



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

*A Joint Powers Public Agency*

## COMMISSION MEETING AGENDA

Thursday, April 20, 2023

4:00 P.M.

EAST BAY DISCHARGERS AUTHORITY  
Oro Loma Sanitary District  
2655 Grant Avenue, San Lorenzo, CA 94580

Members of the public may participate via Zoom teleconference:

Teleconference link: <https://us02web.zoom.us/j/87948013822>

Call-In: 1(669) 900-6833 and enter the Meeting ID: 879 4801 3822

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Forum

## CONSENT CALENDAR

- |        |  |
|--------|--|
| MOTION | 5. Commission Meeting Minutes of March 17, 2023            |
|        | 6. Special Commission Meeting Minutes of March 30, 2023    |
|        | 7. List of Disbursements for March 2023 – See Item No. FM4 |
|        | 8. Treasurer’s Report for March 2023 – See Item No. FM5    |

## REGULAR CALENDAR

- |             |  |
|-------------|--|
| INFORMATION | 9. <b>General Manager’s Report</b><br>(The General Manager will report on EBDA issues.)  |
| INFORMATION | 10. <b>Report from the Managers Advisory Committee</b><br>(The General Manager will report on Managers Advisory Committee activities.)     |
| INFORMATION | 11. <b>Report from the Regulatory Affairs Committee</b><br>(The General Manager will report on the meeting.)                               |
| INFORMATION | 12. <b>Report from the Financial Management Committee</b><br>(The General Manager will report on the meeting.)                             |
| RESOLUTION  | 13. <b>Resolution to Adopt the Updated Records Retention Schedule – See Item No. FM7</b><br>(The Commission will consider the resolution.) |

- INFORMATION 14. Report from the Operations & Maintenance Committee**  
(The Operations & Maintenance and General Managers will report on the meeting.)
- INFORMATION 15. Review of Revisions to the Commissioner Compensation Policy**  
(The Commission will discuss the draft policy.)
- INFORMATION 16. Items from the Commission and Staff**  
(The Commission and staff may address items of general interest.)

### **17. 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, 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, May 18, 2023 at 4:00 p.m.**

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

## **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 March 17, 2023
- Item No. 6 Special Commission Meeting Minutes of March 30, 2023
- Item No. 7 List of Disbursements for March 2023 – See Item No. FM4
- Item No. 8 Treasurer’s Report for March 2023 – See Item No. FM5

## **Recommendation**

Approve Consent Calendar

**ITEM NO. 5 COMMISSION MEETING MINUTES OF MARCH 17, 2023**

**1. Call to Order**

Vice-Chair Lathi called the meeting to order at 3:01 P.M. on Friday, March 17, 2023 at the Oro Loma Sanitary District, 2655 Grant Avenue, San Lorenzo, CA 94580.

**2. Pledge of Allegiance**

**3. Roll Call**

Present:	Bryan Azevedo	City of San Leandro
	Anjali Lathi	Union Sanitary District
	Fred Simon	Oro Loma Sanitary District
	Ralph Johnson	Castro Valley Sanitary District
	Angela Andrews	City of Hayward (arrived at 3:58 p.m.)

Absent: None

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

**4. Public Forum**

No members of the public were present.

**5. Request for Remote Appearance Pursuant to AB 2449**

Commissioner Johnson moved to approve the motion to allow Chair Andrews to appear remotely based on emergency circumstance and Commissioner Simon to appear remotely based on just cause, pursuant to AB 2449. The motion was seconded by Commissioner Azevedo and passed 4-0, by roll call vote.

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

## CONSENT CALENDAR

### 6. Commission Meeting Minutes of February 16, 2023

### 7. List of Disbursements for February 2023

### 8. Treasurer's Report for February 2023

Vice-Chair Lathi requested removal of Item No. 7 from the Consent Calendar. Commissioner Azevedo moved to approve Items No. 6 and 8 of the Consent Calendar. The motion was seconded by Commissioner Johnson and passed 4-0, by roll call vote.

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

### 7. List of Disbursements for February 2023

After further discussion of the Authority's disbursements, Commissioner Johnson moved to approve Item No. 7. The motion was seconded by Commissioner Azevedo and passed 4-0, by roll call vote.

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

## REGULAR CALENDAR

### 9. General Manager's Report

The General Manager (GM) reminded the Commission that the Annual Statements of Economic Interest (Form 700) are due at the beginning of April 2023 through Alameda County's new electronic filing system. The GM provided a summary for the Commission of the recent National Association of Clean Water Agencies Conference, and the strategic planning retreat for the California Association of Sanitation Agencies' Regulatory Work Group, including discussion of PFAS and drinking water regulations proposed by the EPA, the future of recycled water, and cyber security. The GM also reported on a recent workshop on racial and social equity for the wastewater community. Follow-up activities are being planned by Bay Area Clean Water Agencies (BACWA). The GM announced the application period for the [Bruce Wolfe Memorial Scholarship](#) is now open and also provided an update on EBDA's Strategic Plan.

### 10. Management Advisory Committee

The GM reported that the MAC discussed chemical cost trends.

### 11. Report from the Financial Management Committee

The GM reported on the March 13 meeting of the Financial Management Committee. The Committee reviewed the List of Disbursements and Treasurer's Report and recommended approval. The Committee then discussed the status of the Authority's

pension and CERBT funds and agreed with the staff's recommendations. Lastly, the Committee reviewed the 2023/2024 Budget considerations. The Committee requested that staff ensure that sufficient funds are included for professional development and support of agencies water recycling efforts.

**12. Report from the Operations and Maintenance Committee**

The Operations and Maintenance (O&M) Manager and GM reported on the March 13 meeting of the Operations and Maintenance Committee. The O&M Manager updated the Commission on EBDA's facilities and the status of current projects. The O&M Manager provided an update on recent wet weather and flow management. The GM provided an update on the Cargill project and the AQPI project.

**13. Report from the Personnel Committee**

The GM reported on the March 15 meeting of the Personnel Committee. The Committee reviewed the State Controller's Report and Draft FY 2023/2024 Compensation Plan. The Committee discussed the Personnel Policy edits and recommended language to clarify the policy further. The Committee then reviewed the Commissioner Compensation Policy and suggested additional revisions to the compensable activities. In its review of the Records Retention Schedule, the Committee recommended increasing the retention period for Recordings of Commission Meetings to nine (9) months. The Committee also supported the adoption of Resolution 23-02 increasing the employer contribution under the Public Employees' Medical and Hospital Care Act (PEMHCA).

**14. Resolution Fixing the Employers Contribution Under the Public Employees' Medical and Hospital Care Act**

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

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

**15. Motion Authorizing the General Manager to Execute Work Order No. 3 to the Contract with Environmental Services Associates for Nature-Based Solutions Study and Design Services in the Amount of \$263,000**

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

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

**16. Items from Commission and Staff**

There were no items to report from Commission or staff.



**17. Closed Session**

Pursuant to Government Code 54957(b)(1), the Commission entered Closed Session at 4:12 p.m. to discuss the General Manager's annual performance evaluation.

**18. Reconvene Open Session**

The Commission reconvened to Open Session at 4:48 p.m. Vice-Chair Lathi noted there were no reportable actions from closed session.

**19. Adjournment**

Chair Andrews adjourned the meeting at 4:49 p.m.

**ITEM NO. 6 SPECIAL COMMISSION MEETING MINUTES OF MARCH 30, 2023**

**1. Call to Order**

Chair Andrews called the meeting to order at 4:00 P.M. on Thursday, March 30, 2023 at the Oro Loma Sanitary District, 2655 Grant Avenue, San Lorenzo, CA 94580.

**2. Pledge of Allegiance**

**3. Roll Call**

Present:	Bryan Azevedo	City of San Leandro
	Anjali Lathi	Union Sanitary District
	Fred Simon	Oro Loma Sanitary District
	Ralph Johnson	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 Villasenor	East Bay Dischargers Authority
	Bert Manzo	East Bay Dischargers Authority
	Ellen Cross	Strategy Drive, Inc.
	Alex Ameri	City of Hayward
	David Donovan	City of Hayward
	Hayes Morehouse	City of San Leandro
	Tom Handley	Union Sanitary District
	Paul Eldredge	Union Sanitary District
	Roland Williams	Castro Valley Sanitary District

**4. Public Forum**

No members of the public were present.

**5. Strategic Planning Workshop**

The Commission and Managers participated in a strategic planning workshop facilitated by Ellen Cross of Strategy Driver, Inc.

**6. Adjournment**

Chair Andrews adjourned the meeting at 5:24 p.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**

**Wednesday, April 5, 2023  
3:00 P.M.**

**Via Zoom**

- 1. Cargill Brine Project**
  - a. EIR Update
  - b. Contracting Update
  - c. Corrosion Monitoring Plan Presentation by Brown & Caldwell
- 2. Force Main O&M**
- 3. Strategic Planning**
- 4. EBDA Commission Agenda**
  - Finance
  - O&M
  - Regulatory Affairs
- 5. Managers Information Sharing**

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**ITEM NO. 11**

**REGULATORY AFFAIRS COMMITTEE AGENDA**

**Tuesday, April 18, 2023**

**1:00 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. PFAS Update**  
(The Committee will receive an update on regulations related to Per- and Poly-fluoroalkyl Substances.)

