28
1/13/2023	0.44	0.62	0.27
1/14/2023	1.01	1.14	1.09
1/15/2023	1.88	1.58	1.23

From December 26, 2022 to January 15, 2023, San Francisco received 17 inches of rain. This was the second wettest 21 days in San Francisco history since 1849. During the atmospheric river storm event that hit the EBDA service area on December 31, 2022 and the subsequent storm events, EBDA received more sustained high flows than in recent history. The MDF peak flow of 192.5 MGD was recorded at 2:40 pm on December 31, 2022. The average daily flow at MDF was 153.3 MGD on December 31<sup>st</sup> and 141.1 MGD on January 1<sup>st</sup>. For reference, the average daily flow for the month of November 2022 was 63.6 MGD, and the average daily flow for October 2022 was 56.6 MGD.

From December 31, 2022, to January 18, 2023, the OLEPS diesel pumps, which operate when the capacity of the two electric pumps is exceeded, were required to operate for over 140 hours. Overall, the EBDA system performed remarkably well, given the conditions, demonstrating the value of EBDA, both in terms of the supportive community and the infrastructure. There was consistent communication and cooperation between the Member Agencies, LAVWMA, and EBDA to manage flows, and mutual aid in the form of pumps and emergency equipment was provided among the Member Agencies.

Average daily flow at MDF was as follows:

Date	MDF Average Daily Flow - MGD
October 2022 Monthly Average	56.6
November 2022 Monthly Average	63.6
December 2022 Monthly Average	75.8
January 2023 Monthly Average	110.4
12/31/2022	153.3
1/01/2023	141.1
1/01/2023 - 1/18/2023	125.1
1/19/2023 - 1/31/2023	90.0

#### *Capacity Exceedance Events*

EBDA's Amended and Restated Joint Powers Agreement (JPA) states the following in Section 11(b):

#### Temporary Capacity Exceedance

Should any Agency exceed its Maximum Flow Rate Capacity it will make best efforts to reduce its flows to within its allocated capacity. Capacity exceedance fees will be calculated as follows:

- (1) First Exceedance: No charge for an Agency that exceeds its Maximum Flow Rate Capacity, based on a 3-hour average, the first time in a Fiscal Year. An Agency's first exceedance will not exceed twenty-four hours, and after such 24 hour period, any continuing exceedance will be considered a second exceedance.
- (2) Subsequent Exceedances: Any Agency that exceeds its Maximum Flow Rate Capacity, based on a 3-hour average, for the second and each subsequent exceedance in a Fiscal Year, will be charged \$0.005/gallon of exceeded flow.

Using this methodology, EBDA has calculated the fees owed by EBDA Member Agencies for temporary capacity exceedances during the December and January storms as follows:



### OLSD/CVSan

Date	Duration	Gallons	Capacity Exceedance Fee
12/31/2022 - 1/01/2023	24 Hours	29,900,000	\$149,500 No Charge

Date	Duration	Gallons	Capacity Exceedance Fee
1/01/2023 - 1/03/2023	48.5 Hours	19,300,000	\$96,500
1/04/2023 - 1/05/2023	5 Hours	3,200,000	\$16,000
1/09/2023	5 hours	1,700,000	\$8,500
1/16/2023	6.5 Hours	2,400,000	\$12,000
<b>Total</b>	<b>65 Hours</b>	<b>26,600,000</b>	<b>\$133,000</b>

### CSL

Date	Duration	Gallons	Capacity Exceedance Fee
12/31/2022 - 1/01/2023	20.75 Hours	7,200,000	\$36,000 No Charge

Date	Duration	Gallons	Capacity Exceedance Fee
1/09/2023	4.5 Hours	1,100,000	\$5,500
<b>Total</b>	<b>4.5 Hours</b>	<b>1,100,000</b>	<b>\$5,500</b>

The JPA further states:

All capacity exceedance fees will be applied to, and reduce the total of, the fixed operating costs due from the non-exceeding Agencies' fixed operating costs for that or the following Fiscal Year.

In accordance with this language, fees and credits associated with these wet weather exceedances will be applied to the Member Agencies as part of the year-end budget reconciliation process.

### **EBDA Vehicle**

On September 16, 2022, a Purchase Order was submitted to National Auto Fleet Group for EBDA's new F-150 Truck. On September 26, 2022, staff traded in EBDA's 2008 Ford Ranger for \$9,100. Due to the high trade-in value, it was necessary to trade-in the truck as soon as possible before the trade-in value was reduced. The new F-150 is on order, and EBDA is waiting for an estimated delivery date from Ford.

### **Special Projects**

#### **Roof Replacement Projects**

During the week of January 23, 2023, the old MDF SBS Building roof was removed, and several layers of the new roof were installed. Installation of these layers made the roof water tight. Before additional layers of the new roof can be installed, a waiting period of several weeks is necessary. This roof, along with the OLEPS roof, will be completed as

weather allows. Work to replace the Administration Building roof will begin as weather allows.

### **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 – see also Item No. RA 9. A Draft EIR was released for public comment on January 3, 2023. Information about the project and the CEQA process, including a link to the Draft EIR and a recording of the January 24, 2023 public meeting, can be found here: <https://ebda.org/projects/cargill-partnership/>. Comments on the Draft EIR are due on February 17, 2023. As of February 8, no comments have been received.

Staff has begun negotiations with Cargill on a Project Development and Operating Agreement, which would be brought to the Commission for consideration coincident with EIR certification, likely in Spring 2023. A draft technical addendum has been developed that outlines water quality limitations and monitoring requirements to ensure EBDA's continued compliance with our NPDES permit once brine discharge commences. The addendum will also include a corrosion monitoring plan, with triggers for action if accelerating corrosion is observed.

### **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. Following a series of delays, the East Bay radar was installed at Rocky Ridge on the week of December 6, 2022. The system is now being commissioned and tested. In the meantime, EBDA members are able to access regional data through AQPI's data portal. Staff from AQPI's new Program Manager, the Center for Western Weather and Water Extremes (CW3E) at Scripps Institution of Oceanography, UC San Diego, are hosting a meeting on February 13, 2023 to learn from representatives of EBDA, Alameda County Flood Control, and Alameda County Water District, about our data needs going forward. An updated fact sheet about the program is attached.



# SF Bay Area AQPI Project Update

## January 2023

### Background

The Advanced Quantitative Precipitation Information (AQPI) system is a regional project that uses enhanced weather radar to track precipitation associated with atmospheric rivers. AQPI was funded in 2016 by a grant from the California Department of Water Resources (DWR) Integrated Regional Water Management Program (IRWM) awarded to Sonoma Water and participating Bay Area agencies. National Oceanic and Atmospheric Administration (NOAA) and Colorado State University's Cooperative Institute for Research in the Atmosphere (CIIRA) are building the AQPI system and delivering the AQPI end-product to these agencies. When completed, the goal of the AQPI system will be to provide X-Band and C-Band weather radar information that will increase the accuracy of weather forecasting and response systems throughout the Bay Area. Improved forecasting will assist flood agencies, emergency responders, wastewater plant managers, reservoir operators, and water managers in responding to extreme weather events in a timely fashion. A Local Partner Agency Committee (LPAC) has formed to develop the SF Bay AQPI framework for regional collaboration. The University of California San Diego, Scripps Institution of Oceanography, Center for Western Weather and Water Extremes (CW3E) is working with the LPAC member agencies to develop an operations plan and transition plan for the AQPI system. CW3E will operate the system when the DWR grant period ends in early 2024.

