



COMMISSION MEETING AGENDA

Thursday, September 21, 2023

4:00 P.M.

Meeting will be conducted in-person and virtually via Zoom teleconference.

In-person locations: East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA; Embassy Suites Lobby, 100 Capitol Mall, West Sacramento, CA; and Hyatt Centric, 1122 7th Street, Sacramento, CA

Teleconference link: <https://us02web.zoom.us/j/88969822634>

Call-in: 1(669) 900-6833 and enter Meeting ID number: 889 6982 2634

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

CONSENT CALENDAR

- MOTION
5. Commission Meeting Minutes of July 20, 2023
 6. List of Disbursements for July 2023 – See Item FM4
 7. List of Disbursements for August 2023 – See Item FM4
 8. Preliminary Treasurer’s Report for July 2023 – See Item FM5
 9. Preliminary Treasurer’s Report for August 2023 – See Item FM5
 10. Preliminary Fourth Quarter Expense Summary, Fiscal Year 2022/2023 – See Item FM6

REGULAR CALENDAR

- INFORMATION
11. **General Manager’s Report**
(The General Manager will report on EBDA issues.)
 12. **Report from the Managers Advisory Committee**
(The General Manager will report on Managers Advisory Committee activities.)
 13. **Report from the Regulatory Affairs Committee**
(The General Manager will report on the meeting.)
 14. **Update on Watershed Permit for Nutrients – See Item RA9**
(The General Manager will provide a presentation on nutrients in San Francisco Bay.)

- INFORMATION 15. Report from the Financial Management Committee**
(The General Manager will report on the meeting.)
- RESOLUTION 16. Resolution Authorizing the Authority to join with Other Public Agencies as a Participant of the California Asset Management Trust and to Invest in Shares of the Trust and in Individual Portfolios – See Item FM9**
(The Commission will consider the resolution.)
- INFORMATION 17. Report from the Operations & Maintenance Committee**
(The Operations & Maintenance and General Managers will report on the meeting.)
- MOTION 18. Motion Approving the Authority’s Strategic Plan**
(The Commission will consider the motion.)
- MOTION 19. Motion Approving the General Manager’s Amended and Restated Employment Agreement**
(The Commission will consider the motion.)
- INFORMATION 20. Items from the Commission and Staff**
(The Commission and staff may address items of general interest.)

21. Adjournment

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

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. 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 Commission meeting is
Thursday, October 19, 2023 at 4:00 p.m.**

GLOSSARY OF ACRONYMS

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

GLOSSARY OF ACRONYMS

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

CONSENT CALENDAR

Consent calendar items are typically routine in nature and are considered for approval by the Commission with a single action. The Commission may remove items from the Consent Calendar for discussion. Items on the Consent Calendar are deemed to have been read by title. Members of the public who wish to comment on Consent Calendar items may do so during Public Forum.

- Item No. 5 Commission Meeting Minutes of July 20, 2023
- Item No. 6 List of Disbursements for July 2023 – See Item No. FM4
- Item No. 7 List of Disbursements for August 2023 – See Item No. FM4
- Item No. 8 Preliminary Treasurer’s Report for July 2023 – See Item No. FM5
- Item No. 9 Preliminary Treasurer’s Report for August 2023 – See Item No. FM5
- Item No. 10 Preliminary Fourth Quarter Expense Summary, Fiscal Year 2022/2023 – See Item No. FM6

Recommendation

Approve Consent Calendar

ITEM NO. 5 COMMISSION MEETING MINUTES OF JULY 20, 2023

1. Call to Order

Chair Lathi called the meeting to order at 4:00 P.M. on Thursday, July 20, 2023 at the Oro Loma Sanitary District, 2655 Grant Avenue, San Lorenzo, CA 94580.

2. Pledge of Allegiance

3. Roll Call

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

Absent: None

Attendees:	Jacqueline Zipkin	East Bay Dischargers Authority
	Howard Cin	East Bay Dischargers Authority
	Juanita Villasenor	East Bay Dischargers Authority
	Eric Casher	Legal Counsel
	David Donovan	City of Hayward
	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.

CONSENT CALENDAR

5. Commission Meeting Minutes of June 15, 2023

6. List of Disbursements for June 2023

7. Treasurer's Report for June 2023

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

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

REGULAR CALENDAR

8. General Manager's Report

The General Manager (GM) discussed actions being considered by state and regional water and wastewater associations in response to rising chemical costs. The GM also

advised the Commission that the Bay Area Clean Water Agencies (BACWA) has contracted with Civic Edge Consulting to develop a public communication strategy for the regional wastewater community, including how best to leverage agencies' public outreach efforts. The GM reported that EBDA will provide letters of support for three grant proposals to EPA's Water Quality Improvement Fund that would benefit Member Agencies' nature-based solutions projects. The GM will attend an EPA Workshop in August focused on removing regulatory barriers to wastewater innovation. Lastly, the GM discussed next steps to finalize EBDA's Strategic Plan.

9. Report from the Financial Management Committee

The GM reported on the July 17 meeting of the Financial Management Committee. The Committee reviewed the List of Disbursements and Preliminary Treasurer's Report and recommended approval. The Committee reviewed the Authority's Investment Policy and Strategy, and there are no recommended changes. The Committee supports the Authority becoming a participant in California Asset Management Program (CAMP). Staff will bring the item to the Commission for consideration in September. Lastly, the Committee discussed banking alternatives and asked staff to expand the search to additional institutions.

10. Report from the Operations and Maintenance Committee

The Operations and Maintenance (O&M) Manager and GM reported on the July 17 Operations and Maintenance Committee meeting. The O&M Manager reviewed NPDES compliance data and updated the Commission on EBDA's facilities and the status of current projects. The GM advised that Cargill is re-evaluating the pipeline route with the connection at the Marina Dechlorination Facility.

11. Motion Authorizing the General Manager to Execute a Force Main Maintenance Services Agreement with Union Sanitary District

Commissioner Andrews moved to approve the item. The motion was seconded by Commissioner Johnson and carried unanimously 4-0-1, by roll call vote.

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

12. Motion Authorizing the General Manager to Execute an Agreement with Nate Kauffman for Horizontal Levee Visioning and Communications in the Amount of \$30,000

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 Andrews, Simon, Johnson, Azevedo, Lathi
Noes: None
Absent: None
Abstain: None

13. Motion Authorizing the General Manager to Execute a Task Order-Based Agreement with GSE, Inc., Task Order Number 1 for As-Needed Services in an Amount Not to Exceed \$25,000 and Task Order Number 2 OLEPS Wet Well Sluice Gate Repairs in the Amount of \$75,000

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

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

14. Motion Authorizing the General Manager to Execute a Work Order-Based Agreement with D.W. Nicholson Corporation, Task Order Number 1 for As-Needed Services in an Amount Not to Exceed \$25,000 and Task Order Number 2 for OLEPS Emergency Outfall Weir Improvement in the Amount of \$55,822

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

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

15. Report from the Personnel Committee

The GM reported on the July 18 meeting of the Personnel Committee. The Committee discussed staffing changes and possible work flow improvements. The Committee then met in closed session to discuss the GM position.

16. Items from Commission and Staff

No additional items noted from the Commission or Staff. The GM advised that the EBDA Commission is on recess until September.

17. Closed Session

Pursuant to Government Code 54957, the Commission entered Closed Session at 4:55 p.m. to discuss public employment of the General Manager.

18. Reconvene Open Session

The Commission reconvened to Open Session at 6:40 p.m. Chair Lathi noted there were no reportable actions from closed session.

19. Adjournment

Chair Lathi adjourned the meeting at 6:45 p.m.

ITEM NO. 11 GENERAL MANAGER'S REPORT

The General Manager will discuss items of interest to EBDA.

ITEM NO. 12 REPORT FROM THE MANAGERS ADVISORY COMMITTEE

**MANAGERS ADVISORY COMMITTEE
AGENDA**

**Tuesday, September 12, 2023
2:00 P.M.**

Via Zoom

- 1. Biosolids Info Share**
 - a. Jess Ranch Composting Facility**
 - b. USD Dryer Study**
 - c. Oro Loma Lystek Study**
 - d. Synagro Rail Site Visit**
- 2. O&M Agreements**
 - a. Pump Station agreements**
 - b. Insurance provisions**
- 3. Nutrients Watershed Permit Negotiation**
- 4. Cargill Brine Project**
- 5. EBDA Commission Agenda**
- 6. Managers Information Sharing**

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ITEM NO. 13

REGULATORY AFFAIRS COMMITTEE AGENDA

Monday, September 18, 2023

12:00 P.M.

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

Committee Members: Andrews (Chair); Lathi

- 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. Update on Total Residual Chlorine Effluent Limit**
(The Committee will receive a report on a proposed blanket permit amendment.)
- RA6. PFAS Article in Western City Magazine**
(The Committee will review a recent article summarizing PFAS regulations)
- RA7. BACWA Key Regulatory Issues Summary**
(The Committee will review BACWA's issues summary.)
- RA8. Regulatory Reporting Checklist**
(The Committee will review a checklist of completed regulatory reporting items.)
- RA9. Update on Watershed Permit for Nutrients**
(The Committee will receive a status update on negotiation of the Nutrients Watershed Permit)
- RA10. Adjournment**

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Agenda Explanation
East Bay Dischargers Authority
Regulatory Affairs Committee
September 18, 2023

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**Next Scheduled Regulatory Affairs Committee meeting
Monday, November 13, 2023 at 12:00 p.m.**

ITEM NO. RA5 UPDATE ON TOTAL RESIDUAL CHLORINE EFFLUENT LIMIT

Recommendation

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

Background

EBDA's National Pollutant Discharge Elimination System (NPDES) Permit, as with all NPDES permits for discharge to San Francisco Bay, contains a limit on total residual chlorine of 0.0 mg/L as an instantaneous maximum. To ensure consistent compliance with this limit, EBDA adds an excess of dechlorinating agent, sodium bisulfite (SBS). By detecting SBS in the effluent, EBDA can demonstrate at all times that chlorine cannot be present. While this approach ensures consistent compliance with permit requirements, it results in significant unnecessary SBS discharges to the Bay. With chemical costs continuing to rise, this use of extra SBS without clear environmental benefit diverts resources from higher priority investments.

For the past decade, the Bay Area Clean Water Agencies (BACWA) has been working with the San Francisco Bay Regional Water Quality Control Board (Water Board) on an approach to revising total residual chlorine discharge limits to prevent SBS overdosing while continuing to protect environmental health. In 2020, the Water Board adopted an amendment to the Basin Plan, the document governing water quality standards for the region, that removed the 0.0 mg/L instantaneous maximum standard and replaced it with an EPA-established water quality-based criterion of 0.013 mg/L as a one-hour average. Prior to implementing the new criterion in permits, EPA Region IX needed to approve the Basin Plan Amendment. Unfortunately, EPA Region IX determined that they were unable to approve the Basin Plan Amendment due to concerns raised by other federal agencies that the new standard would not be sufficiently protective of endangered species.

Discussion

Undeterred by EPA's lack of approval of the Basin Plan Amendment, Water Board staff continued to think creatively about ways to implement protective yet practical effluent limits for total residual chlorine. To that end, in August 2023 they released a new Tentative Order amending all NPDES permits in the region to revise chlorine limits. Rather than relying on the change to the Basin Plan, this blanket permit amendment uses the Basin Plan's narrative toxicity objective to support use of the 0.013 mg/L one-hour average standard. To satisfy the concerns of EPA Region IX and the federal species agencies, the blanket permit amendment also requires dischargers to establish an operational control plan that targets 0.0 mg/L chlorine at the point where their discharge enters the Bay.

For shallow water dischargers to the Bay, including Oro Loma, Union, and San Leandro's near-shore permits, the 0.0 mg/L instantaneous maximum will be implemented as 0.013 mg/L over a one-hour average. While the averaging period provides some additional flexibility, this permit amendment is unlikely to change operations much for those discharges. For deep water discharges including EBDA's, this permit amendment provides

significant benefit in terms of additional flexibility and reduced chemical use. Because EBDA discharges to the deepest part of the Bay, EBDA's effluent limit is calculated with a dilution factor of 74:1, making it 0.98 mg/L over a one-hour average. With potential future introduction of brine from Cargill, the buoyancy of the effluent and hence the dilution factor would change slightly, bringing the effluent limit to 0.94 mg/L. Staff expects that either limit will be met without utilizing SBS for large portions of the year. Staff plans to do some pilot testing to establish a set point for chlorine residual at the compliance monitoring point at the Marina Dechlorination Facility that will ensure that chlorine residual is zero by the time it travels seven miles through the outfall to the Bay discharge location.

The Tentative Order is currently out for public comment. EPA Region IX has reviewed it and informally provided concurrence with the approach. Water Board staff is planning to bring the order to the Water Board for approval on November 8, 2023, with an effective date of January 1, 2024.

ITEM NO. RA6 PFAS ARTICLE IN WESTERN CITY MAGAZINE

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. The Regulatory Affairs Committee's [April 2023 Staff Report](#) contained a summary of recent developments.

Discussion

The attached article was published in the July issue of Western City Magazine, the publication of the League of California Cities. The article was drafted by Adam Link, Executive Director of the California Association of Sanitation Agencies (CASA), and it provides an excellent overview of regulatory efforts on PFAS and potential impacts to water and wastewater agencies. The article can also be accessed here: <https://www.westerncity.com/article/efforts-limit-forever-chemicals-are-underway-what-does-mean-cities>



Local agencies that provide water and wastewater service to millions of Californians are now being asked to measure how many PFAS are present in their systems.

July 1, 2023 | [Features](#) | Adam Link

Efforts to limit ‘forever chemicals’ are underway. What does this mean for cities?

Adam Link is the executive director of the California Association of Sanitation Agencies and can be reached at alink@casaweb.org.

No suite of chemicals has garnered more attention in recent years than PFAS, frequently referred to as “forever chemicals.” Rarely mentioned a decade ago, these chemicals have prompted multiple major lawsuits, state and federal legislative action, and even a [2019 legal thriller](#). But how much attention is this issue getting from the public? And should cities be concerned?

How can PFAS impact local water and wastewater agencies?

PFAS are a class of virtually indestructible, human-made chemicals that are resistant to heat, water, and oil. They are also ubiquitous: PFAS can be found in nonstick cookware, cosmetics, textiles, and numerous other household products. Scientists have found PFAS across the globe — from polar ice to the dust in our homes.

Research also suggests that acute and long-term exposure to PFAS may cause significant health risks, including reproductive health issues, greater risk of some cancers, and reduced immune responses.

State and federal efforts to address PFAS have significantly impacted local water and wastewater agencies and will continue to drive local agency action for years to come. However, the sheer number of PFAS chemicals — both past and present — makes it technically and financially prohibitive to treat our way out of this problem. Moreover, public utilities often have little control over what enters their systems.

Local agencies that provide water and wastewater service to millions of Californians are now being asked to measure how many PFAS are present in their systems, and in some cases, take action to shut down sources with higher concentrations.



The U.S. Environmental Protection Agency proposed maximum contaminant levels for two types of PFAS (PFOA and PFOS) in drinking water, which could impact local water and wastewater agencies.

What action is the federal government taking to tackle PFAS concerns?

The U.S. Environmental Protection Agency (EPA) began implementing a “**whole-agency approach**” to PFAS in 2021. The plan includes, among other efforts, developing the **Effluent Limitations Guidelines program** and guidance for **reducing discharges of PFAS** from industrial sources to publicly owned treatment plants.

Also of critical importance are the proposed maximum contaminant levels for two types of PFAS (PFOA and PFOS) in drinking water, which are now going through public comment. While specific to drinking water, this will ultimately drive further regulation that could impact other water sectors, particularly local water and wastewater agencies, more broadly.

Most notable though is the effort to designate PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act — informally referred to as **Superfund**. This designation is concerning for water and wastewater agencies that recycle water and/or land apply biosolids, as it would immediately trigger potential liability.

This could draw those agencies into significant third-party litigation or enforcement actions even if they contribute comparatively minimal amounts of PFAS to a site. Superfund was designed as a polluter pays model to hold entities that produce and utilize various contaminants accountable. Without clarifying exempt activities for water and wastewater agencies, a hazardous substances designation could undermine that model and improperly hold the public responsible for the actions of PFAS manufacturers.

Federal lawmakers recently introduced legislation that would **provide an explicit exemption for water and wastewater agencies** in most circumstances. It remains to be seen whether the proposal can muster the bipartisan support needed to get through Congress. The California Association of Sanitation Agencies (CASA) is working closely with other stakeholders to ensure the financial responsibility for cleanup does not fall on local agencies.

What is the state doing to address PFAS concerns?

California has similarly focused on PFAS in recent years, with the state targeting the removal of PFAS from various consumer products. This includes banning PFAS in **juvenile products, textiles, food packaging, and cosmetics**. The state also began phasing out PFAS in **firefighting foams** in 2022 and recently banned the use of PFAS in **carpets and floor coverings**.

Since 2019, CASA has co-hosted a policy roundtable with **Clean Water Action**, relevant agencies, and community stakeholders to advance public policy proposals that stop PFAS at the source. As part of this, CASA co-sponsored **a bill in 2022** that would have required certain manufacturers and producers to publicly disclose whether their products contained PFAS. Unfortunately, Gov. Gavin Newsom vetoed this legislation, but similar federal efforts are ongoing through the EPA's Toxics Release Inventory.

This session, CASA and the Environmental Working Group are co-sponsoring [AB 727 \(Weber\)](#), which would ban the sale of cleaning products containing PFAS in California. Another pending bill, [AB 246 \(Papan\)](#), would ban the sale of feminine hygiene products containing PFAS. Statewide policies that remove PFAS from consumer products are an important and necessary strategy to protect both the public and clean water agencies, as many of these products have a direct pathway to the wastewater system.

As the old saying goes, an ounce of prevention is worth a pound of cure. This is particularly true with PFAS. Currently, there is no viable way to fully address these chemicals once they are in the environment.



The California Office of Environmental Health Hazard Assessment proposed public health goals for two PFAS chemicals, which would impact drinking water and other water sources.

What do cities need to know about state regulations?

Regulatory actions at the state level have mostly come from the State Water Resources Control Board and the Office of Environmental Health Hazard Assessment (OEHHA). OEHHA proposed [public health goals for two PFAS chemicals](#), which would impact drinking water and other water sources. OEHHA plans to release a revised proposal in the coming year and accept public comment. The resulting final public health goal will result in a new maximum contaminant level for many water suppliers.

The Water Board also issued a statewide order in 2020 requiring wastewater agencies to monitor and report for 31 PFAS chemicals in influent, effluent, and biosolids. [Preliminary data](#) shows that residential inputs are a comparatively substantial source of PFAS in wastewater systems. Since it involves everyday household products and uses, this source is not controllable through local pretreatment and enforcement programs, which typically focus on industrial sources.

The Water Board also concluded that most of the wastewater agency data submissions were at non-detectable or low-level concentrations. The State Water Board is currently examining how these chemical compounds move through the treatment process and how to measure and monitor them. More action is likely.

How can local agencies communicate about PFAS?

Communicating with the general public about PFAS is a complex and difficult process. Several water and wastewater agencies have put together [toolkits](#) and [guidance](#) on how to discuss PFAS with ratepayers and the public. CASA also has a fact sheet that summarizes the impacts of PFAS from a [local agency perspective](#).

Generally, agencies should be straightforward about the potential health risks of PFAS and their ubiquity but contextualize the relative amounts of PFAS that people may encounter. Because of their persistent nature and widespread use, PFAS management is particularly challenging for water and wastewater agencies. Local officials should emphasize any proactive actions taken and inform the public that removing PFAS from products is the most effective management strategy.

Are there any pending lawsuits that could impact local agencies?

Thousands of lawsuits have been filed against PFAS manufacturers in the last decade, with a considerable uptick in the last few years. In 2020, the Orange County Water District and ten Orange County public water agencies filed a lawsuit against several manufacturers claiming that PFAS contaminated local groundwater, drinking water, and real property. The plaintiffs are seeking to protect ratepayers and ensure that remediation costs, including treatment and replacement water, are borne by the companies that developed and manufactured PFAS.

In late 2022, California Attorney General Rob Bonta filed a lawsuit against PFAS manufacturers — including 3M and DuPont — for endangering public health, causing irreparable harm to the state's natural resources, and engaging in a widespread campaign to deceive the public. In his lawsuit, the Attorney General cited the impacts to water and wastewater systems as one of the drivers for the action.

Similar suits have been filed in other parts of the country, some of which have resulted in sizeable settlements. For example, in 2018, Minnesota settled its lawsuit against PFAS manufacturer 3M for \$850 million.

What's next?

Although PFAS have been top of mind for local agencies for several years, we are only beginning to determine how to best manage, communicate, and ultimately assess liability for the cleanup. The landscape will no doubt change in the coming decade as litigation proceeds, health impacts are better understood, and new technologies are explored.

For now, it is important for local agencies to properly message the risks and actions to their ratepayers, and to support efforts to emphasize source control and removal measures. Local agencies can be part of the solution by advocating for better source control, product stewardship, pretreatment, and the polluter pays principle.

CASA is the leading voice for clean water agencies on regulatory, legislative, and legal issues. It represents more than 130 local public agencies engaged in the collection, treatment, and recycling of wastewater and biosolids to protect public health and the environment. For more information about CASA's efforts on PFAS or other priority issues, email Adam Link at alink@casaweb.org.