**RA6. Adjournment**

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

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**Next Scheduled Regulatory Affairs Committee meeting:  
Wednesday, June 14, 2023 at 11:00 a.m.**

## **ITEM NO. RA5 PFAS UPDATE**

### **Recommendation**

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

### **Background**

Per- and polyfluoroalkyl substances (PFAS) are a large group of human-made substances that are very resistant to heat, water, and oil. PFAS have been used extensively in surface coating and protectant formulations. Common PFAS-containing products are non-stick cookware, cardboard/paper food packaging, water-resistant clothing, carpets, and fire-fighting foam. All PFAS are persistent in the environment, can accumulate within the human body, and have demonstrated toxicity at relatively low concentrations. PFOA and PFOS, two of the most common PFAS compounds, were found in the blood of nearly all people tested in several national surveys.

As a result of public attention on the issue of PFAS, there is a lot of activity at the national, state, and local levels on regulations, legislation, and research. This report outlines recent developments.

### **Discussion**

#### **Drinking Water Regulations**

Regulatory efforts to address PFAS have primarily focused on drinking water in order to minimize human ingestion of these chemicals. In August 2019, California's Division of Drinking Water (DDW) lowered the drinking water notification levels to 6.5 ng/L for PFOS and 5.1 ng/L for PFOA (lowest detection possible at the time). In February 2020, DDW also lowered the response levels to 10 ng/L for PFOA and 40 ng/L for PFOS.

On March 14, 2023, the U.S. EPA released their proposed drinking water Maximum Contaminant Levels (MCLs) and Maximum Contaminant Level Goals (MCLGs) for select PFAS compounds. These draft MCLs will go through the formal approval process and are expected to be adopted by the end of 2023, and become enforceable standards by the end of 2026. For PFOA and PFOS, the proposed limit is 4 parts per trillion (ppt), or 0.004 ng/L. The proposed rule also contains site-specific limitations on any mixture containing one or more of PFNA, PFHxS, PFBS, and/or GenX Chemicals. Potential risk would be assessed using a hazard index calculation, defined in the proposed rule.

While the proposed MCLs are of obvious concern to drinking water agencies, they are unlikely to directly affect EBDA or our members' wastewater operations. Where wastewater facilities discharge into waterbodies that have the potential to be drinking water sources, there is a chance that the MCLs could be implemented as effluent limits in wastewater permits. However, because EBDA discharges to the Bay, any limits on EBDA's effluent would be more likely driven by the potential for impacts to aquatic ecosystems, rather than human health. Levels safe for aquatic health have yet to be defined.

### Hazardous Waste Regulation

In August 2022, EPA proposed a rule designating PFOA and PFOS as hazardous substances under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) – also known as the Superfund law. The intent of this approach by EPA is to invoke a “polluter pays” principle, forcing the chemical companies that produce PFAS compounds to take responsibility for cleaning them up. The Superfund law works by triggering cleanups once contamination exceeds EPA thresholds, and another provision allows the agency to sue for cost recovery. However, the wastewater sector and other industries that are passive receivers of PFAS have argued that we should not be subject to these requirements. There are unlikely to be any immediate ramifications to wastewater agencies from this designation because the default reportable quantity is one pound per day for PFOA and PFOS, a mass which is unlikely to be reached in wastewater agencies’ biosolids or effluent. However, the wastewater sector is continuing to push for an exemption to counter the risk that the reportable quantity could be lowered in the future.

### Legislative and Regulatory Approaches to Biosolids in Other States

The most significant impacts to wastewater agencies have come from state legislatures taking action related to PFAS in biosolids. The Maine legislature passed L.D. 1911 in April 2022, banning use of all products that contain wastewater biosolids due to concerns about PFAS contamination. The legislation was prompted by discoveries of groundwater, soils, and milk with high levels of PFAS at farms and dairies where biosolids were applied. Importantly, paper mill residuals with high levels of PFAS were applied as soil amendments in many of these areas. Irrespective of the specific causes of the contamination, wastewater agencies in Maine must now haul their biosolids out of state for agricultural reuse.

In Arizona, recently proposed House Bill 2669 would have banned the land application of Class B biosolids within 3 miles of any area with a population greater than 128 people per square mile and within 1 mile of any land used for the production of direct human consumption crops or a residential zone. The legislation was prompted by a site near Yuma, Arizona which receives biosolids from Southern California. As opposed to PFAS, the driver in this case appears to be mismanagement at the site (stockpiled biosolids to which septage was added) that led to flies, odors, and complaints. Following advocacy by local utilities, the legislation was amended, and the bill currently moving forward bans application of sewage or septage, but not biosolids.

On the positive side, the approach being taken by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) toward regulating biosolids for PFAS is being held up as a model for California and other states. The Michigan strategy, which rolled out in 2021, established a threshold at which PFAS in biosolids are considered to be at background levels. Michigan EGLE conducted a study of biosolids from 42 wastewater treatment plants and found that the average PFOS concentration was 18

µg/kg. They then established thresholds for determining that wastewater agencies were “industrially impacted” and worked with agencies whose biosolids concentrations were above those thresholds to investigate potential sources and develop a source reduction program. Agencies with PFOS below 50 µg/kg were not required to take further action. Agencies with PFOS at or above 50 µg/kg but below 150 µg/kg were asked to reduce land application loading rates and develop source reduction programs. Only biosolids exceeding 150 µg/kg are not permitted to be land applied, and source reduction programs for those agencies are also required.

### Research

Because there are so many unknowns and additional data is required to support rational regulation, there is a lot of research underway into the sources, pathways, and impacts of PFAS in the environment.

A recent [study](#) conducted by University of Arizona investigated the impact of long-term land application of Class B biosolids on PFAS presence in soils. The study found that even after decades of land application, the concentration and accumulation of PFAS in soils receiving the biosolids was comparatively low, and significant attenuation of PFAS occurred near the soil surface. These results suggest that the potential for groundwater contamination is relatively small. The University of Arizona is now leading a [national study](#) looking at PFAS in soils with a history of land application of biosolids. This study, which kicked off in 2021, is looking at soil, groundwater, and crop uptake to better understand potential routes of PFAS exposure.

In July 2020, the State Water Resources Control Board (SWRCB) issued an investigative order requiring all wastewater treatment plants (WWTPs) to monitor for PFAS in influent, effluent, and biosolids quarterly for one year. The San Francisco Bay Region was exempted from that order in favor of conducting a regional study through the Regional Monitoring Program. In Phase 1 of the study, influent, effluent, and biosolids samples were analyzed at a select number of Bay Area WWTPs, which included Dublin San Ramon Services District, Union Sanitary District, and EBDA’s combined outfall. Levels detected in wastewater effluent and biosolids from Bay Area agencies were lower than in other household products, and concentrations of individual PFAS compounds in effluent were well below DDW action levels. The study also showed that levels of PFAS in influent were not correlated with the number of industrial dischargers in an agency’s service area, leading to the conclusion that PFAS is primarily coming from residential and commercial sources. Another interesting finding was that effluent PFAS concentrations consistently exceed influent concentrations. This is not because wastewater plants are creating or contributing PFAS, but rather because significant quantities of PFAS precursors can be found in influent, and those precursors are converted to detectable PFAS compounds through the treatment process.

The Bay Area Clean Water Agencies (BACWA) and the San Francisco Estuary Institute (SFEI) conducted sampling for Phase 2 of the regional study last Fall, and they are



currently analyzing the resulting data. The focus of Phase 2 is on gathering information that is actionable and can inform management of PFAS. Since source control appears to be the most effective way to reduce PFAS in effluent and biosolids, the study is seeking to better understand sources in the sewershed by sampling upstream in several sewer service areas.

In parallel, work is ongoing to analyze PFAS data from the rest of the state collected under the SWRCB investigative order. Consulting firm CDMSmith, at the direction of a California Association of Sanitation Agencies (CASA) work group including the EBDA General Manager, has been reviewing the data set to understand trends and to identify potential outliers. The concept is that if the wastewater community offers peer-to-peer support to agencies with high PFAS levels, focusing on a source control approach like the Michigan model, we may be able to head off more stringent regulation in the state. Meanwhile, SWRCB staff has said publicly that they do not see any causes for concern in the wastewater or biosolids PFAS data and do not expect to move forward with regulations in the immediate future.

#### California Legislation

As noted above, because we are receivers of PFAS, the wastewater community is primarily focused on source control rather than treatment as the most effective way to address PFAS in the environment. CASA has been working with a consortium of environmental advocacy partners, including Environmental Working Group, to sponsor and support legislation targeted at companies producing products containing PFAS. CASA's sponsored bill from last session, AB 2247, would have required labeling and disclosure of PFAS in a range of products, paving the way for further regulation. Unfortunately, the Governor vetoed the bill citing state administration costs, but several other PFAS-related bills were successfully signed. These included AB 1817, which banned PFAS in textiles such as clothing and household products, and AB 2771, which prohibits the manufacture, distribution, or sale of any cosmetic product in the state that contains "intentionally added PFAS" starting January 1, 2025.

CASA and its environmental partners are sponsoring a new bill this session, AB 727, which would ban PFAS in cleaning products. Bills are also moving through the legislature to ban PFAS in menstrual products (AB 246) and artificial turf (AB 1423).

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EAST BAY DISCHARGERS AUTHORITY  
2651 Grant Avenue  
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*A Joint Powers Public Agency*

**ITEM NO. 12**

**FINANCIAL MANAGEMENT COMMITTEE AGENDA**

**Monday, April 17, 2023**

**8:00 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 March 2023**  
(The Committee will review the List of Disbursements.)
- FM5. Treasurer's Report for March 2023**  
(The Committee will review the Treasurer's Report.)
- FM6. Draft Budget Review**  
(The Committee will discuss the draft FY 2023/2024 budget.)
- FM7. Resolution to Adopt the Updated Records Retention Schedule**  
(The Committee will consider the resolution.)
- FM8. 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.