### SF Bay Area AQPI Radar Locations

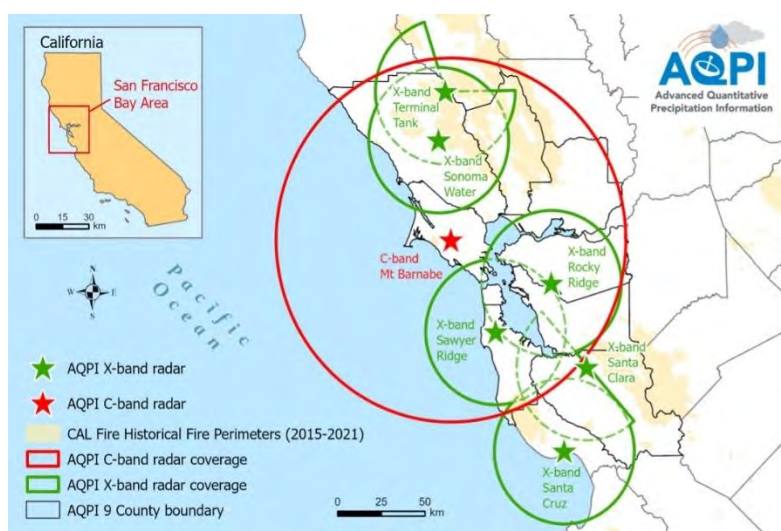
When completed, the DWR-funded project will have deployed four X-Band radars and one C-Band radar that will cover most watersheds in the Bay Area (Figure A). Two additional X-Band radars funded through other sources will send data to the AQPI system. When the radar deployments are completed, a total of six X-Band radars and one C-Band radar will provide data to the AQPI system.

### Timeline for Radar Deployment

As of Winter 2022, four X-Band radars are operational. These radars are located in Sonoma, Santa Clara, Contra Costa, and Santa Cruz Counties. Additional X-Band radars will be deployed in San Mateo and Sonoma County in 2023 and 2024 respectively. The C-Band radar is planned to be located on the Mt. Barnabe in Marin County in 2023. Radar locations include:

- **Sonoma Water** – Operating a temporary X-band radar since 2018, located near the Sonoma County Airport. A permanent X-Band radar is anticipated to be deployed on the same site, the Sonoma Water Treatment Plant.
- **Valley Water** - Since 2016 has operated a temporary X-Band radar at the Penitencia Water Treatment Plant. A permanent X-Band radar was deployed in July 2019 at the same location.

*Figure A. Map of SF Bay Area AQPI X-Band and C-Band radar locations and coverage when deployments are completed.*

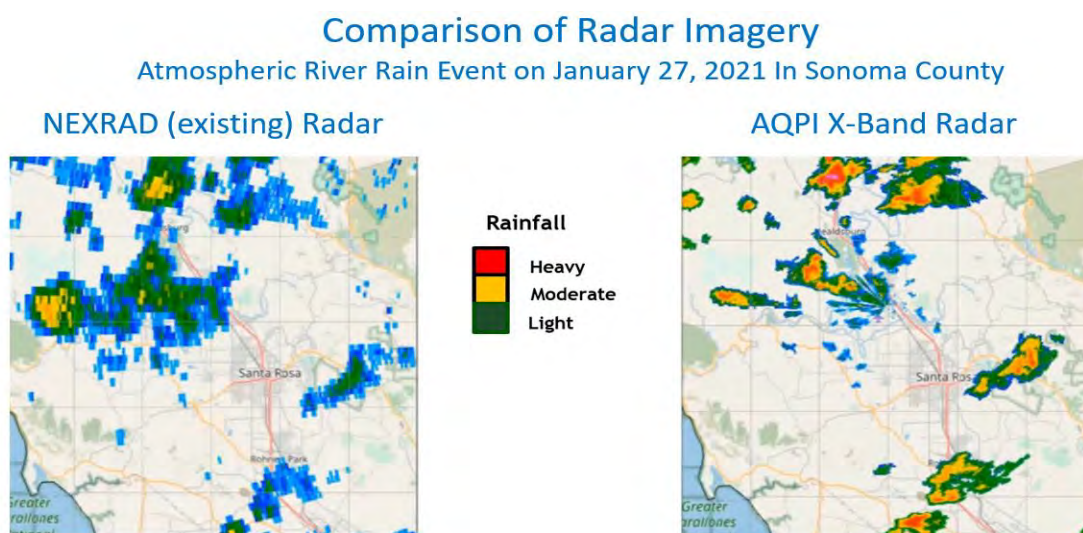


- **San Francisco Public Utilities Commission (SFPUC)** – Plans to deploy a permanent X-Band Radar on Sawyer Ridge in San Mateo County by summer 2023.
- **East Bay Agencies Partnership** – In December 2022, a partnership of East Bay agencies deployed an X-Band radar on Rocky Ridge, adjacent to the Las Trampas Wilderness area. The Rocky Ridge radar is expected to be operational in early 2023. This partnership includes East Bay Municipal Utility District, East Bay Dischargers Authority, Contra Costa County Flood Control & Water Conservation District, Alameda County Flood Control & Water Conservation District, Alameda County Water District, and Zone 7 Water Agency.
- **Santa Cruz County Flood Control and Water Conservation District** deployed an X-Band radar on a county building in August 2022, funded through a grant from DWR's Statewide Flood Emergency Response Grant program. The radar will send data to the SF Bay Area AQPI system.
- **Sonoma Water** received a grant from FEMA's Hazard Mitigation Grant Program to deploy an X-Band radar at the Geysers Recycled Water Tank site, managed by the City of Santa Rosa. This radar will send data to the SF Bay Area AQPI system.
- **C-Band Radar** - Regional partners are collaborating to deploy a C-Band radar on the peak of Barnabe Mountain in western Marin county. The C-Band radar will cover the Pacific Coast and also areas inland to complement the X-Band radars, improving precipitation and stream flow forecasting throughout the region.

## SF Bay Area AQPI Benefits: AQPI Radar Imagery from 2021 Atmospheric River Storm

Flooding is a major concern in the Bay Area. See below in Figure B, where AQPI radar provides a more accurate picture of rainfall in Santa Rosa, to better assess the potential for flooding. Note - Warmest colors represent highest rain volume.

