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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 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 Personnel Committee meeting will be held
Tuesday, March 14, 2023 at 9:00 a.m.**

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:

Agency	COLA Range
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 groundbreaking, 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.