Agenda Explanation  
East Bay Dischargers Authority  
Financial Management Committee  
April 17, 2023

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>.

**Next Scheduled Financial Management Committee:  
Monday, May 15, 2023 at 8:00 a.m.**



**EAST BAY DISCHARGERS AUTHORITY**

**List of Disbursements**

**March 2023**

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
26011	03/14/2023	391288	CITY OF SAN LEANDRO	O&M - JAN	48,448.78	48,448.78
26022	03/14/2023	203695	MEYERS NAVE	LEGAL SERVICES - BRINE PROJECT	18,046.76	20,473.96
26022	03/14/2023	203694	MEYERS NAVE	LEGAL SERVICES - JAN	2,427.20	
26043	03/31/2023	20210105.02-13	ASCENT ENVIRONMENTAL, INC	CONSULTING SERVICES - CARGILL CEQA	19,705.50	19,705.50
26037	03/31/2023	5102875	UNIVAR	SODIUM BISULFITE - DELIVERED 03/20/2023	7,927.45	15,802.34
26037	03/31/2023	51007926	UNIVAR	SODIUM BISULFITE - DELIVERED 03/15/2023	7,874.89	
26035	03/31/2023	203697	MEYERS NAVE	LEGAL SERVICES - BRINE PROJECT	12,198.24	14,461.44
26035	03/31/2023	203696	MEYERS NAVE	LEGAL SERVICES - JAN	2,263.20	
26028	03/31/2023	6765	ORO LOMA SANITARY DISTRICT	O&M - FEB	13,214.31	13,214.31
26032	03/31/2023	NOV-22	DEBORAH QUINN	ACCOUNTING SERVICES - NOV	6,580.61	9,881.85
26032	03/31/2023	DEC-22	DEBORAH QUINN	ACCOUNTING SERVICES - DEC	3,301.24	
26042	03/31/2023	764546	SOUTHERN COUNTIES LUBRICANTS	DIESEL FUEL FOR OLEPS	6,209.49	6,209.49
26038	03/31/2023	11475613	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT	6,069.85	6,069.85
26019	03/14/2023	18852	PACIFIC ECORISK	NPDES TOXICITY TESTING: ACUTE & CHRONIC TOXICITY TESTS	5,412.00	5,412.00
26023	03/14/2023	182333	ENVIRONMENTAL SCIENCE ASSOCIATES	FIRST MILE PROJECT WORK ORDER NO. 1	5,150.00	5,150.00
26012	03/14/2023	6752	ORO LOMA SANITARY DISTRICT	O&M - JAN	4,641.16	4,641.16
26039	03/31/2023	183033	ENVIRONMENTAL SCIENCE ASSOCIATES	HAYWARD FEASIBILITY STUDY WORK ORDER NO. 2	3,861.25	3,861.25
26017	03/14/2023	FB33564	CAROLLO ENGINEERS	ENGINEERING SERVICES - WORK ORDER NO. 5	3,852.00	3,852.00
26021	03/14/2023	4246044555687627	US BANK	PURCHASING CARD EXPENSES	2,166.69	2,166.69
26015	03/14/2023	T151510	BAAQMD	PERMIT TO OPERATE OLEPS	2,160.00	2,160.00
26045	03/31/2023	1154390	ALLIED RELIABILITY	INFRARED THERMOGRAPHIC INSPECTION	1,850.00	1,850.00
26031	03/31/2023	53149	CALCON	SCADA WET WEATHER PROGRAMMING - OPS CENTER	900.00	1,389.30
26031	03/31/2023	53150	CALCON	MDF SBS BUILDING HEATING UPGRADE & SCADA REPORTING	489.30	
26013	03/14/2023	52205709	CITY OF HAYWARD	BENEFIT PREMIUMS - MAR	1,369.42	1,369.42
26033	03/31/2023	717924	CORRPRO COMPANIES, INC	FORCE MAIN BI-ANNUAL CATHODIC PROTECTION SYSTEM SURVEY	1,350.00	1,350.00
26024	03/14/2023	23009	NORTH BAY PENSIONS LLC	ACTUARIAL SERVICES FOR GASB 75 OPEB REPORTING	1,200.00	1,200.00
26014	03/14/2023	1000924864	STATE COMPENSATION INSURANCE FUND	WORKERS COMPENSATION	810.00	810.00
26020	03/14/2023	8391	CAYUGA INFORMATION SYSTEMS	IT SERVICES	472.50	472.50
26036	03/31/2023	41649	BA MORRISON	HVAC SERVICE - HEPS	390.00	390.00
26026	03/14/2023	10110000001	EBMUD	WATER & SEWER, MDF	246.92	246.92
26030	03/31/2023	510-483-0439-716-6	AT&T	TELEPHONE SERVICE - MDF	246.75	246.75
26027	03/14/2023	CD_000546518	RINGCENTRAL INC	DIGITAL PHONE SERVICE	208.15	208.15
26040	03/31/2023	706245	CALTEST	LAB TESTING SERVICES	196.20	196.20
26018	03/14/2023	3105983317	PITNEY BOWES INC	QUARTERLY LEASING CHARGE FOR DIGITAL MAILING SYSTEM	150.55	150.55
26025	03/14/2023	52802	COMPUTER COURAGE	WEBSITE HOSTING - MAR	150.00	150.00
26034	03/31/2023	00013.11-16	LARRY WALKER ASSOCIATES	PROFESSIONAL SERVICES - WORK ORDER NO. 2	145.00	145.00

**EAST BAY DISCHARGERS AUTHORITY**

**List of Disbursements**

**March 2023**

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
26044	03/31/2023	9616	MBC CUSTODIAL SERVICES INC	JANITORIAL SERVICES - FEB	130.00	130.00
26041	03/31/2023	3728364	CALTRONICS	COPIER USAGE AND MAINTENANCE	124.02	124.02
26016	03/14/2023	9929007520	VERIZON WIRELESS	WIRELESS PHONE SERVICES	101.99	101.99
26029	03/31/2023	44777800001	EBMUD	WATER & SEWER, ADMIN	67.13	67.13
				<b>TOTAL CHECK PAYMENTS</b>	<b>192,108.55</b>	<b>192,108.55</b>
				<b>ELECTRONIC PAYMENTS</b>		
	03/02/2023	5105948980-0	PG&E	GAS & ELECTRIC SERVICE	58,306.81	58,306.81
	03/02/2023	100000017088034	CALPERS	HEALTH PREMIUMS - MAR	7,570.99	7,570.99
	03/17/2023	100000017083947	CALPERS	PENSION CONTRIBUTION, CLASSIC 03/01 - 15/2023	4,975.51	4,975.51
	03/02/2023	100000017055847	CALPERS	PENSION CONTRIBUTION, CLASSIC 02/16 - 28/2023	4,975.51	4,975.51
	03/16/2023	6818711	MISSION SQUARE	DEFERRRED COMPENSATION CONTRIBUTION 03/01 - 15/2023	2,256.24	2,256.24
	03/02/2023	6904831	MISSION SQUARE	DEFERRRED COMPENSATION CONTRIBUTION 02/16-28/2023	2,256.24	2,256.24
	03/17/2023	100000017083984	CALPERS	PENSION CONTRIBUTION, PEPRA 03/01 - 15/2023	162.45	162.45
	03/02/2023	100000017055884	CALPERS	PENSION CONTRIBUTION, PEPRA 02/16 - 28/2023	162.45	162.45
				<b>TOTAL ELECTRONIC PAYMENTS</b>	<b>80,666.20</b>	<b>80,666.20</b>
				<b>PAYROLL</b>		
	3/30/2023		ADP, LLC	PAYROLL PERIOD: 03/16-28/2023	25,559.75	25,559.75
	3/14/2023		ADP, LLC	PAYROLL PERIOD: 03/01-15/2023	22,977.94	22,977.94
	3/24/2023		ADP, LLC	PAYROLL FEES, 03/01-15/2023	77.30	77.30
				<b>TOTAL PAYROLL</b>	<b>48,614.99</b>	<b>48,614.99</b>
				<b>TOTAL DISBURSEMENTS</b>	<b>321,389.74</b>	<b>321,389.74</b>

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

The beginning cash balance on March 1, 2023 was \$4,386,663.57. Total receipts for the month were \$49,198.14 and disbursements totaled \$321,389.74, bringing the cash balance to \$4,114,471.97 at March 31. EBDA's LAIF balance is \$2,801,535.05 and the average monthly effective yield for March was 2.831%.