*Figure B. NEXRAD vs. AQPI Radar Imagery*



## FOR MORE INFORMATION:

**Dale Roberts**, Sonoma Water, [Dale.Roberts@scwa.ca.gov](mailto:Dale.Roberts@scwa.ca.gov)

**Rob Cifelli**, NOAA Earth System Research Laboratory, [rob.cifelli@noaa.gov](mailto:rob.cifelli@noaa.gov)

**Watch the radars in action now!** [Real-Time Radar Display](#)

**NOAA AQPI website:** <http://www.esrl.noaa.gov/psd/aqpi/>

**Sonoma Water AQPI website:** <https://www.sonomawater.org/aqpi/>

**ITEM NO. OM6 MOTION AUTHORIZING THE GENERAL MANAGER TO ISSUE A CHANGE ORDER TO 4B ON SITE SERVICES, LLC FOR DIESEL FUEL FOR FISCAL YEAR 2022/2023 IN THE AMOUNT OF \$15,001, FOR A TOTAL PURCHASE ORDER VALUE OF \$40,000**

**Recommendation**

Approve a motion authorizing the General Manager to issue a Change Order to the Purchase Order with 4B On Site Services, LLC in the amount of \$15,001 for the purchase of red-dyed diesel fuel in FY 2022/2023.

**Background**

EBDA uses diesel fuel to power emergency back-up generators and pumps. Specifically, diesel-powered generators provide back-up power supply at the Marina Dechlorination Facility (MDF) to power pumps and analyzers, and at the Hayward Effluent Pump Station to power the electric pumps. At the Oro Loma Effluent Pump Station (OLEPS), two diesel-powered pumps can be activated when flows exceed the capacity of the station's two electric pumps, or when electric power is unavailable. OLEPS also has a diesel back-up generator to power cooling fans and ancillary equipment for the diesel pumps.

Over the last several years, EBDA has used a modest amount of diesel, since significant wet weather rarely triggered use of the OLEPS diesel pumps. In FY 2020/2021, EBDA received diesel deliveries of 1,200 gallons for \$4,335, and in FY 2021/2022 EBDA received diesel deliveries of 1,500 gallons for \$5,818. Consistent with past practice, at the start of this fiscal year, EBDA issued a Purchase Order (PO) to its primary diesel supplier, Southern Counties Lubricants, LLC, for diesel deliveries to OLEPS. To maximize flexibility, the PO was issued for \$24,999, which is the maximum amount within the General Manager's signature authority, per EBDA's Purchasing Policy. EBDA's FY 2022/2023 budget for diesel and Captor (the chemical agent used for emergency dechlorination at OLEPS) is \$24,000.

**Discussion**

During the atmospheric river storm event that hit the EBDA service area on December 31, 2022 and the subsequent storm events, EBDA used more diesel fuel than it has since February 2017. This was the second wettest 21 days in San Francisco history since 1849. From December 26, 2022 to January 15, 2023, San Francisco received 17 inches of rain. Considerable quantities of diesel were used at OLEPS, where the diesel pumps saw significant run-time. As a result of these wet weather-driven needs, staff is recommending both increasing and diversifying EBDA's POs for diesel fuel.

During the December 31 storm, although EBDA still had plenty of diesel fuel on hand, staff, placed a diesel fuel order with our normal diesel supplier out of an abundance of caution. After not hearing back from Southern Counties Lubricants over the holiday weekend, EBDA procured diesel from 4B On Site Services (4B), who was delivering fuel to Oro Loma Sanitary District (OLSD). Under a new \$24,999 PO, EBDA scheduled several more diesel fuel deliveries from 4B in coordination with OLSD's deliveries. After

the majority of the rain events had concluded, EBDA scheduled a diesel fuel delivery from our normal fuel supplier.

To date, EBDA has paid 4B \$20,136 and has received an invoice for another \$8,078. Staff is therefore recommending that the PO with 4B be increased to \$40,000 to cover previous diesel deliveries and allow flexibility for additional needs this fiscal year. Combined with the change order for Southern Counties Lubricants recommended under Item No. OM7, this would give EBDA a total of \$80,000 in diesel PO capacity, about half of which has been used to date. During the 2016/2017 wet season, EBDA used approximately \$80,000 worth of diesel.

During the recent storms, staff has also seen the value in diversifying diesel suppliers. This diversification would likely prove particularly valuable in other widespread emergencies such as an earthquake. Therefore, staff is recommending increasing the POs with both 4B and Southern Counties Lubricants for maximum flexibility.

**ITEM NO. OM7 MOTION AUTHORIZING THE GENERAL MANAGER TO ISSUE A CHANGE ORDER TO SOUTHERN COUNTIES LUBRICANTS, LLC FOR DIESEL FUEL FOR FISCAL YEAR 2022/2023 IN THE AMOUNT OF \$15,001, FOR A TOTAL PURCHASE ORDER VALUE OF \$40,000**

**Recommendation**

Approve a motion authorizing the General Manager to issue a Change Order to the Purchase Order with Southern Counties Lubricants, LLC in the amount of \$15,001 for the purchase of red-dyed diesel fuel in FY 2022/2023.

**Background**

As discussed in Item No. OM6, EBDA uses diesel fuel to power emergency back-up generators and pumps. Specifically, diesel-powered generators provide back-up power supply at the Marina Dechlorination Facility (MDF) to power pumps and analyzers, and at the Hayward Effluent Pump Station to power the electric pumps. At the Oro Loma Effluent Pump Station (OLEPS), two diesel-powered pumps can be activated when flows exceed the capacity of the station's two electric pumps, or when electric power is unavailable. OLEPS also has a diesel back-up generator to power cooling fans and ancillary equipment for the diesel pumps.

Over the last several years, EBDA has used a modest amount of diesel, since significant wet weather rarely triggered use of the OLEPS diesel pumps. In FY 2020/2021, EBDA received diesel deliveries of 1,200 gallons for \$4,335, and in FY 2021/2022 EBDA received diesel deliveries of 1,500 gallons for \$5,818. Consistent with past practice, at the start of this fiscal year, EBDA issued a Purchase Order (PO) to its primary diesel supplier, Southern Counties Lubricants, LLC, for diesel deliveries to OLEPS. To maximize flexibility, the PO was issued for \$24,999, which is the maximum amount within the General Manager's signature authority, per EBDA's Purchasing Policy. EBDA's FY 2022/2023 budget for diesel and Captor (the chemical agent used for emergency dechlorination at OLEPS) is \$24,000.

**Discussion**

During the atmospheric river storm event that hit the EBDA service area on December 31, 2022 and the subsequent storm events, EBDA used more diesel fuel than it has since February 2017. This was the second wettest 21 days in San Francisco history since 1849. From December 26, 2022 to January 15, 2023, San Francisco received 17 inches of rain. Considerable quantities of diesel were used at OLEPS, where the diesel pumps saw significant run-time. As a result of these wet weather-driven needs, staff is recommending both increasing and diversifying EBDA's POs for diesel fuel.

To date, EBDA has paid Southern Counties Lubricants \$11,559 for delivered diesel. When added to the diesel deliveries by 4B (See Item No. OM6), EBDA has used about \$40,000 in diesel PO capacity. Staff is recommending that the PO with Southern Counties Lubricants be increased to \$40,000 to allow flexibility for additional needs this fiscal year. Combined with the change order for 4B recommended under Item No. OM6, this would



give EBDA a total of \$80,000 in diesel PO capacity, about half of which has been used to date. During the 2016/2017 wet season, EBDA used approximately \$80,000 worth of diesel.