ITEM NO. RA7 BACWA KEY REGULATORY ISSUES SUMMARY

Recommendation

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

Background

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

Discussion

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



KEY REGULATORY ISSUE SUMMARY

Updated September 5, 2023

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

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New updates in this version are shown in Purple highlighting

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
NUTRIENTS IN SAN FRANCISCO BAY			
<ul style="list-style-type: none"> San Francisco Bay receives some of the highest nitrogen loads among estuaries worldwide, yet has not historically experienced the water quality problems typical of other nutrient-enriched estuaries. It is not known whether this level of nitrogen loading, which will continue to increase in proportion to human population increase, is sustainable over the long term. Because of the complexity of the science behind nutrient impacts in SF Bay, stakeholders in the region are participating in the Nutrient Management Strategy (NMS) steering committee to prioritize scientific studies and ensure that all science to be used for policy decisions is conducted under one umbrella. 	<ul style="list-style-type: none"> For FY24, BACWA is contributing \$1.8M to fund scientific research needed to make management decisions for the 3rd Watershed Permit. This payment completes the science funding requirement in the 2nd Watershed Permit. The focus of current scientific efforts is improving model representation of biogeochemistry, light attenuation, dissolved oxygen, and harmful algal bloom dynamics. The science team is also developing an Assessment Framework for Open Bay habitats and Lower South Bay sloughs. In summer 2022, a harmful algae bloom in San Francisco Bay brought increased public attention to this topic. A smaller bloom recurred in summer 2023. In both cases, the NMS science team modified the science plan to conduct monitoring and assist with data interpretation. 	<ul style="list-style-type: none"> Continue to participate in NMS steering committee, Nutrient Technical Workgroup, and planning subcommittee meetings, and provide funding for scientific studies. Continue to assist with preparation of a brief “State of the Science” document summarizing the scientific accomplishments of the NMS team for public use. Continue to engage with Nutrient Technical Team and BACWA’s Nutrient Management Strategy technical consultant, Mike Connor, to provide review of recent work products and charge questions for the science team. 	<p>BACWA Nutrients Page: https://bacwa.org/nutrients/</p> <p>NMS FY24 Program Plan (Adopted May 2023) https://drive.google.com/drive/folders/1cZYArziJWiYUsWPPR1OEuk52p9Sg7vn9</p> <p>NMS Work Products https://sfbaynutrients.sfei.org/books/reports-and-work-products</p> <p>BACWA Nutrient FAQ https://bacwa.org/wp-content/uploads/2023/01/BACWA-Nutrient-Fact-Sheet.pdf</p> <p>2023 SF Bay Algal Bloom https://bacwa.org/general/2023-algal-bloom-in-sf-bay-updated-8-3-2023/</p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
SF BAY NUTRIENT WATERSHED PERMIT			
<ul style="list-style-type: none"> • The 1st Nutrient Watershed Permit was adopted in 2014, and required a regional study on Nutrient Treatment by Optimization and Upgrades, completed in 2018. • The 2nd Nutrient Watershed Permit was adopted in 2019. It includes: <ul style="list-style-type: none"> ○ Continued individual POTW nutrient monitoring and reporting; ○ Continued group annual reporting; ○ Significantly increased funding for science; ○ Regional assessment of the feasibility and cost for reducing nutrients through nature-based systems and recycled water; ○ Establishing current performance for Total Inorganic Nitrogen (TIN), and “load targets” for nutrient loads based on 2014 to 2017 load data plus a 15% buffer for growth and variability ○ Recognition of “early actors” who are planning projects that will substantially decrease TIN loads. • Through the nutrient surcharge levied on permittees, BACWA funds compliance with the following provisions on behalf of its members: <ul style="list-style-type: none"> ○ Group Annual Reporting ○ Regional Studies on Nature-Based Systems and Recycled Water ○ Support of scientific studies through the Regional Monitoring Program (RMP) with \$11M over the five-year permit term. 	<ul style="list-style-type: none"> • Studies related to Recycled Water and Nature-Based Systems were completed in June 2023, as required by the 2nd Nutrient Watershed Permit. • Each year by February 1, BACWA submits a Group Annual Report on behalf of its members. The report summarizes trends in nutrient concentrations and loading for each agency, and for all the agencies as a whole. The annual reporting period in the 2nd Watershed Permit is based on a water year (Oct. 1 – Sept. 30). HDR will begin collected . • In response to the summer 2022 algae bloom, Regional Water Board staff signaled that the 3rd Watershed Permit is likely to include nutrient load reduction requirements. • The current concept proposed by the Regional Water Board is for the permit to contain interim limits for dry season TIN loads that are effective immediately and “final limits” that become effective after 10 years. The 10-year clock could be modified in subsequent permits if the “final limits” become more stringent, so the term “final” only applies to this specific permitting action. • The recurrence of a smaller algae bloom in summer 2023 has increased public and regulator awareness of the issue, making significant nutrient load reductions more likely to be required. • The NMS modeling team is developing and testing several load reduction scenarios to inform the 3rd Nutrient Watershed Permit. 	<ul style="list-style-type: none"> • BACWA continues to convene a Nutrient Strategy Team to develop BACWA’s key tenets for the 3rd Watershed Permit, and members are encouraged to participate. The Nutrient Strategy Team is actively engaging with the Regional Water Board to expand upon the key tenets and discuss implementation details for the 3rd Watershed Permit, including the magnitude and timing of required load reductions. • BACWA staff will continue to confer with larger wastewater treatment plants to identify projects that could reduce nutrient loads during the term of the 3rd Watershed Permit and beyond. This information is needed for development of the 3rd Watershed Permit fact sheet to support the compliance schedule that is anticipated to precede the final limits. • Agencies will continue to report nutrient monitoring data both through CIWQS and directly to BACWA. Submittals for the 2022-2023 water year will be due to HDR in November 2023. 	<p>2nd Nutrient Watershed Permit: https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2019/R2-2019-0017.pdf</p> <p>Special Studies of Recycled Water and Nature-Based Solutions: https://bacwa.org/document-category/2nd-watershed-permit-studies/</p> <p>Optimization/Upgrade Study Information: https://bacwa.org/document-category/optimization-and-upgrade-studies/</p> <p>BACWA Group Nutrient Annual Reports: http://bacwa.org/document-category/nutrient-annual-reports/</p> <p>Presentations from 2023 BACWA Annual Members Meeting https://bacwa.org/document-category/2023-annual-meeting/</p> <p>BACWA Summary of Status of 3rd Watershed Permit Negotiations https://bacwa.org/wp-content/uploads/2023/09/WSP-Negotiations-Update-2023-09-05.pdf</p>

CHLORINE RESIDUAL COMPLIANCE

<ul style="list-style-type: none"> • The Basin Plan chlorine residual effluent limit is 0.0 mg/L. Chlorine residual is the most frequent parameter for violations for Region 2 POTWs. Because there are 24 hourly reporting events each day, the “opportunities” for violations are enormous. However, the actual violation rates are infinitesimal (~0.001%). • Agencies are overdosing their effluent with the dechlorination agent, sodium bisulfite, to prevent chlorine violations, a practice which costs more than \$1 million regionally each year. • Regional Water Board staff and BACWA have worked together for more than decade to modify the effluent limit for chlorine residual. 	<ul style="list-style-type: none"> • In 2020, the Regional Water Board adopted a Basin Plan Amendment that incorporated EPA’s ambient water quality criteria for chlorine into the Basin Plan. Since the Basin Plan Amendment was not approved by EPA, it did not go into effect. • In August 2023, the Regional Water Board issued a Tentative Order NPDES Permit Amendment that modifies effluent limits for residual chlorine for most dischargers. The revised limits are based on a translation of the Basin Plan’s existing narrative toxicity objective. The NPDES Permit Amendment includes: <ul style="list-style-type: none"> ○ Limits calculated based on a 0.013 mg/L water quality objective in marine and estuarine waters, and incorporating dilution for deep water dischargers. The limits will be applied as a 1-hour average. ○ A Minimum Level of 0.05 mg/L for online continuous monitoring systems. • The Tentative Order NPDES Permit Amendment requires most dischargers to prepare a Chlorine Process Control Plan targeting a chlorine residual of 0.0 mg/L at discharge points. The Chlorine Process Control Plan is part of the Operation and Maintenance Manual; updates are to be summarized with annual self-monitoring reports (typically due February 1st). 	<ul style="list-style-type: none"> • Review the Tentative Order NPDES Permit Amendment modifying effluent limits for residual chlorine for most dischargers in the region. Comments are due by September 29, 2023. • If the Tentative Order NPDES Permit Amendment is adopted in November 2023, plan to comply with new effluent limits for residual chlorine and new Chlorine Process Control Plan requirements beginning January 1, 2024. • BACWA will provide guidance through the Permits Committee as to how agencies can meet the new chlorine process control requirement. 	<p>Tentative Order Blanket NPDES Permit Amendment (Anticipated Effective Date: January 1, 2024)</p> <p>https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2023/November/Chlorine/Tentative_Order.pdf</p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
PESTICIDES			
<ul style="list-style-type: none"> • Pesticides are regulated via FIFRA, and not the Clean Water Act. POTWs do not have the authority to regulate pesticide use in their service area, but may be responsible for pesticide impacts to their treatment processes or to surface water. • Through BAPPG, BACWA aims to proactively support a scientific and regulatory advocacy program so that pesticides will not impact POTWs' primary functions of collecting and treating wastewater, recycling water, and managing biosolids, or impact receiving waters via the "down the drain" route. 	<ul style="list-style-type: none"> • EPA reviews all registered pesticides at least once every 15 years. Each review allows opportunity for public comment. • BACWA continues to fund consultant support to write comment letters advocating for the consideration of POTW and surface water issues by EPA and the California Department of Pesticide Registration (CalDPR). Funding for pesticide regulatory outreach in FY24 is \$69K. The pesticides regulatory team also supports the California Stormwater Quality Association (CASQA) on outreach work related to urban pesticide use. • The August 2023 version of the BAPPG/BACWA Pesticide Watch List adds indoor uses of Quaternary Ammonia Compounds, whose usage has been increasing in recent years. • The Regional Water Board leverages BACWA's efforts to provide their own comment letters. • Baywise.org has launched webpages on flea and tick control messaging to pet owners and veterinarians. • In January 2023, CalDPR released a Sustainable Pest Management Roadmap. The Roadmap identifies actions that would enhance understanding of pesticide use in urban areas and enhance outreach to urban pesticide users. CalDPR is also pursuing a significant increase to the "Mill Fee," a tax on pesticide sales, to fund some activities identified in the Roadmap. If approved, the increases would begin in FY25. 	<ul style="list-style-type: none"> • Advocate for implementation of specific actions from the Sustainable Pesticide Management Roadmap, and for increases in the Mill Fee to support implementation at CalDPR. • Continue to comment on EPA pesticide re-registrations and CalDPR actions. • Engage with EPA on proposed changes to the regulatory approval process for pesticides. • Work with veterinary associations on messaging with respect to flea and tick control alternatives. • Continue to develop summaries of EPA actions on pesticides. • Look for opportunities to work with CalDPR on pesticides research. • Work with other regional associations, such as CASQA to collaborate on funding pesticide regulatory outreach. 	<p>BACWA Pesticide Regulatory Support Page: https://bacwa.org/bappg-pesticides/</p> <p>Baywise flea and tick pages: https://baywise.org/residential/pets/keep-pets-free-of-fleas-and-ticks/</p> <p>https://baywise.org/residential/pets/</p> <p>BACWA-CASQA Urban Pesticides Collaboration Fact Sheet: https://bacwa.org/wp-content/uploads/2022/08/CASQA-BACWA-Factsheet-July2022.pdf</p> <p>CalDPR Sustainable Pest Management Roadmap https://www.cdpr.ca.gov/docs/pressrls/2023/012623.htm</p> <p>BACWA coalition letter on modernizing the pesticide approval process https://bacwa.org/document/bacwa-nacwa-coalition-comments-on-fda-epa-pesticide-modernization-2023-04-25/</p> <p>BAPPG/BACWA Pesticides Watch List https://bacwa.org/wp-content/uploads/2023/08/FINAL-BACWA-Pesticides-Watch-List-Aug-2023.pdf</p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
MERCURY AND PCBs			
<ul style="list-style-type: none"> • The Mercury & PCBs Watershed Permit is based on Total Maximum Daily Loads (TMDLs) for San Francisco Bay for each of these pollutants. • The Mercury & PCBs Watershed Permit was most recently reissued in December 2022, and it continues to require discharger support for risk reduction activities. BACWA is funding risk reduction activities on behalf of its members to comply with this permit provision. For FY24, BACWA has budgeted \$12,500 to support risk reduction activities related to fish consumption. • Aggregate mercury and PCBs loads have been well below waste load allocations through 2022, the last year for which data have been compiled. • EPA Method 1668C for measuring PCB Congeners has not been promulgated by EPA. Effluent limitations are based on PCB Aroclors quantified using EPA Methods 625.1 or 608.3. • In 2017, EPA adopted federal pretreatment program rules requiring dental offices to install dental amalgam separators. The rule is intended to reduce dental office discharge of mercury. The compliance date was July 14, 2020. 	<ul style="list-style-type: none"> • As part of the 2021 Triennial Review of the Basin Plan, the Regional Water Board has prioritized designation of three new beneficial uses: Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB) and Subsistence Fishing (SUB). Water bodies designated with these beneficial uses could also be assigned lower mercury objectives. • BACWA supported risk reduction programming by two grantees to fulfill requirements of the 2017 Mercury & PCBs Watershed Permit. In August 2023, BACWA arranged for the grantees to present their work to Regional and State Water Board staff (materials linked at right). • Through 2026, State Water Board and Regional Water Board staff are working on a Bioaccumulation Monitoring Program Realignment effort in the San Francisco Bay region. BACWA intends to support risk reduction activities related to this effort, which may include tribal outreach on fishing and fish consumption. • In January 2022, monitoring requirements for mercury were reduced for most dischargers by a blanket NPDES Permit amendment (Order R2-2021-0028) (see link at right). Revised monitoring frequencies are also reflected in the reissued permit. 	<ul style="list-style-type: none"> • Continue to coordinate with local community-based organizations and Water Boards staff to develop concepts for risk reduction activities that BACWA could support during the term of the 2022 permit. • Continue outreach to dentists BAPPG and BACWA's pretreatment committee. Per federal rules, all dental facilities were required to submit one-time compliance reports by October 2020. • Track potential Basin Plan Amendments resulting from the Triennial Review project related to new beneficial use designations. The new designations are not expected to impact the Bay-wide mercury TMDL in the near term, but there could be localized or longer-term impacts. 	<p>2022 Mercury & PCBs Watershed Permit (Effective Feb. 1, 2023) https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2022/R2-2022-0038.pdf</p> <p>Risk Reduction Materials (Updated August 2023) https://bacwa.org/mercurypcb-risk-reduction-materials/</p> <p>NPDES Permit Amendment for Monitoring and Reporting https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf</p> <p>Mercury and PCB Load Trends 2013- 2022 (Updated July 2023) https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2023/July/6_ssr.pdf</p>

STATE WATER BOARD TOXICITY PROVISIONS

<ul style="list-style-type: none"> • The State Water Board has been working since before 2012 to establish Toxicity Provisions in the State Implementation Plan (SIP) that would introduce uniform Whole Effluent Toxicity requirements for the state. • During individual permit reissuances since 2015, the Regional Water Board has been performing RPAs for chronic toxicity and giving chronic toxicity limits to agencies with Reasonable Potential. • The State Water Board adopted the Statewide Toxicity Provisions in October 2021 as state policy for water quality control for all inland surface waters and estuaries. The Provisions establish: <ul style="list-style-type: none"> ○ Use of Test of Significant Toxicity (TST) as statistical method to determine toxicity, replacing EC25/IC25; ○ Numeric limits for chronic toxicity for POTWs >5 MGD and with a pretreatment program; smaller POTWs will receive effluent targets and only receive limits if Reasonable Potential is established; ○ Regional Water Board discretion on whether to require RPAs for acute toxicity; ○ For POTWs with <i>Ceriodaphnia dubia</i> as most sensitive species, numeric targets rather than limits until after completion of state-wide study on lab/ testing issues (Dec. 31, 2023). 	<ul style="list-style-type: none"> • EPA approved the Statewide Toxicity Provisions on May 1, 2023, and they became effective on June 1, 2023. Individual NPDES permits reissued in the San Francisco Bay Region are implementing the Toxicity Provisions and requiring use of the TST for chronic toxicity testing. Reissued permits no longer require acute toxicity monitoring. • EPA has not yet approved the Alternate Test Procedure for whole effluent toxicity testing. Until the Alternate Test Procedures are approved, the Regional Water Board has advised that dischargers should use the full five-concentration series for all tests, including routine monitoring and Species Sensitivity Screening Studies. • Since 2016, agencies have had the option to skip sensitive species screening upon permit reissuance and pay the avoided funds to the RMP to be used for CECs studies. Under the Toxicity Provisions, agencies will be required by the provisions to do sensitive species screening once every 15 years. • The State Water Board is collaborating with stakeholders on a special study to improve the quality of <i>Ceriodaphnia dubia</i> testing. The multi-laboratory study of toxicity testing has been completed, and a draft report with recommendations for laboratories is expected to be released in September 2023. The State Water Board will hold an informational hearing on these recommendations later in September 2023. 	<ul style="list-style-type: none"> • Begin conducting toxicity testing using the Statewide Toxicity Provisions. As of June 2023, member agencies with individual NPDES permits reissued after August 2022 have automatically transitioned to the new toxicity testing requirements. • Plan to conduct a species sensitivity screening to comply with the Toxicity Provisions, which require a study no more than 10 years old be used to determine a “Tier I” species for use in compliance monitoring. • Share information on the special study of the <i>Ceriodaphnia dubia</i> test method as it is finalized in Fall 2023. 	<p>SWRCB Toxicity Page: http://www.swrcb.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml</p> <p>Toxicity Workshop Presentations from 2017 BACWA Workshop: https://bacwa.org/bacwa-toxicity-workshop-september-18-2017/</p> <p>Regional Water Board presentation on implementation of Statewide Toxicity Provisions from December 2020: https://bacwa.org/wp-content/uploads/2021/01/Slides-from-RWQCB-Regarding-R2-Tox-Language-in-NPDES-Permits-2020-12-08.pdf</p> <p><i>Ceriodaphnia</i> Quality Assurance Study https://www.sccwrp.org/about/research-areas/additional-research-areas/ceriodaphnia-toxicity-testing-quality-assurance/</p> <p>EPA Approval of Statewide Toxicity Provisions https://bacwa.org/wp-content/uploads/2023/05/05.01.2023-EPA-CWA-303c-Approval-of-California-Toxicity-Provisions.pdf</p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
COMPOUNDS OF EMERGING CONCERN (CECS)			
<ul style="list-style-type: none"> Pharmaceuticals and other trace compounds of emerging concern (CECs) are ubiquitous in wastewater at low concentrations and have unknown effects on aquatic organisms. The State Water Board has formed a Pretreatment and CECs Unit. Region 2's CEC strategy focuses on monitoring/tracking concentrations of constituents with high occurrence and high potential toxicity. Much of what the State Water Board is considering for its monitoring program is already being implemented in Region 2 through the RMP. 	<ul style="list-style-type: none"> The Regional Water Board has stated that voluntary and representative participation in RMP CECs studies is key to avoiding regulatory mandates for CECs monitoring. These studies are informational and not for compliance purposes. BACWA developed a White Paper on representative participation to support facility selection for these studies. Bay dischargers are continuing to provide supplemental funding for RMP CECs studies through the NPDES Permit Amendment adopted in December 2021 by the Regional Water Board. The State Water Board has recently increased its focus on CECs. In November 2022, a State Water Board Science Advisory Panel released a report identifying risk-based and occurrence-based monitoring strategies in aquatic ecosystems. Similar approaches are already in use in the Bay Area by the RMP. 	<ul style="list-style-type: none"> Continue to participate in the RMP Emerging Contaminants Workgroup. Participate in RMP studies by collecting wastewater samples at member facilities. For the coming year, the Emerging Contaminants Workgroup has proposed to fund a study of organophosphate esters, bisphenols, and other plastic additives in wastewater effluent. This study would be in addition to the ongoing OPC-microplastic study and BACWA-funded Regional PFAS Study. Update the 2020 White Paper created for use by the RMP or others in selecting representative POTWs for participation in CEC studies. The 2020 White Paper will be updated to note recently completed and ongoing studies of CECs in Bay Area wastewater. 	<p>RMP Emerging Contaminant Workgroup: http://www.sfei.org/rmp/ecwg#ab-1-4</p> <p>BACWA CECs White Paper: https://bacwa.org/document/bacwa-cec-white-paper-updated-june-2020/</p> <p>NPDES Permit Amendment for Monitoring and Reporting https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2021/R2-2021-0028.pdf</p> <p>State Water Board CECs webpage: https://www.waterboards.ca.gov/water_issues/programs/cec/index.html</p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
MICROPLASTICS			
<ul style="list-style-type: none"> • Microplastic pollution is an environmental threat with the potential to impact wastewater disposal and reuse, as well as biosolids end uses. • Microplastics have been a focus of the RMP in recent years. BACWA has participated in the Workgroup and developed a POTW Fact Sheet. One conclusion of the RMP work is that POTWs contribute much lower microplastic loads than stormwater. As a result, the RMP is focusing future microplastics sampling efforts on stormwater pathways. 	<ul style="list-style-type: none"> • In February 2022, the Ocean Protection Council (OPC) adopted a Statewide Microplastics Strategy that calls for increased water recycling, additional monitoring of wastewater, source control in wastewater, and additional scientific research. • OPC is funding a study of microplastic removal through wastewater treatment processes. The study commenced in 2021 with a pilot study involving BACWA member agency participation. Full-scale sampling and analysis of influent, effluent, and biosolids is planned to be completed in 2023. • The Draft 2024 California Integrated Report (303(d) List) notes that San Francisco Bay is “potentially threatened” by microplastics. Due to data limitations, the Bay is <u>not</u> proposed to be listed as an impaired water body during this listing cycle. • Additional research to improve scientific understanding of microplastics in aquatic ecosystems will be needed to support a future impairment determination for the Bay. The Water Boards and OPC are supporting allocation of funding towards these research efforts. • Ongoing microplastics investigations by the RMP are focused on tire particles in stormwater. • As of September 2023, draft legislation (AB 1628) would require all new washing machines sold in California to come equipped with microfiber filtration, which would reduce the load of microplastic fibers to POTWs. 	<ul style="list-style-type: none"> • Continue to participate in the RMP Microplastics Workgroup. • Three BACWA member agencies are participating in the OPC-funded microplastic study. As of September 2023, sample collection was nearly complete and sample analysis was partially complete. CASA has also funded the study team at the Southern California Coastal Water Research Project (SCCWRP) to complete add-on work comparing results between different sampling methods. • Continue tracking State Water Board and Ocean Protection Council actions via the CASA Microplastics Workgroup. 	<p>BACWA Microplastics Fact Sheet: https://bacwa.org/wp-content/uploads/2019/09/BACWA-Microplastics-flyer.pdf</p> <p>SFEI Microplastics project: https://www.sfei.org/projects/microplastics</p> <p>Ocean Protection Council Microplastics Strategy: https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/2022_0223/Item_6_Exhibit_A_Statewide_Microplastics_Strategy.pdf</p> <p>2024 California Integrated Report / 303(d) List https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html</p>

PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)