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  
March 31, 2023**

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,302,913.77		250,062.33	1,052,851.44
13	PLANNING & SPECIAL STUDIES	576,323.61	40,198.14	9,011.25	607,510.50
14	RECLAMATION O & M (SKYWEST)	59,998.00	9,000.00	204.16	68,793.84
15	BRINE ACCEPTANCE	(238,751.52)		56,165.35	(294,916.87)
31	RENEWAL & REPLACEMENT	2,686,179.71		5,946.65	2,680,233.06
TOTALS		4,386,663.57	49,198.14	321,389.74	4,114,471.97

Mar-23

4/3/2023

# 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
02/28/23	BALANCE						1,470,121.65	115,006.87	2,801,535.05	4,386,663.57
03/02/23	ELECTRONIC BILL PAY		4,975.51				1,465,146.14	115,006.87	2,801,535.05	4,381,688.06
03/02/23	ELECTRONIC BILL PAY		162.45				1,464,983.69	115,006.87	2,801,535.05	4,381,525.61
03/02/23	ELECTRONIC BILL PAY		2,256.24				1,462,727.45	115,006.87	2,801,535.05	4,379,269.37
03/02/23	ELECTRONIC BILL PAY		7,570.99				1,455,156.46	115,006.87	2,801,535.05	4,371,698.38
03/02/23	ELECTRONIC BILL PAY		58,306.81				1,396,849.65	115,006.87	2,801,535.05	4,313,391.57
03/06/23	DEPOSIT - COH	9,000.00					1,405,849.65	115,006.87	2,801,535.05	4,322,391.57
03/07/23	DEPOSIT - ABAG	40,198.14					1,446,047.79	115,006.87	2,801,535.05	4,362,589.71
03/14/23	DISBURSEMENT		97,014.12				1,349,033.67	115,006.87	2,801,535.05	4,265,575.59
03/14/23	PAYROLL			22,977.94			1,349,033.67	92,028.93	2,801,535.05	4,242,597.65
03/16/23	ELECTRONIC BILL PAY		2,256.24				1,346,777.43	92,028.93	2,801,535.05	4,240,341.41
03/17/23	ELECTRONIC BILL PAY		4,975.51				1,341,801.92	92,028.93	2,801,535.05	4,235,365.90
03/17/23	ELECTRONIC BILL PAY		162.45				1,341,639.47	92,028.93	2,801,535.05	4,235,203.45
03/24/23	PAYROLL FEES			77.30			1,341,639.47	91,951.63	2,801,535.05	4,235,126.15
03/30/23	PAYROLL			25,559.75			1,341,639.47	66,391.88	2,801,535.05	4,209,566.40
03/31/23	DISBURSEMENT		95,094.43				1,246,545.04	66,391.88	2,801,535.05	4,114,471.97

<b>TOTAL</b>	<b>49,198.14</b>	<b>272,774.75</b>	<b>48,614.99</b>	<b>-</b>	<b>-</b>	<b>1,246,545.04</b>	<b>66,391.88</b>	<b>2,801,535.05</b>	<b>4,114,471.97</b>
<b>CURRENT BALANCE</b>						①	②	③	

Reconciliation

① Per Bank Statement @ 3/31/23	\$ 1,343,799.47
Less: Outstanding Checks	97,254.43
	\$ 1,246,545.04
② Per Bank Statement @ 3/31/23	\$ 66,391.88
③ Per LAIF Statement @ 3/31/23	\$ 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 DRAFT BUDGET REVIEW**

### **Recommendation**

This information is for the Committee's information only, and no action is required.

### **Background**

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

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

Driving factors and considerations for the FY 2023/2024 budget were discussed with the Financial Management Committee in March 2023.

### **Discussion**

The Draft FY 2023/2024 Budget is presented in the following format:

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

Outside revenues are shown in a separate column to more accurately represent the portion of the budget that the Member Agencies and LAVWMA will be responsible for. This includes revenues associated with the EPA grant for Nature Based Solutions, the Skywest water recycling project, and the Cargill brine project.

Overall, agency expenses are projected to increase by 12%, as compared to the FY 2022/2023 budget. Details of changes by line item are provided in the attached budget tables. As discussed with the Committee last month, the increases are driven by a 4.9% cost of living adjustment for salaries, an 8.8% increase in National Pollutant Discharge Elimination System (NPDES) Permit Fees, significant increases in chemical costs (100% for sodium hypochlorite and 25% for sodium bisulfite), delayed implementation of the permit amendment for chlorine residual, and increases in PG&E rates.

It is important to note that the chemical and energy rate increases, along with wet weather use patterns, have already increased costs this fiscal year beyond the FY 2022/2023 budget of \$125,000. As discussed in February, as a result of this year's wet weather and the delay in implementation of the new chlorine residual limit, the actual expense for FY 2022/2023 will be closer to \$275,000. The 25% unit-cost increase for SBS next fiscal year will add further to the increase. Wet weather and PG&E rate increases have also led to the following expected cost overruns:

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 East Bay Dischargers Authority  
 Financial Management Committee  
 April 17, 2023

<b>Budget Element</b>	<b>FY 2022/2023 Budget</b>	<b>FY 2022/2023 Projected Actual</b>	<b>FY 2023/2024 Proposed Budget</b>
SBS	\$125,000	\$275,000	\$350,000
Diesel	\$24,000	\$52,000	\$50,000
UEPS Energy	\$265,000	\$336,000	\$336,000
OLEPS Energy	\$325,000	\$373,000	\$373,000

Therefore, though staff is showing an 18% budget increase overall for Operations & Maintenance (O&M) versus last year’s budget, the increase over actual O&M spending is likely to be much lower. Staff notes that EBDA’s budget is generally structured to account for wet weather. In dry years like the last several, EBDA returns unspent funds to the member agencies and LAVWMA. In fiscal years 2018/2019 through 2021/2022, credits back to the agencies ranged from \$100,000 to \$950,000. The table below illustrates the differences in spending between wet and dry years, using diesel as an example. However, historically conservative budgeting for wet weather was still insufficient to account for the storms the agencies faced this wet season. Therefore, as shown, staff is recommending that the budget be adjusted to reflect this “new normal” in terms of wet weather potential. Any funds that remain unspent if the storms do not materialize next year would be returned to the agencies.

<b>Fiscal Year</b>	<b>Actual Diesel Expenditure</b>
2016/2017	\$ 34,519
2017/2018	\$ 6,079
2018/2019	\$ 7,174
2019/2020	\$ 0
2020/2021	\$ 4,335
2021/2022	\$ 5,818
2022/2023	\$ 51,713 (FY to date)

No new Special Studies are proposed. An additional \$5,000 is recommended to supplement previously allocated funds for the Solar Feasibility Study. This study is currently being conducted by consultant Black & Veatch in partnership with Union Sanitary District. Black & Veatch is evaluating solar and battery storage options for EBDA’s OLEPS, HEPS, and MDF facilities. Upon completion, staff will bring options to the Commission for consideration, and any selected projects would move forward into design as new projects under the Renewal and Replacement Fund. Work on the joint Biosolids Management Strategy will also continue using previously allocated funds. The draft budget also includes \$1,000 for EBDA’s continued commitment to funding the Bruce Wolfe Memorial Scholarship, in collaboration with BACWA and the CASA Education Foundation.

The agencies’ Renewal and Replacement Fund (RRF) contribution remains flat at \$750k. This includes \$330k for ongoing asset management and \$420k in credit to USD to fulfill

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the annual JPA obligation for UEPS capital. Note that because San Leandro and LAVWMA contributions are specific to certain facilities, they pay their share of RRF expenses at the end of each fiscal year.

Following feedback from the Committee and additional data gathered over the following month, staff will make revisions to this draft budget and bring a final budget to the Commission for consideration in May 2023.

**FISCAL YEAR 2023/2024 BUDGET BY PROGRAM**

FUND NO	PROGRAM DESCRIPTION	BUDGET FY 2023/2024	OUTSIDE REVENUES	AGENCY REVENUES FY 2023/2024	AGENCY REVENUES FY 2022/2023	% FY 23/24 to 22/23	\$ Change	Explanations for Changes over 10%
12	<b>O&amp;M EFFLUENT DISPOSAL</b>							
12 06	General Administration	\$ 1,485,420	\$ -	\$ 1,485,420	\$ 1,383,713	107%	\$ 101,707	
12 10	Outfall & Force mains	\$ 226,800	\$ -	\$ 226,800	\$ 181,300	125%	\$ 45,500	Projected increase in staffing needs.
12 14	Marina Dechlor Facility	\$ 614,100	\$ -	\$ 614,100	\$ 389,100	158%	\$ 225,000	Significant increase in sodium bisulfite (SBS) cost due to indefinite delay in implementation of chlorine residual Basin Plan Amendment and chemical cost increase.
12 16	Oro Loma Pump Station	\$ 613,000	\$ -	\$ 613,000	\$ 531,000	115%	\$ 82,000	Increase in PG&E rates and diesel fuel.
12 18	Hayward Pump Station	\$ 186,000	\$ -	\$ 186,000	\$ 173,000	108%	\$ 13,000	
12 20	Union Pump Station	\$ 466,000	\$ -	\$ 466,000	\$ 390,000	119%	\$ 76,000	Increase in PG&E rates.
12 21	Bay & Effluent Monitoring	\$ 709,867	\$ -	\$ 709,867	\$ 593,450	120%	\$ 116,417	Increase in unit cost of hypo.
	<b>TOTAL FUND # 12</b>	\$ 4,301,187		\$ 4,301,187	\$ 3,641,563	118%	\$ 659,625	
13	<b>SPECIAL PROJECTS</b>							
13 36	NPDES Permit Fees	\$ 691,768	\$ -	\$ 691,768	\$ 656,019	105%	\$ 35,749	
13 37	NPDES Permit Issues	\$ -	\$ -	\$ -	\$ -		\$ -	
13 48	Regional Monitoring Program	\$ 293,760	\$ -	\$ 293,760	\$ 292,320	100%	\$ 1,440	
13 49	Nutrient Surcharge	\$ 240,143	\$ -	\$ 240,143	\$ 237,114	101%	\$ 3,029	
13 46	Alternative Monitoring & Reporting	\$ 32,314	\$ -	\$ 32,314	\$ 32,155	100%	\$ 158	
13 53	Water Research Foundation	\$ 25,580	\$ -	\$ 25,580	\$ 25,580	100%	\$ -	
13 77	Nature-based Solutions	\$ 200,000	\$ 200,000	\$ -	\$ -		\$ -	
13 78	Biosolids Feasibility Study	\$ -	\$ -	\$ -	\$ -		\$ -	Implementing with previously allocated funds.
13 79	Solar Feasibility Study	\$ 5,000	\$ -	\$ 5,000	\$ 8,000	63%	\$ (3,000)	Supplement to previously allocated funds.
13 82	Bruce Wolfe Memorial	\$ 1,000	\$ -	\$ 1,000	\$ -		\$ 1,000	
	<b>TOTAL FUND # 13</b>	\$ 1,489,564	\$ 200,000	\$ 1,289,564	\$ 1,251,188	103%	\$ 38,376	
	<b>TOTAL OPERATING BUDGET</b>	\$ 5,790,752	\$ 200,000	\$ 5,590,752	\$ 4,892,751	114%	\$ 698,001	
31 99	CONTRIBUTION TO R&R FUND	\$ 750,000	\$ -	\$ 750,000	\$ 750,000	100%	\$ -	
	<b>TOTAL AGENCY FUNDING</b>			\$ 6,340,752	\$ 5,642,751	112%	\$ 698,001	
	<b>PROGRAMS WITH OTHER FUNDING</b>							
14 00	<b>WATER RECYCLING</b>							
14 80	Skywest	\$ 36,000	\$ 36,000	\$ -	\$ -			
	<b>TOTAL FUND # 14</b>	\$ 36,000	\$ 36,000	\$ -	\$ -			
15 00	<b>BRINE ACCEPTANCE</b>							
15 68	Mixed Sea Salt Brine (Cargill)	\$ 500,000	\$ 500,000	\$ -	\$ -			
	<b>TOTAL FUND # 15</b>	\$ 500,000	\$ 500,000	\$ -	\$ -			
	<b>TOTAL EXPENDITURES</b>	\$ 7,076,752	\$ 736,000	\$ 6,340,752	\$ 5,642,751	112%	\$ 698,001	