During the recent storms, staff has also seen the value in diversifying diesel suppliers. This diversification would likely prove particularly valuable in other widespread emergencies such as an earthquake. Therefore, staff is recommending increasing the POs with both 4B and Southern Counties Lubricants for maximum flexibility.

**ITEM NO. OM8 MOTION AUTHORIZING THE GENERAL MANAGER TO ISSUE A CHANGE ORDER TO UNIVAR SOLUTIONS USA, INC. FOR SODIUM BISULFITE 25% SOLUTION FOR FISCAL YEAR 2022/2023 IN THE AMOUNT OF \$150,000, FOR A TOTAL PURCHASE ORDER VALUE OF \$275,000**

**Recommendation**

Approve a motion authorizing the General Manager to issue a Change Order to the Purchase Order with Univar Solutions USA, Inc. (Univar) in the amount of \$150,000 for the purchase of Sodium Bisulfite 25% Solution in FY 2022/2023.

**Background**

EBDA uses Sodium Bisulfite 25% solution (SBS) to dechlorinate the agencies' combined effluent at the Marina Dechlorination Facility. Since 2014, EBDA has elected to work collectively with the Bay Area Chemical Consortium (BACC) to obtain a bid for SBS. The BACC is a consortium of over fifty water and wastewater agencies in Northern California who use their common purchasing power to achieve better pricing for treatment chemicals while reducing the costs of bidding processes. BACC was created and managed by Dublin San Ramon Services District and was recently transitioned to the umbrella of the Bay Area Clean Water Agencies (BACWA).

In FY 2022/2023, Univar was the lowest responsive and responsible bidder. On June 14, 2022, the Commission approved a Motion to issue a Purchase Order to Univar in the amount of \$125,000 for the purchase of SBS 25% solution for FY 2022/2023. This amount was consistent with EBDA's FY 2022/2023 budget for SBS, and it represented a considerable decrease from previous years. The SBS PO in FY 2019/2020 and FY 2020/2021 was \$250,000, and in FY 2021/2022 it was \$235,000. The lower amount for FY 2022/2023 reflected an anticipated reduction in SBS use upon implementation of a new total chlorine residual effluent limit, which was anticipated to take effect earlier this fiscal year. However, EPA's approval of the new total chlorine residual effluent limit has been indefinitely delayed, and EBDA has not been able to reduce SBS usage.

**Discussion**

EBDA has used considerably more SBS than anticipated this fiscal year, primarily for three reasons:

- EPA has not approved the new chlorine residual limit, and thus EBDA has been required to continue overdosing SBS to demonstrate compliance with the instantaneous maximum effluent chlorine limit of 0.0 mg/L.
- As discussed in Items No. OM6 and OM7, an unprecedented amount of rain in EBDA's service area in late December and early January led to historic wastewater flows. Higher flows lead to higher chemical demand.

- Due to occasional high bacterial test results at some Member Agency plants, the 96-inch force main between OLEPS and MDF has been used as an extension of the plants' chlorine contact tanks. Providing a longer contact time with a higher chlorine residual leads to extra SBS usage. The normal target chlorine residual at MDF is 0.25 mg/L to 0.40 mg/L. EBDA received one high Enterococcus result in January, and a second high result would have resulted in a violation. During the month of January, EBDA therefore maintained a chlorine residual at MDF at a higher-than-normal target to prevent a violation.

With the increase in the cost of SBS from FY 2021/2022 to FY 2022/2023, EBDA would have issued a \$275,000 SBS PO if not for the pending implementation of new total chlorine residual effluent limit. Given that implementation of the new limit appears unlikely this fiscal year, staff is recommending approving this Change Order, which would bring the total Purchase Order amount back up to \$275,000 for FY 2022/2023.

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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/89150541284>
- You may also participate via telephone by dialing 1(669) 900-6833 and entering Meeting ID number 891 5054 1284.

## **ITEM NO. 19**

### **PERSONNEL COMMITTEE AGENDA**

**Tuesday, February 14, 2023  
9:00 a.m.**

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

**Committee Members: Azevedo (Chair), Simon**

- P1. Call to Order**
- P2. Roll Call**
- P3. Public Forum**
- P4. Review of Personnel Policy**  
(The Committee will review the Policy.)
- P5. FY 2023/2024 Budget Assumptions for Wages and Benefits**  
(The Committee will review proposed recommendations.)
- P6. Review of Commissioner Compensation Policy**  
(The Committee will review the Policy.)
- P7. General Manager Performance Self-Assessment**  
(The Committee will review the GM's self-assessment against the FY 2022/2023 Performance Plan in preparation for a performance review during the March 16, 2023 Commission Meeting.)
- P8. 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.

Agenda Explanation  
East Bay Dischargers Authority  
Personnel Committee  
February 14, 2023

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

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

<p><b>The next Personnel Committee meeting will be held Tuesday, March 14, 2023 at 9:00 a.m.</b></p>
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## **ITEM NO. P4 REVIEW OF PERSONNEL POLICY**

### **Recommendation**

Provide direction to staff.

### **Background**

The Authority's Personnel Policy was last revised in November 2020. In addition to minor formatting and grammatical changes, redundant language was removed. The following items were addressed, and where needed, changes were made to reflect current practices:

- Gender-specific pronouns were replaced with neutral terminology.
- Compensation Plan section was revised to include the Personnel Committee's COLA recommendation of using the consumer price index (CPI) with a floor and ceiling, along with a note that the Commission should also consider short- and long-term financial status of the Authority in making a COLA determination.
- Appointments section was updated to reflect current laws.
- Employment statuses were clarified, including benefit eligibility.
- Hours of work were updated to be more in-line with Member Agencies, to address varying schedules, and to clearly define overtime.
- Leaves and Vacations – Updates to this section include stating which employment statuses are eligible to receive leave benefits.
- Anti-Harassment Policy was updated to reflect that as of January 1, 2020, Government Code 12950.1 requires that all employees receive anti-harassment training.
- Lactation Accommodation Policy was added in compliance with SB 142.

The following language was also inserted to address cost of living adjustments:

Appropriate consideration shall be given to adjustments of the cost of living as measured by the Consumer Price Index for All Urban Consumers (CPI-U), the base figure for comparison shall be the San Francisco-Oakland-Hayward, CA for the period of January 1 through December 30 of the previous year. Adjustments in the cost of living shall be considered once a year as the General Manager prepares the Compensation Plan. Beginning with FY 2020/2021, the cost of living adjustment (COLA) shall be based on the above index within a floor-to ceiling-range of 0% - 4.0%. The COLA range shall be reviewed every three years. In adopting a COLA, the Commission may also consider the short- and long-term financial status of the Authority. Effective July 1, by adoption of an amended Compensation Plan, adjustments shall be applied to the salary range of each position to reflect the COLA.