<ul style="list-style-type: none"> • Per- and polyfluoroalkyl substances (PFAS) are a group of human-made substances that are very resistant to heat, water, and oil. PFAS have been used in surface coating and protectant formulations. Common PFAS-containing products are non-stick cookware, cardboard/paper food packaging, water-resistant clothing, carpets, and fire-fighting foam. • Perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) are two types of PFAS no longer manufactured in the US; however, other types of PFAS are still produced and used in the US. • All PFAS are persistent in the environment, can accumulate within the human body, and have demonstrated toxicity at relatively low concentrations. • Potential regulatory efforts to address PFAS focus on drinking water in order to minimize human ingestion of these chemicals, although regulators have also expressed concern about uptake into food from biosolids. • In July 2020, the SWRCB issued an investigative order for POTWs. At that time, BACWA obtained SWRCB approval to fund and conduct a Regional PFAS Study in lieu of the investigative order. • In April 2021, the formation of an “EPA Council on PFAS” was announced. 	<ul style="list-style-type: none"> • The EPA and State of California are developing drinking water standards for PFAS compounds. <ul style="list-style-type: none"> ○ DDW has developed drinking water notification and response levels for PFOA, PFOS, Perfluorobutane Sulfonic Acid (PFBS), and Perfluorohexane Sulfonic Acid (PFHxS). ○ EPA has released final health advisories for PFOA (0.004 ng/L) and PFOS (0.02 ng/L). ○ In February 2023, EPA proposed Maximum Contaminant Levels for PFOA and PFOS as individual contaminants, and PFHxS, PFNA, PFBS, and HFPO-DA (commonly referred to as GenX Chemicals) as a PFAS mixture. By design, these MCLs are very close to the current limits of quantification. • EPA is conducting pretreatment standards rulemaking for three types of industrial users: Metal Finishing, Organic Chemicals, Plastics and Synthetic Fibers, and landfills. • EPA is developing a new analytical method for PFAS in complex matrices like wastewater. Draft Method 1633 is expected to be finalized later in 2023. • In August 2022, EPA proposed a rule designating PFOA and PFOS as hazardous substances under CERCLA (the Superfund law). BACWA submitted a comment letter on the proposal (link at right). • In late 2022, EPA issued permitting guidance for pretreatment programs and NPDES permits. It recommends use of Draft Method 1633. 	<ul style="list-style-type: none"> • BACWA’s Regional PFAS Study is being conducted by SFEI in two phases: <ul style="list-style-type: none"> ○ In Phase 1 (2020), fourteen facilities collected samples of influent, effluent, reverse osmosis concentrate, and biosolids. BACWA prepared a Fact Sheet regarding Phase 1 results (see link at right). ○ In Phase 2 (2022), six agencies conducted sampling of influent, effluent, and biosolids; residential sewersheds, commercial and industrial users; hauled organic waste used as digester feed; and groundwater. ○ A final report is in preparation summarizing both Phase 1 and Phase 2 results, and a draft will be available in fall 2023. SFEI also plans to present the findings Regional Monitoring Program Annual Meeting in October 2023. • Continue tracking developments at the federal, state and regional level, in particular to understand the impact of the CERCLA designation on biosolids reporting. • Continue to support PFAS source control efforts by participating in monitoring studies, and by supporting regulatory and legislative efforts to limit the use of PFAS. 	<p>BACWA PFAS Documents: https://bacwa.org/pfas-links/</p> <p>SWRCB PFAS Resources: https://www.waterboards.ca.gov/pfas/</p> <p>EPA PFAS Resources https://www.epa.gov/pfas</p> <p>EPA PFAS Strategic Roadmap https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024</p> <p>EPA Proposed Drinking Water Regulations https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024</p> <p>2022 PFAS Legislation Outcomes for CA: https://www.cwea.org/news/pfas-legislation-we-have-seen-in-2022/</p> <p>BACWA Comment Letter on CERCLA Designation: https://bacwa.org/wp-content/uploads/2022/11/BACWA-PFAS-CERCLA-Ltr-2022-11-07.pdf</p> <p>EPA NPDES Permitting Guidance (Dec. 2022) https://www.epa.gov/system/files/documents/2022-12/NPDES_PFAS_State%20Me mo December 2022.pdf</p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
SANITARY SEWER SYSTEMS GENERAL ORDER			
<ul style="list-style-type: none"> In 2022, the State Water Board reissued the statewide Sanitary Sewer Systems General Order (SSS-WDR). The reissued order replaced the 2006 Order and the 2013 Monitoring and Reporting Program. The State Water Board's goals for the update were: <ul style="list-style-type: none"> Updating the 2006 Order Clarifying compliance expectations and enhancing enforceability Addressing system resiliency, including climate change impacts Identifying valuable data and eliminating non-valuable reporting requirements 	<ul style="list-style-type: none"> The reissued order became effective on June 5, 2023. The reissued SSS-WDR contains numerous new and modified requirements, such as: <ul style="list-style-type: none"> A prohibition on discharges to groundwater; Reduced spill reporting requirements for small spills (spills from laterals or <50 gallons); New spill monitoring requirements such as photo documentation and faster water quality sampling; New requirements for preparation of Sewer System Management Plans (SSMPs), including a focus on system resiliency, prioritizing corrective actions, and coordinating with stormwater agencies; Modified annual reporting requirements; New mapping requirements; and Modified timelines for preparation of audits and SSMPs. The State Water Board has prepared an online tool to assist agencies in determining compliance dates (at right). Maintaining an updated SSMP continues to be a core requirement of the SSS-WDR. Beginning in May 2025, SSMP updates will be required every six years (instead of five) and must contain the 11 updated elements described in the reissued SSS-WDR. 	<ul style="list-style-type: none"> Work through the Collections System Committee to update a guidance document for Sewer System Management Plans (SSMPs). Previous guidance documents are now outdated due to the SSS-WDR reissuance. BACWA plans to hire a consultant to assist with this task Continue to coordinate with CASA and CWEA on training opportunities for members as they transition to enrollment under the new SSS-WDR. 	<p>State Water Board SSS-WDR page: https://www.waterboards.ca.gov/water_issues/programs/ssso/</p> <p>Reissued SSS-WDR (General Order 2022-0103-DWQ), Effective June 5, 2023 https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo-2022-0103-dwg.pdf</p> <p>Materials from Clean Water Summit Partners Webinars on Reissued SSS-WDR https://casaweb.org/resources/speaker-presentations/</p> <p>SSMP and Audit Due Dates Lookup Tool from State Water Board https://www.waterboards.ca.gov/water_issues/programs/ssso/lookup/</p>

Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
LABORATORY ACCREDITATION			
<ul style="list-style-type: none"> • In May 2020, the State Water Board adopted new comprehensive regulations for the Environmental Laboratory Accreditation Program. • Adoption of the new regulations was required by AB 1438, legislation that became effective in 2018. • The new ELAP regulations are replacing the current state-specific accreditation standards with a national laboratory standard established by The NELAC Institute (TNI). • Compliance with TNI standards is required beginning January 1, 2024. 	<ul style="list-style-type: none"> • Adoption of TNI standards poses a challenge since there are more than 1,000 individual requirements. Transition costs may include: <ul style="list-style-type: none"> ○ Hiring and/or training staff; ○ Hiring consultants to set up the TNI documentation framework; ○ Purchasing new software; ○ Purchasing documents and training material from TNI, etc. • The new standards will be a particular burden on small laboratories, which may choose to close if they cannot economically meet the new standards. ELAP has reported a 15% reduction in the number of accredited laboratories in California since 2020, and a 25% reduction since 2015. This reduction is contributing to significantly higher ELAP fees for the remaining laboratories. ELAP fees are expected to increase by 30% in FY24. ELAP is investigating fee structure options that would reduce impacts on small laboratories. Fee restructuring will not occur until FY25 or later. • The BACWA Lab Committee began providing monthly TNI training sessions beginning in July 2021. BACWA has provided funding for the TNI training sessions to continue through FY24 with a focus on practical tips and Q&A. • ELAP is now implementing EPA's 2021 Method Update Rule. ELAP has advised labs to update any outdated methods by February 2024. 	<ul style="list-style-type: none"> • Offer six training sessions per year to BACWA members. The free virtual training sessions are open to BACWA members holding a valid copy of the 2016 TNI Standard, and are occurring on the 3rd Tuesday of alternating months. Diane Lawver of Quality Assurance Solutions, LLC, is providing the training. BACWA's TNI training sessions are recorded, and a link is available upon request. • Follow development of ELAP fee restructuring proposals, and provide comments on behalf of BACWA member agencies. • Communicate with ELAP staff on behalf of BACWA's Laboratory Committee as new guidance and training materials are developed for TNI implementation and methods updates. • Continue to work through BACWA's Laboratory Committee to support members as they navigate laboratory accreditation under the new TNI standards. • Publicize training opportunities offered by consultants, ELAP, and others. 	<p>State Water Board's 'Roadmap to ELAP Accreditation' page: https://www.waterboards.ca.gov/drinking_water/certlic/labs/roadmap_to_elap_accreditation.html</p> <p>State Water Board's ELAP regulations page: http://www.waterboards.ca.gov/drinking_water/certlic/labs/elap_regulations.shtml</p> <p>BACWA Training Session flyer: https://bacwa.org/wp-content/uploads/2023/06/BACWA-Lab-TNI-Training-Series-Flyer-FY24.pdf</p> <p>ELAP Timeline Guidance Tool: https://www.waterboards.ca.gov/drinking_water/certlic/labs/docs/2022/elap-scheduler-1-1.xlsx</p> <p>ELAP Implementation of 2021 Method Update Rule https://www.waterboards.ca.gov/drinking_water/certlic/labs/mur.html</p>

BIOSOLIDS

<ul style="list-style-type: none"> Regulatory drivers are leading to the phase-out of biosolids used as alternative daily cover (ADC) or disposed in landfills. SB 1383, adopted in September 2016 requires organics diversion: <ul style="list-style-type: none"> -50% by 2020 (relative to 2014) -75% by 2025 (relative to 2014) CalRecycle is the state agency responsible for implementation. Regulations implementing SB 1383 went into effect in 2022. Jurisdictions can begin local enforcement January 1, 2024, and compliance is required by January 1, 2025. Requirements include: <ul style="list-style-type: none"> Diverted biosolids must be anaerobically digested and/or composted to qualify as landfill reduction. CalRecycle is accepting applications to qualify other specific treatment technologies as landfill reduction (per Article 2 of SB 1383). Local ordinances restricting land application are disallowed. While the regulations implementing SB 1383 do not explicitly forbid biosolids disposal/reuse in landfills, it is assumed that since biosolids are a relatively "clean" waste stream that can be easily diverted, landfills will stop accepting biosolids. The Bay Area Biosolids Coalition (BABC) was formed to find sustainable, cost-effective, all-weather options for biosolids management. BABC is a BACWA Project of Special Benefit. 	<ul style="list-style-type: none"> BACWA's 2021 Biosolids Trends Survey Report compiles member agency activities in 2018-2020, as well as survey responses regarding SB 1383 implementation. Jurisdictions that divert organic waste must also procure the end products of diversion, such as biogas, biomethane, and compost (but not biosolids). Procurement rules are being phased in over three years (2023 to 2025) and there are interim rules regarding procurement of biogas from POTWs. CalRecycle is conducting outreach to several counties with restrictive ordinances on land application. As a result, these counties may begin to accept biosolids for land application. CalRecycle is reviewing an application to qualify an alternative technology as landfill reduction per Article 2. CASA and technology providers are seeking additional clarification from CalRecycle on technologies that <i>already</i> comply with SB1383 and need not apply under Article 2. AB 1857, signed in 2022, removes a diversion credit for municipal solid waste incinerators. CalRecycle will soon prepare draft regulations implementing the law, which could apply to biosolids treated via pyrolysis. The <i>Biosolids in the Baylands</i> white paper identifies data gaps at land application sites in the Baylands. Studies funded by BACWA and BABC (e.g., PFAS) and other current studies will be considered to help fill remaining data gaps before identifying new monitoring requirements at these sites. 	<ul style="list-style-type: none"> Share information about plans for biosolids treatment and use at BABC's November 13th meeting. Several agencies in the greater Bay Area are planning new biosolids treatment approaches (such as pyrolysis) in response to SB 1383 and other regulatory drivers. This meeting is open to all BACWA members. BACWA's next Biosolids Trends Survey Report will be completed in 2024 and will cover 2021-2023. Engage through CASA and BABC to follow development of regulations implementing AB 1857, with the goal of avoiding limits on POTWs using pyrolysis for organic waste management. Continue to engage with the Regional Water Board regarding supplemental monitoring requirements for biosolids land application sites in the Baylands. Actively work through CASA with California Air Resource Board, CalRecycle, State Water Board, and California Department of Food and Agriculture to develop sustainable long-term options for biosolids beneficial use. Meet with BAAQMD regularly in 2023 to discuss alignment of state and local regulations. 	<p>BACWA 2021 Biosolids Trends Survey Report: https://bacwa.org/wp-content/uploads/2021/12/BACWA-2021-Biosolids-Trends-Survey-Report.pdf</p> <p>BABC website: http://www.bayareabiosolids.com/</p> <p>CASA White Paper on SB 1383 Implementation: https://bacwa.org/document/summary-of-sb-1383-and-its-implementation-casa-2020/</p> <p>CalRecycle - Short-Lived Climate Pollutant Reduction Strategy https://www.calrecycle.ca.gov/organics/slcp</p> <p>CalRecycle Procurement FAQ (Updated by AB 1985) https://calrecycle.ca.gov/organics/slcp/faq/recycledproducts/</p> <p>SB1383 Article 2 Determination https://calrecycle.ca.gov/organic/slcp/recyclingfacilities/article2/</p> <p><i>Biosolids in the Baylands White Paper</i> https://bacwa.org/wp-content/uploads/2022/07/Biosolids-in-the-Baylands-White-Paper-March-2022.pdf</p>
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CLIMATE CHANGE MITIGATION

<ul style="list-style-type: none"> • CARB's Climate Change Scoping Plan Update lays out the approach for the State to meet its greenhouse gas (GHG) emissions reduction targets through 2030. The latest Scoping Plan was updated in 2022 targeting carbon neutrality by 2045, including policies addressing: <ul style="list-style-type: none"> ○ Short-lived climate pollutants ○ Carbon sequestration on Natural and Working Lands ○ Largest emitters (transportation, electricity, and industrial sectors) • SB 1383 (Short-Lived Climate Pollutant Reduction) calls for: <ul style="list-style-type: none"> ○ 40% methane reduction by 2030 ○ 75% diversion of organic waste from landfills by January 1, 2025 ○ Policy / regulatory development encouraging production/use of biogas • BAAQMD developed a Clean Air Plan requiring GHG emissions supporting CARB's 2050 target (80% below 1990 levels). • BAAQMD proposed the development of Regulation 13 (climate pollutants) targeting methane and nitrous oxide reductions related to organics diversion and management. After a pause of several years, BAAQMD may revisit Regulation 13 later in 2023. • CARB states POTWs are part of the solution for reducing fugitive methane and encourages diversion of organics to POTWs to use available digester capacity and produce biogas. 	<ul style="list-style-type: none"> • CARB is pursuing rapid fleet conversion to zero-emission vehicles (ZEVs), including medium and heavy-duty vehicles, through the Advanced Clean Fleet rule. The Advanced Clean Fleet rule allows organization to opt into one of two programs: <ul style="list-style-type: none"> ○ Public Fleets: With exceptions, requiring 50% of vehicles added to be ZEV by 2024, and 100% by 2027. ○ High Priority Fleet (Group 3): With exceptions, requiring 10% of vehicles added to be ZEV by 2030 and 100% by 2042. • Complete conversion will be difficult for heavy-duty specialty trucks, and will remove a potential market for biogas. CASA is engaging to request continued allowance of biogas as a sustainable transportation fuel. • In addition to pushing for ZEVs, CARB is proposing changes to the Low Carbon Fuel Standard that reflect increasing emphasis on hydrogen as a transportation fuel. Conversion of biogas into hydrogen is currently in research & development stage. • In 2022, the CPUC mandated that CA's four largest gas utilities (including PG&E) procure biomethane. PG&E recently completed a biomethane procurement solicitation and will continue to do so at least annually. • In June 2023, EPA finalized updates to its Renewable Fuel Standard Set Rule allowing apportionment of renewable identification numbers (RINs) or "credits" for food waste-based (D5) and sludge-based (D3) biogas. 	<ul style="list-style-type: none"> • Track implementation of the Advanced Clean Fleet Regulations, which CARB is discussing with a newly formed Truck Regulation Advisory Committee. • Follow the fate of proposed legislation (AB 1594) that could exempt some public utility specialty vehicles from the Advanced Clean Fleet Regulations. • Closely follow rule development of Proposed Regulation 13 (climate pollutants), which BAAQMD plans to revisit later in 2023. • Support CASA's engagement with CARB to preserve multiple uses for biogas, including existing pathways that allow biogas to be used as vehicle fuel. • Look for ways to inform BAAQMD on opportunities and challenges for climate change mitigation by Bay Area POTWs, including education about anaerobic digesters and POTW operations. • Work with PG&E and BAAQMD to explore options for POTWs to inject biogas into PG&E pipelines. 	<p>Climate Change Scoping Plan, including 2022 Update: https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan</p> <p>CARB Low Carbon Fuel Standard: https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard</p> <p>CARB Advanced Clean Fleet Rule: https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets</p> <p>SB 1383: https://www.calrecycle.ca.gov/organics/slcp</p> <p>BAAQMD Regulation 13 http://www.baaqmd.gov/rules-and-compliance/rules/regulation-13-climate-pollutants</p> <p>EPA Renewable Fuel Standards https://www.epa.gov/renewable-fuel-standard-program/final-renewable-fuels-standards-rule-2023-2024-and-2025</p> <p>PG&E Procurement https://www.pge.com/en_US/for-our-business-partners/energy-supply/core-gas-supply/rng-procurement.page</p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
CLIMATE CHANGE ADAPTATION			
<ul style="list-style-type: none"> Climate change and water resilience are a strategic priority of both the State Water Board and Regional Water Board. In April 2019, Governor Newsom signed Executive Order N-10-19 directing State Agencies to recommend a suite of priorities and actions to build a climate-resilient water system and ensure healthy waterways through the 21st century. Bay Area coordination occurs through Bay Adapt, the Bay Area Climate Adaptation Network (BayCAN), and other venues. BACWA has signed a letter of support for the Bay Adapt Joint Platform. In April 2022, the State released a Climate Adaptation Strategy, including an updated climate change assessment for the Bay Area region. The California Coastal Commission's November 2021 <i>Sea Level Rise Planning Guidance</i> recommends that agencies "understand and plan" for 2.7 feet of sea level rise (SLR) by 2050. The Regional Water Board is modifying the Basin Plan to address climate change and wetland policy. The changes will occur through multiple Basin Plan amendments. 	<ul style="list-style-type: none"> In 2022, the Regional Water Board adopted a Climate Change Basin Plan amendment addressing dredge and fill procedures near the region's shorelines, especially for climate adaptation projects. Separately from the Basin Plan amendment, the NDPES division has released information regarding permitting of nature-based solutions. Shallow groundwater response to SLR is a concern in low-lying Bay Area communities. Information about current and future depth-to-groundwater maps is summarized in a January 2023 report now available from Pathways Climate Institute and SFEI. The Bay Conservation and Development Commission (BCDC) is developing regional SLR adaptation planning guidelines for the Bay Area as part of the Regional Shoreline Adaptation Plan. The project kicked off in 2023 and is expected to be complete by September 2024. The guidelines will inform sub-regional implementation plans and are not a regulation. The Ocean Protection Council (OPC) is revising its 2018 SLR guidance to reflect the latest projections for SLR. Previous projections for extreme SLR (i.e., H++ scenario) are now less plausible, but there is increased certainty of SLR to 2050. Updates to the Coastal Commission's "Critical Infrastructure at Risk" SLR planning guidance are expected to follow. 	<ul style="list-style-type: none"> Engage with BCDC during the agency's development of Regional Shoreline Adaptation Plan guidance, which will likely impact most BACWA member agencies. BACWA is participating in an advisory group for the Regional Shoreline Adaptation Plan. Provide a forum for members to discuss emerging information about climate risks, such as SLR projections and changes in precipitation. Prepare for engagement with the Regional Water Board on expectations for SLR planning. Continue to work with Regional Water Board and other resource agencies to look for regulatory solutions to encourage wetlands projects for shoreline resiliency. 	<p>California Coastal Commission's <i>Critical Infrastructure at Risk</i> https://documents.coastal.ca.gov/assets/slr/SLR%20Guidance_Critical%20Infrastructure_12.6.2021.pdf</p> <p>California Climate Adaptation Strategy https://climateresilience.ca.gov</p> <p>BayCAN Funding Tracker https://www.baycanadapt.org/</p> <p>Bay Adapt Joint Platform https://www.bayadapt.org/</p> <p>NPDES Permitting for Nature-Based Solutions https://bacwa.org/wp-content/uploads/2022/08/NPDES-Permitting-for-Nature-Based-Solutions-5.pdf</p> <p>2023 Report on Shallow Groundwater Response https://www.sfei.org/projects/shallow-groundwater-response-sea-level-rise</p> <p>OPC Plans to Update Sea-Level Rise Guidance https://opc.ca.gov/wp-content/uploads/2023/07/SLR-Task-Force-Process-FAQ-508.pdf</p>

TOXIC AIR CONTAMINANTS

<ul style="list-style-type: none"> • Regulation 11, Rule 18 (Rule 11-18), adopted in 2017, is BAAQMD's local effort to protect public health from toxic air pollution from existing facilities, including POTWs. • Per the Rule, BAAQMD will conduct site-specific Health Risk Screening Analyses (HRSAs) and determine each facility's prioritization score (PS). BAAQMD will conduct Health Risk Assessments (HRAs) for all facilities with a cancer PS>10 or non-cancer PS>1.0. After verifying the model inputs, if the facility still has PS above that threshold, that facility would need to develop and implement a Risk Reduction Plan that may include employing Best Available Retrofit Control Technology for Toxics (TBARCT). • AB 617 (Community Air Protection Program) – requires CARB to harmonize community air monitoring, reporting, & local emissions reduction programs for air toxics and GHGs). POTWs within communities already impacted by air pollution may have to accelerate implementation of risk reduction measures. • AB 2588 (Air Toxics “Hot Spots” Program) - Establishes a statewide program for the inventory of air toxics emissions from individual facilities, as well as requirements for risk assessment and public notification of potential health risks. 2020 updates expanded compound list from >500 to >1,700. 	<ul style="list-style-type: none"> • BACWA developed a White Paper on BAAQMD Rule 11-18 to describe its potential impacts on the POTW community. The AIR Committee gathered data on proximity factors from each facility and submitted to BAAQMD for updating prioritization scores. This information will be used in HRA development for POTWs. • In the <i>Final Statement of Reasons</i> for rulemaking on AB 617 and AB 2588, CARB provided the wastewater sector time to develop a short-list of relevant compounds and perform a pooled emissions estimating effort to update outdated default emission factors (through 2028). • In December 2021, BAAQMD amended Rule 2-5 to reduce allowable levels of toxic air contaminants in new source permitting. In March 2022, BAAQMD and BACWA convened a working group to address concerns related to toxic air contaminants and rule-making, which is meeting quarterly. BACWA is coordinating with BAAQMD about implementation of the two-step process and its timing relative to BAAQMD Rule 11-18 and 2-5. • In July 2023, the EPA announced a proposal to revise its Air Emissions Reporting Requirements (AERR). The proposed revisions are under review to determine how the proposed changes would impact facilities in California. 	<ul style="list-style-type: none"> • Continue participating in the BAAQMD workgroup to discuss toxic air contaminants, rule development, and related air quality regulatory issues. • Report “business as usual” for air toxics through 2028 (through year 2027 data). If BAAQMD requests additional monitoring of air toxics, member agencies should refer to CASA's one-page handout on this topic. CARB is preparing a message to Air Districts confirming POTWs can delay reporting new compounds until the two-step process is complete. The wastewater sector has until 2028 to perform a statewide “two-step process” to determine a shortlist of compounds relevant to the wastewater sector to report. • Continue to Participate in CASA Subgroup meetings to plan the "two-step process" study. • For budget planning purposes, BACWA members with permitted capacity ≥ 5 MGD should expect the study to cost approximately \$2,300 per MGD of permitted average dry weather flow. Study costs will be refined and spread over four fiscal years. BACWA will assist CASA in collecting funds for this effort from participants who are BACWA's members. BACWA members should anticipate budgeting for this process beginning in FY25. 	<p>BAAQMD Rule 11-18 page: https://www.baaqmd.gov/rules-and-compliance/rules/regulation-11-rule-18-reduction-of-risk-from-air-toxic-emissions-at-existing-facilities</p> <p>BAAQMD Rule 2-5 https://www.baaqmd.gov/rules-and-compliance/rules/reg-2-permits?rule_version=2021%20Amendments</p> <p>CARB page on AB 617 and AB 2588: https://ww2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting <i>Final Statement of Reasons</i> https://ww3.arb.ca.gov/board/15day/ctr/fsor.pdf</p> <p>CASA One-Page Handout on Air Toxics Reporting https://bacwa.org/wp-content/uploads/2022/03/CTR-EICG_CASAOnePageIssue-Approach_March2022.pdf</p> <p>Timing of Rule 11-18 vs. Process for AB 617 https://bacwa.org/document/baaqmd-rule-11-18-vs-carb-two-step-process-for-ab-617-feb-2023/</p> <p>EPA Air Emissions Reporting Requirements https://www.epa.gov/air-emissions-inventories/air-emissions-reporting-requirements-aerr</p>
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Background Highlights	Challenges and Recent Updates	Next Steps for BACWA	Links/Resources
RECYCLED WATER			
<ul style="list-style-type: none"> Approximately 10 percent of the municipal wastewater of Region 2 POTWs is currently recycled. Expansion of recycled water projects is a goal of many BACWA members, but implementation is slowed by high costs, regulatory uncertainty, and administrative requirements. As of 2018, the State Water Board has adopted uniform water recycling criteria for two types of Indirect Potable Reuse: surface water augmentation and groundwater augmentation. As of 2020, virtually all recycled water in Region 2 was produced at centralized facilities using municipal wastewater, and was treated to meet standards for non-potable reuse. The State Water Board is developing regulations for Direct Potable Reuse. Regulations for raw water augmentation must be adopted by December 31, 2023. The State Water Board is pursuing a regulatory path that also includes treated water augmentation. The State Water Board issued draft regulations for Direct Potable Reuse in July 2023. 	<ul style="list-style-type: none"> Beginning in 2020, all agencies have been required to report monthly wastewater and recycled water volumes into the State’s Geotracker database. The 2023 survey included new questions about future plans for increased recycled water production. The State Water Board is currently developing standards for onsite treatment and reuse of non-potable water in multi-family, mixed use, and commercial buildings. Draft regulatory concepts for onsite non-potable reuse were released in August 2022. The State Water Board is expected to begin rulemaking for onsite non-potable recycled water by late spring and complete the regulations by the end of 2023. In June 2023, BACWA completed a Regional Evaluation of Potential Nutrient Discharge Reduction by Water Recycling, as required by the 2nd Nutrient Watershed Permit. The State Water Board has launched a “Strike Team” to assess how California will meet new recycled water goals listed in California’s Water Supply Strategy: 800,000 acre-feet per year of recycled water by 2030 and 1.8 million acre-feet per year by 2040. The Strike Team will also document challenges to meeting these goals, such as funding. Regional Water Board staff are preparing a draft Basin Plan Amendment to address NPDES permitting needs of recycled water projects with reverse osmosis concentrate. 	<ul style="list-style-type: none"> Review draft regulations for Direct Potable Reuse. Work through Recycled Water committee to share information about the proposed regulations and exchange information about projects under consideration by member agencies. Continue to synthesize information about proposed recycled water projects that will impact nutrient loading to San Francisco Bay. This information will inform negotiations on the 3rd Nutrient Watershed Permit to be reissued in 2024. Host a workshop with Bay Area water agencies to discuss opportunities and challenges for interagency collaboration on water reuse. Track California legislation with potential impacts on recycled water funding, mandates, or regulations. 	<p>Water Boards Recycled Water Policy and Regulations https://www.waterboards.ca.gov/water_issues/programs/recycled_water/</p> <p>Direct Potable Reuse framework documents https://www.waterboards.ca.gov/drinking_water/certlic/drinkinwater/direct_potable_reuse.html</p> <p>Volumetric Annual Reporting Data: https://www.waterboards.ca.gov/water_issues/programs/recycled_water/volumetric_annual_reporting.html</p> <p>Special Studies of Recycled Water and Nature-Based Systems: https://bacwa.org/document-category/2nd-watershed-permit-studies/</p> <p>California’s Water Supply Strategy (August 2022) https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Water-Resilience/CA-Water-Supply-Strategy.pdf</p>

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

ACRONYMS

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

ITEM NO. RA8 REGULATORY REPORTING CHECKLIST

Recommendation

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

Background

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

Discussion

The following checklist is extracted from a complete list of routine regulatory activities addressed throughout the year. The following items were completed during the period of June 1, 2023 through August 31, 2023; there are no outstanding activities.