**FISCAL YEAR 2023/2024 BUDGET BY ACCOUNT**

ACCT NUMBER	ACCT TITLE	BUDGET FY 2023/2024	OUTSIDE REVENUES	AGENCY REVENUES	AGENCY REVENUES % FY 23/24		\$ Change	Explanations for Changes over 10%
					FY 22/23	to 22/23		
4010	Salary	\$ 663,595		\$ 663,595	\$ 632,367	105%	\$ 31,228	
4020	Benefits	\$ 257,867		\$ 257,867	\$ 264,960	97%	\$ (7,093)	
4030	Commissioner Compensation	\$ 45,000		\$ 45,000	\$ 45,000	100%	\$ -	
4070	Insurance	\$ 75,900	\$ 5,000	\$ 70,900	\$ 72,900	97%	\$ (2,000)	
4080	Memberships & Subscriptions	\$ 164,387		\$ 164,387	\$ 149,475	110%	\$ 14,912	Addition of National Assoc. of Clean Water Agencies and East Bay Leadership Council.
4100	Supplies, Fixed	\$ 16,000		\$ 16,000	\$ 22,000	73%	\$ (6,000)	Decrease based on lower actual expenses for the past several years.
4100	Supplies, Variable	\$ 650,000		\$ 650,000	\$ 269,000	242%	\$ 381,000	Significant increase in sodium bisulfite (SBS) cost due to indefinite delay in implementation of chlorine residual Basin Plan Amendment and chemical cost increase.
4110	Contract Services	\$ 60,581		\$ 60,581	\$ 57,611	105%	\$ 2,970	
4120	Professional Services	\$ 1,101,050	\$ 700,000	\$ 401,050	\$ 326,150	123%	\$ 74,900	Addition of outside support for accounting function.
4140	Rents & Fees	\$ 938,191		\$ 938,191	\$ 895,413	105%	\$ 42,778	
4141	NPDES Fines	\$ 9,000		\$ 9,000	\$ 9,000	100%	\$ -	
4150	Maintenance & Repair	\$ 896,100	\$ 17,000	\$ 879,100	\$ 816,600	108%	\$ 62,500	
4160	Monitoring	\$ 558,282	\$ 5,000	\$ 553,282	\$ 574,475	96%	\$ (21,194)	
4170	Travel & Training	\$ 18,000		\$ 18,000	\$ 18,000	100%	\$ -	
4191	Utility, Variable (PG&E)	\$ 864,800	\$ 1,000	\$ 863,800	\$ 739,800	117%	\$ 124,000	Increase in PG&E rates.
4200	Acquisitions & Other	\$ 8,000	\$ 8,000	\$ -	\$ -	0%	\$ -	
<b>SUBTOTAL ALL ACCOUNTS</b>		\$ 6,326,752	\$ 736,000	\$ 5,590,752	\$ 4,892,751	114%	\$ 698,001	
<b>CONTRIBUTION TO R&amp;R FUND</b>		\$ 750,000		\$ 750,000	\$ 750,000	750,000	\$ -	
<b>TOTAL EXPENDITURES</b>		\$ 7,076,752		\$ 6,340,752	\$ 5,642,751	112%	\$ 698,001	

**ESTIMATED ANNUAL BILLS TO THE EBDA MEMBER AGENCIES FOR FISCAL YEAR 2023/2024**

		<i>Rates for various agencies</i>								
	San Leandro	O.L.S.D.	C.V.S.D.	Hayward	U.S.D.	LAVWMA				
<b>Special Study Rate</b>	13%	18%	6%	30%	33%	varies				
<b>Variable Rate</b>	10.1%	14.0%	7.1%	22.0%	46.7%	16.3%				
<b>Variable Rate - MAs w/o CSL</b>	-	15.6%	7.9%	24.5%	52.0%	17.8%				
<b>Fixed Rate</b>	13.7%	19.1%	10.3%	14.7%	42.1%	26.10%				
<b>Fixed Rate - MAs w/o CSL</b>	-	22.2%	11.9%	17.1%	48.8%	-				
<b>RRF</b>	varies	22.2%	11.9%	17.1%	48.8%	varies				
<b>Regional Monitoring Program</b>	9.3%	7.0%	3.5%	28.1%	22.0%	30.1%				
<b>Nutrient Surcharge</b>	9.3%	2.8%	1.3%	18.2%	48.1%	20.3%				
<b>NPDES</b>	7.1%	12.1%	6.5%	17.2%	30.6%	26.6%				
<b>Alternative Monitoring and Reporting</b>	17%	11%	6%	17%	17%	33%				
	San Leandro	O.L.S.D.	C.V.S.D.	Hayward	U.S.D.	LAVWMA	REVENUES	MA Total	Grand Total	
<b>O&amp;M</b>										
O&M Fixed Charges w/CSL	\$ 187,457	\$ 261,130	\$ 140,524	\$ 200,827	\$ 574,377	\$ 481,849		\$ 1,364,315	\$ 1,846,164	
O&M Fixed Charges w/o CSL	\$ -	\$ 11,743	\$ 6,294	\$ 9,045	\$ 25,813	\$ 9,229		\$ 52,894	\$ 62,124	
O&M Variable Charges w/CSL	\$ 76,806	\$ 106,435	\$ 54,148	\$ 167,319	\$ 354,648	\$ 162,744		\$ 759,356	\$ 922,100	
O&M Variable Charges w/o CSL	\$ -	\$ 212,901	\$ 108,313	\$ 334,688	\$ 709,403	\$ 105,496		\$ 1,365,304	\$ 1,470,800	
<b>Total O&amp;M</b>	\$ 264,263	\$ 592,208	\$ 309,280	\$ 711,879	\$ 1,664,240	\$ 759,318		\$ 3,541,869	\$ 4,301,187	
Last year	\$ 220,967	\$ 567,037	\$ 254,222	\$ 571,355	\$ 1,381,833	\$ 646,148		\$ 2,995,414	\$ 3,641,563	
<b>Special Projects</b>										
NPDES Permit Fee	\$ 48,770	\$ 83,423	\$ 44,920	\$ 118,717	\$ 211,766	\$ 184,172		\$ 507,596	\$ 691,768	
Regional Monitoring Program	\$ 27,393	\$ 20,498	\$ 10,242	\$ 82,678	\$ 64,503	\$ 88,445		\$ 205,315	\$ 293,760	
Nutrient Surcharge	\$ 22,305	\$ 6,604	\$ 3,084	\$ 43,767	\$ 115,524	\$ 48,859		\$ 191,284	\$ 240,143	
Alternative Monitoring and Reporting	\$ 5,386	\$ 3,501	\$ 1,885	\$ 5,386	\$ 5,386	\$ 10,771		\$ 21,542	\$ 32,314	
Water Research Foundation	\$ 2,587	\$ 3,585	\$ 1,824	\$ 5,636	\$ 11,947	\$ -		\$ 25,580	\$ 25,580	
Special Studies Fee	\$ 780	\$ 1,080	\$ 360	\$ 1,800	\$ 1,980	\$ -		\$ 6,000	\$ 6,000	
<b>Total Special Projects</b>	\$ 107,221	\$ 118,691	\$ 62,315	\$ 257,984	\$ 411,106	\$ 332,247		\$ 957,317	\$ 1,289,564	
Last Year	\$ 89,527	\$ 121,097	\$ 60,076	\$ 282,459	\$ 413,153	\$ 284,877		\$ 966,312	\$ 1,251,188	
<b>Total Operating Budget</b>								\$ 4,499,187	\$ 5,590,752	
Last Year								\$ 3,961,726	\$ 4,892,751	
<b>Programs with Other Funding</b>										
Skywest							\$ 36,000		\$ 36,000	
Mixed Sea Salt Brine (Cargill)							\$ 500,000		\$ 500,000	
EPA Grant for Nature-based Solutions							\$ 200,000		\$ 200,000	
<b>Total</b>							\$ 536,000		\$ 736,000	
Last Year							\$ 1,156,000		\$ 1,156,000	
							<b>Total Outside Funding</b>		\$ 736,000	
<b>Renewal and Replacement Fund</b>										
RRF Contribution		\$ 166,500	\$ 89,250	\$ 128,250	\$ 366,000	\$ -		\$ 750,000	\$ 750,000	
<b>Total RRF</b>	\$ -	\$ 166,500	\$ 89,250	\$ 128,250	\$ 366,000	\$ -		\$ 750,000	\$ 750,000	
							<b>Total Capital Contribution</b>	\$ 750,000	\$ 750,000	
<b>Overall Total for FY 2023/2024</b>	\$ 371,484	\$ 877,399	\$ 460,845	\$ 1,098,112	\$ 2,441,346	\$ 1,091,565		\$ 5,249,187	\$ 6,340,752	
<b>Total FY 2022/2023</b>	\$ 310,494	\$ 854,634	\$ 403,547	\$ 982,064	\$ 2,160,986	\$ 931,025				



**ITEM NO. FM7 RESOLUTION TO ADOPT THE UPDATED RECORDS RETENTION SCHEDULE**

**Recommendation**

Adopt the resolution approving revisions to the Authority's Records Retention Schedule.