### **Discussion**

As noted above, a COLA range was established for FY 2020/2021, and it is to be reviewed every three years. Staff is therefore seeking input from the Committee on updates to the range for FY 2023/2024. The purpose of establishing a range is generally to protect the agency from very high increases during times of inflation, while also protecting employees by guaranteeing some minimal increase during years of low inflation. At the time the

current range was adopted, the Commission was anticipating that the CPI could be negative for the subsequent year, and so the floor of the range was set to zero. That negative CPI did not materialize, nor does it appear likely to in the future. The Commission may therefore wish to consider a non-zero bottom end of the range.

Ranges currently offered by EBDA Member Agencies include the following:

<b>Agency</b>	<b>COLA Range</b>
CVSan	1% - 4.5%
Oro Loma	2% - 5% (reopener at 6%)
USD	3.25% - 4.5%

Staff is recommending updating the COLA range in the Personnel Policy to 2% - 4.5% to reflect the mid-range of the sanitary district members.

Staff is also recommending updates to the Personnel Policy to conform to current law, including:

- Leaves and Vacations update to clarify employees can take protected leave to care for a parent-in-law.
- Family and Medical Leave Act, pending advice from legal counsel.

These proposed updates will be presented for the Committee's consideration at its next meeting.



## ITEM NO. P5 FY 2023/2024 BUDGET ASSUMPTIONS FOR WAGES AND BENEFITS

### Recommendation

The Committee may provide guidance/approval to staff on wages and benefits assumptions.

### Background

Each year's budget makes a number of assumptions on wages and benefits. The proposed assumptions for FY2023/2024 are summarized below for the Committee's input.

### Discussion

1. **Salary.** As discussed above, EBDA's current Personnel Plan states the following:

Appropriate consideration shall be given to adjustments of the cost of living as measured by the Consumer Price Index for All Urban Consumers (CPI-U), the base figure for comparison shall be the San Francisco-Oakland-Hayward, CA for the period of January 1 through December 30 of the previous year. Adjustments in the cost of living shall be considered once a year as the General Manager prepares the Compensation Plan. Beginning with FY 2020/2021, the cost of living adjustment (COLA) shall be based on the above index within a floor-to ceiling-range of 0% - 4.0%. The COLA range shall be reviewed every three years. In adopting a COLA, the Commission may also consider the short- and long-term financial status of the Authority. Effective July 1, by adoption of an amended Compensation Plan, adjustments shall be applied to the salary range of each position to reflect the COLA.

Data from the CPI-U for San Francisco-Oakland-Hayward is shown in the table below. The December to December comparison yields a 4.9% increase. Pending updates to the cost-of-living adjustment (COLA) range in the Personnel Policy (see Item No. P4), staff recommends assuming the top of the range, likely 4% or 4.5%. Staff is presenting this information here to vet budget assumptions. The Commission will also consider the COLA as part of the annual Compensation Plan adoption.

**Table A. San Francisco-Oakland-Hayward, CA, CPI-U 2-month and 12-month percent changes, all items index, not seasonally adjusted**

Month	2018		2019		2020		2021		2022	
	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month
February	1.4	3.6	0.5	3.5	0.9	2.9	0.5	1.6	1.4	5.2
April	0.8	3.2	1.2	4.0	-0.5	1.1	1.7	3.8	1.5	5.0
June	0.9	3.9	0.2	3.2	0.7	1.6	0.0	3.2	1.7	6.8
August	0.6	4.3	0.1	2.7	0.0	1.6	0.5	3.7	-0.5	5.7
October	0.7	4.4	1.0	3.0	0.5	1.1	0.7	3.8	1.0	6.0
December	0.1	4.5	-0.5	2.5	0.4	2.0	0.8	4.2	-0.3	4.9

2. **Medical Premiums.** Premium rates are estimated to increase 5.4% based on the National Health Expenditure projections for 2019-2028.

3. **PEMHCA.** The Authority's fixed contribution under the Public Employees' Medical and Hospital Care Act (PEMHCA) is \$487 per month for each annuitant. The PEMHCA rate was last updated in 2022, and the Commission may consider increasing it up to 3% annually. Currently, four EBDA retirees receive PEMHCA, and two retirees receive full medical based on their negotiated contracts. The effect of increasing the PEMHCA by 3% would be \$720 annually.
4. **Dental Insurance.** Premium decreased 1.07% in 2022. Rates are established on a calendar year basis by the provider and are expected to remain at the current level through 2023. Staff recommends budgeting for a 2% increase in 2024.
5. **Vision Insurance.** The premium for vision coverage increased 6.6% in 2022. The rate is expected to remain at the current level through 2023. Staff recommends budgeting for a 2% increase in 2024.
6. **Disability Insurance.** Long & Short-Term Disability insurance rates increased 23% in 2022. Premiums are expected to remain at the current levels through 2023.
7. **CalPERS.** Annual valuation reports indicate the FY2023/2024 Employer Normal Cost Rates for the classic and PEPRAs plans will be 14.06% and 7.68% respectively. EBDA pays 0% of the Employee contribution rate.
8. **Deferred Compensation.** Employer contribution expenditures are assumed to increase 4% - 4.5%, commensurate with salary increases.
9. **Workers Compensation.** Premiums are based on classification rates multiplied by all discount modifiers from the CDI website.

## **ITEM NO. P6 REVIEW OF COMMISSIONER COMPENSATION POLICY**

### **Recommendation**

Provide direction to staff.

### **Background**

Per the Sanitary District Act of 1923, Commissioners may receive compensation for each day of service in an amount adopted by the Commission. In December 2020, the Commission adopted the Authority's Commissioner Compensation Policy, which is attached for reference.

In November 2018, the Commission adopted a rate of \$240 per day of service, which has been in effect since January 1, 2019. This compensation rate may be adjusted by up to 5% annually by action of the Commission. In December 2022, the Committee recommended maintaining the current rate of \$240 per day of service, and the Commission concurred.

### **Discussion**

The Commissioner Compensation Policy outlines which meetings and activities are compensable, and which are not eligible for compensation. The current Policy states:

For additional clarity, under Government Code Section 61047, the following activities are ineligible for compensation and therefore the Commission cannot approve them as being eligible for compensation:

- Attendance at meeting of a Standing, Liaison, Ad Hoc, or Advisory Committee of the Board on which the Commissioner does not serve
- Attendance at any meeting solely with Authority staff other than a tour or special training two hours or longer
- Internal Authority events, including groundbreakings, ribbon cuttings, dedications, and anniversary celebrations
- Social gatherings such as retired Commissioner dinners and pre-conference activities and nonpartisan welcoming or retirement events for staff of local agencies and organizations
- Meetings with legislators other than at a public meeting conducted pursuant to the Brown Act
- Any activity for which a Commissioner receives compensation from another agency

Government Code Section 61047 relates to Community Services Districts, formed pursuant to Government Code section 61000. EBDA is a joint powers public agency formed under Government Code section 6500, and therefore 61407 does not directly apply. While 61407 is referenced as an example of the types of activities for which members will not be eligible for compensation under the Compensation Policy, staff recommends removing the code reference to avoid confusion. The Commission may also elect to update the list of activities that are eligible for compensation and/or the list of

activities that are ineligible.