<i>Authority</i>	<i>Required Action</i>	<i>Occurrence</i>	<i>Date Completed</i>
State Compensation Insurance Fund	Workers' Compensation Insurance Renewal	Annual	6/1/2023
CalPERS	Post Commission approved Compensation Plan to EBDA website	Annual	6/15/2023
Bay Area Air Quality Management District	Complete <i>Data Update</i> form Plant #14531 - Permit Expiration Date: Aug 1	Annual	6/20/2023
Bay Area Air Quality Management District	Complete <i>Data Update</i> form Plant #14528 - Permit Expiration Date: Nov 1	Annual	6/20/2023
Secretary of State	Statement of Facts/Roster of Public Agencies Filing (FY changes to Commission)	Annual	6/22/2023
County of Alameda, Clerk/Recorder	Statement of Facts/Roster of Public Agencies Filing (FY changes to Commission)	Annual	6/22/2023
State Compensation Insurance Fund	Payroll Report, Semi-Annual Jan 01 - Jul 01	Semi-Annual	7/11/2023
CalPERS	Out-of-Class Appointment Reporting	Annual	7/12/2023
CalPERS	SSSA Annual Information Request	Annual	7/12/2023
Bay Area Air Quality Management District	Pay renewal fee for <i>Permit to Operate</i> Plant #14531	Annual	7/17/2023
State Water Resources Control Board	NPDES Quarterly Report (Apr-Jun)	Quarterly	7/27/2023
Department of Toxic Substances Control	EPA ID Number (CAL000072039) Verification Questionnaire and Manifest Fees Assessment	Annual	7/27/2023
Bureau of Labor Statistics	Report monthly employment figures, include Commissioners and Staff	Monthly	8/17/2023
East Bay Dischargers Authority	Website review/update	Monthly	8/17/2023
State of California	Annual posting of EE Reimbursements Report to EBDA Website (GC §53065.5)	Annual	8/17/2023
State Water Resources Control Board	NPDES monthly reports	Monthly	8/28/2023
Regional Water Quality Control Board	Recycled Water monthly reports	Monthly	8/28/2023
ADP Business Payroll	Print Payroll Quarter-End Tax Returns	Quarterly	8/28/2023
Bureau of Automotive Repairs	Annual reporting transmittal (ART) Update with new vehicle information - SUBMIT BY DECEMBER 31	Annual	8/28/2023
Oro Loma Sanitary District	Lease Fees	Annual	8/31/2023

ITEM NO. RA9 UPDATE ON WATERSHED PERMIT FOR NUTRIENTS

Recommendation

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

Background

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

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

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

BACWA worked closely with staff of the San Francisco Bay Regional Water Quality Control Board (Water Board) to negotiate a Watershed Permit for nutrients, which was issued in 2014 and reissued in 2019. The current permit contains the following key elements:

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

In late July of 2022, public reports started noting discoloration in the Bay, particularly around the Oakland estuary and Lake Merritt, a tidally influenced impoundment. Scientists identified the cause to be a harmful algae bloom, which ultimately spread throughout the deep channels of the Central Bay and into the South Bay. The algae species was identified

as *Heterosigma akashiwo*, which has been observed intermittently in various locations around the Bay over the past 20 years, after first being detected here in 2002. *Heterosigma akashiwo* can be toxic to fish, although the nature of that toxicity is not well understood. In addition, the bloom caused unprecedented decreases in dissolved oxygen in the Bay. These effects combined to cause significant fish kills around the Bay in areas the bloom was observed.

While it is unclear exactly what triggered this bloom, its timing did correspond with a prolonged period of unusually clear skies in the Bay Area, making available more light than usual for photosynthesis. Scientists believe that the bloom was nitrogen limited, meaning that nitrogen loads to the Bay sustained the bloom and likely contributed to its extent and duration. This conclusion, along with the increased media attention garnered by the event, has led to public and political pressure on wastewater agencies and on the regulators, particularly the Water Board, to act quickly to reduce nutrient loads to the Bay, with a goal of preventing or lessening the impact of future blooms. A brief, and thankfully less consequential, recurrence of the bloom this summer has amplified that pressure.

Discussion

EBDA and our partners with BACWA are currently negotiating the third nutrients Watershed Permit, which is expected to be issued in Spring 2024. The attached document summarizes the status of negotiations.

At the September 21 Commission Meeting, EBDA's General Manager will provide a presentation summarizing the history of nitrogen regulation for the Bay, the current status of negotiations, and what it is likely to mean for EBDA's member agencies.

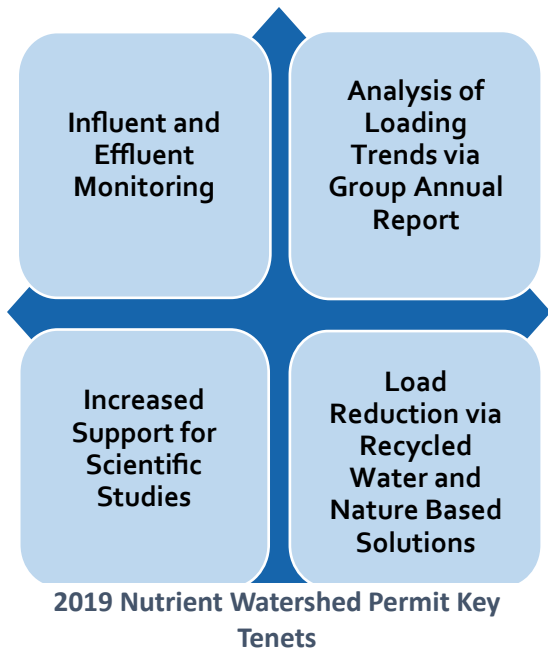


Nutrient Watershed Permit Negotiations

September 2023 Status Update

Background

The [Nutrient Watershed Permit](#) (Watershed Permit), first issued by the San Francisco Bay Regional Water Quality Control Board (Water Board) in 2014 and most recently reissued in 2019, governs nutrient discharges from POTWs to the San Francisco Bay. The key tenets of the current Watershed Permit are below:



- **Monitoring** of nitrogen and phosphorus species in effluent, and in influent for larger agencies.
- **Group reporting of loads to the SF Bay**, with analysis of observed trends. [See the latest Group Annual Report.](#)
- **Support for scientific studies** to better understand the impact of nutrients on the Bay. The scientific effort is led by the San Francisco Estuary Institute (SFEI), and guided via the [Nutrient Management Strategy](#), a collaborative governance effort that includes stakeholders throughout the region.
- **Evaluation of nutrient load reduction opportunities** by recycled water, and by nature-based solutions. These [two studies were completed and submitted](#) to the Water Board on July 1, 2023. The 2014 Watershed Permit required an evaluation of nutrient removal opportunities by optimization, sidestream treatment and upgrades, and [was submitted](#) in 2018. Together, the three studies provide a range of approaches to reducing nutrients.

The Bay Area Clean Water Agencies ([BACWA](#)) has provided a mechanism for group compliance with the permit provisions, and has served as a venue for group negotiation of permit provisions with the Water Board. The Water Board plans to reissue the Nutrient Watershed Permit in 2024, when the 2019 permit expires.

Establishment of nitrogen limits

BACWA and the Water Board have been discussing the 2024 reissuance of the Watershed Permit for several years. Based on our scientific understanding, nitrogen is the primary nutrient of concern in the San Francisco Bay, since limiting its concentration can limit algal growth. Loads to the Bay during the dry season appear to have the greatest impact on the Bay, since during the dry season there is more sunlight available for algal growth, and less flushing of the Bay. Prior to summer 2022, it had been anticipated that the 2024 Watershed Permit would include dry season nitrogen load caps based on current performance. However, in the summer of 2022, a harmful algal bloom in the San Francisco Bay resulted in a large fish kill. Another algal bloom occurred in 2023. While we do not fully understand the triggers for these blooms, we do understand that nutrients contribute to the magnitude of algal blooms once initiated. As a result, the Water Board has informed BACWA that it intends to require nitrogen load reductions in the 2024 Watershed Permit.

As of August 2023, BACWA and Water Board staff are in conversation about how to implement nutrient load reductions within the 2024 Watershed Permit, including details related to the magnitude and timing of load reductions. There is still significant uncertainty in the science about what nutrient levels would be protective of San Francisco Bay.

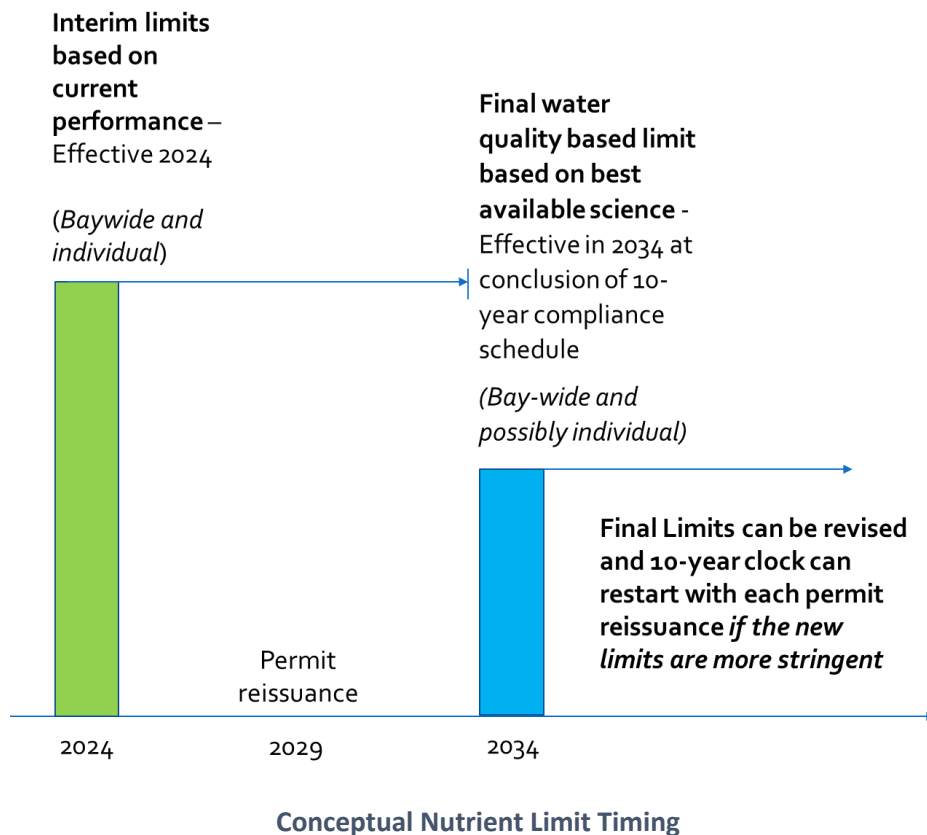
The Water Board has stated that they intend to make a finding of Reasonable Potential that wastewater discharges may cause or contribute to an exceedance of the San Francisco Bay Region's Basin Plan's narrative biostimulatory objective, which states:

Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses. Changes in chlorophyll a and associated phytoplankton communities follow complex dynamics that are sometimes associated with a discharge of biostimulatory substances. Irregular and extreme levels of chlorophyll a or phytoplankton blooms may indicate exceedance of this objective and require investigation.

BACWA and Water Board staff are working with SFEI's science team to translate the narrative objective to numeric, water-quality based effluent limits. It is anticipated that the effluent limits will be expressed as Bay-wide, mass-based effluent limits for total inorganic nitrogen that apply only during the dry season (May to October). The Water Board has stated that each agency will also be given an individual final limit, but BACWA's position is that individual limits are premature, as both the science, as well as agencies' planning efforts, are still in rapid development.

As the limits are established, the Water Board plans to issue a [compliance schedule](#), which would give permittees 10 years to achieve the final limits. If ongoing scientific research indicates that the final limits established in 2024 are not sufficiently protective, then the limit may be revised at future permit reissuances, with the 10-year clock able to restart with each reduction in the limit.

While agencies are working to meet the final limits, they will be given interim limits based on current performance. These will be expressed as both a Bay-wide limit and as individual limits; exactly how current performance will be defined remains under discussion. An agency that exceeds its individual limit will not be found to be in non-compliance unless the Bay-wide limit is also exceeded. These interim limits may be updated at the 2029 Watershed Permit reissuance based on performance data at that time. The timing and establishment of interim and final limits is illustrated below:



BACWA’s Vision for the 2024 Watershed Permit

BACWA and its members are committed to the protection and enhancement of the San Francisco Bay ecosystem. As such, we understand the importance of implementing projects that will reduce nutrient loading to the Bay. We also understand that there is significant uncertainty regarding the impacts of our actions, and the worst possible outcome is to spend billions of public dollars and not have a positive effect on the environment. As such, it is of utmost importance that we proceed with care, and work with the Water Board to craft a thoughtful and strategic permit.

There are three broad categories under which BACWA members are proceeding with nutrient reduction projects:

- **Near-term actions** that can be implemented quickly and relatively cheaply. These projects include optimization of existing facilities, use of emerging technology to achieve nutrient removal using existing processes, and adaptation of excess dry weather capacity to implement nutrient treatment. While these projects can be brought online in the near term, they typically have limited potential for large-scale nitrogen load reductions.
- **Synergistic upgrades** that are consistent with agencies’ capital planning schedules and priorities. Many agencies are in planning and construction of upgrades, several of which are expected to

be commissioned over the term of the 2024 Watershed Permit. An agency that has not yet begun the upgrade planning process may take over ten years to complete construction.

- **Multi-benefit projects** such as nature-based solutions and recycled water. These projects provide drought resilience, shoreline protection, and/or habitat enhancement, and are therefore highly desirable where feasible. However, they may take longer than traditional upgrades to implement since they are dependent on external factors such as multi-agency permitting, interagency agreements, land acquisition, and others.

Since the Watershed Permit will establish limits on a Bay-wide basis, our region has a unique opportunity to pursue an “all of the above approach” with each agency selecting a path that makes sense for their facility and community. We also have the opportunity to establish a trading program that would allow agencies with higher barriers to removing nutrients to support agencies that can move more quickly and cheaply to remove nutrients.

Our current challenge is to structure the Watershed Permit in support of this multipronged approach. A Watershed Permit that does not leave room for flexibility would result in insufficient time for community engagement, lack of consideration for competing environmental priorities, stranded capital assets, and higher costs due to competition among agencies for funding, contractors, and other resources.

BACWA’s vision for the 2024 Watershed Permit is to structure the required nutrient load reductions such that member agencies can (1) reduce nutrient loads quickly where possible, (2) plan for synergistic upgrades, and (3) have sufficient time to pursue multi-benefit projects as a preferred solution to address nutrients.

BACWA will provide periodic updates as the negotiation process continues to evolve.



ITEM NO. 15

FINANCIAL MANAGEMENT COMMITTEE AGENDA

Monday, September 18, 2023

9:00 A.M.

Meeting will be conducted in-person and virtually via Zoom teleconference.

In-person locations: East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA and Mosswood Park, 300 W MacArthur Boulevard, Oakland, CA

**Teleconference link: <https://us02web.zoom.us/j/82575356511>
Call-in: 1(669) 900-6833 and enter Meeting ID number: 825 7535 6511**

Committee Members: Simon (Chair); Andrews

- FM1. Call to Order**
- FM2. Roll Call**
- FM3. Public Forum**
- FM4. Disbursements for July and August 2023**
(The Committee will review the Lists of Disbursements.)
- FM5. Preliminary Treasurer's Reports for July and August 2023**
(The Committee will review the Treasurer's Reports.)
- FM6. Preliminary Fourth Quarter Expense Summary, Fiscal Year 2022/2023**
(The Committee will review the year end expense reports.)
- FM7. Review of the Authority's Purchasing Policy**
(The Committee will review the Authority's Purchasing Policy.)
- FM8. Banking Alternatives**
(The Committee will discuss alternate bank options and provide direction to staff.)
- FM9. Resolution Authorizing the Authority to Join with Other Public Agencies as a Participant of the California Asset Management Trust and to Invest in Shares of the Trust and in Individual Portfolios**
(The Committee will consider the resolution.)
- FM10. Adjournment**

Agenda Explanation
East Bay Dischargers Authority
Financial Management Committee
September 18, 2023

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 or (510) 278-5910. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

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

<p>Next Scheduled Financial Management Committee is Monday, October 16, 2023 at 9:00 a.m.</p>
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EAST BAY DISCHARGERS AUTHORITY
List of Disbursements
July 2023

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
26150	07/17/2023	7184	CSRMA	ALLIANT PROPERTY INSURANCE PROGRAM RENEWAL	38,412.43	38,412.43
26164	07/31/2023	1587674	UNION SANITARY DISTRICT	2020 FORD F150	37,095.00	37,095.00
26147	07/17/2023	392715	CITY OF SAN LEANDRO	O&M - MAY	29,613.04	29,613.04
26160	07/17/2023	0046041-2023-1	THE WATER RESEARCH FOUNDATION	UTILITY MEMBERSHIP	27,664.77	27,664.77
26161	07/17/2023	002986	UNION SANITARY DISTRICT	O&M - MAY	26,910.14	26,910.14
26157	07/17/2023	206181	MEYERS NAVE	LEGAL SERVICES - BRINE PROJECT	24,737.50	26,015.69
26157	07/17/2023	206180	MEYERS NAVE	LEGAL SERVICES - MAY	1,278.19	
26175	07/31/2023	11487210	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT	15,045.56	15,045.56
26177	07/31/2023	20210105.02-17	ASCENT ENVIRONMENTAL, INC	CONSULTING SERVICES - CARGILL CEQA	13,439.27	13,439.27
26154	07/17/2023	186603	ENVIRONMENTAL SCIENCE ASSOCIATES	FIRST MILE PROJECT WORK ORDER NO. 3	12,715.75	12,715.75
26180	07/31/2023	78690	NACWA	MEMBERSHIP DUES	10,705.00	10,705.00
26174	07/31/2023	51324277	UNIVAR	SODIUM BISULFITE - DELIVERED 07/14/2023	9,652.37	9,652.37
26152	07/17/2023	425054	E&M ELECTRIC & MACHINERY, INC	HISTORIAN & AVEVA REPORTS RENEWAL	8,715.00	8,715.00
26174	07/31/2023	51279956	UNIVAR	SODIUM BISULFITE - DELIVERED 06/30/2023	7,924.15	7,924.15
26141	07/17/2023	7/11/2023	AZYURA	WATERBITS LICENSING AND SMR/EDMR REPORT SERVICES	4,750.00	4,750.00
26156	07/17/2023	APR-JUN2023	KARL D. ROYER	QUARTERLY HEALTH PREMIUM REIMBURSEMENT	4,021.44	4,021.44
26148	07/17/2023	901485	CIVICWELL	BAYCAN ANNUAL MEMBERSHIP	2,500.00	2,500.00
26179	07/31/2023	13728	EAST BAY LEADERSHIP COUNCIL	MEMBERSHIP DUES	2,500.00	2,500.00
26162	07/17/2023	4246-0445-5568-7627	US BANK	PURCHASING CARD EXPENSES	2,346.92	2,346.92
26171	07/31/2023	Apr-23	DEBORAH QUINN	ACCOUNTING SERVICES - APR	2,120.66	2,120.66
26159	07/17/2023	1001649283	STATE COMPENSATION INSURANCE FUND	WORKERS COMPENSATION	1,427.58	1,417.09
26159	07/17/2023	1001660899	STATE COMPENSATION INSURANCE FUND	WORKERS COMPENSATION	(10.49)	
26146	07/17/2023	52205701	CITY OF HAYWARD	BENEFIT PREMIUMS - JUL	1,381.66	1,381.66
26144	07/17/2023	710114	CALTEST	LAB TESTING SERVICES	866.70	866.70
26169	07/31/2023	53932	CALCON	OPS CENTER: SCADA SERVICE CALL	750.00	750.00
26143	07/17/2023	T155404	BAAQMD	PERMIT TO OPERATE HEPS	579.00	579.00
26173	07/31/2023	8406	CAYUGA INFORMATION SYSTEMS	IT SERVICES	551.25	551.25
26151	07/17/2023	4165	DAVISON SYSTEMS, LLC	ANNUAL SUBSCRIPTION	500.00	500.00
26170	07/31/2023	2023141726	UNDERGROUND SERVICE ALERT 811	CALIFORNIA STATE FEE FOR REGULATORY COSTS	300.00	300.00
26142	07/17/2023	41909	BA MORRISON	HVAC SERVICE - ADMIN	285.00	285.00
26153	07/17/2023	10110000001	EBMUD	WATER & SEWER, MDF	241.23	241.23
26145	07/17/2023	APR-JUN2023	CHARLES V. WEIR	QUARTERLY HEALTH PREMIUM REIMBURSEMENT	238.50	238.50
26166	07/31/2023	51048304397166	AT&T	TELEPHONE SERVICE - MDF	231.75	231.75
26158	07/17/2023	CD_000617427	RINGCENTRAL INC	DIGITAL PHONE SERVICE	210.48	210.48