**Background**

In October 1993, the Authority adopted its Records Management Policy and Records Retention Schedule. The Policy provides guidance for the efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all Authority records.

In 2021, staff determined that a comprehensive overhaul of the policy was necessary. Staff considered the Secretary of State (SOS)'s Local Government Records Management Guidelines when drafting revisions to the policy, deviating from them slightly at times, for example where staff prefer a longer retention. Updated Policy and Retention Schedules were adopted in February 2021.

**Discussion**

The Authority's Records Management Policy states that revisions of retention periods shall be submitted for review and approval every five years or when changes are required by law. Senate Bill 807, adopted in late 2021, increased employers' requirement to retain personnel records from 2 to 4 years. Therefore, staff recommends updating the Records Retention Schedule to conform to current law. A redlined version of the Retention Schedule including this change was reviewed by the Personnel Committee in March 2023. The Committee further recommended extending the retention period for meeting recordings from six to at least nine months. These two changes are reflected in the proposed Schedule for adoption. Redline and clean versions are included for ease of review.

East Bay Dischargers Authority Records Retention Schedule

Last Updated: ~~February 18, 2021~~ April 20, 2023

Category	Record Title	Descriptor	Active	Archive
Administration	Agenda Packets	Commission agenda, Reports, Supporting Documentation	3	P
Administration	Agreements CIP	Construction	5	P
Administration	Agreements/Contracts	Excludes CIP, Encroachment permits	CU + 4	
Administration	Conflict of Interest	FPPC Filings, SEI, Policy	CU + 4	
Administration	Correspondence & Reports	Not attached to agreement or project, includes email correspondence	CU + 5	
Administration	Grant Files	Applications, Reports, Contracts	5	P
Administration	Insurance	Bonds and policies insuring the Authority	5	P
Administration	Insurance Certificates	Filed separately from contracts	T + 5	
Administration	Insurance Claims	Paid/Denied	5	P
Administration	Minutes, Commission Meetings	Official minutes	P	
Administration	Permits NPDES	Permits and compliance documents	P	
Administration	Permits Other	BAAQMD, Recycled Water - permits and compliance docs	P	
Administration	Photos	Construction	P	
Administration	Policies/Procedures		S + 5	
Administration	Project Files	CIP and non, includes Project Claims	T + 5	
Administration	Property Records	Acquisition, Disposition, Deeds, Maps, Specs	P	
Administration	Public Records Request		CL + 2	
Administration	Records Management	Destruction Log	P	
Administration	Reports, Self Monitoring (NPDES)		5	
Administration	Resolutions	Legislative actions	P	
Administration	Risk Management	OSHA Forms, Safety Reports, Actuarial Studies	5	
Administration	Recordings of Commission Meetings		<del>6M</del> 9M	
Administration	NPDES Data	Analytical data and associated methods and qualifiers	5	
Administration	Reclamation	Monthly Reports	5	P
Administration	NPDES Annual Reports		5	P
Finance	Accounts Payable	VPWs, EFTs, Invoices, Supporting Documents	CU + 1	10
Finance	Audit Reports	Basic Financial Statements	AU + 4	P
Finance	Audit Workpapers		AU + 2	
Finance	Treasurers Report	Treasurers Report, including Supplemental Treasurers Report	CU + 2	

East Bay Dischargers Authority Records Retention Schedule

Last Updated: ~~February 18, 2021~~ April 20, 2023

Category	Record Title	Descriptor	Active	Archive
Finance	Bank Statements	Bank, Investments, LAIF	CU + 2	
Finance	Budget Workpapers	Draft reports, Supporting Documents	CU + 4	
Finance	Budget	Annual Commission-approved	CU + 4	P
Finance	Cash Receipts	Deposits	CU + 4	
Finance	Checks	Check Copies, including canceled & voided	CU + 4	
Finance	Depreciation Schedules		10	P
Finance	Disbursement Register	Bank Register Reports	CU + 4	P
Finance	Fixed Assets Inventory		10	P
Finance	General Ledgers		CU + 4	P
Finance	Trial Balance		CU + 4	P
Finance	Invoices	Invoices, Related Documents	CU + 4	5
Finance	Journal Entries		CU + 4	P
Finance	Payroll Records	EE File: Deduction Authorizations, Beneficiary Designations, Unemployment Claims, Garnishments, Deferred Compensation, PERS	P	
Finance	Payroll Register		P	
Finance	Payroll Tax	Forms 1096, 1099, W-4 and W-2; DE-542 Federal & State	CU + 4	P
Finance	Payroll Timesheets	EE signed	CU + 4	
Finance	Purchase Orders		CU + 4	
Finance	Purchasing	Bids, RFQ, RFP	AU + 4	
Finance	State Controller Reports	FTR & GCC	CU + 4	P
Human Resources	Employee Programs	Benefits, Workers Comp	5	P
Human Resources	Personnel Data Files	Classifications, Evaluations	10	L
Human Resources	Recruitment Files		<del>3</del> 4	
O&M	Plans & Specifications	As-builts, (shop drawings if no as-builts)	P	
O&M	Vehicle		L	
O&M	Charts, Operational Data Recording	Flows, Residuals, Trends	5	
O&M	Manuals, Standard Operating Procedures		S	
O&M	Maps	Line Location; Easements; Facility Maps	P	
O&M	SDS (Safety Data Sheets)		S	30
O&M	Preventive Maintenance	Requests, Completed	10	

**Legend**

AU = Audit

CU = Current **C**alendar Year

P = Permanent

T = Termination

CL = Closed/Completion

L = Life

S = Supersede

East Bay Dischargers Authority Records Retention Schedule  
Last Updated: April 20, 2023

Category	Record Title	Descriptor	Active	Archive
Administration	Agenda Packets	Commission agenda, Reports, Supporting Documentation	3	P
Administration	Agreements CIP	Construction	5	P
Administration	Agreements/Contracts	Excludes CIP, Encroachment permits	CU + 4	
Administration	Conflict of Interest	FPPC Filings, SEI, Policy	CU + 4	
Administration	Correspondence & Reports	Not attached to agreement or project, includes email correspondence	CU + 5	
Administration	Grant Files	Applications, Reports, Contracts	5	P
Administration	Insurance	Bonds and policies insuring the Authority	5	P
Administration	Insurance Certificates	Filed separately from contracts	T + 5	
Administration	Insurance Claims	Paid/Denied	5	P
Administration	Minutes, Commission Meetings	Official minutes	P	
Administration	Permits NPDES	Permits and compliance documents	P	
Administration	Permits Other	BAAQMD, Recycled Water - permits and compliance docs	P	
Administration	Photos	Construction	P	
Administration	Policies/Procedures		S + 5	
Administration	Project Files	CIP and non, includes Project Claims	T + 5	
Administration	Property Records	Acquisition, Disposition, Deeds, Maps, Specs	P	
Administration	Public Records Request		CL + 2	
Administration	Records Management	Destruction Log	P	
Administration	Reports, Self Monitoring (NPDES)		5	
Administration	Resolutions	Legislative actions	P	
Administration	Risk Management	OSHA Forms, Safety Reports, Actuarial Studies	5	
Administration	Recordings of Commission Meetings		9M	
Administration	NPDES Data	Analytical data and associated methods and qualifiers	5	
Administration	Reclamation	Monthly Reports	5	P
Administration	NPDES Annual Reports		5	P
Finance	Accounts Payable	VPWs, EFTs, Invoices, Supporting Documents	CU + 1	10
Finance	Audit Reports	Basic Financial Statements	AU + 4	P
Finance	Audit Workpapers		AU + 2	
Finance	Treasurers Report	Treasurers Report, including Supplemental Treasurers Report	CU + 2	

East Bay Dischargers Authority Records Retention Schedule  
Last Updated: April 20, 2023