At its November 2022 meeting, the Committee also considered the question of whether Commissioners should continue to be considered contractors by EBDA and therefore receive 1099 tax forms documenting annual compensation, rather than W-2s. The Committee directed staff to pursue the approach with the least overall cost and impact to EBDA, as permissible under employment law. Staff is therefore recommending that EBDA's Commissioners continue to receive 1099s. Staff's research shows that a number of comparable public agencies treat their similarly situated public officials as independent contractors receiving a 1099 tax form, as opposed to employees receiving W-2s. Further, the potential legal risk for misclassification is relatively low.

**POLICY NUMBER:** 5

**NAME OF POLICY:** Commissioner Compensation

**LAST REVISED:** December 17, 2020

**PREVIOUSLY REVISED:** NA

**PURPOSE:** The purpose of this Policy is to prescribe the manner in which Authority Commissioners may be compensated and/or reimbursed for actual and necessary expenses related to official business of the Authority as well as for attendance at professional, educational, or vocational meetings.

**POLICY:** It is the policy of the Authority to provide fair and appropriate compensation for Commissioners performing their official duties.

Per the Sanitary District Act of 1923, Health and Safety Code sections 6400 et seq. Health and Safety Code section 6489(a) provides that board members may receive compensation not to exceed one hundred dollars (\$100) “for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto.” Health and Safety Code section 6489(b) provides that the board may adopt by ordinance an increased amount of compensation received by board members above the amount of one hundred dollars (\$100) per day.

On this basis, Commissioners shall be paid per day, not per meeting. Effective January 1, 2019, the current daily compensation rate is \$240 for each day of service (Resolution 18-40). This compensation rate may be adjusted by up to 5% annually by action of the Commission. The Authority shall compensate Commissioners for up to six days of service per month.

The following activities shall be considered Commission service eligible for compensation:

- Attendance at Authority Commission Meetings, Committee Meetings, or other Commission workshops or meetings subject to the Brown Act
- Representing the Authority at meetings or events at the request of Authority staff or Commission

For the events above, Commissioners shall be entitled to the daily service stipend as well as reimbursement for associated travel costs.

For other activities, including conferences, meetings, and professional development, Commissioners shall be compensated by their home agencies. Commissioners may seek exceptions whereby the Authority provides compensation by requesting pre-approval by the Commission. The Commission may consider pre-approving compensation for these and any other activities on a case-by-case basis.

For additional clarity, under Government Code Section 61047, the following activities are ineligible for compensation and therefore the Commission cannot approve them as being eligible for compensation:

- Attendance at meeting of a Standing, Liaison, Ad Hoc, or Advisory Committee of the Board on which the Commissioner does not serve
- Attendance at any meeting solely with Authority staff other than a tour or special training two hours or longer
- Internal Authority events, including groundbreakings, ribbon cuttings, dedications, and anniversary celebrations
- Social gatherings such as retired Commissioner dinners and pre-conference activities and nonpartisan welcoming or retirement events for staff of local agencies and organizations
- Meetings with legislators other than at a public meeting conducted pursuant to the Brown Act
- Any activity for which a Commissioner receives compensation from another agency

**ITEM NO. P7 GENERAL MANAGER PERFORMANCE SELF-ASSESSMENT**

**Recommendation**

For the Committee's review and input to the Commission's performance assessment process for the General Manager (GM).

**Background**

The General Manager's performance is reviewed annually each year in February or March, corresponding with her hire date of February 28. The review takes place in Closed Session at the Commission Meeting.

**Discussion**

At the Commission Meeting on March 16, 2023, the Commission will meet in closed session to discuss the following:

Public Employee Performance Evaluation (Government Code §54957(b)(1))  
Title: General Manager

Attached for the Committee's review and discussion is the GM's Performance Plan for FY 2022/2023, including a self-assessment capturing progress against goals. Following the February Committee meeting, current and recent Commissioners will be provided with a performance rating sheet via email, with instructions to complete and return to EBDA administrative staff for compilation. Summarized results will be provided to the Commission prior to the March closed session.

In lieu of developing a new Performance Plan for the next year at this time, the GM recommends deferring until completion of the EBDA Strategic Plan currently being developed. This way, the Performance Plan can be directly linked to EBDA's strategic goals going forward.

## EBDA General Manager 2022/2023 Performance Plan

Self Assessment – February 2023

### **Key Objectives**

1. **Maintain Consistent NPDES Compliance.** The GM will work closely with the Member Agencies to continue EBDA's record of consistent permit compliance.

*Maintained consistent compliance. Key accomplishments included:*

- *Successfully avoided compliance concerns related to bacterial contaminants – enterococcus and fecal coliform. Implemented a strategy of managing chlorine residual in close communication with Member Agencies to prevent outbreaks. Began implementation of findings from the Disinfection Master Plan to further optimize chlorine dosing and minimize bacterial risks.*
- *Continued regular meetings of EBDA's Lab Committee and supported lab managers in moving toward TNI compliance.*
- *Continued customization and implementation of a new Laboratory Information Management System for managing compliance data, in collaboration with City of San Leandro. This system is improving laboratory compliance as well as data quality and reliability. It is also easier to query than EBDA's previous data management system, making it a useful tool for tracking trends and developing charts and reports.*

2. **NPDES Permit Reissuance.** EBDA's current NPDES permit expires in 2022, and the application package for the permit renewal was submitted in September 2021. An administrative draft of the updated permit is expected in April 2022, with adoption likely scheduled for July 2022. The GM will coordinate the efforts of the expert consultant and the Member Agencies to develop a thorough and thoughtful review of all drafts and work with the team to negotiate permit language favorable to the Authority and the members, including new provisions on toxicity and chlorine residual.

*Worked successfully with staff from all of the Member Agencies, consultant EOA, and Regional Water Board staff to develop the permit, which was adopted in July 2022 and became effective September 1, 2022. The permit includes a new chlorine residual limit that would go into effect when EPA approves the associated Basin Plan Amendment. At EBDA's request, the permit also includes provisions updating EBDA's toxicity testing species and several revised effluent limits if and when Cargill commences discharge of brine through the EBDA system. Overall, the permit is consistent with the prior permit, and staff expects to be able to consistently comply.*

3. **Develop Strategic Plan.** Work with the MAC and Commission to develop a Strategic Plan for the Authority. The Strategic Plan would build on plans developed



by the Member Agencies and aim to support the agencies in fulfilling their goals. The focus would be on the next 3-5 years, with a longer-term planning exercise to follow in a few years, after the agencies' long-term goals are further fleshed out.

*Initiated development of the Strategic Plan, including facilitating four MAC workshops and one Commission workshop. Draft Mission, Vision, Goals, and Objectives have been developed, and a second Commission workshop is being planned to review and refine the draft materials. Completion is expected by the end of the fiscal year.*

**Stretch Goal:** Work with the MAC to further a framework for an EBDA regional biosolids collaboration. Development of an EBDA biosolids strategy and implementation plan would cost-effectively address the challenge of limited outlets for biosolids as the state implements regulations to keep organics out of landfills (including as Alternative Daily Cover) and land application options are constrained by public concern about contaminants of emerging concern, such as PFAS.