EAST BAY DISCHARGERS AUTHORITY
List of Disbursements
July 2023

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
26172	07/31/2023	251731	FRANK A OLSEN COMPANY	HEPS VALVE ACTUATOR SCREEN PROTECTORS	205.07	205.07
26155	07/17/2023	2318004	GFOA	ANNUAL MEMBERSHIP	160.00	160.00
26149	07/17/2023	53659	COMPUTER COURAGE	WEBSITE HOSTING - JUL	150.00	150.00
26167	07/31/2023	278146	GOVERNMENT FINANCE OFFICERS ASSOCIATION	ANNUAL MEMBERSHIP	150.00	150.00
26176	07/31/2023	3827807	CALTRONICS	COPIER USAGE AND MAINTENANCE	134.33	134.33
26178	07/31/2023	9780	MBC CUSTODIAL SERVICES INC	JANITORIAL SERVICES	130.00	130.00
26163	07/17/2023	9938550285	VERIZON WIRELESS	WIRELESS PHONE SERVICES	102.92	102.92
26140	07/17/2023	2344950	ALLIANT INSURANCE	ALLIANT MOBILE VEHICLE PROGRAM RENEWAL	95.00	95.00
26165	07/31/2023	44777800001	EBMUD	WATER - ADMIN	81.07	81.07
26168	07/31/2023	1001681680	STATE COMPENSATION INSURANCE FUND	WORKERS COMPENSATION	67.25	67.25
TOTAL CHECK PAYMENTS					290,975.49	290,975.49
ELECTRONIC PAYMENTS						
	07/18/2023	100000017198912	CALPERS	PENSION CONTRIBUTION, CLASSIC 07/1 - 15/2023	5,697.08	5,697.08
	07/05/2023	100000017171624	CALPERS	PENSION CONTRIBUTION, CLASSIC 06/16 - 30/2023	4,975.51	4,975.51
	07/05/2023	100000017202330	CALPERS	HEALTH PREMIUMS - JUL	7,630.99	7,630.99
	07/05/2023	5105948980-0	PG&E	GAS & ELECTRIC SERVICE	40,589.59	40,589.59
	07/05/2023	6022296	MISSION SQUARE	DEFERRED COMPENSATION 06/30/2023	2,167.35	2,167.35
	07/18/2023	6630196	MISSION SQUARE	DEFERRED COMPENSATION 07/15/2023	2,181.69	2,181.69
	07/05/2023	100000017171662	CALPERS	PENSION CONTRIBUTION, PEPRA 06/16 - 30/2023	162.45	162.45
	07/18/2023	100000017198951	CALPERS	PENSION CONTRIBUTION, PEPRA 07/1 - 15/2023	166.42	166.42
TOTAL ELECTRONIC PAYMENTS					63,571.08	63,571.08
PAYROLL						
	07/28/2023		ADP, LLC	PAYROLL PERIOD: 07/16-31/2023	25,971.36	25,971.36
	07/13/2023		ADP, LLC	PAYROLL PERIOD: 07/01-15/2023	25,962.83	25,962.83
	07/07/2023	230707	ADP, LLC	PAYROLL FEES, 06/16-30/2023	165.06	165.06
	07/21/2023	230721	ADP, LLC	PAYROLL FEES, 07/01-15/2023	133.54	133.54
	07/06/2023		ADP, LLC	PAYROLL ADJUSTMENT	(871.36)	(871.36)
TOTAL PAYROLL					51,361.43	51,361.43
TOTAL DISBURSEMENTS					405,908.00	405,908.00

EAST BAY DISCHARGERS AUTHORITY
List of Disbursements
August 2023

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
26183	08/15/2023	002994	UNION SANITARY DISTRICT	O&M - JUN	39,769.96	39,769.96
26202	08/31/2023	6833	ORO LOMA SANITARY DISTRICT	O&M - JUL	21,934.64	35,914.94
26202	08/31/2023	6818	ORO LOMA SANITARY DISTRICT	O&M - JUN	13,980.30	
26182	08/15/2023	1587674	UNION SANITARY DISTRICT	2020 FORD F150	34,812.00	34,812.00
26201	08/31/2023	393266	CITY OF SAN LEANDRO	O&M - JUL	33,457.99	33,457.99
26211	08/31/2023	51352410	UNIVAR	SODIUM BISULFITE - DELIVERED 07/28/2023	9,858.36	29,352.60
26211	08/31/2023	51417977	UNIVAR	SODIUM BISULFITE - DELIVERED 08/21/2023	9,804.80	
26211	08/31/2023	51384051	UNIVAR	SODIUM BISULFITE - DELIVERED 08/09/2023	9,689.44	
26181	08/15/2023	393094	CITY OF SAN LEANDRO	O&M - JUN	27,254.98	27,254.98
26192	08/15/2023	207271	MEYERS NAVE	LEGAL SERVICES - BRINE PROJECT	20,395.00	25,795.16
26192	08/15/2023	207270	MEYERS NAVE	LEGAL SERVICES - JUN	5,400.16	
26194	08/15/2023	187233	ENVIRONMENTAL SCIENCE ASSOCIATES	FIRST MILE PROJECT WORK ORDER NO. 3	11,557.50	11,557.50
26203	08/31/2023	6835	ORO LOMA SANITARY DISTRICT	ADMIN LAND LEASE, JANITORIAL SUPPLIES, & RECYCLING SERVICES	8,880.00	8,880.00
26185	08/15/2023	May-23	DEBORAH QUINN	ACCOUNTING SERVICES - MAY	5,574.94	5,574.94
26190	08/15/2023	529398	R-COMPUTER	COMPUTER HARDWARE	3,852.14	4,692.55
26190	08/15/2023	529584	R-COMPUTER	COMPUTER HARDWARE	781.41	
26190	08/15/2023	529557	R-COMPUTER	COMPUTER SOFTWARE	59.00	
26208	08/31/2023	Jun-23	DEBORAH QUINN	ACCOUNTING SERVICES - JUN	4,525.54	4,525.54
26207	08/31/2023	54194	CALCON	MDF PMS AND ROOF REPLACEMENT PROJECT	1,700.59	4,259.19
26207	08/31/2023	54198	CALCON	HEPS PMS	1,279.30	
26207	08/31/2023	54201	CALCON	OLEPS PMS	1,279.30	
26193	08/15/2023	11489632	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT	2,630.89	2,630.89
26197	08/15/2023	2530	CROPPER ACCOUNTANCY	AUDITING SERVICES	2,250.00	2,250.00
26188	08/15/2023	FB39504	CAROLLO ENGINEERS	ENGINEERING SERVICES - WORK ORDER NO. 5	2,230.00	2,230.00
26195	08/15/2023	043	CURRIE ENGINEERS, INC	PROJECT / CONSTRUCTION MANAGER SERVICES - WORK ORDER NO. 2	1,903.50	1,903.50
26206	08/31/2023	19498	DW NICHOLSON	CONTRACT SERVICES - WORK ORDER NO. 2	1,425.00	1,425.00
26189	08/15/2023	8407	CAYUGA INFORMATION SYSTEMS	IT SERVICES	1,050.00	1,050.00
26200	08/15/2023	108636	HUNT EQUIPMENT	STORAGE TANK INSPECTION	960.00	960.00
26199	08/15/2023	32281	INTEC SOLUTIONS	OLEPS VFD PMS	930.00	930.00
26191	08/15/2023	4246-0445-5568-7627	US BANK	PURCHASING CARD EXPENSES	900.74	900.74
26184	08/15/2023	1001649284	STATE COMPENSATION INSURANCE FUND	WORKERS COMPENSATION	878.00	878.00
26212	08/31/2023	710994	CALTEST	LAB TESTING SERVICES	796.70	796.70
26187	08/15/2023	251892	FRANK A OLSEN COMPANY	HEPS SERVICE AND INSPECTION	600.00	600.00
26214	08/31/2023	1011000001	EBMUD	MDF WATER & SEWER	307.83	307.83

EAST BAY DISCHARGERS AUTHORITY
List of Disbursements
August 2023

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
26209	08/31/2023	32792574	PITNEY BOWES INC	DIGITAL MAILING SYSTEM POSTAGE ACCOUNT	300.00	300.00
26204	08/31/2023	2994	UNION SANITARY DISTRICT	O&M - JUN	243.52	243.52
26205	08/31/2023	5104830439	AT&T	MDF TELEPHONE SERVICE	235.05	235.05
26210	08/31/2023	249925829	ORKIN	MDF PEST CONTROL SERVICES	232.99	232.99
26198	08/15/2023	CD_000635905	RINGCENTRAL INC	DIGITAL PHONE SERVICE	210.56	210.56
26196	08/15/2023	53864	COMPUTER COURAGE	WEBSITE HOSTING - AUG	150.00	150.00
26215	08/31/2023	20210105.02-18	ASCENT ENVIRONMENTAL, INC	CONSULTING SERVICES - CARGILL CEQA	142.50	142.50
26216	08/31/2023	9826	MBC CUSTODIAL SERVICES INC	JANITORIAL SERVICES	130.00	130.00
26186	08/15/2023	9940935004	VERIZON WIRELESS	WIRELESS PHONE SERVICES	102.92	102.92
26213	08/31/2023	3853606	CALTRONICS	COPIER USAGE AND MAINTENANCE	69.32	84.32
26213	08/31/2023	3853281	CALTRONICS	FREIGHT CHARGE FOR SUPPLIES	15.00	
26164			UNION SANITARY DISTRICT	VOID CHECK	(37,095.00)	(37,095.00)
TOTAL CHECK PAYMENTS					247,446.87	247,446.87
ELECTRONIC PAYMENTS						
	08/02/2023	5105948980-0	PG&E	GAS & ELECTRIC SERVICE	49,059.63	49,059.63
	08/02/2023	100000017234756	CALPERS	HEALTH PREMIUMS - AUG	7,630.03	7,630.03
	08/02/2023	100000017198932	CALPERS	PENSION CONTRIBUTION, CLASSIC 07/16 - 31/2023	5,697.08	5,697.08
	08/16/2023	100000017258497	CALPERS	PENSION CONTRIBUTION, CLASSIC 08/1 - 15/2023	5,697.08	5,697.08
	08/03/2023	6944369	MISSION SQUARE	DEFERRED COMPENSATION 07/31/2023	2,134.48	2,134.48
	08/16/2023	6703961	MISSION SQUARE	DEFERRED COMPENSATION 08/15/2023	2,134.48	2,134.48
	08/22/2023	100000017249764	CALPERS	GASB 68 REPORT FEES	700.00	700.00
	08/04/2023	2308147054	INTERMEDIA	EMAIL EXCHANGE HOSTING SERVICE	99.40	99.40
TOTAL ELECTRONIC PAYMENTS					73,152.18	73,152.18
PAYROLL						
	08/14/2023		ADP, LLC	PAYROLL PERIOD: 08/01-15/2023	23,153.34	23,153.34
	08/30/2023		ADP, LLC	PAYROLL PERIOD: 08/16-31/2023	23,091.36	23,091.36
	08/04/2023		ADP, LLC	PAYROLL FEES, 07/16-31/2023	92.06	92.06
	08/18/2023		ADP, LLC	PAYROLL FEES, 08/01-15/2023	77.86	77.86
TOTAL PAYROLL					46,414.62	46,414.62
TOTAL DISBURSEMENTS					367,013.67	367,013.67

**ITEM NO. FM5 PRELIMINARY TREASURER'S REPORTS FOR JULY AND AUGUST
2023**

The cash balance as of August 31, 2023 is \$5,262,123.86. EBDA's LAIF balance is \$2,341,823.30, and the average monthly effective yield for August is 3.434%. At the July 20 meeting, the Commission supported staff's recommendation to invest funds in the California Asset Management Program (CAMP) – see also Item No. FM9. Staff opened an account with CAMP in August and has transferred \$1,500,000. As of August 25, 2023, CAMP's 7-day yield is 5.53%. Both CAMP and LAIF are fully liquid, allowing funds to move back and forth as rates vary.

Approval is recommended.

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

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	276,197.87	300,631.50	274,573.15	302,256.22
13	PLANNING & SPECIAL STUDIES	366,887.51	59,567.50	40,380.52	386,074.49
14	RECLAMATION O & M (SKYWEST)	69,567.09	-	637.00	68,930.09
15	BRINE ACCEPTANCE	(275,536.18)	212,307.94	53,222.33	(116,450.57)
31	RENEWAL & REPLACEMENT	2,465,340.13	187,910.12	37,095.00	2,616,155.25
TOTALS		2,902,456.42	760,417.06	405,908.00	3,256,965.48

Jul-23

9/14/2023

SUPPLEMENTAL TREASURER'S REPORT

DATE	TRANSACTION	RECEIPT	DISBURSEMENT CHECKING	DISBURSEMENT PAYROLL	PAYROLL TRANSFER	LAIF TRANSFER	WELLS FARGO CHECKING BALANCE	WELLS FARGO PAYROLL BALANCE	LAIF BALANCE	TOTAL CASH
06/30/23	BALANCE						568,018.19	14,025.05	2,320,413.18	2,902,456.42
07/05/23	ELECTRONIC BILL PAY		162.45				567,855.74	14,025.05	2,320,413.18	2,902,293.97
07/05/23	ELECTRONIC BILL PAY		2,167.35				565,688.39	14,025.05	2,320,413.18	2,900,126.62
07/05/23	ELECTRONIC BILL PAY		4,975.51				560,712.88	14,025.05	2,320,413.18	2,895,151.11
07/05/23	ELECTRONIC BILL PAY		7,630.99				553,081.89	14,025.05	2,320,413.18	2,887,520.12
07/05/23	ELECTRONIC BILL PAY		40,589.59				512,492.30	14,025.05	2,320,413.18	2,846,930.53
07/06/23	PAYROLL			(871.36)			512,492.30	14,896.41	2,320,413.18	2,847,801.89
07/07/23	PAYROLL FEES			165.06			512,492.30	14,731.35	2,320,413.18	2,847,636.83
07/07/23	DEPOSIT - CARGILL	53,202.25					565,694.55	14,731.35	2,320,413.18	2,900,839.08
07/10/23	DEPOSIT - CARGILL	139,105.69					704,800.24	14,731.35	2,320,413.18	3,039,944.77
07/10/23	PAYROLL TRANSFER				60,000.00		644,800.24	74,731.35	2,320,413.18	3,039,944.77
07/12/23	DEPOSIT - OLSD	526,699.00					1,171,499.24	74,731.35	2,320,413.18	3,566,643.77
07/13/23	PAYROLL			25,962.83			1,171,499.24	48,768.52	2,320,413.18	3,540,680.94
07/14/23	INTEREST	21,410.12				21,410.12	1,171,499.24	48,768.52	2,341,823.30	3,562,091.06
07/17/23	DISBURSEMENT		189,892.76				981,606.48	48,768.52	2,341,823.30	3,372,198.30
07/18/23	ELECTRONIC BILL PAY		166.42				981,440.06	48,768.52	2,341,823.30	3,372,031.88
07/18/23	ELECTRONIC BILL PAY		2,181.69				979,258.37	48,768.52	2,341,823.30	3,369,850.19
07/18/23	ELECTRONIC BILL PAY		5,697.08				973,561.29	48,768.52	2,341,823.30	3,364,153.11
07/21/23	DEPOSIT - DSRSD	20,000.00					993,561.29	48,768.52	2,341,823.30	3,384,153.11
07/21/23	PAYROLL FEES			133.54			993,561.29	48,634.98	2,341,823.30	3,384,019.57
07/28/23	PAYROLL			25,971.36			993,561.29	22,663.62	2,341,823.30	3,358,048.21
07/31/23	DISBURSEMENT		101,082.73				892,478.56	22,663.62	2,341,823.30	3,256,965.48
	TOTAL	760,417.06	354,546.57	51,361.43	60,000.00	21,410.12				
	CURRENT BALANCE						892,478.56	22,663.62	2,341,823.30	3,256,965.48

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Reconciliation

① Per Bank Statement @ 7/31/23	\$ 1,022,458.06
Less: Outstanding Checks	129,979.50
	\$ 892,478.56
② Per Bank Statement @ 7/31/23	\$ 22,663.62
③ Per LAIF Statement @ 7/31/23	\$ 2,341,823.30

The Supplemental Treasurer's Report is prepared monthly by the General Manager. It also serves as EBDA's cash and investments reconciliation.

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

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	302,256.22	1,377,900.98	287,448.45	1,392,708.75
13	PLANNING & SPECIAL STUDIES	386,074.49	457,555.50	11,557.50	832,072.49
14	RECLAMATION O & M (SKYWEST)	68,930.09	-	4,047.54	64,882.55
15	BRINE ACCEPTANCE	(116,450.57)	76,244.41	23,168.39	(63,374.55)
31	RENEWAL & REPLACEMENT	2,616,155.25	460,471.16	40,791.79	3,035,834.62
TOTALS		3,256,965.48	2,372,172.05	367,013.67	5,262,123.86

Aug-23
9/14/2023

SUPPLEMENTAL TREASURER'S REPORT

DATE	TRANSACTION	RECEIPT	DISBURSEMENT CHECKING	DISBURSEMENT PAYROLL	PAYROLL TRANSFER	LAIF TRANSFER	CAMP TRANSFER	WELLS FARGO CHECKING BALANCE	WELLS FARGO PAYROLL BALANCE	LAIF BALANCE	CAMP BALANCE	TOTAL CASH
07/31/23	BALANCE							892,478.56	22,663.62	2,341,823.30	-	3,256,965.48
08/01/23	DEPOSIT - USD	1,209,085.50						2,101,564.06	22,663.62	2,341,823.30	-	4,466,050.98
08/01/23	PAYROLL TRANSFER				50,000.00			2,051,564.06	72,663.62	2,341,823.30	-	4,466,050.98
08/02/23	VOID CHECK		(37,095.00)					2,088,659.06	72,663.62	2,341,823.30	-	4,503,145.98
08/02/23	ELECTRONIC BILL PAY		49,059.63					2,039,599.43	72,663.62	2,341,823.30	-	4,454,086.35
08/02/23	ELECTRONIC BILL PAY		7,630.03					2,031,969.40	72,663.62	2,341,823.30	-	4,446,456.32
08/02/23	ELECTRONIC BILL PAY		5,697.08					2,026,272.32	72,663.62	2,341,823.30	-	4,440,759.24
08/03/23	CAMP TRANSFER						1,000,000.00	1,026,272.32	72,663.62	2,341,823.30	1,000,000.00	4,440,759.24
08/03/23	ELECTRONIC BILL PAY		2,134.48					1,024,137.84	72,663.62	2,341,823.30	1,000,000.00	4,438,624.76
08/04/23	DEPOSIT - CVSAN	277,475.00						1,301,612.84	72,663.62	2,341,823.30	1,000,000.00	4,716,099.76
08/04/23	ELECTRONIC BILL PAY		99.40					1,301,513.44	72,663.62	2,341,823.30	1,000,000.00	4,716,000.36
08/04/23	PAYROLL FEES			92.06				1,301,513.44	72,571.56	2,341,823.30	1,000,000.00	4,715,908.30
08/08/23	DEPOSIT	9,100.00						1,310,613.44	72,571.56	2,341,823.30	1,000,000.00	4,725,008.30
08/14/23	PAYROLL			23,153.34				1,310,613.44	49,418.22	2,341,823.30	1,000,000.00	4,701,854.96
08/14/23	DEPOSIT - CARGILL	27,528.99						1,338,142.43	49,418.22	2,341,823.30	1,000,000.00	4,729,383.95
08/15/23	DISBURSEMENT		164,253.70					1,173,888.73	49,418.22	2,341,823.30	1,000,000.00	4,565,130.25
08/16/23	DEPOSIT - CARGILL	48,715.42						1,222,604.15	49,418.22	2,341,823.30	1,000,000.00	4,613,845.67
08/16/23	ELECTRONIC BILL PAY		5,697.08					1,216,907.07	49,418.22	2,341,823.30	1,000,000.00	4,608,148.59
08/16/23	ELECTRONIC BILL PAY		2,134.48					1,214,772.59	49,418.22	2,341,823.30	1,000,000.00	4,606,014.11
08/17/23	DEPOSIT - CERBT	58,949.48						1,273,722.07	49,418.22	2,341,823.30	1,000,000.00	4,664,963.59
08/18/23	DEPOSIT - LAVWMA	549,270.00						1,822,992.07	49,418.22	2,341,823.30	1,000,000.00	5,214,233.59
08/18/23	PAYROLL FEES			77.86				1,822,992.07	49,340.36	2,341,823.30	1,000,000.00	5,214,155.73
08/21/23	CAMP TRANSFER						500,000.00	1,322,992.07	49,340.36	2,341,823.30	1,500,000.00	5,214,155.73
08/22/23	ELECTRONIC BILL PAY		700.00					1,322,292.07	49,340.36	2,341,823.30	1,500,000.00	5,213,455.73
08/22/23	DEPOSIT - CSL	186,826.50						1,509,118.57	49,340.36	2,341,823.30	1,500,000.00	5,400,282.23
08/30/23	PAYROLL			23,091.36				1,509,118.57	26,249.00	2,341,823.30	1,500,000.00	5,377,190.87
08/31/23	DIVIDENDS	5,221.16					5,221.16	1,509,118.57	26,249.00	2,341,823.30	1,505,221.16	5,382,412.03
08/31/23	DISBURSEMENT		120,288.17					1,388,830.40	26,249.00	2,341,823.30	1,505,221.16	5,262,123.86
	TOTAL	2,372,172.05	320,599.05	46,414.62	50,000.00	-	1,505,221.16					
	CURRENT BALANCE							1,388,830.40	26,249.00	2,341,823.30	1,505,221.16	5,262,123.86

Reconciliation - 08/31/2023

① Bank Statement Balance	\$ 1,511,282.07
Less: Outstanding Checks	122,451.67
	\$ 1,388,830.40
② Bank Statement Balance	\$ 26,249.00
③ LAIF Statement	\$ 2,341,823.30
④ CAMP Statement	\$ 1,505,221.16

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 PRELIMINARY FOURTH QUARTER EXPENSE SUMMARY, FISCAL YEAR 2022/2023

Recommendation

Review year end expenses.

Background

This report presents a preliminary final expense summary for Fiscal Year 2022/2023.

Discussion

The Year End Expense Summary for FY 2022/2023 is attached for the Committee’s review. Expenses are presented by Program and by Account Number. These categories have been grouped to provide a summary overview of Authority expenses. The tables include discussion of particular items that varied significantly (>10%) from the budget. Staff notes that this is a preliminary summary, and additional expenses may come in before the fiscal year is officially closed.

Overall, EBDA’s annual net expenses were 14% under budget. While O&M spending on energy and chemicals exceeded the budget due to extreme wet weather, these overruns were more than offset by underruns resulting from staffing constraints and optimization, as well as deferred special studies spending. In addition, revenues totaling nearly \$1M from Cargill, the EPA Nature-based Solutions grant, and Skywest operating fees further offset costs. The table below shows revenues broken down by project. While professional services revenues were simply a pass through to fund consultant work, some Cargill revenue directly offset Authority salary and other expenses.

	Professional Services (Pass-through)	Salary	Overhead
EPA Grant	\$ 106,356		
Cargill Due Diligence	\$ 306,158	\$ 33,297	\$ 25,135
Cargill CEQA	\$ 396,456	\$ 10,232	\$ 56,396
Total	\$ 808,970	\$ 43,529	\$ 81,531

The FY 2022/2023 underrun is expected to be approximately \$720k. Consistent with EBDA’s Budget Policy, these funds will be returned to the agencies in the form of a credit in the proportions they were contributed. In addition, for the first time this year, two agencies were assessed Capacity Exceedance Fees during extreme wet weather. These revenues, summarized below, will be proportionally added to the credits that non-exceeding agencies will see on their FY 2023/2024 bills.