Category	Record Title	Descriptor	Active	Archive
Finance	Bank Statements	Bank, Investments, LAIF	CU + 2	
Finance	Budget Workpapers	Draft reports, Supporting Documents	CU + 4	
Finance	Budget	Annual Commission-approved	CU + 4	P
Finance	Cash Receipts	Deposits	CU + 4	
Finance	Checks	Check Copies, including canceled & voided	CU + 4	
Finance	Depreciation Schedules		10	P
Finance	Disbursement Register	Bank Register Reports	CU + 4	P
Finance	Fixed Assets Inventory		10	P
Finance	General Ledgers		CU + 4	P
Finance	Trial Balance		CU + 4	P
Finance	Invoices	Invoices, Related Documents	CU + 4	5
Finance	Journal Entries		CU + 4	P
Finance	Payroll Records	EE File: Deduction Authorizations, Beneficiary Designations, Unemployment Claims, Garnishments, Deferred Compensation, PERS	P	
Finance	Payroll Register		P	
Finance	Payroll Tax	Forms 1096, 1099, W-4 and W-2; DE-542 Federal & State	CU + 4	P
Finance	Payroll Timesheets	EE signed	CU + 4	
Finance	Purchase Orders		CU + 4	
Finance	Purchasing	Bids, RFQ, RFP	AU + 4	
Finance	State Controller Reports	FTR & GCC	CU + 4	P
Human Resources	Employee Programs	Benefits, Workers Comp	5	P
Human Resources	Personnel Data Files	Classifications, Evaluations	10	L
Human Resources	Recruitment Files		4	
O&M	Plans & Specifications	As-builts, (shop drawings if no as-builts)	P	
O&M	Vehicle		L	
O&M	Charts, Operational Data Recording	Flows, Residuals, Trends	5	
O&M	Manuals, Standard Operating Procedures		S	
O&M	Maps	Line Location; Easements; Facility Maps	P	
O&M	SDS (Safety Data Sheets)		S	30
O&M	Preventive Maintenance	Requests, Completed	10	

**Legend**

- AU = Audit
- CU = Current Calendar Year
- P = Permanent
- T = Termination
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EAST BAY DISCHARGERS COMMISSION  
EAST BAY DISCHARGERS AUTHORITY  
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 23-03

INTRODUCED BY \_\_\_\_\_

**RESOLUTION APPROVING REVISIONS TO THE AUTHORITY'S RECORDS  
MANAGEMENT POLICY AND RETENTION SCHEDULE**

**WHEREAS**, the East Bay Dischargers Authority established a Records Management Policy and Records Retention Schedule on October 21, 1993, and

**WHEREAS**, an updated Records Management Policy and Records Retention Schedule was adopted by the Authority on February 18, 2021; and

**WHEREAS**, the Authority has determined that revisions to the Schedule were necessary to comply with current laws and best practices; and

**WHEREAS**, the proposed revisions follow the Secretary of State's Local Government Records Management Guidelines; and

**WHEREAS**, the revised Retention Schedule has been reviewed and recommended for approval by the Personnel and Financial Management Committees.

**NOW, THEREFORE, BE IT RESOLVED**, the Authority hereby adopts the revisions to the Authority's Records Retention Schedule, effective April 20, 2023.

SAN LORENZO, CALIFORNIA, APRIL 20, 2023, ADOPTED BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
CHAIR  
EAST BAY DISCHARGERS AUTHORITY

ATTEST: \_\_\_\_\_  
GENERAL MANAGER  
EAST BAY DISCHARGERS AUTHORITY  
EX OFFICIO SECRETARY



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

*A Joint Powers Public Agency*

**ITEM NO. 14**

**OPERATIONS & MAINTENANCE COMMITTEE AGENDA**

**Monday, April 17, 2023**

**4:00 P.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. 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>.

**Next Scheduled Operations and Maintenance Committee:  
Monday, May 15, 2023, at 4:00 p.m.**

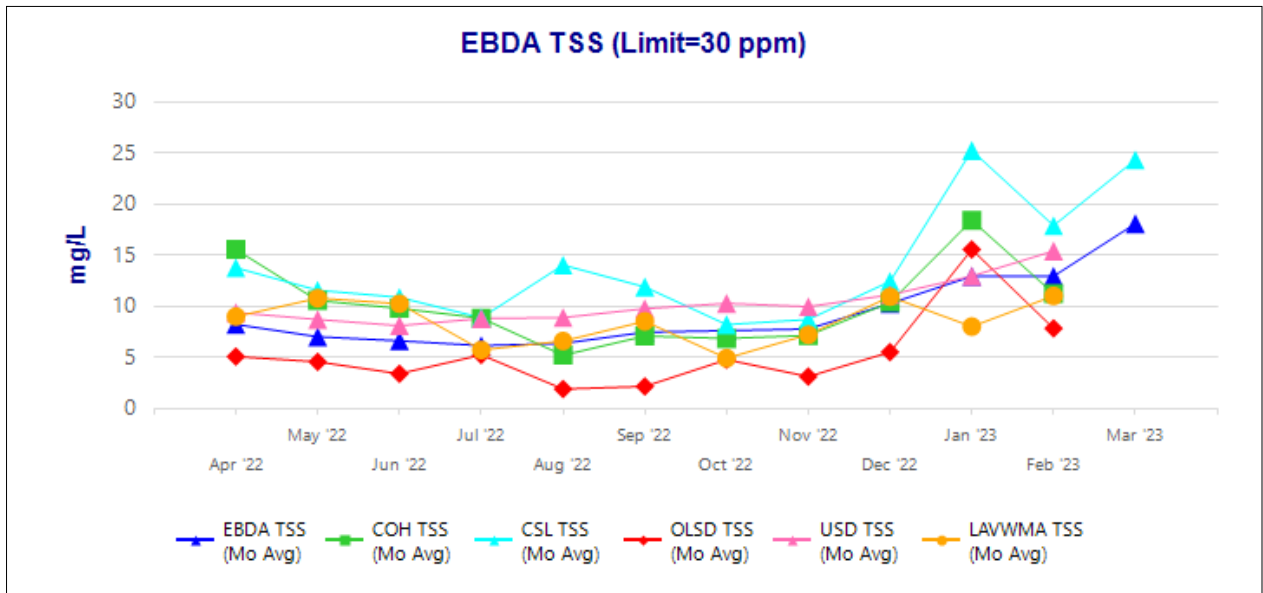
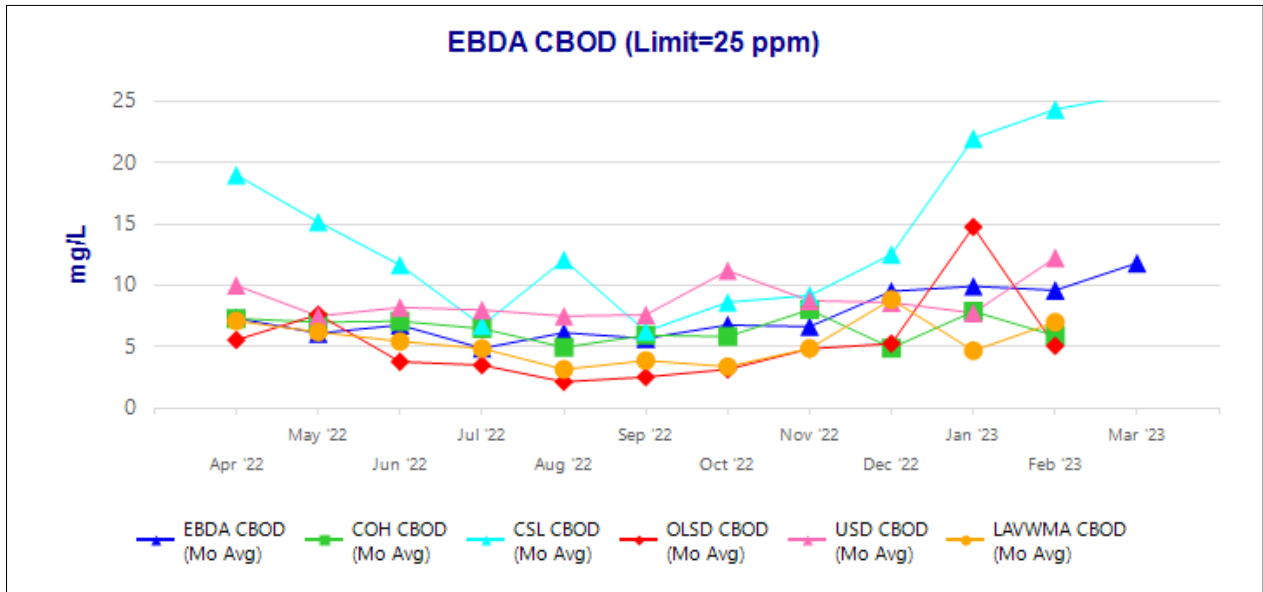
**ITEM NO. OM4 EBDA PERMIT COMPLIANCE**

**Recommendation**

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

**Discussion**

There were no NPDES permit violations in January, and preliminary data from February are also free of permit exceedances. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators is also included.





## EBDA Bacterial Indicators

Date	FECAL	ENTERO
	MPN/ 100mL	MPN/ 100mL
Limit (90th Percentile)	1100	1100
Limit (Geomean)	500	280
<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>
<b>December 2022 Geomean</b>	<b>21</b>	<b>9</b>
<b>January 2023 Geomean</b>	<b>12</b>	<b>14</b>
2/1/2023	NA	2
2/6/2023	4	2
2/7/2023	2	6
2/8/2023	NA	2
2/13/2023	7	< 2
2/14/2023	2	2
2/20/2023	< 2	6
2/21/2023	4	2
2/27/2023	7	< 2
2/28/2023	5	< 2
<b>February 2023 Geomean</b>	<b>4</b>	<b>2</b>
3/1/2023	NA	6
3/6/2023	4	2
3/7/2023	< 2	< 2
3/8/2023	NA	2
3/13/2023	2	2
3/14/2023	8	< 2
3/20/2023	2	4
3/21/2023	< 2	2
3/27/2023	4	< 2
3/28/2023	8	< 2
<b>March 2023 Geomean</b>	<b>3</b>	<b>2</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. On March 16, 2023, Rockwell Automation's Field Service Engineer determined that the inverter section of the VFD was blown and needed to be replaced. EBDA staff obtained quotes for repair/replacement of the inverter and forwarded them to USD. Under the 2020 JPA, USD is responsible for capital at the station, utilizing EBDA's annual payments. The cause of the failure was determined to be humidity. USD staff had a roofing contractor complete some spot repairs of the roof above the VFD, and an air vent above the VFD was redirected to eliminate the possibility of moisture entering the VFD enclosure.