*Continued work with the MAC to begin development of a joint EBDA biosolids management strategy and/or facility to improve certainty and predictability in biosolids outlets and costs for the member agencies. Following up on the primer that was issued in December 2021, in 2022 we received presentations and site tours from biosolids management companies Synagro, Anaergia, Lystek, and Aeries. I also met with several consulting companies to explore project delivery options and began work on a Request for Proposals for a consultant to support EBDA as an Owner's Representative in a Progressive Design-Build (PDB) Process. The Owner's Representative will assist in drafting the procurement package for the PDB. The first phase of the PDB would be an options analysis to narrow in on one or more solutions.*

4. **Continue to Participate in SF Bay Nutrient Management Efforts.** Nutrient management is perhaps the most significant driver of wastewater agency decision-making over the next decade in the Bay Area. The GM will work with the EBDA Member Agencies to continue to understand and inform their strategies with respect to nutrient management. Over the past several years, BACWA worked closely with Regional Water Board staff to come to agreement on a second nutrient watershed permit, which was adopted in 2019. GM efforts over the next year will include:

- Playing a lead role, working through BACWA, in continued development of the regional study on nature-based solutions to nutrients, and the regional water recycling study.
- Participating in the Nutrient Management Strategy Steering Committee to drive the science efforts toward actionable information.
- Working with BACWA to develop Key Tenets for the fourth watershed permit, which is currently scheduled for adoption in 2024.

*As an active participant in the Nutrient Management Strategy Steering Committee, I've continued to advocate for scientific inquiries to focus on management questions. I have also pressed for more management and Board-focused communications on the findings of each scientific study that BACWA is funding. In addition, I have continued to actively participate in the Steering Committee for development of BACWA's Nature-based Solutions report under the current watershed permit and have engaged in discussions between BACWA and EBDA members.*

*In response to the algal bloom that took place in August, I worked with BACWA to develop key talking points and distributed those to the EBDA Member Agencies, posted information on EBDA's website, and responded to public inquiries. This effort prompted me to champion development of a BACWA Communications Plan to improve regional communication about wastewater to the public, both during crises and to raise awareness generally.*

*Since the bloom, I've worked closely with BACWA and Water Board staff to understand the role the bloom will play in the third watershed permit, both scientifically and politically. My advocacy has focused on making decisions that will have the greatest long-term benefits, including allowing time for complex multi-benefit projects like nature-based solutions and water recycling projects to take shape, and protecting early action investments. I've also continued to advocate for a regional trading program.*

**Stretch Goal:** Serving as agency Project Manager for EBDA-led projects under the Transforming Shorelines Project. EBDA's efforts under this project, funded by an EPA Water Quality Improvement Fund grant, include design of the full-scale horizontal levee south of Oro Loma (the "First Mile" Project), and a nature-based solutions feasibility study at the Hayward Ponds. This year, the GM expects to complete the Hayward study and advance the First Mile Project through the majority of the 30% design process. Advancing the First Mile includes consultation on regulatory issues through the Bay Restoration Regulatory Integrated Team (BRRIT), with an aim of identifying and addressing regulatory conflicts and barriers. The GM will also work with San Francisco Estuary Partnership on a parallel project aimed specifically at identifying and resolving regulatory challenges associated with implementation of multi-benefit nature-based solutions.

The First Mile Project will include extensive coordination with East Bay Parks, who is the landowner. Both projects serve as part of the implementation of HASPA's Shoreline Master Plan, and thus the GM will also work closely with the HASPA team on next steps. This year, HASPA will be renewing its JPA, and the GM will participate in that process with a goal of EBDA becoming a HASPA member in its new technical tier.

Lastly, the GM will work with collaborators from San Francisco Estuary Partnership, San Francisco Estuary Institute, and BACWA to develop a proposal for funding to support nutrient management and nature-based shoreline resilience work through the next round of EPA's Water Quality Improvement Fund.

*As Project Manager for EBDA-led projects under the Transforming Shorelines Project, I worked with the consulting team to advance the First Mile Horizontal Levee at Oro Loma Marsh and study nature-based treatment systems at Hayward.*

*These projects are being undertaken in close coordination with project partners including East Bay Regional Park District and San Francisco Estuary Partnership.*

*Efforts this year for the First Mile Project included development of a Design Decisions Memo documenting the design to date, and facilitated stakeholder group discussions as part of the Transforming Shorelines Collaborative. We also hosted a site tour and discussion with the BRRIT in November, which was followed by written regulator feedback on the project. The team is also collaborating on a parallel effort to identify and work through permitting barriers to horizontal levee implementation.*

*As part of the Transforming Shorelines grant, I have also served on the Steering Committee for development of a workshop focused on public outreach and engagement through a racial and social equity lens. This workshop, which will be held in March 2023, will focus on providing tools for wastewater agencies to engage their communities.*

*I have actively engaged with the Technical Advisory Committee of the Hayward Area Shoreline Planning Agency (HASPA) as HASPA contemplates its JPA renewal and implementation of its Shoreline Master Plan. Based on feedback from EBDA and other stakeholders, HASPA staff is recommending to its Trustees a secondary level of membership in HASPA that allows EBDA to participate in technical collaboration but does not commit us to high dues or administrative responsibilities. In addition, through significant outreach, EBDA now has an open dialogue with Alameda County Flood Control District staff on shoreline planning, and monthly meetings took place in 2022.*

*To further EBDA's interests in regional planning for sea level rise, I also participated in work groups for the development of the Bay Conservation and Development Commission's BayAdapt Joint Platform, the Bay Area Climate Adaptation Network (BayCAN), and other regional forums. I also helped plan and lead a BACWA round table on sea level rise adaptation for wastewater agencies around the Bay.*

5. **Keep EBDA Commission and Agency Staff up to Date on Regulatory Issues and Regional Drivers**. An important role of the EBDA GM is to serve as the liaison between the member agencies and the regional wastewater community, and to provide progressive thought leadership on emerging issues and encourage innovation. The GM will engage with the Bay Area's regulators, scientists, and wastewater managers to influence policy direction in support of the EBDA agencies' goals. She will also work with the EBDA agencies to support their visions related to climate change resiliency, recycled water, energy independence, nutrient management, and other forward-looking initiatives in the context of regional drivers and opportunities. The GM will engage through BACWA and CASA in tracking and influencing new regulations for the benefit of the EBDA agencies. The GM will also assist agencies with project-specific regulatory and permitting strategy as requested.