	Total Duration	Total Gallons	Capacity Exceedance Fee
OLSD/CVSan	94.5 Hours	43,600,000	\$218,000
San Leandro	4.5 Hours	1,100,000	\$5,500

East Bay Dischargers Authority

EXPENSE SUMMARY BY PROGRAM

FY 2022/2023 THROUGH JUNE 30, 2023 (100% of YEAR)

	YTD Expenses	Budget	Revenues Cargill, Grant, & Skywest	Variance	% of Budget	Explanations for Variance Over 10%
O&M EFFLUENT DISPOSAL						
General Administration	\$1,045,350	\$1,383,712	\$81,531	(\$338,362)	70%	Expenses offset by Cargill revenues. Benefits expenses were also offset by CERBT reimbursement.
Outfall & Force mains	\$133,560	\$181,300		(\$47,740)	74%	Spending was lower due to staffing constraints.
Marina Dechlor Facility	\$463,615	\$389,100		\$74,515	119%	SBS costs were higher than budgeted due to wet weather and delay in change to chlorine limit.
Oro Loma Pump Station	\$602,055	\$531,000		\$71,055	113%	Diesel and electricity were high due to wet weather.
Hayward Pump Station	\$170,244	\$173,000		(\$2,756)	98%	
Union Pump Station	\$418,017	\$390,000		\$28,017	107%	
Bay & Effluent Monitoring	\$566,605	\$593,450		(\$26,845)	95%	
TOTAL O&M EFFLUENT DISPOSAL	\$3,399,446	\$3,641,562	\$81,531	(\$242,116)	91%	
SPECIAL PROJECTS						
NPDES Permit Fees	\$627,544	\$656,019		(\$28,475)	96%	
NPDES Permit Issues	\$4,552	\$20,000		(\$15,448)	23%	Estimate for finalizing the reissued NPDES permit was conservative.
Regional Monitoring Program	\$286,205	\$292,320		(\$6,115)	98%	
Alternative Monitoring and Reporting	\$32,155	\$32,155		\$0	100%	
Nutrient Surcharge	\$237,125	\$237,114		\$11	100%	
Water Research Foundation	\$26,282	\$25,580		\$702	103%	
Transport System Evaluation	\$1,623	\$7,951		(\$6,328)	20%	Additional work was deferred to a future contract.
AQPI	\$29,000	\$29,000		\$0	100%	
Strategic Planning	\$5,268	\$10,000		(\$4,732)	53%	Some work carried over into FY 23/24. Also, additional planned workshop is not needed
Nature-Based Solutions Study	\$106,356	\$200,000	\$106,356	(\$200,000)	53%	All costs are reimbursed by EPA grant.
Biosolids Feasibility Study	\$0	\$100,000		(\$100,000)	0%	Work has begun, but external funds have not yet been needed.
Solar Feasibility Study	\$28,567	\$28,000		\$567	102%	
Bruce Wolfe Memorial	\$1,000	\$1,000		\$0	100%	Contribution will be made later this year.
TOTAL SPECIAL PROJECTS	\$1,385,677	\$1,639,139	\$106,356	(\$359,818)	78%	
TOTAL AGENCY-FUNDED PROGRAMS	\$4,785,122	\$5,280,701	\$187,886	(\$683,465)	87%	
WATER RECYCLING						
Skywest Golf Course	\$31,832	\$36,000	\$31,832		88%	Operations spending reduced due to efficiencies, and capital deferred.
TOTAL WATER RECYCLING	\$31,832	\$36,000	\$31,832		88%	
BRINE ACCEPTANCE						
Brine Acceptance	\$746,143		\$746,143			All work performed is reimbursed by Cargill.
TOTAL BRINE ACCEPTANCE	\$746,143		\$746,143			
TOTAL ALL PROGRAMS	\$5,563,098	\$5,316,701	\$965,862	(\$719,465)	86%	

East Bay Dischargers Authority

PRELIMINARY EXPENSE SUMMARY BY ACCOUNT

FY 2022/2023 THROUGH JUNE 30, 2023 (100% OF YEAR)

	YTD Expenses	Budget	Revenues Cargill, Grant, & Skywest	Variance	% of Budget	Explanations for Variance Over 10%
4010 - Salary	\$622,103	\$632,367	\$51,214	(\$61,478)	90%	
4020 - Benefits	\$198,021	\$264,959		(\$66,938)	75%	CERBT refund of \$58,949 was credited against expenses for retiree medical.
4030 - Commissioner Compensation	\$31,440	\$45,000		(\$13,560)	70%	Budget assumes maximum number of meetings.
4070 - Insurance	\$77,072	\$75,900	\$5,000	(\$3,828)	95%	
4080 - Memberships & Subscriptions	\$148,046	\$149,475		(\$1,429)	99%	
4100 - Supplies, Variable	\$460,208	\$269,000		\$191,208	171%	SBS costs were higher than budgeted due to wet weather and delay in change to chlorine limit. Diesel costs were also higher than budgeted due to wet weather.
4100 - Supplies, Fixed	\$6,845	\$22,000		(\$15,155)	31%	Office supply needs were lower than budgeted.
4110 - Contract Services	\$44,209	\$58,611		(\$14,402)	75%	Some IT and instrumentation and controls programming expenses were not needed or deferred.
4120 - Professional Services	\$1,110,474	\$713,101	\$808,970	(\$411,597)	42%	External support for certain Special Studies (e.g. biosolids) has been deferred while preliminary work proceeds. Also much of the Professional Services costs are for Cargill and the Nature-based Solutions grant project, and are reimbursed.
4140 - Rents & Fees	\$877,725	\$895,413		(\$17,688)	98%	
4141 - NPDES Fines	\$0	\$9,000		(\$9,000)	0%	Reserve funds in case of enforcement.
4150 - Maintenance & Repair	\$605,925	\$833,600	\$16,126	(\$243,802)	71%	Staff optimized labor to counter wet weather-related spending in other categories.
4160 - Monitoring	\$520,828	\$579,475	\$2,250	(\$60,897)	89%	Staff optimized labor, including lab support, to counter wet weather-related spending in other categories.
4170 - Travel	\$6,878	\$18,000		(\$11,122)	38%	Reduced travel due to many meetings transitioning to video conference.
4190 - Utility, Fixed	\$771	\$1,000		(\$229)	77%	Skywest utilities were lower than budgeted.
4191 - Utility, Variable	\$850,352	\$739,800	\$771	\$109,782	115%	High pump station energy usage due to wet weather.
4200 - Acquisitions & Other	\$2,202	\$10,000	\$81,531	(\$89,329)	-793%	Revenue from Skywest & Cargill overhead.
TOTAL ALL ACCOUNTS	\$5,563,098	\$5,316,701	\$965,862	(\$719,465)	86%	

ITEM NO. FM7 REVIEW OF THE AUTHORITY'S PURCHASING POLICY

Recommendation

Review the Authority's Purchasing Policy and provide input to staff.

Background

Prior to the adoption of the Authority's Amended and Restated Joint Powers Agreement (JPA), the JPA stated that, "The affirmative vote of four members of the Commission shall be required to: [...] Award, modify or accept work under any contract (including but not limited to contracts for the acquisition or construction of any building, works or improvements for the Phase I Project) in excess of \$10,000." The Commission and the Member Agencies determined that it was appropriate to remove that level of detail from the Amended and Restated JPA, with the agreement that the rules governing procurement would be captured in the Authority's Purchasing Policy ("Purchasing Policy").

The Purchasing Policy was adopted in December 2020. The Amended and Restated JPA requires unanimous approval of any changes to the Purchasing Policy.

Discussion

Staff is proposing revisions to the Purchasing Policy for the Committee's review and consideration. A tracked change version of the Purchasing Policy is attached for review and discussion. The proposed changes fall into two categories, the first relatively minor and the second more substantive:

- The Purchasing Policy uses a threshold of \$25,000 to determine bidding requirements as well as General Manager (GM) signature authority. Staff is not proposing to change the minimum threshold at this time, but is recommending revising the Purchasing Policy to indicate that the threshold is "\$25,000 or less" rather than "Under \$25,000" for ease of implementation. The practical effect of the current wording is that certain routine engagements that are within the GM's authority are set at \$24,999 or a similar number. Clarifying that Commission approval is needed for contracts greater than \$25,000 would make for cleaner contracting and allow the General Manager to approve and execute contracts in the amount of \$25,000.
- As noted for the Committee previously, the Authority has made use in recent years of task order-based contracts that allow the flexibility to scope specific engagements with a particular contractor or consultant over time. The proposed changes to the Purchasing Policy would clarify how task order-based contracts are to be used, as well as the Commission's role in approving task order-based contracts. Staff recommends that every few years, the Authority solicit qualifications from contractors and consultants to develop a list of pre-qualified service providers. Following evaluation of the qualifications of proposing contractors and consultants, staff would develop a list of pre-approved contractors

and consultants. Staff would then bring to the Commission for approval contracts for each pre-qualified contractor and consultant that would set a not-to-exceed amount for each contract and allow the issuance of task orders for discreet scopes of work to that contractor or consultant. The aggregate of all task orders under the contract would not exceed the original contract amount. Staff would seek proposals, bids, and/or scopes of work from multiple pre-approved contractors or consultants, depending on the expected dollar value. As long as the funds for any task order were within the Authority's adopted Budget or Renewal and Replacement Fund List, the GM would be able to authorize the task order, up to the contract capacity. Staff would inform the Commission of all task orders over \$25,000. The Public Contract Code and the Department of Industrial Relations (DIR) provide guidance for public agencies seeking to pre-qualify consultants and contractors, and EBDA would adopt a pre-qualification questionnaire modeled after the DIR template.

Benefits of this proposed approach include:

- Increased competition – Because the Authority is a small agency and does not have many large projects, we often struggle to get proposals for projects. By lowering the workload for consultants and contractors to propose, and by giving consultants and contractors an expectation that there will be continued work coming from the Authority, companies may be more likely to engage. This increased competition should lead to better pricing and quality.
- Flexibility – By pre-qualifying consultants up front, detailed Requests for Proposals would not always be needed, allowing projects to move faster and more nimbly.
- Disaster cost recovery – Several years ago, the Authority engaged a consultant with expertise in disaster cost recovery to advise on strategies for maximizing FEMA reimbursement in the event of a disaster response. One of the consultant's recommendations was to pre-qualify contractors and consultants that may be used in an emergency so that the Authority can access them quickly and still point to a robust competitive selection process.

POLICY NUMBER: 1.7

NAME OF POLICY: Finance – Purchasing

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

PREVIOUSLY REVISED: ~~December 17, 2020~~ N/A

PURPOSE: Policy Regarding the Procurement of Equipment, Supplies, Services, and Contracts for Construction Projects

POLICY:

I. AUTHORITY CONTRACTS WITH OUTSIDE CONTRACTORS, VENDORS, AND CONSULTANTS

A. Procurement of Equipment, Supplies, and Services

1. Purchases and Contracts Under of \$25,000 or less. If the estimated cost of the equipment, supplies, and services is less than \$5,000, the General Manager will attempt to secure the best value for the Authority, but need not solicit quotes, bids, or proposals. If the estimated cost is between \$5,000 and \$10,000, the General Manager will solicit informal quotes, bids, or proposals from at least two vendors/consultants. If the estimated cost exceeds \$10,000, but is ~~less than~~ \$25,000 or less, the General Manager will solicit informal quotes, bids, or proposals from at least three contractors, vendors, or consultants. For all purchases or contracts for equipment, supplies, or services at or below \$25,000, the General Manager may award the contract or purchase order, without further approval by the Commission.

2. Purchases and Contracts of More than \$25,000-or More. When the estimated cost of equipment or supplies ~~is-exceeds~~ \$25,000-or more, the General Manager will solicit formal written bids/proposals through means and methods which he or she determines to be most cost-effective, which may include advertisement in a newspaper of general circulation in the Authority.

When the estimated cost of services ~~is-exceeds~~ \$25,000 or more, the General Manager will solicit informal proposals through means and methods which he or she determines to be most cost-effective. With the exception of contracts for services procured pursuant to California Government Code Section 4525 et seq., all services contracts shall be awarded to the proposer(s) that offer the best value to the Authority, which is defined as the overall combination of quality, price, and other elements of a proposal that, when considered together, provide the greatest overall benefit to the Authority in response to the requirements described in the solicitation documents.

All contracts in ~~the an~~ amount ~~of exceeding~~ \$25,000 ~~or more~~ shall be submitted to the Commission for approval.

3. Qualifications Based Solicitations. Pursuant to California Government Code Section 4525 et seq. (the Mini-Brooks Act), the Authority will use qualifications-based competitive proposal procedures for the procurement of architectural, landscape architectural, engineering, environmental (but, not where the scope of work consists of planning services), land surveying or construction project management services regardless of the contract value. Under this method, proposals will be evaluated based upon qualifications and demonstrated competence.

B. Procurement of Construction Projects

1. California Uniform Public Construction Cost Accounting Act. The Authority has opted in to the California Uniform Public Construction Cost Accounting Act (California Public Contract Code Section 22000 et seq., the "Act"). Pursuant to the Act projects for the construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, painting, or repainting of Authority-owned, leased, or operated facilities will be procured as follows:

a. Projects of \$60,000 (or the current threshold set forth in California Public Contract Code Section 22032(a)) or less may be let by negotiated contract or purchase order, or performed by the Authority's own employees by force account.

b. Projects of \$200,000 (or the current threshold set forth in California Public Contract Code Section 22032(b)) or less may be let by informal procedures set forth in the Authority's informal bidding resolution and in the Act.

c. Projects of more than \$200,000 (or the current threshold set forth in California Public Contract Code Section 22032(c)) will be let by formal bidding procedures set forth in the Act.

2. Maintenance Work. The Authority may, but is not required to, use the procedures set forth in this section B for maintenance work, which includes routine, recurring, and usual work for the preservation or protection of any Authority-owned or operated facility for its intended purposes, minor repainting, resurfacing of streets and highways of less than 1 inch, landscape maintenance, and work to keep, operate, and maintain Authority-owned water, power, or waste disposal systems.

3. Other Statutorily Authorized Methods. Alternative methods of procurement, such as a design build approach, may be utilized if authorized by state law and in full compliance with all applicable requirements.

C. Contractor Roster Pre-Qualification and Task Order-Based Contracts

The Authority may solicit qualifications and hourly rates and expenses from contractors for the purpose of creating a pre-qualified roster of contractors for a range of projects. The General Manager may then recommend to the Commission for approval a task order-based contract with each contractor deemed pre-qualified. Each task order-based contract shall have a total not-to-exceed dollar value. When a particular project arises, if the estimated cost is \$60,000 or less, the General Manager may issue a task order to the contractor most qualified for the work from the pre-qualified roster. If the estimated cost is greater than \$60,000 and less than \$200,000, the General Manager may follow the process outlined in Section I.B.1.b, or he or she may solicit bids from pre-qualified firms. Following selection, the General Manager may issue a task order to the lowest bidder, without further approval by the Commission, as long as the total value of all task orders issued under that contract is less than the Commission-approved not-to-exceed dollar value. Staff would inform the Commission of all task orders over \$25,000.

D. Consultant Roster Pre-Qualification and Task Order-Based Contracts

The Authority may solicit qualifications and hourly rates and expenses from consultants for the purpose of creating a pre-qualified roster of consultants for a range of services and projects. The General Manager may then recommend to the Commission for approval a task order-based contract with each consultant deemed pre-qualified. Each task order-based contract shall have a total not-to-exceed dollar value. When a particular consulting need or project arises, if the estimated cost is \$25,000 or less, the General Manager may issue a task order to the consultant most qualified for the work from the pre-qualified roster. If the estimated cost is greater than \$25,000, the General Manager may follow the process outlined in Section I.A.2, or he or she may solicit proposals from pre-qualified firms. Following selection, the General Manager may issue a task order to the most qualified firm, without further approval by the Commission, as long as the total value of all task orders issued under that contract is less than the Commission-approved not-to-exceed dollar value. Staff would inform the Commission of all task orders over \$25,000.

CE. Sole Source

Regardless of the estimated cost of the procurement, the Authority is not required to follow the processes detailed in this Policy when procuring materials, equipment, supplies, or services for which there exists only a sole source of supply.

DF. Leasing of Equipment

If the total rental payments due under a lease are ~~below~~ \$25,000 or less, the General Manager will follow the procedure in Section I.A.1. If the total rental payments due under a lease are over \$25,000 ~~or more~~, the General Manager will follow the procedure in Section I.A.2.

EG. Reporting

The General Manager will report to the Commission on all contracts entered into under the General Manager's authority.

FH. Contract Extensions

Commission approval is required for extension of contracts or purchase orders beyond one (1) year where the cost of the extension is estimated to be greater than \$25,000 ~~or greater~~.

GI. Minority Business Enterprises/Women's Business Enterprises Policy

The Authority recognizes the value of diversity and it is the intention of the Authority to create a level playing field on which Minority Business Enterprises and Women's Business Enterprises can compete fairly for contracts and subcontracts.

HJ. Splitting Procurements Prohibited

The Authority will not arbitrarily split purchases into smaller segments or partial orders to remain below the authorized dollar threshold for formal solicitation in an effort to take advantage of informal solicitation procedures or otherwise avoid requirements of this Policy.

II. AUTHORITY CONTRACTS WITH MEMBER AGENCIES FOR WORK BY MEMBER AGENCY EMPLOYEES

A. Contracts with Member Agencies

The Authority has entered into contracts with its member agencies for the operation and routine maintenance of Authority Facilities and additional tasks, as requested by the Authority. Work performed pursuant to contracts between the Authority and its member agencies will conform to the East Bay Dischargers Authority Amended and Restated Joint Exercise of Powers Agreement, this Policy, and the respective contract. In particular, each member agency contract will require the member agency to indemnify the Authority against all losses that may arise out of the performance of the work. Furthermore, the Authority will require the member agency to maintain insurance in such types and amounts as the Authority may from time to time establish and naming the Authority and the member agencies as additional insureds.

B. Operations and Maintenance Manager Determination

Consistent with the above referenced contracts with the member agencies, the Authority's Operations and Maintenance Manager may authorize one or more member agencies to perform work on Authority Facilities when he or she determines that the agency(ies) can perform such work more cost effectively than if the work were let to contract by the Authority.

III. COOPERATIVE PROCUREMENTS WITH MEMBER AGENCIES

To foster greater economy and efficiency, the Authority may avail itself of joint procurements and assignment of existing contract rights ("piggybacking") with its member agencies.

IV. PURCHASE OR LEASE OF REAL PROPERTY

Any contract for the purchase of real property must be submitted to and approved by the Commission. Any lease or sublease of real property, including any renewal or extension of an existing lease or sublease, for which the annual rent is greater than \$25,000~~-or greater~~, must be submitted to and approved by the Commission. For any lease or sublease of real property, including any renewal or extension of an existing lease, for which the annual rent is ~~below~~ \$25,000 or less, the General Manager may approve and execute the lease, sublease, renewal, or extension, without further approval by the Commission.

V. GENERAL MANAGER SIGNATURE AUTHORITY

A. Signature Authority Generally

Except as otherwise described in this Policy, the General Manager is authorized to expend funds, issue purchase orders, and sign contracts for procurements and activities for equipment, supplies, and for professional or other services where the cost is ~~less than~~ \$25,000 or less.

B. Change Orders and Amendments Generally

The General Manager is authorized to issue change orders or amendments where the cost is ~~less than~~ \$25,000 or less without further Commission approval, so long as such change order or amendment would not result in a total contract value of greater than \$25,000~~-or-greater~~. The Commission reserves to itself the right to approve all amendments to contracts previously approved by the Commission.

General Manager is authorized to administer all contracts on behalf of the Authority.

VI. EMERGENCY CONTRACTS

A. Competitively Bid Emergency Contracts

The General Manager has been authorized by the Commission to take all necessary and proper measures in emergency conditions to keep the Authority Facilities in operation. The Authority's practice is to competitively solicit contracts for emergency services in advance of any emergency, consistent with the California Governor's Office of Emergency Services (CalOES) and Federal Emergency Management Agency (FEMA) reimbursement requirements.

B. Non-Competitively Bid Emergency Contracts

In the event the Authority does not have a current contract for emergency services and the emergency conditions do not permit a delay resulting from a formal competitive solicitation process, the General Manager is authorized to make emergency purchases without giving notice for bids or proposals and to enter into such contracts without prior Commission approval. The General Manager will promptly report on the reasons and necessity for proceeding without a competitive solicitation to the Commission as required by Public Contract Code Section 22050 et seq.

C. Ratification

Commission ratification is required for any emergency contract where the cost ~~is~~ exceeds \$25,000 ~~or more~~ and will be obtained as soon as it is practicable to do so.

VII. WAIVER

The Commission may suspend or waive the requirements of this Policy in any instance when the Commission deems it in the best interest of the Authority to do so.

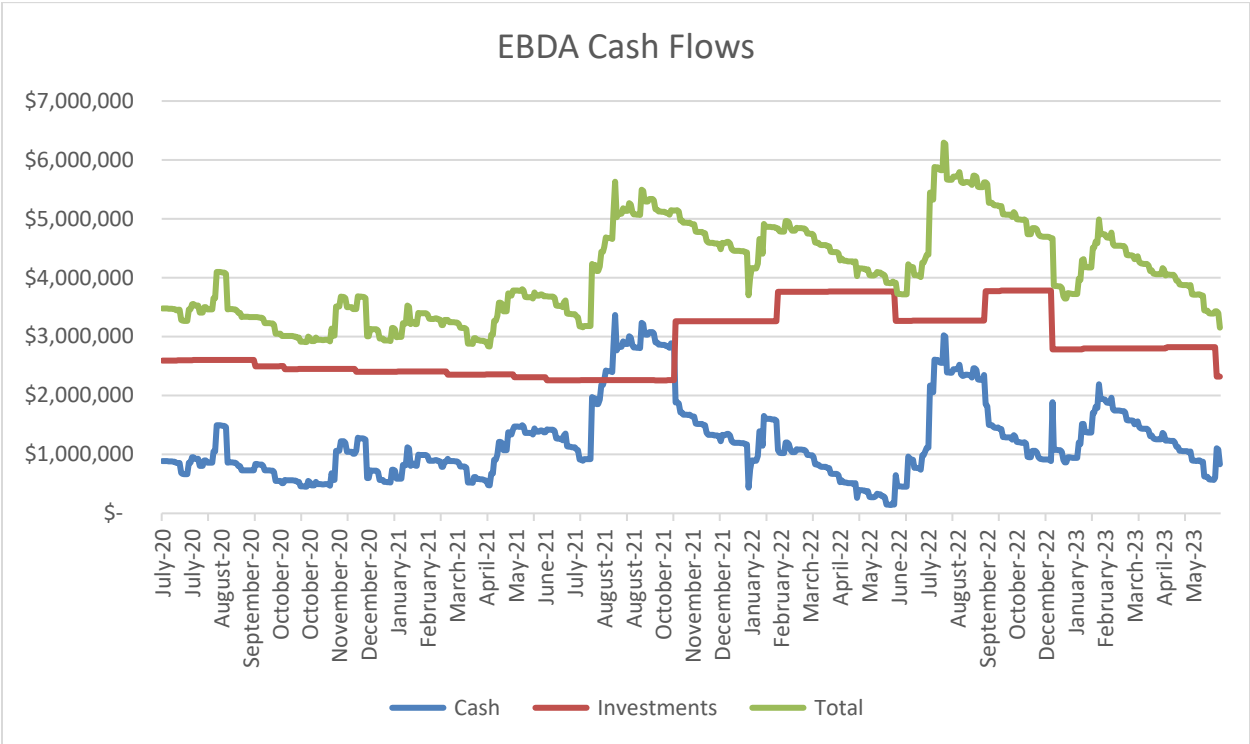
ITEM NO. FM8 BANKING ALTERNATIVES

Recommendation

This information is for the Committee to review and provide direction to staff.

Background

As shown in the Supplemental Treasurer’s Report in Item No. FM5, EBDA currently holds two checking accounts with Wells Fargo Bank – one that is used specifically for payroll, and the other that is used to pay the Authority’s other bills. The Authority’s investments are currently with LAIF and CAMP, as discussed in Item No. FM5. Over the past three years, balances in EBDA’s Wells Fargo checking account have ranged from approximately \$90,000 to \$3.3 million, with significant variability associated with cash flows, as shown in the following graph.