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

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

On March 6, 2023, Pump Repair Service Company, Inc. (PRS) sent EBDA the Cascade Pump Company submittals for the new HEPS pumps. On March 31, 2023, EBDA responded to the submittal from PRS with input from Currie Engineers (EBDA's project manager), Beecher Engineering (EBDA's electrical engineer), and the City of Hayward engineer. The lead time for the new pumps is 28 weeks after submittal approval.

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

#### **Emergency Outfall Upgrade**

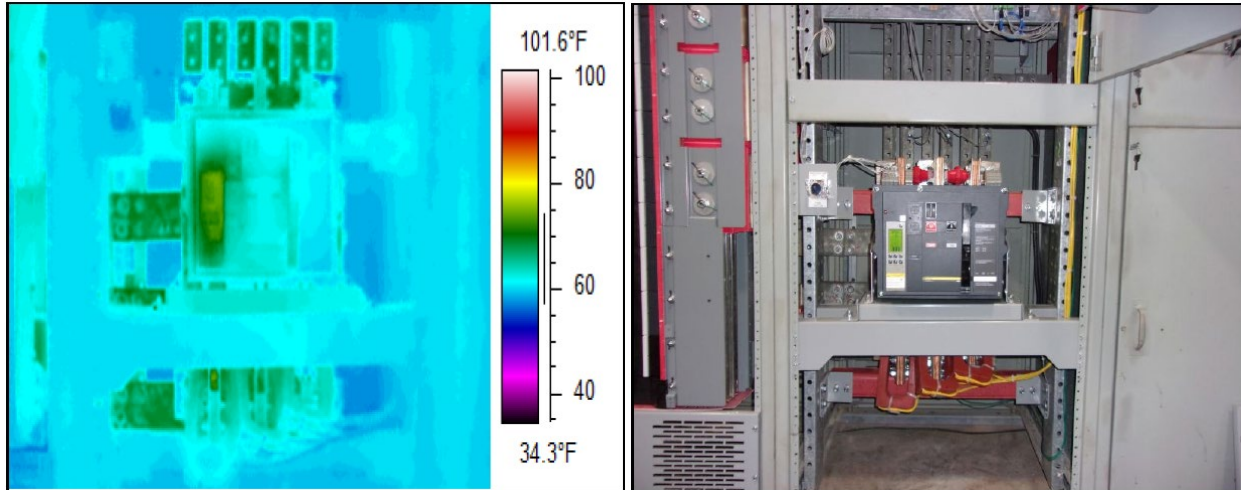
Carollo Engineers (Carollo) completed an evaluation of the OLEPS emergency outfall to determine the outfall's maximum capacity and whether modifications to the outfall weir would increase system detention time and delay or prevent an unanticipated bypass in the event of a catastrophic failure at OLEPS. Carollo recommended that the existing lumber weir be replaced with a permanent weir at an increased elevation. Carollo completed the drawing and specifications for construction of the new elevated weir. Bids for the project came in much higher than expected. EBDA staff discussed this project with Jimmy Dang, OLSD's new General Manager, and he had some value engineering suggestions that should reduce the cost of the project. Staff will review the new project approach with the MAC, and funds will be added to the RRF project list for FY 2023/2024 to complete the project.

#### **Main Electrical Switchboard Upgrade**

On March 13, 2023, a thermographic survey of the OLEPS Main Electrical Switchboard was completed. Both OLEPS Electric Pumps were operated at 100% speed for one hour prior to the start of the thermographic survey. The Infrared Thermographic Report stated the following:

"No potential problems were identified in the equipment that was inspected."

Below is an example of the images included in the report. The results of the thermographic survey were intended to identify any hot spots and verify that the new breaker installation was completed properly. The highest temperature recorded in the thermographic survey was well below the temperature of concern, and no hot spots were identified. The project will be complete once Schneider Electric installs new blanks or spacers to cover the space between the new breakers and the front panels.



**Skywest Pump Station**

**Recycled Water Production**

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

**Marina Dechlorination Facility (MDF)**

No change; all equipment is operational.

**Force Main**

No change; all equipment is operational.

**Operations Center**

No change; all equipment is operational.

**Miscellaneous Items**

**Underground Service Alerts**

EBDA received nine (9) Underground Service Alert (USA) tickets during the month of March 2023. Five required an Electronic Positive Response (EPR) and calls/emails to the excavators, and three required field verification.

**Wet Weather**

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

Oakland	Hayward	Livermore
7.58	5.70	7.95

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

Date	Oakland	Hayward	Livermore
3/09/2023	1.49	0.88	1.14
3/10/2023	0.75	0.71	1.00
3/12/2023	0.35	0.77	1.02
3/21/2023	1.08	1.07	1.30

Note that multiple sources were aggregated as input for rainfall data.

In March 2023, there were three larger and several smaller but still significant rain events in the EBDA service area. The OLEPS diesel pumps, which operate when the capacity of the two electric pumps is exceeded, were required to operate for 85 hours.

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
February 2023 Monthly Average	78.4
March 2023 Monthly Average	103.6
3/10/2023	152.9
3/12/2023	130.1
3/22/2023	137.3

**Capacity Exceedance Events**

Using the methodology in the Amended and Restated Joint Powers Agreement (\$0.005/gallon of exceeded flow, based on a 3-hour average), EBDA has calculated the fees owed by EBDA Member Agencies for temporary capacity exceedances during the March storms as follows:

OLSD/CVSan

Date	Duration	Gallons	Capacity Exceedance Fee
3/10/2023	14.5 Hours	10,400,000	\$52,000
3/22/2023	15 Hours	6,600,000	\$33,000
<b>March Total</b>	<b>29.5 Hours</b>	<b>17,000,000</b>	<b>\$85,000</b>

**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**

Work restarted on the OLEPS roof and began on the Administration Building roof on April 5th and April 10th, respectively. The old Administration Building roof was removed, and several layers of the new roof are currently being installed. Installation of these layers will make the roof water tight. Before additional layers of the new roof can be installed, a waiting period of several weeks is necessary. The MDF SBS Building roof and the OLEPS roof will be completed shortly, assuming dry weather continues.

**Cargill Brine Project**

Staff is working with Cargill and our CEQA consultant, Ascent Environmental, on responding to comments received on the Draft Environmental Impact Report (EIR) for the Cargill Mixed Sea Salts Processing and Brine Discharge Project. The formal Response to Comments document will be posted on EBDA’s [website](#) when complete, along with a Final EIR. Staff is targeting completion of the EIR by May 2023. At that time, the Commission will be asked to consider certification.

Staff is also negotiating a Project Development and Operating Agreement with Cargill, which would be brought to the Commission for consideration in the coming months. A draft agreement was transmitted to Cargill in late February, following MAC review. A draft technical addendum has also 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. EBDA members can access regional data through AQPI’s data portal. Staff met with AQPI’s new Program Manager

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from the Center for Western Weather and Water Extremes (CW3E) at Scripps Institution of Oceanography, UC San Diego, in February to discuss our data needs going forward and plans for the future user interface. An updated website and data management tools will be in place next year.

**ITEM NO. 15 REVIEW OF REVISIONS TO THE 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, fixing the rate per day of service and outlining the activities that are eligible for compensation.

**Discussion**

At its February and March 2023 meetings, the Personnel Committee reviewed the Commissioner Compensation Policy and discussed revisions to the list of meetings and activities eligible for compensation, as well as the list of activities that are ineligible. The Committee also discussed the fact that Government Code Section 61047, which is currently referenced in the Policy, does not apply to EBDA. Based on the Committee's direction, staff has proposed the attached revisions to the Policy.

The Committee also discussed the rate per day of service, which has been \$240 per day 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. In February 2023, the Committee recommended increasing the daily rate at the end of this calendar year, effective January 1, 2024. The Committee further recommended including language in the Policy to ensure that the rate is reviewed annually. Language reflecting annual assessment on a calendar year basis has been added to the draft Policy.

Pending feedback from the Commission, staff will bring an updated Commissioner Compensation Policy to the Commission for consideration. Staff will then work with the Committee to revisit the daily rate at the end of 2023 and bring forward additional revisions as necessary.

**POLICY NUMBER:** 5

**NAME OF POLICY:** Commissioner Compensation

**LAST REVISED:** ~~December 17, 2020~~TBD

**PREVIOUSLY REVISED:** December 17, 2020~~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 shall be reviewed once each calendar year in October and may be adjusted by up to 5% annually effective January 1 by action of the Commission. The Authority shall compensate Commissioners for up to six (6) 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



- ~~Meetings with legislators other than at a public meeting conducted pursuant to the Brown Act~~ while representing the Authority
- Attendance at an Authority tour or special training
- Commission Chair meeting with the General Manager regarding the Commission agenda or other business within the subject matter jurisdiction of the Authority

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~~ those identified above
- 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 is representing their home agency and/or receives compensation from another agency

**ITEM NO. 16 ITEMS FROM THE COMMISSION AND STAFF**

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

**ITEM NO. 17 ADJOURNMENT**