*I engaged in numerous efforts to influence regulations, primarily through CASA and BACWA. I served as the Chair of CASA's Air, Climate, and Energy Work Group, and actively participated in CASA's Regulatory Work Group. I also participated in BACWA's Permits and Recycled Water Committees in addition to serving on the BACWA Executive Board. Through this engagement, I provided comments on new regulatory proposals and met regularly with regulatory agency staff. I discussed the status of new regulations frequently with Managers Advisory Committee (MAC) members, seeking their input on wastewater sector positions. I kept the Commission informed of developments through staff reports and Regulatory Affairs Committee discussions.*

*Key regulatory initiatives I provided input on (in addition to nutrients) included:*

- Chlorine Residual Basin Plan Amendment – Continued working with the Regional Water Board through the Bay Area Clean Water Agencies, to complete the EPA approval process to remove the 0.0 mg/L chlorine residual limit from the Basin Plan, which would trigger a change to EBDA's chlorine limit to 0.98 mg/L as a one-hour average. This change will result in significant dechlorination savings.*
- Microplastics – Engaged in ongoing discussions with the Ocean Protection Council on strategies to prevent plastics from entering waterways. Maintained focus on pollution prevention and stormwater management, not wastewater treatment. Also worked through CASA and San Leandro lab staff to pilot test methods for effluent sampling.*
- PFAS – Participated in a regional study to holistically evaluate sources of PFAS loading to the Bay and potential impacts. Also continued to track regulatory developments related to both water quality and biosolids.*
- BAAQMD Collaboration – Worked with Commissioner Cutter to organize a meeting between BACWA and BAAQMD senior management regarding permitting timelines for essential wastewater facilities. Also participated in a Work Group between wastewater agencies and BAAQMD staff to collaborate early in rule development and permitting processes to ensure that air quality and water quality protection efforts are aligned. This Work Group grew out of last year's EBDA outreach efforts.*
- California Air Resources Board (CARB) Scoping Plan and Clean Fleet Rule – Worked with CASA to continue advocating that wastewater agencies need access to reliable vehicles for emergency response and that agencies need long-term markets for renewable biogas.*
- CARB Air Toxics – Worked with CASA, BACWA, and other partners to develop a strategy for a statewide response to new air toxics rules. The plan, which is being developed in coordination with CARB and Air District staff, includes representative testing at a selection of wastewater plants across the state, in lieu of air toxics source testing at every facility.*

6. **Personnel Management and Planning.** EBDA's small staff team is critical to ensuring success on all of the above objectives. The GM will work with each staff member to establish and meet performance goals and to mentor staff members to support them in reaching their full potential. Work this year will include succession planning.

*Continued to mentor and guide EBDA staff through regular communication. This included continued implementation of COVID response protocols and remote work arrangements to keep staff safe.*

*Also continued evaluating succession options for Authority accounting functions, including potential collaboration with CVSan.*

7. **Stretch Goal: Cargill Project.** The GM will continue to coordinate efforts with Cargill, Inc. to bring this project to dispose of mixed sea salts through the EBDA outfall to fruition. This project provides for sustainable, climate-resilient management of the mixed sea salts, while providing an additional revenue stream to EBDA's Member Agencies. Efforts this year will include the following:

- Serving as lead agency for CEQA analysis, with a goal of EIR certification by early 2023.
- Coordinating with the cities of Union City, Fremont, Newark, and Hayward, as well as the County and San Lorenzo community on pipeline design and construction, including integration with Union City's Union City Boulevard bike path project.
- Completing due diligence work, including developing a monitoring and accountability framework for water quality issues, and documenting a strategy to protect EBDA infrastructure from accelerated corrosion.
- Developing a long-term agreement with Cargill for the project, incorporating language to address all issues identified in due diligence, as well as financial terms.

*Continued the due diligence process with Cargill for this brine disposal project, which is expected to generate \$5 million in capacity revenue and an additional \$1.4 million in annual flow-based charges for EBDA. Work included the following:*

- *Continued evaluation of the potential for corrosion of EBDA facilities and options to protect them. This included development of a cost estimate and schedule for retrofits at Marina Dechlorination Facility (MDF) and air relief valves, and development of a cost estimate to line the force main between the connection at Oro Loma Effluent Pump Station (OLEPS) and MDF, should monitoring indicate that corrosion is occurring. Also began development of a Corrosion, Sedimentation, and Scaling Monitoring Plan.*
- *Coordination with the jurisdictions that the new pipeline will cross, including Union City, Fremont, Newark, Hayward, Alameda County, East Bay Parks,*

*and the agencies that manage Eden Landing and other refuge areas. This included working closely with Union City on integration with their bike path project, and with Hayward to identify a preferred route and addition of a recycled water pipeline.*

- Completion of a laboratory study analyzing the brine impacts on disinfection and chlorine demand. This information will be used in the contract to specify compensation from Cargill for additional chlorine dosing.*
  - Development of a complete Draft Operating Agreement outlining contract terms for construction and operation of the brine pipeline and connection between EBDA and Cargill. The Draft Operating Agreement has undergone review and input by the Managers Advisory Committee (MAC) and is being transmitted to Cargill in February. The Agreement deals with financial terms, prerequisites for commencement of brine discharge, indemnification, and termination, among other legal considerations.*
  - Development and negotiation of a Draft Technical Addendum to the Draft Operating Agreement. The Addendum lays out the technical terms to protect EBDA's infrastructure and compliance, including water quality monitoring and limitations, corrosion monitoring, and conditions under which Cargill must cease discharge. EBDA and Cargill have exchanged several markups of the Addendum and are continuing to negotiate details.*
  - Continuation of the CEQA process. Efforts included conducting a public Scoping Meeting and development and release of a Draft Environmental Impact Report (DEIR). A public meeting on the DEIR was held January 24, 2023, and the document is out for public comment until February 17, 2023.*
  - Continued stakeholder outreach included presentations to the Union City City Council and Hayward Council Infrastructure Committee, and discussions with Save the Bay, East Bay Regional Parks, and Hayward Area Shoreline Planning Agency (HASPA).*
- 8. Financial Management.** Continue to manage EBDA operations and maintenance, as well as special projects, with an aim of optimizing expenditures for the benefit of the Member Agencies. This includes managing to EBDA's adopted budget, and also implementing special projects such as the Disinfection Master Plan, which has a goal of optimizing chemical dosing and associated expenses, and the Energy Resiliency Study, which has a goal of reducing PG&E electricity use and expense.

*Completed Fiscal Year 2021/2022 28% under budget, resulting in over \$700,000 returned to the Member Agencies.*

*For the first time, EBDA prepared its own Financial Statements. Previous statements have been prepared by Authority auditors. Cropper Accountancy*

*issued an Unmodified Audit opinion of the Authority's Financial Statements, the distinction of a successful audit.*

*Staff began implementation of the Disinfection Master Plan to optimize chemical expenditures. Staff also kicked off the Energy Resiliency Study with USD and consultant Black & Veatch. The study is evaluating the feasibility and potential cost savings associated with implementing solar and/or battery storage at the Hayward Effluent Pump Station, Oro Loma Effluent Pump Station, and Marina Dechlorination Facility.*

**ITEM NO. 20 ITEMS FROM THE COMMISSION AND STAFF**

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

**ITEM NO. 21 ADJOURNMENT**



## GLOSSARY OF ACRONYMS

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

## GLOSSARY OF ACRONYMS

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