The Committee requested that staff research opportunities for switching from Wells Fargo’s banking services to a more local financial institution, with a goal of keeping the Authority’s financial resources in the community it serves, and investing in banks with socially-responsible lending practices.

In 2020, staff performed an alternatives assessment at the Committee’s direction. Staff surveyed four banks and two credit unions within a five-mile radius of the Authority. The following services were evaluated: treasury management, fraud prevention, and in-branch and online access. The credit unions offer basic checking accounts without treasury management or fraud prevention services. Staff does not recommend using an

institution that does not offer fraud prevention services. The banks surveyed all offer similar services to what the Authority currently has with Wells Fargo, including treasury management and fraud prevention (e.g., Positive Pay and ACH preauthorization). At that time, the Authority’s checking accounts had recently been converted to Wells Fargo’s treasury management services. Staff’s recommendation was to stay with Wells Fargo to allow staff time to better understand the new platform and fee structure.

In 2023, the Committee directed staff to continue to evaluate alternative banks that are more locally-focused and/or have strong records of social responsibility. Staff continues to be satisfied with Wells Fargo’s services and online platform. The driver for switching to another institution is to place EBDA's funds in a socially-responsible bank that invests in our local community.

Discussion

Most recently, staff has consulted with three banks to assess their advantages and disadvantages relative to Wells Fargo:

- **Fremont Bank** is a local bank that is committed to investing in the local community, which is consistent with the Committee’s expressed goals. Services offered by Fremont Bank are similar to those the Authority currently has with Wells Fargo, including treasury management and fraud prevention (e.g., Positive Pay and ACH preauthorization). Using EBDA data for May 2023, Fremont Bank provided the comparison below showing their fees and credits relative to Wells Fargo’s. EBDA’s balance and activity would have incurred a \$150 fee from Fremont Bank in May, whereas with Wells Fargo, EBDA had a net credit, meaning fees were fully offset. Over the past fiscal year, EBDA incurred no fees with Wells Fargo, whereas with Fremont Bank, EBDA would be more likely to incur fees, though they may be small.

Review	Fremont Bank	Wells Fargo
Analysis	2 Analysis accts	2 Analysis accts
	Average Collected Balance \$1,033,796.69	Average Collected Balance \$1,033,796.69
	Positive Pay ACH, Check & Payee Match & Wire	Positive Pay ACH, Check & Payee Match & Wire
	Using May's activities to perform analysis	Using May's activities to perform analysis
Activity Charges	\$ 465.62	\$ 278.82
Earnings Credit	\$ 316.09	\$ 1,448.73
Deficit	\$ 149.53	Net 1169.91

- **Community Bank of the Bay (CBB)** is a San Francisco Bay Area commercial bank with full-service offices in Oakland, Danville and San Mateo. CBB is committed to investing in Bay Area communities, which is consistent with the Commission’s expressed goals. Services offered by CBB are similar to those the Authority currently has with Wells Fargo, including treasury management and fraud prevention (e.g., Positive Pay and ACH preauthorization). Remote deposit service would be added, since the nearest branch is located in downtown Oakland. A recent comparison between CBB and Wells Fargo client analyses shows almost no difference in their rates. CBB has limited experience with government agencies. Though they list East Bay Municipal Utility District (EBMUD) as a customer, follow-

up with EBMUD staff revealed that they only held certificates of deposit with CBB, and they do their primary banking with Wells Fargo.

- **Beneficial State Bank** is a certified community development financial institution (CDFI) with a local office in Oakland. CDFIs are certified by the US Department of Treasury’s Community Development Financial Institutions Fund and meet requirements to address banking barriers in low-income and disadvantaged communities. They offer Treasury Management, including fraud services, and they have indicated that mobile deposits would be allowed at higher thresholds.

After reviewing the options presented here and considering the Authority’s goals and needs, staff recommends that the Authority either stay with Wells Fargo or switch to Fremont Bank. Of the alternatives evaluated, Fremont Bank is local in terms of both investments and branches, they have a track record of working with agencies similar to EBDA, and they offer the services we require.

Staff is seeking Committee direction on whether to stay with Wells Fargo or switch to Fremont Bank. The table below summarizes pros and cons of each option.

Bank	Pros	Cons
Fremont Bank	<ul style="list-style-type: none"> - Local focus and investments. 	<ul style="list-style-type: none"> - Staff estimates that the process of in setting up the accounts, authorized signers, approved vendors, and other administration would cost approximately \$8600. - Potential risk associated with a regional bank (i.e. recent collapse of Silicon Valley Bank and/or acquisition). - Unknown customer service quality.
Wells Fargo Bank	<ul style="list-style-type: none"> - Strong customer service. - National presence and strength. - Low risk of change. 	<ul style="list-style-type: none"> - Poor social responsibility record. - National rather than local focus and investments.

ITEM NO. FM9 RESOLUTION AUTHORIZING THE AUTHORITY TO JOIN WITH OTHER PUBLIC AGENCIES AS A PARTICIPANT OF THE CALIFORNIA ASSET MANAGEMENT TRUST AND TO INVEST IN SHARES OF THE TRUST AND IN INDIVIDUAL PORTFOLIOS

Recommendation

Adopt a resolution authorizing the Authority to join with other public agencies as a Shareholder of the California Asset Management Trust, a joint powers authority (JPA), to invest in shares of the Trust and/or utilize an individual portfolio.

Background

The Authority's Investment Strategy was adopted in March 2019. The Committee reviewed the Strategy in July 2023 and did not recommend any changes. The Strategy states that EBDA will invest its idle long-term funds in certificates of deposit (CDs), California's Local Agency Investment Fund (LAIF), and California Asset Management Program (CAMP). LAIF and CAMP are both pooled investments by public agencies. The Strategy further states "Staff may select which of the above instruments in which to invest and in what quantities, as long as there is less than a 50 basis point (0.5%) differential between the instruments. If the differential is higher, staff shall direct funds to the instrument with higher returns."

Historically, the Authority invested in a set of laddered CDs. However, with interest rates dropping over the last five years, staff moved funds into LAIF as CDs matured. More recently, CAMP has had higher yields than LAIF, so in August 2023, staff moved \$1.5M into CAMP. Both funds are fully liquid and can therefore be moved back and forth as rates vary. As of August 25, 2023, CAMP's 7-day yield is 5.53%, whereas LAIF's is 3.31%.

While it is not required in order to invest funds, at its July meeting, the Committee recommended that the Authority join CAMP as a participant/shareholder. Becoming a CAMP participant essentially means becoming part of the Joint Powers Authority, similar to the way the Authority participates in the California Sanitation Risk Management Authority (CSRMA). The advantage to being a participant is the ability to weigh in on decision-making. EBDA's decision authority will be proportional to the amount the Authority has invested relative to other participants.

Discussion

The proposed resolution is based on a template provided by CAMP. CAMP was created in 1989 when two public agencies formed the California Asset Management Trust (Trust) with the objective of meeting local government investment needs at a reasonable cost. CAMP is governed by a seven-member board of California public finance officials. CAMP's Investment Adviser, PFM Asset Management LLC, provides day-to-day portfolio management and program administrative services. Initially, the Trust was formed to assist

California public agencies with investing proceeds of tax-exempt bonds and complying with the arbitrage regulations. Responding to the needs of its Shareholders, the Trust was later modified to provide for the investment of operating funds and capital reserves.

Staff is also seeking input from the Committee on balancing investments. Currently, the highest yields are with CAMP at 5.5%, which is totally liquid. However, economists believe that we may be near the peak of interest rates. If that is the case, there may be some value in locking a portion of EBDA's funds in a treasury bill or other longer-term instrument with a yield of 5%.

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

RESOLUTION NO. 23-10

INTRODUCED BY _____

**RESOLUTION AUTHORIZING THE EAST BAY DISCHARGERS AUTHORITY
("AUTHORITY") TO JOIN WITH OTHER PUBLIC AGENCIES AS A PARTICIPANT
OF THE CALIFORNIA ASSET MANAGEMENT TRUST AND TO INVEST IN SHARES
OF THE TRUST AND IN INDIVIDUAL PORTFOLIOS**

WHEREAS, Section 6509.7 of Title 1, Division 7, Chapter 5 of the Government Code of the State of California (the "Joint Exercise of Powers Act") provides that, if authorized by their legislative or other governing bodies, two or more public agencies that have the authority to invest funds in their treasuries may, by agreement, jointly exercise that common power;

WHEREAS, under Sections 6500 and 6509.7(b) of the Joint Exercise of Powers Act, a "public agency" includes, but is not limited to, any California county, county board of education, county superintendent of schools, city, public corporation, public district, regional transportation commission, state department or agency, any joint powers authority formed pursuant to the Joint Exercise of Powers Act by public agencies or any nonprofit corporation whose membership is confined to public agencies or public officials;

WHEREAS, public agencies that constitute local agencies, as that term is defined in Sections 53600 of Title 5, Division 2, Part 1, Chapter 4, Article 2 of the Government Code of the State of California (the "California Government Code"), are authorized pursuant to Section 53601(p), to invest all money belonging to, or in the custody of, a local agency not required for its immediate need in shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 of the California Government Code that invests in the securities and obligations authorized in subdivisions (a) to (q), inclusive, of Government Code Section 53601;

WHEREAS, the California Asset Management Trust (the "Trust") was established, pursuant to and in accordance with the Joint Exercise of Powers Act, by a Declaration of Trust, made as of December 15, 1989, as subsequently amended from time to time (the "Declaration of Trust"), as a vehicle for public agencies to jointly exercise their common power to invest the proceeds of debt issues and Authority surplus funds;

WHEREAS, pursuant to and in accordance with the Joint Exercise of Powers Act, the Authority desires to join the other public agencies which are or will be Participants of the Trust by adopting and executing the Declaration of Trust, a form which is on file in the office of the General Manager;

WHEREAS, the Authority is a “public agency” as that term is defined in Sections 6500 and 6509.7(b) of the Joint Exercise of Powers Act and a “local agency” as that term is defined in Section 53600 of the California Government Code;

WHEREAS, the Authority is otherwise permitted to be a Participant of the Trust and to invest funds in the Trust and in the individual portfolios to be managed by the Investment Adviser to the Trust (“Individual Portfolios”); and

WHEREAS, a program guide describing the Trust and the Individual Portfolios (the “Program Guide”) is on file in the office of the General Manager.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the Public Agency as follows:

Section 1. The Authority shall join with other public agencies pursuant to and in accordance with the Joint Exercise of Powers Act by executing the Declaration of Trust and thereby becoming a Participant in the Trust, which Declaration of Trust is hereby approved and adopted. A copy of the Declaration of Trust, which is available in the office of the General Manager, shall be filed with the minutes of the meeting at which this Resolution was adopted. The Commission Chair is hereby authorized to execute, and the General Manager is hereby authorized to attest and deliver, the Declaration of Trust.

Section 2. The Authority is hereby authorized to purchase shares in the Trust from time to time with available funds of the Authority, and to redeem some or all of those shares from time to time as such funds are needed.

Section 3. The Authority is hereby authorized to invest available funds of the Authority from time to time in one or more Individual Portfolios managed by the Investment Adviser to the Trust and described in the Program Guide.

Section 4. The appropriate officers, agents and employees of the Authority are hereby authorized and directed in the name and on behalf of the Authority to take all actions and to make and execute any and all certificates, requisitions, agreements, notices, consents, warrants and other documents, and any changes, amendments, modifications, or waivers thereto which they, or any of them, might deem necessary or appropriate in order to accomplish the purposes of this Resolution.

Section 5. This Resolution shall take effect at the earliest date permitted by law.

SAN LORENZO, CALIFORNIA, SEPTEMBER 21, 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. 17

OPERATIONS & MAINTENANCE COMMITTEE AGENDA

Tuesday, September 19, 2023

2:00 P.M.

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

Committee Members: Johnson (Chair); Lathi

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 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 is
Tuesday, October 17, 2023, at 2:00 p.m.**

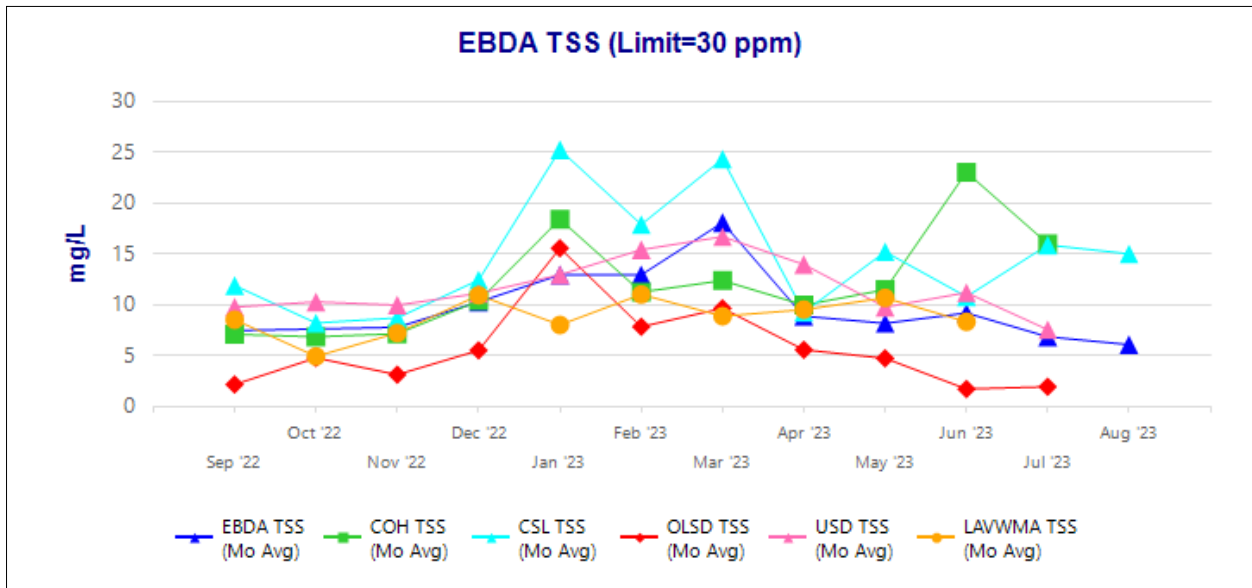
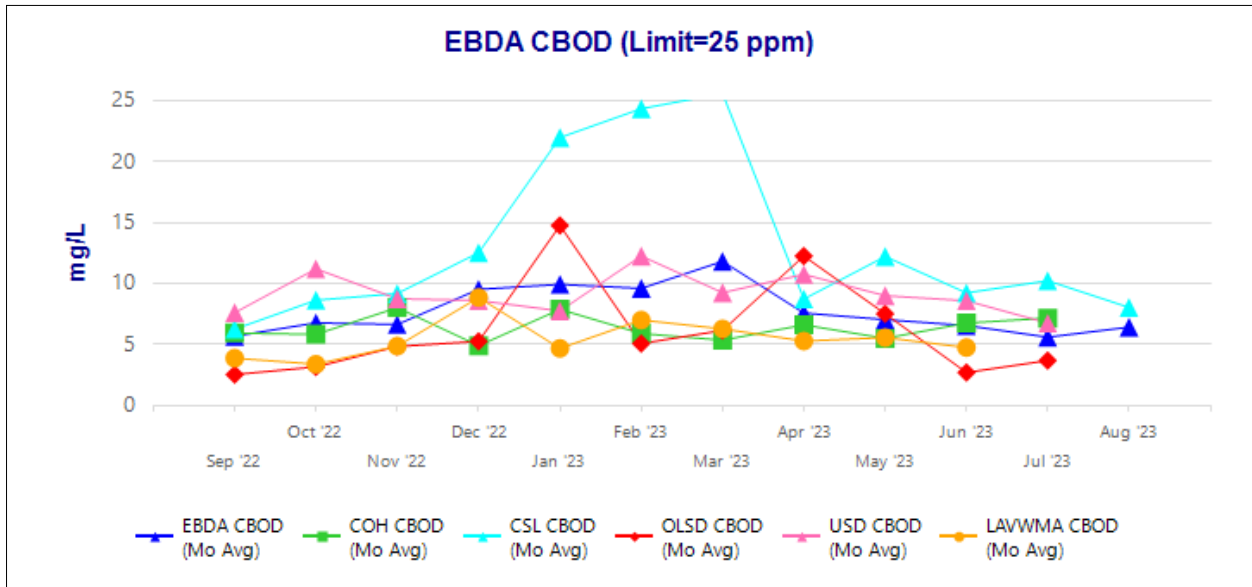
ITEM NO. OM4 EBDA PERMIT COMPLIANCE

Recommendation

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

Discussion

There were no NPDES permit violations in June or July, and preliminary data from August 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
September 2022 Geomean	43	28
October 2022 Geomean	12	4
November 2022 Geomean	6	6
December 2022 Geomean	21	9
January 2023 Geomean	12	14
February 2023 Geomean	4	2
March 2023 Geomean	3	2
April 2023 Geomean	10	7
May 2023 Geomean	15	122
June 2023 Geomean	8	83
7/3/2023	2	113
7/4/2023	< 2	124
7/5/2023	NA	15
7/10/2023	8	8
7/11/2023	17	6
7/17/2023	4	15
7/18/2023	33	27
7/24/2023	4	17
7/25/2023	7	8
7/31/2023	23	6
July 2023 Geomean	7	18
8/1/2023	1600	< 2
8/2/2023	NA	17
8/7/2023	33	17
8/8/2023	7	8
8/14/2023	8	2
8/15/2023	8	2
8/21/2023	8	4
8/22/2023	23	4
8/28/2023	9	2
8/29/2023	4	10
August 2023 Geomean	17	5

ITEM NO. OM5 STATUS REPORT

Union Effluent Pump Station (UEPS)

No change; all equipment is operational.

Hayward Effluent Pump Station (HEPS)

Effluent Pump Replacement Project

The new Effluent Pumps are currently on order with the lead time quoted as 28 weeks, which would have the pumps arriving in late December 2023 or January 2024, assuming no further supply chain delays. EBDA would most likely postpone the installation of the new pumps until the end of the wet season in April or May of 2024.

Oro Loma Effluent Pump Station (OLEPS)

Emergency Outfall Upgrade

This project will remove the existing lumber weir and replace it with a new permanent weir at an increased height, increasing system detention time and delaying or preventing an unanticipated bypass in the event of a catastrophic failure at OLEPS. The contractor, D.W. Nicholson Corporation (DWN), provided EBDA with shop drawings for the new stainless steel weir. EBDA sent the shop drawings to Carollo Engineers, Inc. (Carollo), EBDA's engineers on this project. Carollo provided comments back to EBDA/DWN and DWN is in the process of incorporating the comments in the shop drawings. Once Carollo approves the final shop drawings, the new stainless steel weir will be fabricated and installed.

Wet Well Sluice Gate Repairs and Preventative Maintenance

For a number of years, the OLEPS North Wet Well Influent Gate has had a broken guide-bearing and a bent shaft. Because it was still operational, staff elected to defer repair until a larger related need arose. Last Fall, in the process of completing preventative maintenance activities at OLEPS, the Effluent Pump No. 2 Inlet Gate got stuck in the closed position when the actuator drive threads failed. Newly fabricated actuator drive threads were installed, and the Effluent Pump No. 2 Inlet Gate was fully operational. Following that failure, staff added a project to the FY 2023/2024 Renewal and Replacement Fund List to repair the North Wet Well Influent Gate and perform inspections and preventative maintenance on all seven OLEPS Wet Well Sluice Gates.

During the week of August 28th, the OLEPS North Wet Well was isolated and pumped down. On August 31st, GSE Construction Co., Inc. (GSE) entered the North Wet Well and removed the broken guide-bearing and the bent shaft and inspected and cleaned two additional North Wet Well Sluice Gates. EBDA is in the process of having a new guide-bearing and shaft fabricated. Once the new parts are fabricated, they will be installed.

Skywest Pump Station

Recycled Water Production

During the month of July 2023, the Skywest Recycled Water System operated for two days and produced 1.10 million gallons of recycled water.

In August 2023, the Skywest Recycled Water System also operated for two days and produced 1.08 million gallons of 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 seventeen (17) Underground Service Alert (USA) tickets during the month of July 2023. Eleven required an Electronic Positive Response (EPR) and calls/emails to the excavators, and of the eleven, six required field verification.

EBDA received seven (11) Underground Service Alert (USA) tickets during the month of August 2023. Two required an Electronic Positive Response (EPR), calls/emails to the excavators, and field verification.

EBDA Vehicle

On September 16, 2022, a Purchase Order was submitted to National Auto Fleet Group for EBDA's new F-150 truck. In September 2022, staff also 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. As discussed at the July Commission meeting, after ten months of waiting without a vehicle, Ford informed EBDA that the standard engine and the running boards that we ordered were not available. Ford proposed to change the order to include a smaller engine, remove the running boards, and increase the cost of the new truck by \$1,080.

Hearing of EBDA's plight, USD offered to sell EBDA a 2020 F-150 that no longer fit their business needs. The USD truck is a Super Crew Cab that has four full-size doors and can seat six very comfortably. This is an upgrade from the Super Cab that EBDA had

ordered. EBDA was able to cancel the order with Ford for the new pickup truck and receive the \$9,100 trade-in value as cash to offset the cost of the USD truck. EBDA purchased the truck from USD for \$34,812. Overall, EBDA received a superior truck and saved approximately \$10,000. Staff wishes to thank USD for their out-of-the-box thinking and working collaboratively with EBDA on this. Photos of EBDA's new truck and the old truck that was traded in are below.



EBDA's New 2020 Ford F-150

EBDA's Old 2008 Ford Ranger

Special Projects

Roof Replacement Projects

The Administration Building, the MDF Sodium Bisulfite (SBS) Building, and the OLEPS roofs are all complete. The roofing contractor is currently working on punch list items and a final inspection will be scheduled once the items are completed.

Cargill Brine Project

As discussed at the July Commission Meeting, following certification of the Final Environmental Impact Report (EIR) for the proposed project, Cargill informed EBDA staff that they have made the decision to re-evaluate the "Bayside" pipeline route. Cargill is continuing to refine the route and expects it to be very similar to the Bayside alternative outlined in the EIR. Since Cargill is entirely re-engineering the pipeline and route, EBDA staff has requested they take another look at connecting at or after MDF instead of OLEPS, which would alleviate EBDA's concerns about corrosion. Cargill and their engineering consultants conducted a site visit to MDF with EBDA staff in early August, and they are working on engineering concepts. Cargill expects to make a decision on this extension in Spring 2024.

Cargill's preliminary schedule shows revised CEQA analysis in 2025, and construction beginning sometime between 2027 and 2029 depending on permitting, with operation

commencing between 2031 and 2033. In the interim, staff will continue at a measured pace negotiating the operating agreement between Cargill and EBDA.

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 in December 2022. There was some operational delay due to data communications issues, but those issues have now been resolved. The team is also installing a new buried power line to provide electricity to the radar. EBDA members can access regional data through AQPI's data portal. Program Management of AQPI is shifting from Colorado State University to the Center for Western Weather and Water Extremes (CW3E) at Scripps Institution of Oceanography, UC San Diego. CW3E will be developing an updated website and data management tools. Sonoma Water and the AQPI team will also be seeking local funding to install a C-Band radar to complete the regional system. More information on the cost-share proposal will be shared in the coming months.

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ITEM NO. 18 MOTION APPROVING THE AUTHORITY'S STRATEGIC PLAN

Recommendation

Approve the Authority's Strategic Plan.

Discussion

EBDA began the process of developing a Strategic Plan in 2022. The Vision, Mission, and Goals presented in the attached Strategic Plan represent the culmination of a planning process that included four MAC and two Commission workshops. Once approved, the Plan will be integrated into the Authority's website, budget, future Commission staff reports, and staff performance plans. Staff will work with the MAC and Commission to revisit the Strategic Plan every few years to ensure it remains a current representation of the Authority's priorities.

EBDA Strategic Plan

September 14, 2023

Mission

East Bay Dischargers Authority is a Joint Powers Agency of five local governments that efficiently and reliably manages the wastewater resources of one million East Bay residents and thousands of businesses to protect human and environmental health.

Vision

East Bay Dischargers Authority recognizes that wastewater management is the foundation of protecting and extending the health and wellbeing of our collective San Francisco Bay communities and wildlife habitat. We innovate and advance beneficial use of wastewater resources to support resilient, vibrant communities for the 21st century and beyond.

Goals and Objectives

1. **Regulatory Compliance:** Proactively meet or exceed regulatory requirements for protection of the environment and public health.
 - a. Represent EBDA and the Member Agencies' interests by preemptively engaging in development of emerging regulations and permits and advocating for reasonable, science-based decisions.
 - b. Maintain consistent compliance with EBDA's National Pollutant Discharge Elimination System (NPDES) Permit.
 - c. Ensure compliance with non-NPDES permits and regulatory requirements, including air quality and hazardous waste.
 - d. Continue our leadership in exceeding requirements where feasible to achieve our Vision of *protecting human and environmental health*.
 - e. Track and share scientific and regulatory developments related to emerging contaminants, and advocate for source control.

2. **Operations & Maintenance:** Ensure reliable operations & maintenance of the EBDA system to protect public health and the Bay.

- a. Implement EBDA's Asset Management Plan.
 - b. Proactively manage wet weather conditions.
 - c. Protect EBDA's infrastructure, including the easement and force main.
3. **Financial:** Develop financial strategies and practice sound fiscal management to ensure wise use of ratepayers' resources.
- a. Operate EBDA's system efficiently.
 - b. Proactively manage expenditures to stay within adopted budget.
 - c. Identify and manage opportunities for revenue generation.
 - d. Secure grant funding for innovative projects.
4. **Sustained Organization:** Sustain a functional, productive, resilient organization to ensure EBDA can strive to achieve its Mission and Vision.
- a. Foster partnership between the Commission and staff to jointly achieve EBDA's Mission and Vision.
 - b. Provide professional development opportunities and competitive pay and benefits to attract and retain high caliber staff.
 - c. Develop and implement succession plans for each staff role.
 - d. Partner with Member Agencies to augment staff resources.
5. **Resilience:** Champion resilience for communities and the environment through regional leadership and advancing priority programs to support the Member Agencies in achieving their sustainability goals.
- a. Promote the Member Agencies' interests by furthering regional support for water recycling and "one water."
 - b. Advance concepts for shoreline adaptation and climate resilience.
 - c. Implement renewable energy where feasible and cost-effective.
 - d. Continually adapt disaster preparedness strategies.
 - e. Facilitate innovative brine management projects that leverage EBDA's existing infrastructure.

6. **Internal Collaboration:** Expand cooperation among EBDA Member Agencies to improve economies of scale, reduce duplication of effort, and enhance each Agency's capacity.
 - a. Engage in proactive communication with Commission and Managers Advisory Committee (MAC).
 - b. Facilitate partnerships for joint projects and advancing new technologies through pilots.
 - c. Advance a joint Biosolids Management Strategy.
 - d. Provide a forum for training and sharing of best practices, including
 - i. Equitable and inclusive community engagement
 - ii. Technical information
 - iii. Business practices

7. **External Collaboration:** Collaborate with external stakeholders to build strong relationships for joint problem-solving and to expand EBDA's and its Member Agencies' reach.
 - a. Provide industry leadership through active engagement with wastewater associations including Bay Area Clean Water Agencies (BACWA), California Association of Sanitation Agencies (CASA), California Water Environment Association (CWEA), and Water Environment Federation (WEF).
 - b. Partner with regulators to develop and implement permits and programs leading with science and lessons learned.
 - c. Represent wastewater through participation in regional associations such as East Bay Leadership Council, Bay Planning Coalition, Bay Area Climate Adaptation Network (BayCAN), San Francisco Estuary Partnership (SFEP), and Coastal Hazards Adaptation Resiliency Group (CHARG).
 - d. Support shoreline resilience through engagement in the Hayward Area Shoreline Planning Agency (HASPA) Technical Advisory Committee.
 - e. Promote and share knowledge from research and technology innovation, including participation in Advanced Quantitative Precipitation Information (AQPI) Project, Regional Monitoring Program, Nutrient Management Strategy, and Water Research Foundation.

- f. Fund and promote Bruce Wolfe Memorial Scholarship to promote opportunities for underrepresented community members in wastewater technical fields.
- g. Develop a Communication and Engagement Plan with priorities for public education and outreach.
 - i. Engage through BACWA, non-governmental organizations (NGOs), and community-based organizations (CBOs) to ensure community input on regional wastewater issues.
 - ii. Serve as a regional liaison and assist BACWA on Regional Public Communication Strategy for relevant joint messaging and collateral development (e.g. flushing wipes).
 - iii. Facilitate collaborative legislative advocacy to secure funding for priority projects.
 - iv. Raise profile and celebrate our members' and EBDA's successes (e.g. CASA Awards program)

ITEM NO. 19 MOTION APPROVING THE GENERAL MANAGER'S AMENDED AND RESTATED EMPLOYMENT AGREEMENT

Recommendation

Approve the Amended and Restated General Manager Employment Agreement.

Background

Jacqueline Zipkin was first employed by the Authority as General Manager on February 28, 2018. Her Agreement has been amended once during that time, in 2019, to add severance provisions. Following five positive performance reviews, the Commission invited Ms. Zipkin to propose amendments to her Employment Agreement to bring her compensation in line with peer positions in the Bay Area and to incentivize continued positive performance.

Discussion

The attached Amended and Restated Employment Agreement, presented in tracked changes and clean versions, includes the following substantive changes:

- \$1,500 increase to annual base salary.
- Annual Authority contribution to the employee's deferred compensation plan of \$22,500. This is the current maximum contribution under 2023 IRS rules and represents an increase of \$14,281 annually, as compared to previous contributions.
- Addition of 10 days of administrative leave.

AMENDED AND RESTATED EMPLOYMENT AGREEMENT

JACQUELINE ZIPKIN

THIS AGREEMENT is made and entered into on this ~~15th day of February 2018~~, by and between the East Bay Dischargers Authority, hereinafter called “Authority,” and Jacqueline Zipkin, hereinafter called “~~Employee~~General Manager” (collectively, the “Parties”).

AGREEMENTS

WHEREAS, the Authority desires to hire Jacqueline Zipkin as General Manager of the Authority; and

WHEREAS, the Authority desires to provide certain benefits, establish certain conditions of employment, and to set working conditions of said ~~Employee~~General Manager; and

WHEREAS, ~~the Employee Ms. Zipkin~~ desires to serve as Authority General Manager; and

WHEREAS, it is the desire of the Authority to (1) retain the services of General Manager and to provide incentive for her to remain in such employment; and (2) make possible full work productivity by assuring General Manager’s morale and peace of mind with respect to future security; and

WHEREAS, the Authority and General Manager entered into an Employment Agreement dated February 15, 2018, wherein the Authority hired General Manager and General Manager accepted employment as General Manager of the East Bay Dischargers Authority (“Employment Agreement”); and

WHEREAS, the Employment Agreement was amended on March 21, 2019 to provide severance benefits to the General Manager upon termination if the Authority ceases to exist or is otherwise no longer in need of a General Manager; and

WHEREAS, the Authority and General Manager now desire to enter into an Amended and Restated Employment Agreement to increase the General Manager’s annual salary by \$1500 and annual Authority contribution to General Manager’s deferred compensation by \$14,292, thereby maxing out the annual deferred compensation contribution under current IRS regulation.

THEREFORE, the Parties hereby agree to the following terms and conditions of employment.

SECTION 1. DUTIES

Authority hereby agrees to employ Jacqueline Zipkin as General Manager to perform the functions and duties of that classification as described in the ~~attached approved~~ job description. The Commission may update the job description at any time to include additional or different duties.

~~Employee-General Manager~~ shall perform the job duties to the best of ~~Employee’s-General Manager’s~~ ability in accordance with the highest professional and ethical standards of the professions, and shall comply with all general rules and regulations established by the Authority.

~~Employee-General Manager~~ shall not engage in any activity, which is or may become a conflict of interest, prohibited contract, or which may create an incompatibility of office as defined under California law or that is otherwise prohibited by law.

SECTION 2. COMPENSATION

Effective ~~February 28, 2018~~October 1, 2023, the Authority agrees to compensate ~~Employee General Manager~~ for her services as General Manager at the monthly rate of ~~\$17,315.72~~23,539.48 per month (~~\$99.90~~143.74/hr.). This position is an FLSA-exempt position, meaning that ~~Employee General Manager~~ shall not be eligible to earn overtime.

On July 1 of each year, ~~beginning on July 1, 2018~~, salary shall be adjusted by cost of living, as measured by the National Consumer Price Index Pacific Cities; the base figure for comparison shall be the SF-Oakland-~~SJ-Hayward~~ region for the period of January 1 through December 30 of the previous year, within the range established by the Authority's Personnel Policy, currently 2-5%.

Upon satisfactory performance reviews, ~~salary shall be increased by 5%, to Step 4 of the then current Compensation Plan, after a period of 12 months (February 28, 2019) and an additional 5%, to Step 5 of the then current Compensation Plan, after an additional 24 months (February 28, 2021)~~the Authority may consider additional merit-based salary increases or bonus payments.

SECTION 3. BENEFITS

In addition to the compensation set forth in Section 2 of this Agreement, ~~Employee-General Manager~~ shall receive the same benefits provided to all other Authority employees as described in the Compensation Plan, last revised January 17, 2019. The ~~K~~key elements are summarized as follows:

~~Employee-General Manager~~ shall be enrolled in the CalPERS retirement system. As of the date this letter is executed, the Authority participates in the CalPERS 2.5% at age 55 formula retirement plan for CalPERS classic members employed by the Authority. ~~Employee-General Manager~~ shall make contributions to CalPERS consistent with the Authority's Personnel Policy and the Authority's contract with CalPERS (Currently 8-% for classic members). These benefits may change for a number of reasons, including if the Authority amends its contract with CalPERS, changes to existing retirement law, or adopts a new policy changing the employee's contribution rate.

The Authority currently pays 100% of medical insurance premiums up to the Kaiser California Bay Area family rate. Employees are provided dental and vision services through group plans provided by the City of Hayward, and the ~~District-Authority~~ pays 100% of the premium. In the event the ~~Employee-General Manager~~ chooses a more expensive PERS plan, the ~~Employee General Manager~~ is responsible for paying the additional amount over the Kaiser rate.

The Authority currently provides a life insurance policy for the ~~Employee-General Manager~~ with a value of ~~Employee's-General Manager's~~ salary. The Authority provides for a Disability Insurance Program (2/3 salary) for the ~~Employee~~General Manager.

The Authority shall contribute to the General Manager's Deferred Compensation Plan (as provided for in the Personnel Policy, Section 4, Deferred Compensation Plan) ~~for the purpose of providing retiree medical an additional defined contribution that is set at One Hundred Dollars (\$100) per month for each month that the Employee is paid for one hundred thirty two (132) straight time hours or more during said month~~ up to \$22,500 annually, the maximum elective deferral limit in 2023, as set by the IRS. ~~In addition, t~~

The Authority shall pay a stipulated amount, currently \$~~473-502~~ per month, directly to CalPERS for post-retirement medical under the Public Employees' Medical and Hospital Care Act.

Per Section 13 of the Personnel Policy, the ~~Employee-General Manager~~ will accrue sick leave at the rate of four (4) hours per payroll period, up to 96 hours per calendar year.

In addition to the benefits provided under the Compensation Plan, the General Manager will receive the ~~District's-Authority's~~ maximum vacation accrual allowance of 160 hours per year ~~starting on the Effective Date of this Agreement~~. General Manager shall also receive 80 hours per year of administrative leave in recognition of the fact that General Manager is to observe her regular work schedule and perform any further hours needed to satisfactorily execute the duties and responsibilities of her position.

SECTION 4. PROFESSIONAL DEVELOPMENT AND BUSINESS EXPENSES

If consistent with annual budgetary proceedings, the Authority agrees to pay reasonable: (i) travel and subsistence expenses of ~~Employee-General Manager~~ for professional and official travel to and from attendance at conferences, seminars, and meetings; and (ii) professional certifications and licenses including engineering registration, dues, books, and subscription expenses necessary and desirable to continue the professional development of ~~Employee-General Manager~~, and (iii) expenses incurred to adequately pursue necessary official and other functions for the Authority, including national, regional, state, and local governmental groups and committees thereof which ~~Employee-General Manager~~ and/or the Authority serves as a member. Such organizations may include, but are not limited to the National Association of Clean Water Agencies (NACWA), California Association of Sanitation Agencies (CASA), Water Environment Federation (WEF), Water Environment & Reuse Foundation (WERF), California Water Environment Association (CWEA), and the Bay Area Clean Water Agencies (BACWA).

Consistent with annual budgetary proceedings, the Authority agrees to pay such other reasonable business expenses related to ~~Employee's-General Manager's~~ performance of the duties described in the attached job description.

SECTION 5. EQUIPMENT

The Authority shall provide the ~~Employee-General Manager~~ with the equipment necessary to perform the duties described in the attached job description. This includes provision of a cell phone or stipend commensurate with business use of ~~Employee's-General Manager's~~ personal cell phone, provision of a laptop capable of connecting remotely to the Authority's business and SCADA systems, and provision of a tablet. Laptop computer and tablet may be combined to the extent that one piece of equipment can meet both functions. The Authority will replace equipment periodically to ensure current functionality.

SECTION 6. TERMINATION

The term of this Agreement shall be from February 28, 2018 until terminated by either party. The Parties agree that the ~~Employee-General Manager~~ is "at will," meaning that she serves at the pleasure of the Commission and that this Agreement may be terminated by either the ~~Employee-General Manager~~ or the Commission with or without cause at any time upon written notice to the ~~Employee-General Manager~~ during its term.

To the extent practicable, ~~Employee-General Manager~~ shall make her best effort to provide Authority at least sixty (60) days advance written notice of termination of this agreement.

In the event the Authority terminates the ~~Employee's-General Manager's~~ employment without cause, the ~~Employee-General Manager~~ shall be entitled to the following severance: three months' salary at the rate in effect at the date of termination, COBRA payments to cover three months of full medical coverage, and compensation for unused but accrued vacation at the salary rate effective at the date of termination. In the event that the Authority ceases to exist or is otherwise no longer in need of a General Manager, the ~~Employee-General Manager~~ shall be entitled to the following severance: six months' salary at the rate in effect at the date of termination, COBRA payments to cover six months of full medical coverage, and compensation for unused but accrued vacation at the salary rate effective at the date of termination. Severance is conditioned on the ~~Employee-General Manager~~ signing and executing a comprehensive settlement and release of all claims against Authority.

SECTION 7. GENERAL PROVISIONS

1. This Agreement, including the attached Addendum to General Manager Employment Agreement, shall constitute the entire agreement between the Parties.
2. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of ~~EmployeeGeneral Manager~~.
3. If any provision of this Agreement or the application of such provision should be rendered or declared invalid by any decree of court of competent jurisdiction, or by reason of any existing or subsequently enacted legislation, the remaining parts or portions of this Agreement shall remain in full force and effect.
4. This Agreement shall become effective upon approval by the East Bay Dischargers Authority Commission.

IN WITNESS WHEREOF, the above parties have executed this Agreement as of the date first written above.

East Bay Dischargers Authority

Date

Jacqueline Zipkin

Date

Approved as to form:

Eric S. Casher
Authority Legal Counsel

|

AMENDED AND RESTATED EMPLOYMENT AGREEMENT

JACQUELINE ZIPKIN

THIS AGREEMENT is made and entered into on this _____, by and between the East Bay Dischargers Authority, hereinafter called "Authority," and Jacqueline Zipkin, hereinafter called "General Manager" (collectively, the "Parties").

AGREEMENTS

WHEREAS, the Authority desires to hire Jacqueline Zipkin as General Manager of the Authority; and

WHEREAS, the Authority desires to provide certain benefits, establish certain conditions of employment, and to set working conditions of said General Manager; and

WHEREAS, Ms. Zipkin desires to serve as Authority General Manager; and

WHEREAS, it is the desire of the Authority to (1) retain the services of General Manager and to provide incentive for her to remain in such employment; and (2) make possible full work productivity by assuring General Manager's morale and peace of mind with respect to future security; and

WHEREAS, the Authority and General Manager entered into an Employment Agreement dated February 15, 2018, wherein the Authority hired General Manager and General Manager accepted employment as General Manager of the East Bay Dischargers Authority ("Employment Agreement"); and

WHEREAS, the Employment Agreement was amended on March 21, 2019 to provide severance benefits to the General Manager upon termination if the Authority ceases to exist or is otherwise no longer in need of a General Manager; and

WHEREAS, the Authority and General Manager now desire to enter into an Amended and Restated Employment Agreement to increase the General Manager's annual salary by \$1500 and annual Authority contribution to General Manager's deferred compensation by \$14,292, thereby maxing out the annual deferred compensation contribution under current IRS regulation.

THEREFORE, the Parties hereby agree to the following terms and conditions of employment.

SECTION 1. DUTIES

Authority hereby agrees to employ Jacqueline Zipkin as General Manager to perform the functions and duties of that classification as described in the approved job description. The Commission may update the job description at any time to include additional or different duties.

General Manager shall perform the job duties to the best of General Manager's ability in accordance with the highest professional and ethical standards of the professions, and shall comply with all general rules and regulations established by the Authority.

General Manager shall not engage in any activity, which is or may become a conflict of interest, prohibited contract, or which may create an incompatibility of office as defined under California law or that is otherwise prohibited by law.

SECTION 2. COMPENSATION

Effective October 1, 2023, the Authority agrees to compensate General Manager for her services as General Manager at the monthly rate of \$23,539.48 per month (\$143.74/hr.). This position is an FLSA-exempt position, meaning that General Manager shall not be eligible to earn overtime.

On July 1 of each year, salary shall be adjusted by cost of living, as measured by the National Consumer Price Index Pacific Cities; the base figure for comparison shall be the SF-Oakland-Hayward region for the period of January 1 through December 30 of the previous year, within the range established by the Authority's Personnel Policy, currently 2-5%.

Upon satisfactory performance reviews, the Authority may consider additional merit-based salary increases or bonus payments.

SECTION 3. BENEFITS

In addition to the compensation set forth in Section 2 of this Agreement, General Manager shall receive the same benefits provided to all other Authority employees as described in the Compensation Plan, last revised January 17, 2019. The key elements are summarized as follows:

General Manager shall be enrolled in the CalPERS retirement system. As of the date this letter is executed, the Authority participates in the CalPERS 2.5% at age 55 formula retirement plan for CalPERS classic members employed by the Authority. General Manager shall make contributions to CalPERS consistent with the Authority's Personnel Policy and the Authority's contract with CalPERS (Currently 8% for classic members). These benefits may change for a number of reasons, including if the Authority amends its contract with CalPERS, changes to existing retirement law, or adopts a new policy changing the employee's contribution rate.

The Authority currently pays 100% of medical insurance premiums up to the Kaiser California Bay Area family rate. Employees are provided dental and vision services through group plans provided by the City of Hayward, and the Authority pays 100% of the premium. In the event the General Manager chooses a more expensive PERS plan, the General Manager is responsible for paying the additional amount over the Kaiser rate.

The Authority currently provides a life insurance policy for the General Manager with a value of General Manager's salary. The Authority provides for a Disability Insurance Program (2/3 salary) for the General Manager.

The Authority shall contribute to the General Manager's Deferred Compensation Plan (as provided for in the Personnel Policy, Section 4, Deferred Compensation Plan) up to \$22,500 annually, the maximum elective deferral limit in 2023, as set by the IRS.

The Authority shall pay a stipulated amount, currently \$502 per month, directly to CalPERS for post-retirement medical under the Public Employees' Medical and Hospital Care Act.

Per Section 13 of the Personnel Policy, the General Manager will accrue sick leave at the rate of four (4) hours per payroll period, up to 96 hours per calendar year.

In addition to the benefits provided under the Compensation Plan, the General Manager will receive the Authority's maximum vacation accrual allowance of 160 hours per year. General Manager shall also receive 80 hours per year of administrative leave in recognition of the fact that General Manager is to observe her regular work schedule and perform any further hours needed to satisfactorily execute the duties and responsibilities of her position.

SECTION 4. PROFESSIONAL DEVELOPMENT AND BUSINESS EXPENSES

If consistent with annual budgetary proceedings, the Authority agrees to pay reasonable: (i) travel and subsistence expenses of General Manager for professional and official travel to and from attendance at conferences, seminars, and meetings; and (ii) professional certifications and licenses including engineering registration, dues, books, and subscription expenses necessary and desirable to continue the professional development of General Manager, and (iii) expenses incurred to adequately pursue necessary official and other functions for the Authority, including national, regional, state, and local governmental groups and committees thereof which General Manager and/or the Authority serves as a member. Such organizations may include, but are not limited to the National Association of Clean Water Agencies (NACWA), California Association of Sanitation Agencies (CASA), Water Environment Federation (WEF), Water Environment & Reuse Foundation (WERF), California Water Environment Association (CWEA), and the Bay Area Clean Water Agencies (BACWA). Consistent with annual budgetary proceedings, the Authority agrees to pay such other reasonable business expenses related to General Manager's performance of the duties described in the attached job description.

SECTION 5. EQUIPMENT

The Authority shall provide the General Manager with the equipment necessary to perform the duties described in the attached job description. This includes provision of a cell phone or stipend commensurate with business use of General Manager's personal cell phone, provision of a laptop capable of connecting remotely to the Authority's business and SCADA systems, and provision of a tablet. Laptop computer and tablet may be combined to the extent that one piece of equipment can meet both functions. The Authority will replace equipment periodically to ensure current functionality.

SECTION 6. TERMINATION

The term of this Agreement shall be from February 28, 2018 until terminated by either party. The Parties agree that the General Manager is "at will," meaning that she serves at the pleasure of the Commission and that this Agreement may be terminated by either the General Manager or the Commission with or without cause at any time upon written notice to the General Manager during its term.

To the extent practicable, General Manager shall make her best effort to provide Authority at least sixty (60) days advance written notice of termination of this agreement.

In the event the Authority terminates the General Manager's employment without cause, the General Manager shall be entitled to the following severance: three months' salary at the rate in

effect at the date of termination, COBRA payments to cover three months of full medical coverage, and compensation for unused but accrued vacation at the salary rate effective at the date of termination. In the event that the Authority ceases to exist or is otherwise no longer in need of a General Manager, the General Manager shall be entitled to the following severance: six months' salary at the rate in effect at the date of termination, COBRA payments to cover six months of full medical coverage, and compensation for unused but accrued vacation at the salary rate effective at the date of termination. Severance is conditioned on the General Manager signing and executing a comprehensive settlement and release of all claims against Authority.

SECTION 7. GENERAL PROVISIONS

1. This Agreement, including the attached Addendum to General Manager Employment Agreement, shall constitute the entire agreement between the Parties.
2. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of General Manager.
3. If any provision of this Agreement or the application of such provision should be rendered or declared invalid by any decree of court of competent jurisdiction, or by reason of any existing or subsequently enacted legislation, the remaining parts or portions of this Agreement shall remain in full force and effect.
4. This Agreement shall become effective upon approval by the East Bay Dischargers Authority Commission.

IN WITNESS WHEREOF, the above parties have executed this Agreement as of the date first written above.

East Bay Dischargers Authority

Date

Jacqueline Zipkin

Date

Approved as to form:

Eric S. Casher
Authority Legal Counsel

ITEM NO. 20 ITEMS FROM THE COMMISSION AND STAFF

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

ITEM NO. 21 ADJOURNMENT